



**OFFICE OF THE DIRECTOR OF POLICE  
THE UNIVERSITY OF TEXAS SYSTEM  
POLICY AND PROCEDURE MANUAL**



Subject			Policy Number
BIAS-BASED PROFILING AND RACIAL PROFILING			201
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Reference Standards		Replaces or Amends Policy Number	
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**I. PURPOSE**

The purpose of this policy is to reaffirm the commitment of the University of Texas System Police to unbiased policing in all encounters between a police officer and any person; to reinforce procedures that ensure public confidence and mutual trust by providing services in a fair and equitable fashion; and to protect police officers from unwarranted accusations of misconduct when they act within the dictates of this policy and the law.

**II. POLICY**

It is the policy of the University of Texas System Police ("UT System Police") to police in a proactive manner and to investigate suspected violations of law. Within that mandate, UT System Police officers shall actively enforce local, state, and federal laws in a responsible and professional manner, without unlawful regard to race, gender, sexual orientation, ethnicity, or national origin. Moreover, the UT System Police strictly prohibits its officers from engaging in bias-based profiling or racial profiling as those terms are defined in this policy.

Two of the fundamental rights guaranteed by the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. Accordingly, UT System Police officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Finally, bias-based profiling and racial profiling, in particular, are unacceptable policing tactics and are strictly prohibited.

This policy shall not preclude police officers from offering assistance, such as when they observe a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost, or confused. Nor does this policy prohibit an officer from stopping a person suspected of a crime based upon observed actions and/or information received about the person.

This policy applies to all police officers commissioned under the authority of the Board of Regents of The University of Texas System and the Director of Police, and to all other employees of UT

institution police departments. Moreover, this policy applies to police officers' actions with respect to all persons, whether those persons are drivers, passengers or pedestrians.

### III. DEFINITIONS

- A. Bias — the selection of an individual based solely on a common trait of a group, including, but not limited to, race, ethnicity, gender, sexual orientation, religion, economic status, age, and/or cultural background.
- B. Bias-Based Profiling — a law enforcement-initiated action, detention or interdiction based solely on a trait common to a group of people, rather than on the individual's behavior and/or information tending to identify the individual as having engaged in criminal activity.
- C. Law Enforcement Agency — means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.
- D. Motor Vehicle Stop — means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
- E. Police Officer — any person licensed by the Texas Commission on Law Enforcement and commissioned as a peace officer under the authority of the Board of Regents of The University of Texas System and the Director of Police who is (1) otherwise qualified, pursuant to Section 51.203 of the Texas Education Code, and (2) defined as a peace officer under Article 2.12 of the Texas Code of Criminal Procedure.
- F. Race or Ethnicity — means of a particular descent, including Alaskan Native or American Indian, Asian or Pacific Islander, Black, Caucasian/White, or Hispanic/Latino.
- G. Racial Profiling — a law enforcement-initiated action based solely on an individual's race, ethnicity, and/or national origin, rather than on the individual's behavior and/or information tending to identify the individual as having engaged in criminal activity.
- H. UT System Police — a dedicated, full-service law enforcement agency authorized by the State of Texas. The UT System Police includes all UT institution police departments, as well as The University of Texas System, Office of the Director of Police. The UT System Police is a single state law enforcement agency, as defined and recognized by the Texas Commission on Law Enforcement. The agency head chief administrator is the Director of Police.

### IV. PROHIBITION

- A. The use of bias-based and/or racial profiling by police officers in any law enforcement encounters with persons viewed as suspects and/or potential suspects in criminal activities is strictly prohibited. The encounters to which this prohibition applies include, but are not limited to, motor vehicle stops, field contacts, and asset seizure and forfeiture operations.
- B. The prohibition against bias-based profiling and racial profiling does not preclude the UT System Police from using race, ethnicity, or national origin as factors in a detention decision. For instance, a suspect's race, ethnicity, or national origin may be legitimate factors in deciding whether to detain the suspect when those factors are used as of a physical description of a specific suspect for whom a police officer is searching.

Detaining a person and inquiring into that person's activities solely because of that person's race, ethnicity, or national origin, or solely because of bias, is prohibited bias-based profiling or racial profiling.

Examples of racial profiling include, but are not limited to, the following:

1. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding, solely because of the cited driver's race, ethnicity, or national origin.
2. Detaining the driver of a vehicle solely based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
3. Detaining a person solely based on the determination that a person of that race, ethnicity, or national origin does not belong in a specific geographic area or a specific place.

#### V. TRAINING

- A. A police officer shall complete the Texas Commission on Law Enforcement ("TCOLE") training and education program on racial profiling not later than (1) the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or (2) the date the officer applies for an intermediate proficiency certificate, whichever is earlier.
- B. As needed, the UT System Police may schedule and require police officers to attend in-service training on bias-based profiling.

#### VI. COMPLAINT INVESTIGATION

- A. The UT System Police shall accept complaints from any person who believes that a UT System Police officer has engaged in bias-based profiling or racial profiling with respect to him or her. No person shall be discouraged, intimidated, or coerced from filing a complaint, nor discriminated against because he or she files such a complaint.
- B. In addition, any UT System Police officer or UT institution police department employee who receives an allegation of bias-based profiling or racial profiling shall record the name, address and telephone number of the person who lodges the allegation, and shall (1) forward the complaint to the Chief of Police or his/her designee, or (2) direct the person how to do so. To direct the person on the filing of such a complaint, the officer or employee shall provide the person a copy of the complaint form (DP-42) and describe the process for filing a complaint.

All UT System Police officers and UT institution police department employees shall report any allegations of bias-based profiling or racial profiling to their respective superiors prior to the end of their shifts.

- C. In processing and investigating any complaint alleging that a UT System Police officer has engaged in bias-based profiling or racial profiling, the UT System Police shall follow UT System Office of the Director of Police Policy 204 – Complaint Investigation.
- D. At the commencement of the investigation into the complaint, the appropriate institution police department shall determine whether there is a video and/or audio recording of the event upon which the complaint is based. If a recording exists, the department shall promptly provide a copy of it to the police officer who is the subject of the complaint on his or her written request.

- E. At the conclusion of the investigation, the department shall forward all findings and/or disciplinary action, retraining, or policy changes to the Director of Police.
- F. If a bias-based profiling or racial profiling complaint is sustained against a UT System Police officer and in violation of this policy, that officer shall be subject to corrective action, which may include reprimand; diversity, sensitivity or other appropriate training or counseling; paid or unpaid suspension; termination of employment, or other appropriate action as determined by the institution Chief of Police.

#### VII. PUBLIC EDUCATION OF THE UT SYSTEM POLICE COMPLIMENT AND COMPLAINT PROCESS

The UT System Police will provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer.

The UT System Police compliment and complaint process will be advertised by utilizing the news media, service or organization presentations, the Internet (to include, but not limited to, social media and institution police department websites), campus meetings, and/or the UT System Police Office of the Director of Police web page whose internet link is "<http://www.utsystem.edu/offices/police>".

#### VIII. COLLECTION, ANALYSIS, AND REPORTING OF INFORMATION

- A. PARTIAL EXEMPTION -- The UT System Police shall collect information relating to (1) motor vehicle stops in which a citation (or warning) is issued and (2) arrests made as a result of these stops. The information collected shall include:
  - 1. The race or ethnicity of the person detained as stated by the person or as determined by the standard of any reasonable police officer to the best of his/her ability and whether the officer knew or did not know the race or ethnicity of the person detained before the detention occurred;
    - a) The race or ethnicity of the individual includes (as reflected in DP #48 for use after December 31, 2017):
      - (1) Alaskan Native or American Indian
      - (2) Asian or Pacific Islander
      - (3) Black
      - (4) Caucasian/White
      - (5) Hispanic/Latino

2. The number of Contacts, Total Searches (combination of Consensual and Probable Cause Searches), Consensual Searches, Probable Cause Searches, Custodial Arrests, Racial Profiling Complaints received, and complaint outcomes to include: Sustained, Not Sustained, Unfounded, Exonerated (as reflected in DP #48 for use after December 31, 2017)
  3. Whether a search was conducted and whether the individual consented to the search
  4. Whether the officer made an arrest.
  5. Whether the officer issued a ticket, citation, or warning
  6. Whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code ("means physical pain, illness, or any impairment of physical condition), during the stop;
  7. The location of the stop.
  8. The reason for the stop.
- B. Not later than February 1 of each year, the Chief of Police of each institution police department shall submit to the Director of Police a report containing the information required by Paragraph A that his or her police department compiled during the previous calendar year.
- C. After receiving the information described in Paragraph B, the Director of Police shall compile and analyze the information contained in each report. Not later than March 1 of each year, the Director of Police shall submit a report of the information collected under Paragraph A to TCOLE and to The University of Texas System Board of Regents.
- D. The report required by Paragraph B shall not include identifying information about the peace officer who makes a motor vehicle stop or about the person who is stopped or arrested by the peace officer. However, this subsection does not affect the duty of UT System Police officers to collect the information required by Paragraph A.

#### IX. USE OF VIDEO AND AUDIO EQUIPMENT

- A. The policy of the UT System Police is that all UT System Police vehicles and motorcycles regularly used by a police officer to make motor vehicle stops shall be equipped with a video camera and transmitter-activated equipment. If possible, officers may be equipped with body worn cameras. (See UT System Office of the Director of Police Policy 413 – Body Worn Camera Program)
- B. Each motor vehicle stop made by a police officer shall be recorded by video and audio equipment or audio equipment.
- C. Each UT institution police department shall retain the video and audio recording or audio recording of each motor vehicle stop.
- D. If a complaint is filed alleging that a police officer has engaged in bias-based profiling or racial profiling with respect to a motor vehicle stop, the institution police department shall retain the video and audio recording or audio recording of the stop until final disposition of the complaint.

- E. Supervisors shall ensure that police officers record all motor vehicle stops and the institution Chief of Police or his designee shall periodically conduct reviews of a randomly selected sampling of video/audio recordings to determine if patterns of biased based profiling exist.
- F. If the equipment used to record motor vehicle stops is malfunctioning or otherwise not operable, the officer making the stop shall report the malfunction to his/her supervisor immediately and manually collect the data and properly record and report the information as required by this policy and Article 2.133, Texas Code of Criminal Procedure, "Reports Required for Motor Vehicle Stops". Repairs deemed necessary should be made as soon as practicable.



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Director of Police

Changes/Amendments since last publication:

Revisions made throughout to reflect requirements of The Sandra Bland Act (SB 1849, 85<sup>th</sup> Texas Legislative Session, 2017)

Throughout - Changed reference from TCLEOSE to TCOLE, February 12, 2014

Paragraph VIII. A. - Revised Tier 1 Reporting requirements to reflect information required in revised DP #48 form, February 12, 2014

Paragraph V III. B. — Deleted references to Full Report — Tier 2 Reporting, February 12, 2014

Paragraph IX. A. — Deleted reference to interim reporting requirements for police departments not equipped with video camera and transmitter-activated equipment. February 12, 2014 Paragraph IX. B — Deleted phrase "that is capable of being recorded". February 12, 2014