SOUTH TEXAS COLLEGE POLICE DEPARTMENT

Procedure To Prevent Racial Profiling

"The mission of the South Texas College Police Department is to provide a safe educational environment for students, faculty, staff, and campus visitors".

Revised 10/10/14 by Chief Paul Varville

I. PURPOSE

This procedure states the South Texas College Police Department's commitment to unbiased policing in all its encounters between officer and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect officers from unwarranted accusations of misconduct when acting within the dictates of departmental procedures and the law.

II. PROCEDURE

The South Texas College Police Department will police in a proactive manner and aggressively investigate suspected violations of law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this procedure which shall be applicable to all persons, whether drivers, passengers or pedestrians.

South Texas College police officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be tolerated.

South Texas College police officers are not precluded from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor are the officers prohibited stopping someone suspected of a crime based upon observed actions and/or information received about the person.

III. DEFINITIONS

Racial Profiling – A law enforcement-initiated action based on an individual's race, ethnicity, or National origin, rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants or other citizen contacts.

The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is racial profiling.

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

a. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding, because of the cited driver's race, ethnicity or national origin.

b. Detaining the driver of a vehicle 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.

c. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.

Race or Ethnicity – Of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American.

Pedestrian Stop – An interaction between a police officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

Traffic Stop – A police officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

IV. TRAINING

Officers are responsible to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

All officers shall complete a TCOLE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

V. COMPLAINT INVESTIGATION PROCESS

a. The South Texas College Police Department will accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.

b. Any South Texas College Police Department employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint to the Chief. Any employee contacted shall provide to that person a copy of the South Texas College Police Department process for complaints. All employees will report any allegation of racial profiling to the Chief before the end of their shift.

c. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be documented in writing and any reviewer's comments or conclusions shall be filed with the Chief. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the Chief.

d. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.

e. If there is a departmental video or audio recording of the events upon which a complaint of racial profiling is based, the department shall promptly provide a copy of the recording to that officer.

VI. PUBLIC EDUCATION

The South Texas College Police Department will provide guidance in filing racial profiling complaints upon request and maintain a copy of the instructions for filing complaints in the department lobby.

VII. USE OF VIDEO AND AUDIO EQUIPMENT

South Texas Police Department officers are exempt from the compilation, analysis and reporting requirements in section IX below if during the calendar year before the date that a report is due:

1. Each motor vehicle regularly used by this department to make traffic and pedestrian stops is equipped with an operating video camera and/or audio equipment.

2. Each traffic and pedestrian stop made by an officer of the department that is capable of being recorded by video and audio, or audio, as appropriate, is recorded.

The South Texas College Police Department shall retain the video and audiotapes of each traffic and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with the department, alleging that one of our officers has engaged in racial profiling with respect to a traffic or pedestrian stop, the department shall retain the video and audiotapes until final disposition of the complaint.

Sergeants will ensure officers of the department are recording their traffic and pedestrian stops. A recording of each officer will be reviewed at least once every ninety (90) days. If the equipment used to record audio and/or video of traffic or pedestrian stops is malfunctioning or otherwise not operable, the officer making the stop shall properly record and report the information identified below: