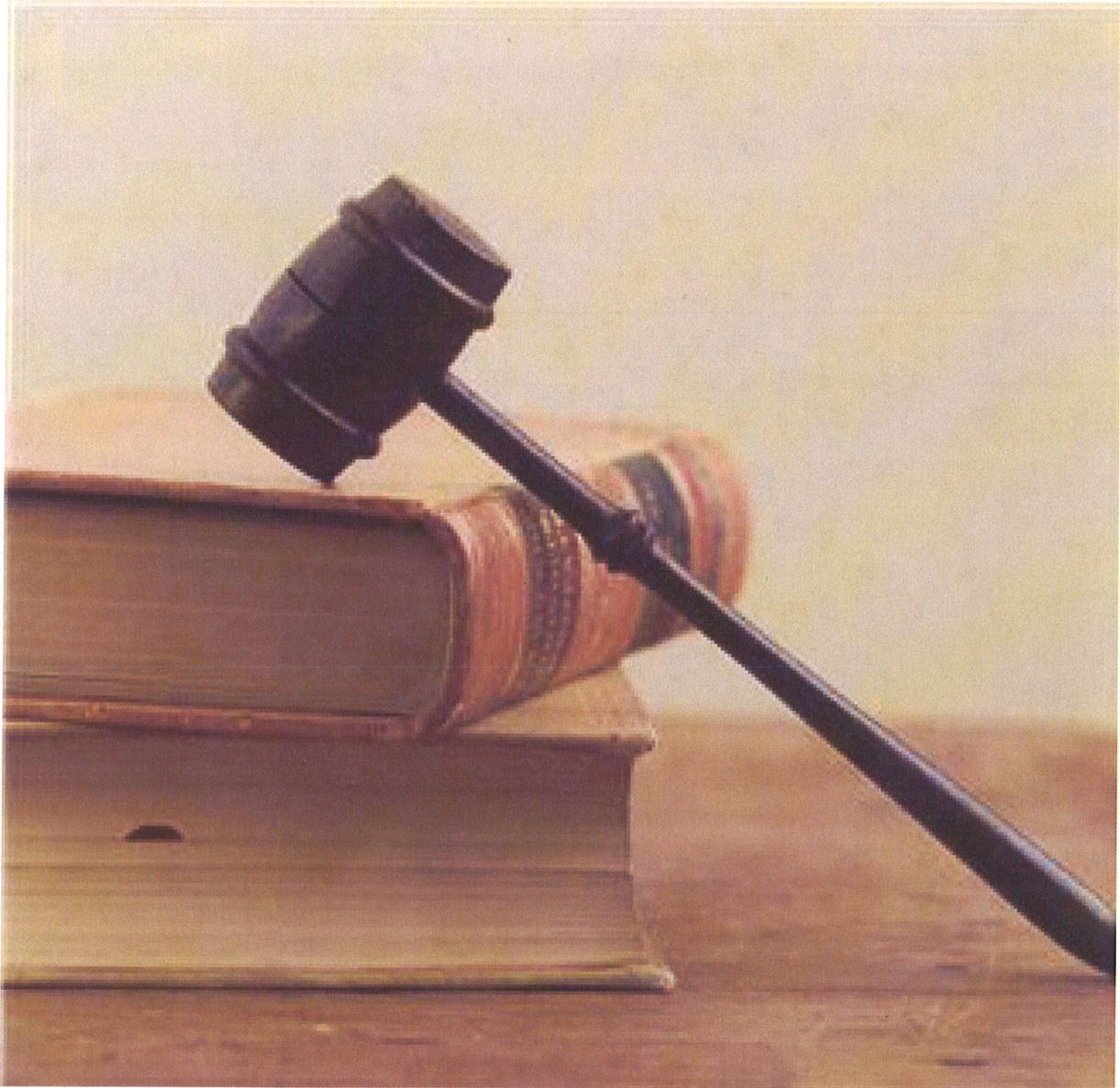


# **The UT System Police Department Annual Contact Report (2012)**



Alex del Carmen, Ph.D.  
Professor and Chair  
Department of Criminology and Criminal Justice  
The University of Texas at Arlington



**The University of Texas System**  
Nine Universities. Six Health Institutions. Unlimited Possibilities.

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**Office of the Director of Police**  
702 Colorado Street, Suite 1.122, Austin, TX 78701  
Phone: 512-499-4680 Fax: 512-499-4684

February 11, 2013

Mr. Kim Vickers  
Texas Commission on Law Enforcement Officer  
Standards and Education  
6330 East Highway 290, Suite 200  
Austin, Texas 78723

RE: 2012 Racial Profiling Report

Dear Mr. Vickers:

The University of Texas System Police Department is pleased to present its 2012 Racial Profiling Report, as required by Texas law.

In producing the report, the Police Department appreciates the assistance it has received from TCLEOSE, whose leadership and support is a constant reminder of the standards to which all peace officers must adhere and aspire.

The Office of the Director of Police Policy 201; Bias-Based Profiling and Racial Profiling has been reviewed by The U.T. System's Office of General Counsel and deemed to satisfy existing legal requirements. In addition, the Police Department has secured the assistance of Alejandro del Carmen, Ph.D., in preparing an analysis that is a component of the Racial Profiling Report. Dr. del Carmen is a Professor and Chair of the Department of Criminology and Criminal Justice for The University of Texas at Arlington and, additionally a national-recognized entity that specializes in the review and analysis of racial profiling data for reporting purposes in Texas. Dr. del Carmen has authored over 25 refereed academic manuscripts in internationally-recognized journals, and his most recent book is *Racial Profiling in America* (Prentice Hall Publishing, 2008).

The University of Texas System Police Department is pleased to note that its policy serves the letter and spirit of the existing law. In addition, the Police Department is committed to providing mandatory training to all officers statewide, including command staff, to efficiently address the legacy deficiencies found in this report.

As always, we look forward to working with TCLEOSE in the future.

Sincerely,

Michael J. Heidingsfield  
Director of Police

The University of Texas at Arlington

The University of Texas at Austin

The University of Texas at Brownsville

The University of Texas at Dallas

The University of Texas at El Paso

The University of Texas –Pan American

The University of Texas  
of the Permian Basin

The University of Texas at San Antonio

The University of Texas at Tyler

The University of Texas  
Southwestern Medical Center

The University of Texas  
Medical Branch at Galveston

The University of Texas  
Health Science Center at Houston

The University of Texas  
Health Science Center at San Antonio

The University of Texas  
M. D. Anderson Cancer Center

The University of Texas  
Health Science Center at Tyler

[www.utsystem.edu](http://www.utsystem.edu)

# **TIER 1 REPORTING**

## **PARTIAL EXEMPTION**

**Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90-days**

**or**

**In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment**

***The following four pages must be completed online and sent electronically to TCLEOSE***

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**[www.tcleose.state.tx.us](http://www.tcleose.state.tx.us)**



**Partial Exemption Racial Profiling Reporting  
(Tier 1)**

**Department Name** University of Texas System Police  
**Agency Number** 453005  
**Chief Administrator Name** Michael J. Heidingsfield, Director of Police  
**Reporting Name** Michael J. Heidingsfield, Director of Police  
**Contact Number** ( (512) 499-4688  
**E-mail Address** mheidingsfield@utsystem.edu

**Certification to Report 2.132 (Tier 1) – Partial Exemption**

**Policy Requirements (2.132(b) CCP):**

**Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:**

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's complaint process;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
  - (A) the race or ethnicity of the individual detained;
  - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
  - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
  - (A) the Commission on Law Enforcement Officer Standards and Education; and
  - (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

These policies are in effect

  
 \_\_\_\_\_  
 Chief Administrator

2/12/13  
 \_\_\_\_\_  
 Date



**Partial Exemption Racial Profiling Reporting  
(Tier 1)**

**Video and Audio Equipment Exemption**

**Partial Exemption Claimed by (2.135(a) CCP):**



all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment and each motor stop is recorded and the recording of the stop is retained for at least 90 days after the stop.

**OR**



In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

I claim this exemption

\_\_\_\_\_  
Chief Administrator

\_\_\_\_\_  
Date

# Tier 1 Data

**Partial Exemption Racial Profiling Reporting  
(Tier 1)**

**INSTRUCTIONS:** Please fill out all boxes. If zero, use 0.

1. Total on lines 4, 11, 14 and 17 must be equal
2. Total on line 20 must equal line 15

**INSTITUTION**

University of Texas System Police

**DATE**    2/5/2013

**Number of motor vehicle stops:**

Mark only one category per stop

1	7104	Citation only
2	326	arrest only
3	115	both

**4        7545 Total**

**Race or Ethnicity:**

5	846	African
6	604	Asian
7	2981	Caucasian
8	2809	Hispanic
9	288	Middle Eastern
10	17	Native American

**11        7545 Total**

**Race or Ethnicity known prior to stop?**

12	627	Yes
13	6918	No

**14        7545 Total**

**Search conducted?**

15	471	Yes
16	7074	No

**17        7545 Total**

**Was search consented?**

18	168	Yes
19	303	No

**20        471 Total MUST equal #15**

# **Analysis and Interpretation of Data**

## Analysis

In 2001, the Texas legislature passed Senate Bill 1074 which became the Texas Racial Profiling Law. That is, the law came into effect on January 1, 2002 and required that all police departments in Texas collect traffic-related data and report this information to their local governing authority by March 1<sup>st</sup> of each year. In 2009, the racial profiling law was modified to include the collection and reporting of all motor vehicle related contacts where a citation was issued or arrest made. In addition, since 2009, the law requires that all police officers indicate whether or not they knew the race or ethnicity of the individual before detaining them. Further, it is required that agencies report motor vehicle related data to their local governing authority and to the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) by March 1st of each year. The purpose in collecting and presenting this information is to determine if police officers in a particular municipality are engaging in the practice of racially profiling minority motorists.

The Texas Racial Profiling Law requires police departments to interpret motor vehicle-related data. Even though most researchers would probably agree with the fact that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is very difficult to determine if police officers are engaging in racial profiling, from a review or analysis of aggregate data. In other words, it is challenging for a reputable researcher to identify specific "individual" racist behavior from aggregate-level "institutional" data on traffic or motor vehicle-related contacts.

In 2009, the Texas Legislature passed House Bill 3389, which modified the existing Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These most recent changes include, but are not exclusive of, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it requires police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the new law requires adding "middle eastern" to the racial and ethnic category and submitting the annual traffic data report to TCLEOSE before March 1st of each year, starting this year. I am pleased to inform you that these new requirements have been addressed by the UT System Police Department as it is demonstrated throughout this report.

In an effort to comply with The Texas Racial Profiling Law, the UT System Police Department commissioned the analysis of its 2012 motor vehicle contact data. Thus, careful evaluation of the 2012 motor vehicle related data was performed. This particular analysis measured, as required by law, the number and percentage of Caucasians, African Americans, Hispanics, Asians, Native Americans and Middle Easterners that came in contact with the police in the course of a motor vehicle stop, and were either issued a citation or arrested. In addition, as required by Tier 1 reporting, the analysis was made on the searches conducted and if the officers knew the race/ethnicity of the suspect before being detained.

The UT System Police is comprised of police departments across the State of Texas. That is, a total of 15 academic institutions house UT System Police Department which reports to the central administration based in Austin. These academic institutions include UT Arlington, UT Austin, UT Brownsville, UT Dallas, UT Southwestern Medical Center at Dallas, UT El Paso, UT Medical Branch at Galveston, UT Health Science Center at Houston and MD Anderson Cancer Center, UT Pan American, UT Premian Basin, UT San Antonio, UT Health Science Center at San Antonio, UT Tyler and UT Health Center at Tyler. Due to the fact that these institutions' police agencies do not patrol the same demographical population and that a comparison of all 15 agencies to a particular baseline is virtually impossible, the analysis provided here is limited in that the data is not compared to a specific baseline. Instead, the data is discussed as it is presented on the TCLEOSE reporting table.

#### Tier 1 (2012) Motor Vehicle-Related Contact Analysis

When analyzing the Tier 1 data collected in 2012, it was evident that most motor vehicle-related contacts were made with Caucasian drivers. This was followed by Hispanic and African American drivers. With regards to contacts that resulted in a search, the overwhelming number of stops made in 2012 did not result in searches. Further, of these searches, most were not consented.

While considering the findings made in this analysis, it is recommended that the UT System Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the contacts police officers are making with all individuals. Although this additional data may not be required by state law, it is likely to provide insights regarding the nature and outcome of all motor vehicle contacts made with the public. Further, the Department is encouraged to provide advanced racial profiling training to all of its command staff in all of its 15 campuses.

It should be noted that the UT System Police Department complied with recommendations made in last year's report. Further, the information and analysis provided in this report serves as evidence that the UT System Police Department has, once again, complied with the Texas Racial Profiling Law.



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



Subject			Policy Number
<b>BIAS-BASED PROFILING AND RACIAL PROFILING</b>			<b>201</b>
Effective Date	Revision Date	Reevaluation Date	Number of Pages
February 24, 2011	September 18, 2012	Annually	6
Reference Standards		Replaces or Amends Policy Number	
TPCA: 2.01.1, CALEA: 1.2.9		C-1 dated September 1, 2004	

**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, 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 to all other employees of UT institution police departments. Moreover, this policy applies to police officers' actions with respect to all persons, whether they 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 Officer Standards and Education and commissioned as a peace officer under the authority of the Board of Regents of The University of Texas System 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 African, Asian, Caucasian, Hispanic, Middle Eastern or Native American descent.
- 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 one law enforcement agency, as defined and recognized by the Texas Commission on Law Enforcement Officer Standards and Education. The agency head and 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 part 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 part of town or a specific place.

## **V. TRAINING**

- A. A police officer shall complete the Texas Commission on Law Enforcement Officer Standards and Education ("TCLEOSE") 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 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 before 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 Police Policy No. B9 (Complaint Investigation).

- D. At the commencement of the investigation into the complaint, the appropriate UT institution police department shall determine whether there is a video and/or audio recording of the occurrence on 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 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 Chief of Police.

## VII. PUBLIC EDUCATION

The UT System Police will inform the public of its policy against bias-based profiling and racial profiling and of its complaint investigation process. To do so, the UT System Police may utilize news media, service or organization presentations, the Internet, campus meetings, and/or the UT System Police web page located at <http://www.utsystem.edu/police>

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

- A. **PARTIAL EXEMPTION – TIER 1 REPORTING** - The UT System Police shall collect information relating to (1) motor vehicle stops in which a citation 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;
  - 2. Whether a search was conducted and, if so, whether the person detained consented to the search; and
  - 3. Whether the peace officer knew the race or ethnicity of the person detained before detaining that person. The race or ethnicity of the individual includes:
    - a) African
    - b) Asian
    - c) Caucasian
    - d) Hispanic
    - e) Middle Eastern
    - f) Native American

- B. **FULL REPORT -- TIER 2 REPORTING** – Full Report (Tier 2) data is required for those UT Institution Police Departments that do not equip their vehicles with video or audio equipment. Data required for Tier 2 reporting is as follows:
1. The number of types of race or ethnicity of the person(s) who were stopped.
  2. The number of stops that the race or ethnicity was known prior to the stop.
  3. The count of gender of persons stopped.
  4. The count of stops by reason
  5. The count of stops where contraband was discovered.
  6. The count of types of contraband found.
  7. The count of stops by arrest reason.
  8. The count of stops in which a warning was given.
  9. The count of stops in which a citation was issued.
  10. The count of stops by location type where the stop occurred (city street, highways, private property or county road).
- C. Not later than February 1 of each year, the Chief of Police of each UT 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.
- D. After receiving the information described in Paragraph C, 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 TCLEOSE and to The University of Texas System Board of Regents.
- E. The report required by Paragraph C 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 UT System Police's duty 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 effective one year from the revision date of this policy. In the interim, those component police departments not so equipped shall comply with Full Reporting (Tier 2). This policy does not preclude the use of bodily worn audio/video recording equipment commonly known as "body cams" if so available.
- B. Each motor vehicle stop made by a police officer that is capable of being recorded 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 for at least 90 days after the date of the 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 UT 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 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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Michael J. Heidingsfield  
Director of Police

