



TEXAS SOUTHERN UNIVERSITY
DEPARTMENT OF PUBLIC SAFETY



STANDARD OPERATING PROCEDURE

SUBJECT Racial Profiling		NO. OF PAGES: 3
REFERENCE: N/A	EFFECTIVE DATE: Jan. 1, 2009	REVIEW DATE: N/A
General Order 038	SPECIAL INSTRUCTIONS/SUPERSEDES: N/A	ISSUING AUTH.: CHIEF OF POLICE

PURPOSE: To reaffirm this department's commitment to unbiased policing in all encounters between officer and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of service in a fair and equitable fashion; and to protect officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

GOAL: It is the goal of this department to police in a proactive manner and to aggressively investigate suspected violations of the 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 prohibited from engaging in racial profiling as defined in this policy. This policy is applicable to all persons, whether drivers, passengers or pedestrians. 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 the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by governmental 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 condoned. This policy shall not preclude officers 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 does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

A. Definitions:

1. **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 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.
2. A law enforcement agency can derive at two principles from the adoption of this definition of racial profiling:
- a. Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, while police may use race in conjunction with other known factors of the suspect.
 - b. Law enforcement officers may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling is not relevant as it pertains to witnesses, etc.
3. Race or Ethnicity: Of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American.
4. Pedestrian Stop: An interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.
5. Traffic Stop: A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

B. Training:

- 1. Officers are required to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.
- 2. The chief of police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling.

C. Complaint Investigation:

- 1. The department shall 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.
- 2. Any 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 through appropriate channel or direct the individual(s). Any employee contacted shall provide to that person a copy of the System Police (DP-42) complaint form and the department process for filing a complaint. All employees will immediately report any allegation of racial profiling to their superior who will report the allegation to the Chief of Police.
- 3. 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 reduced to writing and any reviewer's comments or conclusions shall be forwarded to the Chief of Police. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be forwarded to the Chief of Police.
- 4. 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.

5. If there is a departmental video and/or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this department into the complaint and written request of the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

D. Public Education:

1. This department will inform the public of its policy against racial profiling and the complaint process. Methods that may be utilized to inform the public are the news medial, radio, service or civic presentations, the Internet, as well as governing board meetings. Information will be made available as appropriate in languages other than English.

APPROVED:

Roger Byars
Chief of Police

Date

Review and Responsibility

Responsibility Party: Texas Southern University Department of Public's Safety's
Command Staff

Review: Review will be conducted every even numbered

Retention: Original on file in the Office of the Chief of Police

Approval: Roger D. Byars, Director for Public Safety/Chief of Police

Date of Approval: September 1, 2008

