
	<b>TEXAS A&amp;M UNIVERSITY – SAN ANTONIO POLICE DEPARTMENT</b>	
	<b>General Order 100.11 Biased Based Profiling</b>	
	<b>Effective Date: February 22, 2019</b>	<b>Replaces: July 14, 2014</b>
	 <b>Approved:</b> _____ <small>Chief of Police</small>	
	<b>Reference:</b> TBP 2.01, Texas Code of Criminal Procedure, Chapter 2, Articles 2.131 – 2.138 and 3.05	

**I. Policy Statement**

- A. It is the policy of this department to police in a proactive manner and, to 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 bias based profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.
- B. This department prohibits any profiling based on ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. **(TBP 2.01)**
- C. 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. Bias based profiling is an unacceptable patrol tactic and will not be condoned.
- D. 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.

**II. Purpose**

The purpose of this policy is to reaffirm the Texas A&M University-San Antonio 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 our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

**III. Definitions** – For the purpose of this policy, the following definitions apply:

- A. 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.
- B. 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.
  - 1. 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 possesses 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.
- C. Biased policing – stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- D. Race or Ethnicity – Of a particular decent, including Alaska native or American Indian; Asian or Pacific Islander; black, white; and Hispanic or Latino.
- E. Traffic Stop – A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

**IV. Training**

- A. 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.

- B. All officers shall complete 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.
- C. 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.
- D. An individual appointed or elected as a police chief before the effective date of this Act shall complete the program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act.

**V. Complaint Investigations**

- A. The department shall accept complaints from any person who believes he or she has been stopped or searched based on ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. 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 employee who receives an allegation of bias based profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channel or direct the individual(s) how to do so in accordance with General Order 100.13 – Internal Investigations.
- 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 reduced to 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 bias based 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 biased based 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.

**VI. PUBLIC EDUCATION**

This department will inform the public of its policy against biased based profiling and the complaint process. Methods that may be utilized to inform the public are the news media, service or civic presentations, the Internet, department website as well as governing board meetings. Department citations and warnings issued by a peace officer shall include the telephone number, mailing address, and email address to make a compliment or complaint.

## VII. COLLECTION OF DATA AND REPORTING

- A. In accordance with department General Order 300.10 Traffic Enforcement, it is the policy of this department that officers may not provide a violator with a mere verbal warning, but instead provide a written notice of violation where "Warning" is indicated on the citation.
  
- B. An officer is required to collect information relating to all traffic stops.. resulting in a warning, citation, or arrest, including:
  - 1. the gender of the individual detained;
  - 2. the race or ethnicity of the individual detained;
  - 3. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
  - 4. Reason for the stop;
  - 5. The location of the stop;
  - 6. whether a search was conducted and, if so, whether the individual detained consented to the search; reason for the search, and if contraband was discovered;
  - 7. whether the officer used physical force that resulted bodily injury, as that term is defined by Section 1.07, Texas Penal Code, during the stop. A use of force report in accordance with department General Order 200.10 Use of Force shall be completed.
  
- C. By March of each year, the department shall submit a report to our Executive Team and TCOLE of the information collected under the subdivision VII. A for traffic stops from the preceding calendar year as required by law.



---

Ron Davidson, MS  
Chief of Police