Texas A&M University-Kingsville

Police Department

Racial Profiling Report 2011

Felipe Garza
Director, Public Safety/Chief of Police
Texas A&M University-Kingsville

POLICE DEPARTMENT
MSC 126 • KINGSVILLE, TEXAS 78363
PHONE 361-593-2611 • FAX 361-593-2583

February 21, 2012

Dr. Steven H. Tallant
President
Texas A&M University-Kingsville
700 University Boulevard, MSC101
Kingsville, Texas 78363

Dear President Tallant:

The Texas A&M University–Kingsville police department, in accordance with the Texas Racial Profiling Law, has been collecting police traffic stop contact data for the purpose of identifying and responding, if necessary, to concerns regarding racial profiling. It is my hope that this report will serve as evidence that the Texas A&M University-Kingsville police department continues to strive toward the goal of maintaining strong relations with the University community.

The Texas A&M University-Kingsville police department has adopted a policy which prohibits the practice of racial profiling among its officers.

This report provides statistical data relevant to the public contacts made during the period of January 1, 2011 through December 31, 2011. The information has been analyzed and compared to other statistical data of residents residing in Kingsville, Kleberg County, Texas and the student population of Texas A&M University-Kingsville.

It is my sincere hope that the channels of communications between the University community and the Texas A&M University-Kingsville police department continue to strengthen as we move forward to meet the challenges of the future.

Sincerely,

Felipe E. Garza
Director, Public Safety/Chief of Police

cc: Dr. Marilyn Fowle
Texas Commission on Law Enforcement Standards and Education

TAMUK Police Department
Mission Statement

TAMUK Mission Statement

The mission of Texas A&M University-Kingsville is to develop well-rounded leaders and critical thinkers who can solve problems in an increasingly complex, dynamic and global society. Located in South Texas, the university is a teaching, research and service institution that provides access to higher education in an ethnically and culturally diverse region of the nation. Texas A&M-Kingsville offers an extensive array of baccalaureate and master's degrees, and selected doctoral and professional degrees in an academically challenging, learner-centered and caring environment where all employees contribute to student success.

TAMUK Police Department Mission Statement

Our mission is to provide the University community with a safe and secure learning and working environment by providing the highest quality police services, which include prompt response, availability of officers and informational and instructional services.

Texas A&M University-Kingsville
Police Department
Racial Profiling Policy

Texas A&M University-Kingsville
Police Department
Racial Profiling Policy

I. PURPOSE

The purpose of the policy is to reaffirm the Texas A&M University-Kingsville 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.

II. POLICY

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 racial profiling as defined in this policy. This policy shall be 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 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 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.

II. 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 are 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 because of the cited driver's race, ethnicity or national origin.

2. 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.

3. 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.

A law enforcement agency can derive at two principles from the adoption of this definition of racial profiling:

1. 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.

2. 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.

Race or Ethnicity – **Of a particular decent, including Caucasian, African, Hispanic, Asian, Pacific Islander, Native American or Middle Eastern.**

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.**
Traffic Stop – A peace 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 Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

All officers shall complete a TCLEOSE 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. A person who on September 1, 2001, held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003.

The Director, Public Safety/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.

V. 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 the appropriate channel or direct the individual(s). Any employee contacted shall provide to that person a copy of a complaint form or the department process for filing a complaint. All employees will

report any allegation of racial profiling to their superior before the end of their shift.

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 filed with the Director, Public Safety/Chief of Police. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the Director, Public Safety/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 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.

VI. PUBLIC EDUCATION

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 media, radio, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

VII. CITATION DATA COLLECTION & REPORTING

An officer is required to collect information relating to traffic stops in which a citation is issued. On the citation officers must include:

1. the violators race or ethnicity;
2. whether a search was conducted;
3. was the search consensual; and
4. arrest for this cited violation or any other violation.

By March of each year, the department shall submit a report to their governing board that includes the information gathered by the citations. The report will include:

1. a breakdown of citations by race or ethnicity;
2. number of citations that resulted in a search;
3. number of searches that were consensual; and
4. number of citations that resulted in custodial arrest for this cited violation or any other violation.

Not later than March 1st of each year, this department shall submit a report to our governing body containing this information from the preceding calendar year.

VIII. COLLECTION AND REPORTING INFORMATION GATHERED FROM TRAFFIC AND PEDESTRIAN STOPS

An officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense, shall record and report the following information:

1. A physical description of each person detained as a result of the stop, including:
   a) The person's gender;
   b) The person's race or ethnicity, as stated by the person or as determined by the officer to the best of his/her ability.
2. The street address or approximate location of the stop. The suspected offense or the traffic law or ordinance alleged to have been violated
3. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search.
4. Whether probable cause to search existed and, if so, the fact(s) supporting the existence of that probable cause.
5. Whether any contraband was discovered in the course of the search and, if so, the type of contraband discovered.
6. Whether the officer made an arrest as a result of the stop and/or search, and, if so, a statement of the offense charged.
7. Whether the officer issued a warning or a citation as a result of the stop and, if so, a statement of the offense charged.

This department shall compile and analyze the information contained in these individual reports. Not later than March 1st of each year, this department shall submit a report to our governing body containing the information compiled from the preceding calendar year in a manner they approve. This report will include:

1. A comparative analysis of the information contained in the individual reports in order to:
   a) Determine the prevalence of racial profiling by officers in this department; and
   b) Examine the disposition of traffic and pedestrian stops made by this department's officers, including searches resulting from stops.

2. Information relating to each complaint filed with this department alleging racial profiling.

This report will not include identifying information about a peace officer who makes a stop or about an individual who is stopped or arrested by a peace officer.

Training

In compliance with the Texas Racial Profiling Law, the TAMUK police department has required that all its officers adhere to State mandates and the Texas Law Enforcement Officer Standards and Education (TCLEOSE) requirements to comply with the Texas Occupations Code, Chapter 1701, regarding the training and education program on racial profiling. All current TAMUK police department officers are in compliance with the State statute.

Name	Class	Date	Hours	Academy
Alvarez, Roman	Combined Asset Forfeiture and Racial Profiling	08/08/2002	8	Del Mar Regional Police Academy
Franco, Salvador	Combined Asset Forfeiture and Racial Profiling	04/09/2002	8	Del Mar Regional Police Academy
Garza, Felipe	Racial Profiling	01/16/2003	8	Bill Blackwood LEMI of Texas
Gonzalez, Valentine	Combined Asset Forfeiture and Racial Profiling	04/09/2002		Del Mar Regional Police Academy
Hernandez, Rolando	Combined Asset Forfeiture and Racial Profiling	08/07/2003	8	Lower Rio Grande Valley LEA
Hernandez, Ruben	Basic Police Academy	03/07/2008	8	Lower Rio Grande Valley LEA
Little, Tanya	Basic Police Academy	04/29/2005	8	University of Houston Downtown LEA
Martinez, Homero	Combined Asset Forfeiture and Racial Profiling	04/09/2002	8	Del Mar Regional Police Academy
Pena, Roel	Basic Police Academy	12/03/2004	8	Laredo Community College Regional Academy
Perez, Hiram	Combined Asset Forfeiture and Racial Profiling	04/09/2002	8	Del Mar Regional Police Academy
Rodriquez, Celeena	Combined Asset Forfeiture and Racial Profiling	09/18/2009	8	Del Mar Regional Police Academy
Saenz, Leo	Combined Asset Forfeiture and Racial Profiling	03/28/2008	6	Texas Department of Public Safety LEA
Jacob Lambert	Basic Police Academy	05/25/2011	8	Del Mar Regional Police Academy
Paul Navarro	Basic Police Academy	05/25/2011	8	Del Mar Regional Police Academy

Texas A&M University-Kingsville
Organizational Chart

Texas A&M University-Kingsville
Police Department
Organizational Chart 2011

Felipe E. Garza
Director, Public Safety/Chief of Police

Salvador Franco
Captain

Homero Martinez
Sergeant-Investigator

Hiram Perez
Lieutenant

PATROL DIVISION

Tanya Little
Sergeant

Roman Alvarez
Sergeant

Valentine Gonzalez
Sergeant

Roel Pena
Police Officer

Ruben Hernandez
Police Officer

Celeena Rodriguez
Police Officer

Leo Saenz
Police Officer

Jacob Lambert
Police Officer

Paul Navarro
Police Officer

Vacant
Police Officer

Vacant
Police Officer

COMMUNICATIONS SECTION

Katherine Chisholm-Webb
Communications

Tomas Ramirez
Dispatcher

Luis Everett
Dispatcher

Stephanie Guerra
Dispatcher

ADMINISTRATIVE SECTION

Janet Briones
Administrative
Assistant

San Juanita Bernal
Administrative Clerk

Texas A&M University-Kingsville
Police Department
Racial Profiling Data and Charts
2011

Census Information

	Gender			
	Male	%	Female	%
Texas 2010	12,472,198	49.6	12,673,363	50.4
25,145,561				
Kleberg County 2010	16,373	51.0%	15,688	49.0%
32061				
City of Kingsville 2010	13,316	50.8%	12,897	49.2%
26213				
TAMUK Students				
Fall 2010 (6586)	3,516	53.4%	3,070	46.6%
TAMUK PD Traffic				
Stops 2010	**111**	**59.7**	**75**	**40.3**
Stops 2011	**61**	**66%**	**31**	**34%**

	Race											
	White	%	Black	%	Hispanic	%	Asian/ Pacific Islander	%	Native American	%	Middle Eastern	%
Texas 2010	11,390,939	45.3	2,967,176	11.8	9,454,731	37.6	980,677	3.9	176,019	0.	0	0.0
25,145,561												
Kleberg County 2010	7,740	23	3,778	12	22475	70	768	2.4	192	0.6	0	0.0
32061												
City of Kingsville 2010	5,531	21	1,153	12	18,716	71	891	4.5	183	0.7	0	0.0
26213												
TAMUK Students												
Fall 2010 (6586)	1,455	22	388	6	3,984	60.5	65	1	26	0.4	0	0.0
Spr 2011 (5952)	1,308	22	335	6	3653	62	23	0.3	0	0	0	0
Traffic Stops												
2010	70	38	20	11	88	47	8	8	0	0	0	0
2011	25	27	9	9	52	57	4	4	0	0	2	2

Tier 2 Data

TIER 2 - FULL RACIAL PROFILING REPORT

Agency Name: TEXAS A&M UNIV. KINGSVILLE P. D.
Reporting Date: 02/14/2012
TCLEOSE Agency Number: 273005
Chief Administrator: FELIPE E. GARZA, JR.
Agency Contact Information:

Phone: 361-593-2611
Email: kugeg001@tamuk.edu
Mailing Address:
TEXAS A&M UNIV. KINGSVILLE P. D.
700 University Blvd., MSC126
Kingsville, TX 78363

This Agency filed a full report because:
Our agency has no motor vehicle or audio equipment.
Certification to This Report 2.132 (Tier 2) – Full Report Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling TEXAS A&M UNIV. KINGSVILLE P. D. has adopted a detailed written policy on racial profiling. Our policy:
(1) clearly defines acts constituting racial profiling;
(2) strictly prohibit peace officers employed by the TEXAS A&M UNIV. KINGSVILLE P. D. from engaging in racial profiling;
(3) implements a process by which an individual may file a complaint with the TEXAS A&M UNIV. KINGSVILLE P. D. if the individual believes that a peace officer employed by the TEXAS A&M UNIV. KINGSVILLE P. D. has engaged in racial profiling with respect to the individual;
(4) provides public education relating to the agency's complaint process;
(5) requires appropriate corrective action to be taken against a peace officer employed by the TEXAS A&M UNIV. KINGSVILLE P. D. who, after an investigation, is shown to have engaged in racial profiling in violation of the TEXAS A&M UNIV. KINGSVILLE P. D.'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.

I certify these policies are in effect.

Executed by: ***FELIPE E. GARZA, JR.***
Chief Administrator
TEXAS A&M UNIV. KINGSVILLE P. D.
Date: 02/20/2012

TEXAS A&M UNIV. KINGSVILLE P. D. Motor Vehicle Racial Profiling Information

Gender:

1. **31** Female
2. **61** Male
3. **92 Total** (3, 10, 13, 18, 21, 40 and 51 must be equal)

Race or Ethnicity:

4. **9** African
5. **4** Asian
6. **25** Caucasian
7. **52** Hispanic
8. **2** Middle Eastern
9. **0**Native American
10. **92 Total** (3, 10, 13, 18, 21, 40 and 51 must be equal)

Race or Ethnicity known prior to stop?

11. **0** Yes
12. **92** No
13. **92 Total** (3, 10, 13, 18, 21, 40 and 51 must be equal)

Reason for stop:?

14. **4** Violation of law other than traffic
15. **0** Pre-existing knowledge (i.e. warrant)
16. **68** Moving Traffic Violation
17. **20** Vehicle Traffic Violation (Equipment, Inspection or Registration)
18. **92 Total** (3, 10, 13, 18, 21, 40 and 51 must be equal)

Search conducted?
19. **0** Yes
20. **92** No
21. **92 Total**

Reason for search?
22. **0** Consent
23. **0** Contraband/evidence in plain sight
24. **0** Probable cause or reasonable suspicion
25. **0** Inventory search performed as result of towing
26. **0** Incident to arrest/warrant
27. **0 Total** (must equal line 19)

Contraband discovered?
28. **0** Yes
29. **0** No
30. **0 Total** (must equal line 19)

Description of Contraband
31. **0** Illegal drugs/drug paraphernalia
32. **0** Currency
33. **0** Weapons
34. **0** Alcohol
35. **0** Stolen property
36. **0** Other
37. **0 Total** (must equal line 28)

Arrest result of stop or search:
38. **0** Yes
39. **92** No
40. **92 Total** (3, 10, 13, 18, 21, 40 and 51 must be equal)

Arrest based on:
41. **0** Violation of the Penal Code
42. **0** Violation of a Traffic Law
43. **0** Violation of City Ordinance
44. **0** Outstanding Warrant

Street address or approximate location of the stop:
45. **91** City Street
46. **0** US Highway
47. **0** County Road
48. **1** Private Property or Other

Written warning or a citation as a result of the stop:
49. **80** Yes
50. **12** No
51. **92 Total**

TEXAS A&M UNIV. KINGSVILLE P. D. has submitted electronically the analysis in PDF format required by 2.134 CCP(c) which contains
(1) a comparative analysis of the information compiled under Article 2.133 to:
(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; and
(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and
(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.
I certify the analysis meets the above requirements.
Executed by: ***FELIPE E. GARZA, JR.***
Chief Administrator
TEXAS A&M UNIV. KINGSVILLE P. D.
Date: 02/20/2012

Data Sheet

TEXAS A&M UNIVERSITY - KINGSVILLE
POLICE DEPARTMENT
RACIAL PROFILING DATA INFORMATION

This form must be completed for every traffic stop and law enforcement contact initiated by a police officer.

DATE	TIME

VIOLATOR: LAST NAME	FIRST	MIDDLE

PERMANENT ADDRESS	CITY, STATE, ZIP	TELEPHONE

DRIVERS LICENSE NO.	TYPE	STATE	DATE OF BIRTH	GENDER	HEIGHT	WEIGHT
				☐ Male ☐ Female		

ETHNICITY/RACE (as stated by the person or as determined by officer)

☐ HISPANIC ☐ WHITE ☐ AFRICAN-AMERICAN/BLACK ☐ NATIVE AMERICAN

☐ ASIAN/ PACIFIC ISLANDER ☐ MIDDLE EASTERN ☐ OTHER:

Did peace officer know the race or ethnicity of the individual detained before detaining the individual?

☐ YES ☐ NO

TAMUK: ☐ Student ☐ Faculty ☐ Staff ☐ Other

University Resident ☐ YES ☐ NO

Type of Stop:

☐ Motor Vehicle

☐ Pedestrian ☐ Other

Type of Patrol/Unit: ☐Patrol Car ☐Bicycle ☐Segway ☐Golf Cart ☐ Foot ☐ Other

Location of Offense/Stop

VEHICLE LICENSE NO.	STATE	COLOR	YEAR MODEL	MAKE	TYPE

COUNTY	INITIAL REASON FOR STOP:	WARNING CITATION	VIOLATION
KLEBERG		☐	☐

VEHICLE SEARCH	VEHICLE SEARCH	PLAIN VIEW		Brief statement of PC or Reasonable Suspicion:
☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	☐ DRUGS ☐ WEAPONS	

CONTRABAND /EVIDENCE FOUND?	DESCRIPTION OF CONTRABAND/EVIDENCE
☐ YES ☐ NO	

ARREST? ☐ Yes ☐ No

WAS SEARCH MADE AS A RESULT OF:

VEHICLE TOW? ☐ Yes ☐ No **OR ARREST?** ☐ Yes ☐ No

Arrest was based on: ☐ Violation of the Penal Code ☐ Violation of a traffic law or ordinance ☐ Outstanding warrant

Statement of the offense charged:

TRAFFIC VIOLATION(S)

☐ Speed Over Limit

☐ Stop Sign Violation

☐ Failure to Comply With Lawful Order or Direction Given by a University Police Officer

☐ Fail to yield the right of way to pedestrians

☐ Other Moving Violations

PARKING VIOLATION(S)

☐ Parking in Fire Lane

☐ Unauthorized Parking in Handicapped Zones

☐ Parked Disregarding Barricades, Traffic Cones or Other Traffic Control Devices

☐ Other Parking Violations

☐ Other Violations

Other Info:

Officer/Badge #

Complaint Process

Filing a Complaint with the TAMUK Police Department

The following information has been disseminated to the public as part of an educational campaign aimed at informing community members of the complaint process relevant to violations of the Texas Racial Profiling Law.

UNDERSTANDING THE PROCESS
Once an individual has filed a complaint regarding racial profiling, he/she should expect the following process to commence:

THE INTERVIEW
A police officer (rank of corporal or higher) will interview the individual filing the complaint. The officer will ask the alleged victim questions about what happened. It is possible that the officer may be able to explain the officer(s') actions to your satisfaction.

- Usually, the alleged victim will be interviewed at the University Police Department's Office - Seale Hall, 825 W. Santa Gertrudis, Kingsville, Texas. It is possible that he/she may be videotaped during the interview.
- The individual filing the complaint may bring a lawyer, family member or friend to the interview.
- The police officer will ask the individual filing a complaint for the names of witnesses and other police officers that may know facts about the complaint.
- A police photographer may take pictures of any injuries that the alleged victim think are related to the complaint.

THE INVESTIGATION
After the interview, the TAMUK Police Department will investigate the alleged misconduct. Investigators will talk to witnesses and visit the site of the incident.

- The investigators will consist of police officers assigned by the Director, Public Safety/Chief of Police.
- All officers will be interviewed and witnesses whom the alleged victim has named will be contacted and interviewed, if they agree.
- The alleged victim will receive a letter regarding the progress of the investigation. Although it is impossible to estimate how long the investigation will take, the alleged victim will receive periodic reports on its status.
- A report will then be prepared.

THE REVIEW PROCESS
The Director, Public Safety/Chief of Police reviews every complaint after the investigation is completed and a report is written.

- If the complaint includes excessive force or charges an officer with a crime, it may also be reviewed by Texas A&M University System (TAMUS) attorneys as authorized by the Vice President of Finance and Administration (VPFA).
- The Director, Public Safety/Chief of Police will review your complaint, statements from all witnesses and reports from the investigation. The Chief may ask for additional information before making his recommendations to the VPFA.
- The results of investigations that suggest there are no charges that the police officer used excessive force or committed a crime are also reviewed by the Director, Public Safety/Chief of Police.
- The Director, Public Safety/Chief of Police reviews investigations and makes the final decision on all complaints.

THE FINDINGS
The results of your complaint are called "findings". There are four possible findings:

- **Sustained -** The complaint has been supported: The officer(s) involved acted improperly and may be disciplined.
- **Unfounded -** The investigation found no basis to the complaint filed.
- **Exonerated -** The police officer(s) involved acted properly and will not be disciplined; or
- **Not provable -** There was not enough evidence to prove the complaint true or false so no further action will be taken.

The Director, Public Safety/Chief of Police will decide on a finding after the complaint has been reviewed. Further, he/she will inform the alleged victim through an official letter of the final decision.

Texas A&M University-Kingsville
Police Department

Complaints on Officers
2011

Corrective Action

It is the policy of the TAMUK Police Department that any officer who, after an internal investigation, has been found guilty of engaging in racial profiling, that one of the following series of disciplinary measures is taken (as per the recommendation of the chief of police):

1) Officer is retrained in racial sensitivity issues

2) Officer is suspended and as a condition of further involvement with the police department is asked to undergo racial sensitivity training

2) Officer is terminated

Data on Corrective Action

The following table contains data regarding officers that have been the subject of a complaint, during the time period of January 1, 2011 through December 31, 2011, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

X

Check above if the TAMUK police department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of January 1, 2011 ---- December 31, 2011.

Complaints Filed for Possible Violations of S.R. 1074 (The Texas Racial Profiling Law)

Complaint No.	**Alleged Violation**			**Disposition of the Case**

Additional Comments:

No racial profiling complaints were received for calendar year 2011.

Analysis

Analysis

The data presented in this report contains information regarding University police traffic contacts with the motoring public on University property between January 1, 2011 and December 31, 2011. The information collected pertains to operators of motor vehicles on public roadways on University property.

The data was obtained through U.S. Census information (Texas, Kleberg County, and City of Kingsville), Texas A&M University-Kingsville Institutional Programs (Spr 2011 student census) and Texas A&M University-Kingsville police department traffic stop statistics. Census data contains information of all residents of a particular community, regardless of the fact that they may or may not be among the driving population. Further, census data, when used as a benchmark of comparison, presents the challenge that it captures information related to city or county residents only. Thus, excluding individuals who may have come in contact with the TAMUK Police Department, but who do not have any ties to the University community, the City of Kingsville or even Kleberg County. This has a tendency of inflating the overall figures; thus, providing an inaccurate representation of police contacts with the public. This report and the purpose of the Racial Profiling Law, which requires law enforcement agencies to tabulate each traffic stop initiated by a police officer by documenting the number of motor vehicle stops and obtaining the following information: gender and race or ethnicity of the violator; whether the officer knew the ethnicity of the motorist prior to making the stop; the reason for the stop; whether a search was conducted; whether the search was consensual; reason for the search; whether contraband was found; description of the contraband; whether an arrest resulted as a consequence of the search; whether the arrest was based on violation of traffic or penal code law; the street where the violation occurred; and, whether an officer issued a citation or a warning as a result of the traffic stop, documents the required information. This report measures the number of motorists stopped for violating traffic laws and has little or no relevance to the greatest majority of the general population, who are not motor vehicle operators.

When comparing the number of traffic violators who came in contact with the TAMUK Police Department during 2011 with Kleberg County, City of Kingsville and Texas A&M University-Kingsville census figures the data produced the following findings: the number of police contacts with drivers, when compared to census numbers of area residents, do not seem to be out of line with our area population. White, Hispanic or Black traffic stops seem to be evenly distributed along gender and ethnic lines.

Additionally, when analyzing, in the same manner, the data relevant to individuals of Pacific Islanders, Asians and Native Americans it is evident that the TAMUK police department stopped individuals in these racial categories infrequently or not at all.

The data does not reflect any trends that the TAMUK police department has violated the racial profiling statute or its racial profiling policy.

Summary Statement

The findings suggest that the TAMUK Police Department does not currently experience a problem regarding racial profiling practices. This is supported by the fact that it has not received complaints from community members regarding officers misconduct associated with racial profiling practices.

The continuing effort to collect police contact data will assure an on-going evaluation of the TAMUK police department practices. Thus, allowing for the citizens of the University community to benefit from professional and courteous service from their police department.

Checklist

Checklist

(I) The following requirements ***must*** be met by all law enforcement agencies in the State of Texas:

☒ Clearly defined act or actions that constitute racial profiling

☒ Statement indicating prohibition of any peace officer employed by the TAMUK police department from engaging in racial profiling

☒ Implement a process by which an individual may file a complaint regarding racial profiling violations

☒ Provide public education related to the complaint process

☒ Implement disciplinary guidelines for officer found in violation of the Texas Racial Profiling Law

☒ Collect data (Tier 1) that includes information on:

a) Race and ethnicity of individual detained
b) Whether a search was conducted
c) If there was a search, whether it was a consent search or a probable cause search
d) Whether a custody arrest took place

☒ Collect data (Tier 2) that includes information on:

a) A physical description of each person detained, including gender and the person's race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer's best judgment;
b) The traffic law or ordinance alleged to have been violated or the suspected offense;
c) Whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
d) Whether any contraband was discovered in the course of the search, and the type of contraband discovered;
e) Whether probable cause to search existed, and the facts supporting the existence of that probable cause;
f) Whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
g) The street address or approximate location of the stop; and
h) Whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

☒ Produce an annual report on police contacts (Tier 1) and present this to local governing body by March 1, 2012.

(II) For additional questions regarding the information presented in this report, please contact:

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