

The Laredo College Police Department Annual Contact Report (2018)



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January 24, 2019

Laredo College
Board of Trustees
Laredo, Texas 78040

Dear Distinguished Board Members:

The Texas legislature, in an attempt to address the issue of racial profiling in policing, passed in 2001 the Texas Racial Profiling Law (S.B. 1074). Since becoming effective, the Laredo College Campus Police Department, in accordance with the law, has collected citation based contact data for the purpose of identifying and addressing (if necessary) concerns regarding racial profiling practices by police officers.

In this report, you will find three sections that contain information on citation-based contact data along with documentation which aims at supporting the fact that the Laredo College Campus Police Department has complied with The Texas Racial Profiling Law. You will find, in section 1, the introduction and table of contents.

In section 2 you will have an opportunity to review documentation which demonstrates compliance of the Laredo College Campus Police Department with the Texas Racial Profiling Law. Specifically, documents relevant to the implementation of an agency policy banning racial profiling, the implementation of a racial profiling complaint process (including the manner in which it has been disclosed to the public) and the training administered to all law enforcement personnel, are included.

This section also contains statistical data relevant to motor vehicle contacts between 1/1/18 and 12/31/18. This information has been analyzed and compared to data derived from the Laredo College Student Enrollment, and to the citation-based contact data collected in 2018. The final analysis and recommendations are also included.

In section 3 you will find the checklist and contact information.

The data and supporting documentation presented in this report support the concept that the Laredo College Campus Police Department is committed to the identification and resolution (if necessary) of all issues relevant to racial profiling according to the state law.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Cortez", with a stylized flourish at the end.

Ray Cortez

Agency Policy on Racial Profiling

LAREDO COLLEGE CAMPUS POLICE DEPARTMENT

Title: RACIAL PROFILING

Legal Authority: Article 2.132, CCP

I. PURPOSE

The purpose of the policy is to reaffirm the Laredo College Campus 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.

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 to 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 officers 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 descent, including Caucasian, African, Hispanic, Asian, 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 (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.

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

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.

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, not later than September 1, 2003.

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 received 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 filling a complaint. All employees will report any allegation of racial profiling to their superior before the end of their shift.
3. Investigation of 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.
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.
6. To provide a compliment or file a complaint contact: lcpoliceadmin@laredo.edu or (956) 721-5303 or Campus Police Building P-64 Ft. McIntosh Campus West End Washington St. Laredo TX 78040.

VI. PUBLIC INFORMATION

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:

- a. the violators race or ethnicity;
- b. whether a search was conducted;
- c. was the search consensual; and
- d. 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.
5. whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

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. USE OF VIDEO AND AUDIO EQUIPEMNT

Each motor vehicle regularly used by this department to make traffic and pedestrian stops that is equipped with a video camera and transmitter-activated equipment, and each motorcycle regularly used by this department to make traffic and pedestrian stops that is equipped with transmitter activated equipment; and

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

This department shall retain the video and audiotapes, or the audiotape of each traffic and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in racial profiling with respect to a traffic or pedestrian

stop, this department shall retain the video and audiotapes, or the audiotape of the stop until final disposition of the complaint.

Supervisors will ensure officers of this department are recording their traffic and pedestrian stops. A recording 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 absent, the officer making the stop may properly record and report the information as required in Section IX.

IX. COLLECTION AND REPORTING INFORMATION GATHERED FROM TRAFFIC AND PEDRESTRIAN 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.

8. Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

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 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.

The 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.

Complaint Process: Informing the Public and Addressing Allegations of Racial Profiling Practices

Informing the Public on the Process of Filing a Racial Profiling Complaint with the Laredo College Campus Police Department

Since January 1, 2002, the Laredo College Campus Police Department, in accordance to The Texas Racial Profiling law, launched an educational campaign aimed at informing the public on issues relevant to the complaint process. The police department made available, in 2018, information relevant to filing a complaint on a racial profiling violation by a Laredo College Campus police officer.

The Laredo College Campus Police Department included language, in its current complaint process, pertaining to the manner in which citizens can file a complaint. It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

The final results of a complaint are called “findings”. There are four possible findings:

- Sustained:** The complaint has been supported by the findings within the investigation: the officer (s) involved acted improperly and may be disciplined.
- Unfounded:** Investigation found no basis to complaint filed.
- Exonerated:** The Police Officer (s) involved acted properly and will not be disciplined.
- Not Provable:** There is not enough evidence to prove the complaint true or false, so no further action will be taken.

Racial Profiling Training

Since 2002, all Laredo College Campus Police Department police officers were instructed, as specified in S.B. 1074, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Laredo College Campus Police Department have completed the TCOLE basic training.

It is important to recognize that the Chief of the Laredo College Campus Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Laredo College Campus Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

Report on Complaints

Report on Racial Profiling Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/18---12/31/18, based on allegations related to possible violations of the Texas Racial Profiling Law. The final disposition of the case is also included.

X

A check above indicates that the Laredo College Campus Police Department has not received any complaints, as outlined in the law, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/18 ---- 12/31/18.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law.

Complaint No.	Alleged Violation			Disposition of the Case

Additional Comments:

Traffic Contacts and Student Enrollment Comparison (2018)

Laredo College Student Demographics

201910 - FALL 2018

Ethnic Distribution

Ethnicity	Male	Female	Total	Percent
Hispanic	4,318	5,620	9,938	97.61%
White, Non-Hispanic	60	59	119	1.17%
International	34	19	53	0.52%
Asian	13	8	21	0.21%
African American	1	6	7	0.07%
Native Hawaiian	0	1	1	0.01%
American Indian/Alaska Native	4	1	5	0.05%
Multiracial	1	0	1	0.01%
Unknown or Not Reported	20	16	36	0.35%
Total	4,451	5,730	10,181	100.00%

Tier 2 Motor Vehicle-Related Contact Analysis

The Tier 2 data collected in 2018 showed that 82 out of 86 (96%) motor vehicle related contacts were made with Hispanic drivers, 2 out of 86 (2%) Caucasian, 1 out of 86 (1%) Asian, 1 out of 86 (1%) African American. Of the 86 motor vehicle related contacts, 53 were on females and 33 were on males. No searches were conducted and no arrest resulted of the motor vehicle stops.

The overall analysis of data indicates that the Laredo College Campus Police Department has been consistent in relation to motor vehicle stops.

There were no complaints filed with the Laredo College Campus Police Department alleging that a Peace Officer employed by the agency has engaged in Racial Profiling.

Checklist

The following requirements were met by the Laredo College Campus Police Department in accordance with Senate Bill 1074:

- ☒ Clearly defined act or actions that constitute racial profiling
- ☒ Statement indicating prohibition of any peace officer employed by the Laredo Community College Campus 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 2) 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
 - e) Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.

Produce an annual report on police contacts (Tier 2) and present this to local governing body and TCOLE by March 1, 2019.

Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

Contact Information

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

Laredo College
Campus Police Department
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Chief of Police
rcortez@laredo.edu
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Laredo, Texas 78040
956-721-5303