

UNIVERSITY OF NORTH TEXAS  
POLICE DEPARTMENT

2021

RACIAL PROFILING ANALYSIS

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## **Executive Summary**

Article 2.132-2.134 of the Texas Code of Criminal Procedure (CCP) requires the annual reporting to the local governing body of data collected on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to data collection and reporting requirements. Article 2.134 of the CCP directs that “a comparative analysis of the information compiled under 2.133” be conducted, with specific attention to the below areas:

1. 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;
2. examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
3. evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and
4. information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

The analysis of material and data from the UNT Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE UNT POLICE DEPARTMENT REGULATIONS, SPECIFICALLY GENERAL ORDER 301.07 OUTLINING THE DEPARTMENT’S POLICY CONCERNING PROFESSIONAL POLICE CONTACTS INCLUDING BIAS-BASED PROFILING, SHOWS THAT THE UNT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**
- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE UNT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE UNT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

- **THE UNT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW REGARDING CCP ARTICLES 2.132-2.134.**

## **Introduction**

This report details an analysis of the UNT Police Department's policies, training, and statistical information on racial profiling for the year 2021. This report has been prepared to specifically comply with Article 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of traffic stop data. Specifically, the analysis will address Articles 2.131 – 2.134 of the CCP and make a determination of the level of compliance with those articles by the UNT Police Department in 2021. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

This report is divided into six sections: (1) UNT Police Department's policy on racial profiling; (2) UNT Police Department's training and education on racial profiling; (3) UNT Police Department's complaint process and public education on racial profiling; (4) analysis of UNT Police Department's traffic stop data; (5) additional traffic stop data to be reported to TCOLE; and (6) UNT Police Department's compliance with applicable laws on racial profiling.

For the purposes of this report and analysis, the following definition of racial profiling is used: racial profiling means 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 (Texas CCP Article 3.05).

## **UNT Police Department Policy on Racial Profiling**

A review of UNT Police Department General Order 301.07 revealed that the department has adopted policies to be in compliance with Article 2.132 of the Texas CCP (see Appendix B). There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in General Order 301.07. UNT Police Department regulations provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The regulations also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race or ethnicity. Appendix C lists the applicable statute and corresponding UNT Police Department regulation. It should also be noted that the UNT Police Department is also subject to and must comply with any University policy prohibiting racial discrimination specifically. Relevant UNT policy can be found at (<https://policy.unt.edu/policy/16-004>).

***A COMPREHENSIVE REVIEW OF UNT POLICE DEPARTMENT GENERAL ORDER 301.07 SHOWS THAT THE UNT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.***

## **UNT Police Department Training and Education on Racial Profiling**

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas Peace officers. Documentation provided by UNT Police Department reveals that racial profiling training and certification is current for all officers requiring such training. Additionally, the UNT Police Department provides training regarding biased-based profiling at least biennially, in accordance with CALEA

and IACLEA accreditation standards. Documentation provided by UNT Police Department reveals during 2021 all departmental employees attended training on “Biased-Based Policing”. Departmental employees were also assigned online training via UNT Bridge titled “UNT Policies & Title IX: Preventing Discrimination, Harassment, Sexual Misconduct & Retaliation.”

***A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE UNT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.***

## **UNT Police Department Complaint Process and Public Education on Racial Profiling**

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. UNT Police Department General Order 301.07 Sections III (I) and III (J) cover this requirement. Additionally, the department has information regarding complaints on its website (<https://police.unt.edu/complaints>) and has prepared a pamphlet on the complaint process that is available in the lobby of the police department and also from officers in the field. The pamphlet is clearly written and provides detailed information on the process and whom to contact to file a complaint. In addition, complaints of racial profiling are also referred to the University’s Division of Institutional Inclusion, Diversity, Equity and Access (<https://ied.unt.edu/equal-opportunity>).

***A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.***

## **UNT Police Department Statistical Data on Racial Profiling**

Article 2.132(b) 6 and Article 2.133 requires that law enforcement agencies collect statistical information on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to other information noted previously. UNT Police Department submitted statistical information on all motor vehicle stops in 2021 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information required to be collected and reported by law.

***ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.***

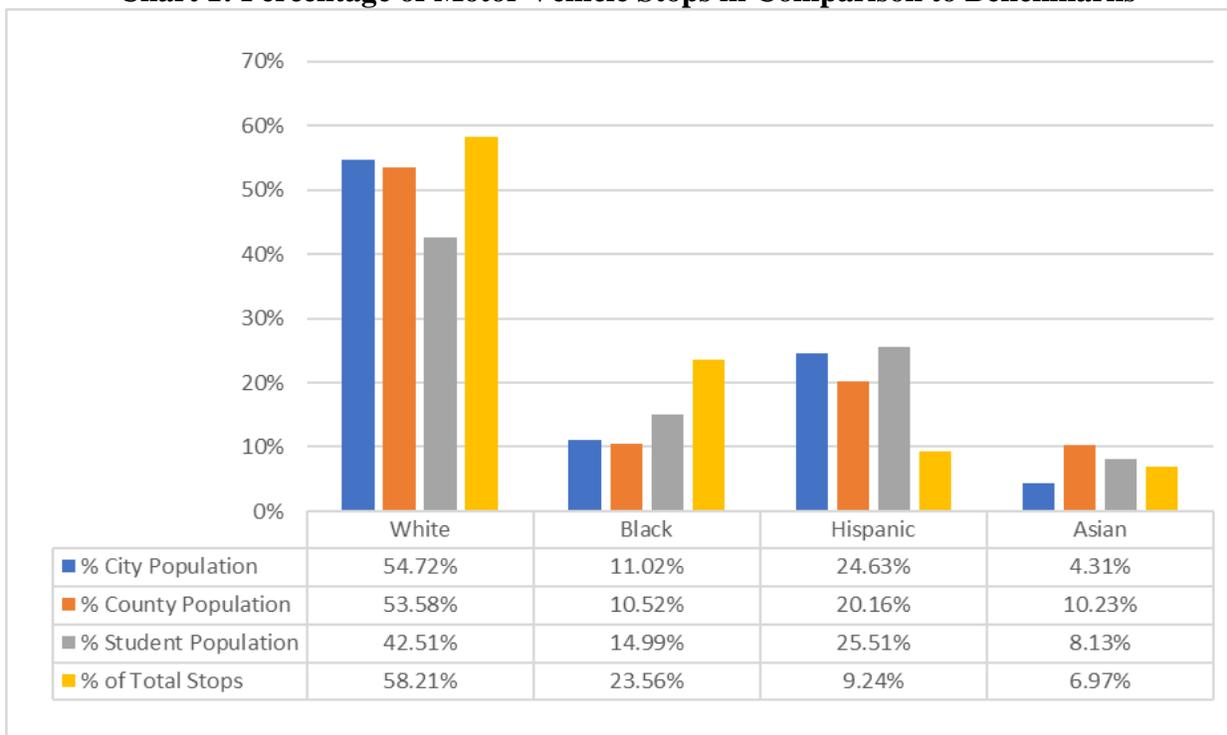
## Analysis of the Data

### Comparative Analysis #1:

*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. Texas Code of Criminal Procedure Article 2.134(c)(1)(A)*

The first chart depicts the percentages of people stopped by race/ethnicity among the total 2,869 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2021.<sup>1</sup>

**Chart 1: Percentage of Motor Vehicle Stops in Comparison to Benchmarks**



*White drivers* constituted 58.21 percent of all drivers stopped, whereas Whites constitute 54.72 percent of the city population, 53.58 percent of the county population, and 42.51 percent of the UNT student population.<sup>2</sup>

<sup>1</sup> There were 58 stops among Alaska Native/American Indian motorists. These stops were not charted due to the small number of stops relative to the population of Alaska Native/American Indians in the City of Denton, Denton County, and UNT student population.

<sup>2</sup> City and County populations were derived from 2020 Decennial Census Redistricting Data (DEC) of the U.S. Census Bureau. UNT Student demographics were obtained from the most recent available Fact Sheet, which was from Fall 2020, at [https://institutionalresearch.unt.edu/sites/default/files/factsheet\\_2020-2021.pdf](https://institutionalresearch.unt.edu/sites/default/files/factsheet_2020-2021.pdf). City and County populations by gender noted later in this report are based on the most recent 2019 American Community Survey estimates, as the 2020 Decennial Census Redistricting Data (DEC) does not include population counts by gender.

*Black drivers* constituted 23.56 percent of all drivers stopped, whereas Blacks constitute 11.02 percent of the city population, 10.52 percent of the county population, and 14.99 percent of the UNT student population.

*Hispanic drivers* constituted 9.24 percent of all drivers stopped, whereas Hispanics constitute 24.63 percent of the city population, 20.16 percent of the county population, and 25.51 percent of the UNT student population.

*Asian drivers* constituted 6.97 percent of all drivers stopped, whereas Asians constitute 4.31 percent of the city population, 10.23 percent of the county population, and 8.13 percent of the UNT student population.

The chart shows that White drivers are stopped at rates higher than the percentage of Whites found in the city, county, and UNT student populations. Black motorists are stopped at rates higher than the percentage of Blacks found in the city, county, and UNT student populations. Hispanic drivers are stopped at rates lower than the percentage of Hispanics found in the city, county, and UNT student populations. Asian drivers are stopped at rates higher than the percentage of Asians found in the city population but lower than the percentage of Asians found in the county and UNT student populations.

### Methodological Issues

*Upon examination of the data, it is important to note that differences in overall stop rates of a particular racial or ethnic group, compared to that racial or ethnic group's proportion of the population, cannot be used to make determinations that officers have or have not racially profiled any given individual motorist. Claims asserting racial profiling of an individual motorist from the aggregate data utilized in this report are erroneous.*

For example, concluding that a particular driver of a specific race/ethnicity was racially profiled simply because members of that particular racial/ethnic group as a whole were stopped at a higher rate than their proportion of the population—are as erroneous as claims that a particular driver of a specific race/ethnicity could NOT have been racially profiled simply because the percentage of stops among members of a particular racial/ethnic group as a whole were stopped at a lower frequency than that group's proportion of the particular population base (e.g., city, county, or student population). In short, aggregate data as required by law and presented in this report cannot be used to prove or disprove that a member of a particular racial/ethnic group was racially profiled. Next, we discuss the reasons why using aggregate data—as currently required by the state racial profiling law—are inappropriate to use in making claims that any individual motorist was racially profiled.

### Issue #1: Using Group-Level Data to Explain Individual Officer Decisions

The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are “racially profiling” motorists. This methodological error, commonly referred to as the “ecological fallacy,” defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate stop data. **In short, one cannot prove that an individual officer has**

**racially profiled any *individual* motorist based on the rate at which a department stops any given *group* of motorists.** In sum, aggregate level data cannot be used to assess individual officer decisions, but the state racial profiling law requires this assessment.

#### Issue #2: Problems Associated with Population Base-Rates

There has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. The base-rate serves as the benchmark for comparison purposes. The outcome of analyses designed to determine whether or not disparities exist is dependent on which base-rate is used. While this report utilized the most recent 2020 Census as a population base-rate, this population measure can become quickly outdated, can be inaccurate, and may not keep pace with changes experienced in city and county population measures.

In addition, the validity of the benchmark base-rate becomes even more problematic if analyses fail to distinguish between residents and non-residents who are stopped. This is because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures. **In sum, a valid measure of the driving population does not exist. As a proxy, census and student data is used which is problematic as an indicator of the driving population.** In addition, stopped motorists who are not residents of the city or county where the motor vehicle stop occurred are not included in the benchmark base-rate.

#### Issue #3: Officers Do Not Know the Race/Ethnicity of the Motorist Prior to the Stop

As illustrated in Table 3 near the end of this report, of the 2,869 motor vehicle stops in 2021, the officer knew the race/ethnicity of the motorist prior to the stop in 5.58% of the stops (160/2,869). This percentage is consistent across law enforcement agencies throughout Texas. An analysis of all annual racial profiling reports submitted to the Texas Commission on Law Enforcement, as required by the Texas racial profiling law, found that in 2.9% of the traffic stops in Texas, the officer knew the race/ethnicity of the motorist prior to the stop.<sup>3</sup> The analysis included 1,186 Texas law enforcement agencies and more than 3.25 million traffic stops.

As noted, the legal definition of racial profiling in the Texas Code of Criminal Procedure Article 3.05 is “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.”

Almost always, University of North Texas PD officers do not know the race/ethnicity of the motorist prior to the stop. This factor further invalidates any conclusions drawn from the stop data presented in Chart 1. If an officer does not know the race/ethnicity of the motorist prior to the stop, then the officer cannot, by legal definition, be racial profiling. Racial profiling is a law-enforcement action based on the race/ethnicity of an individual. If the officer does not know the person’s race/ethnicity before the action (in this case, stopping a vehicle), then racial profiling cannot occur.

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<sup>3</sup> Winkler, Jordan M. (2016). *Racial Disparity in Traffic Stops: An Analysis of Racial Profiling Data in Texas*. Master’s Thesis. University of North Texas.

Based on this factor, post-stop outcomes are more relevant for a racial profiling assessment, as presented later in this report, in comparison to initial motor vehicle stop data disaggregated by race/ethnicity. Once the officer has contacted the motorist after the stop, the officer has identified the person's race/ethnicity and all subsequent actions are more relevant to a racial profiling assessment than the initial stop data.

In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are stopped in order to determine whether or not racial profiling exists within a given jurisdiction.

Table 1 reports the summaries for the total number of motor vehicle stops in which a ticket, citation, or warning was issued, and to arrests made as a result of those stops, by the UNT Police Department in 2021. Table 1 and associated analyses are utilized to satisfy the comparative analyses as required by Texas law, and in specific, Article 2.134 of the CCP.

#### Comparative Analysis #2:

*Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction. Texas Code of Criminal Procedure Article 2.134(c)(1)(B)*

As shown in Table 1, there were a total of 2,869 motor vehicle stops in 2021 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 81 percent of stops resulted in a written warning (2,338/2,869) and roughly 16 percent resulted in a citation. These actions accounted for roughly 97 percent of all stop outcomes and will be the focus of the discussion below. Moreover, there were a total of 59 arrests alone or in combination with another stop outcome (i.e., written warning and arrest, citation and arrest). These 59 arrests accounted for roughly 2 percent of all stops outcomes.

Specific to **written warnings**, White motorists received a written warning in roughly 83 percent of stops involving White motorists (1,394/1,670), Black motorists received a written warning in roughly 79 percent of stops of Black motorists, Hispanic motorists received a written warning in roughly 71 percent of stops of Hispanic motorists, Asian motorists received a written warning in 85 percent of stops of Asian motorists, and Alaska Native/American Indian motorists received a written warning in roughly 86 percent of stops involving Alaska Native/American Indians.

White motorists received a **citation** in roughly 14 percent of stops involving White motorists (241/1,670), Black motorists received a citation in roughly 18 percent of stops of Black motorists, Hispanic motorists received a citation in roughly 25 percent of stops of Hispanic motorists, Asian motorists received a citation in roughly 15 percent of stops of Asian motorists, and Alaska Native/American Indian motorists received a citation in roughly 9 percent of stops involving Alaska Native/American Indians.

Relative to any **arrest** action (Written Warning and Arrest, Citation and Arrest, and Arrest), White motorists were arrested in roughly 2 percent of stops involving White motorists

(33/1,670), Black motorists were arrested in roughly 2 percent of stops involving Black motorists, Hispanics were arrested in roughly 4 percent of stops involving Hispanic motorists, Asian motorists were arrested in less than 1 percent of stops of Asian motorists, and Alaska Native/American Indian motorists were not arrested.

As illustrated in Table 1, **arrests** [written warning and arrest (34), citation and arrest (8), and arrest only (17)] were rare in 2021. Of the 2,869 total stops, 59 arrests were made in 2021, and this accounts for 2.1 percent of all stops. All arrests were based on either violation of the penal code (76.27%; 45/59) or an outstanding arrest warrant (23.73%; 14/59).

Finally, as presented in Table 1, **physical force resulting in bodily injury** was not used in 2021. Of the 2,869 total stops, none involved physical force resulting in bodily injury.

**Table 1: Traffic Stops and Outcomes by Race/Ethnicity**

Stop Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Number of Stops	1,670	676	265	200	58	2,869
<b>Gender</b>						
Female	633	237	75	59	9	1,013
Male	1,037	439	190	141	49	1,856
<b>Reason for Stop</b>						
Violation of Law	48	29	15	6	1	99
Preexisting Knowledge	14	9	5	0	0	28
Moving Traffic Violation	1,356	549	217	163	43	2,328
Vehicle Traffic Violation	252	89	28	31	14	414
<b>Result of Stop</b>						
Verbal Warning	2	3	1	1	3	10
Written Warning	1,394	536	189	169	50	2,338
Citation	241	122	65	29	5	462
Written Warning and Arrest	23	5	5	1	0	34
Citation and Arrest	4	2	2	0	0	8
Arrest	6	8	3	0	0	17
<b>Arrest Based On</b>						
Violation of Penal Code	25	11	8	1	0	45
Violation of Traffic Law	0	0	0	0	0	0
Violation of City Ordinance	0	0	0	0	0	0
Outstanding Warrant	8	4	2	0	0	14
<b>Physical Force Resulting in Bodily Injury Used?</b>						
No	1,670	676	265	200	58	2,869
Yes	0	0	0	0	0	0

**Comparative Analysis #3:**

*Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches. Texas Code of Criminal Procedure Article 2.134(c)(1)(C)*

In 2021, a total of 181 **searches** of motorists were conducted, or roughly 6 percent of all stops resulted in a search. Among searches within each racial/ethnic group, White motorists were searched in roughly 5 percent of all stops of White motorists (82/1,670), Black motorists were searched in roughly 10 percent of all stops of Black motorists, Hispanic motorists were searched in roughly 11 percent of all stops of Hispanic motorists, Asian motorists were searched in 1 percent of all stops of Asian motorists (2 total searches), and Alaska Native/American Indian motorists were not searched.

As illustrated in Table 2, the most common reason for a search was probable cause (59.1%; 107/181). Among **searches based on probable cause** within each racial/ethnic group, White motorists were searched based on probable cause in roughly 44 percent of all searches of White motorists (36/82), Black motorists were searched based on probable cause in roughly 82 percent of all searches of Black motorists, Hispanic motorists were searched based on probable cause in roughly 48 percent of all searches of Hispanic motorists, and Asian motorists were searched based on probable cause in 50 percent of all searches of Asian motorists (1 probable cause search among 2 total searches).

Regarding searches, it should be further noted that only 23 out of 181 searches (see Table 2), or roughly 13 percent of all searches, were based on consent, which are regarded as discretionary as opposed to non-discretionary searches. Relative to the total number of stops (2,869), discretionary consent searches occurred in 0.80 percent of stops. Among **consent searches** within each racial/ethnic group, White motorists were searched based on consent in roughly 15 percent of all searches of White motorists (12/82), Black motorists were searched based on consent in roughly 7 percent of all searches of Black motorists (5 total consent searches), Hispanic motorists were searched based on consent in roughly 21 percent of all searches of Hispanic motorists (6 total consent searches), and Asian motorists were not searched based on consent.

Of the searches that occurred in 2021, and as shown in Table 2, contraband was discovered in 119 or roughly 66 percent of all searches (119/181 total searches). Among the searches in which contraband was discovered, 78 percent of the time the contraband discovered was drugs.<sup>4</sup>

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<sup>4</sup> On Table 2, the number of searches that resulted in a contraband discovery was 119. The number of different types of contraband in the “Description of Contraband” section equaled 138. This discrepancy results because more than one type of contraband can be discovered per stop.

**Table 2: Search Outcomes by Race/Ethnicity**

Search Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
<b>Search Conducted</b>						
Yes	82	68	29	2	0	181
No	1,588	608	236	198	58	2,688
<b>Reason for Search</b>						
Consent	12	5	6	0	0	23
Contraband in Plain View	4	0	0	0	0	4
Probable Cause	36	56	14	1	0	107
Inventory	3	3	0	1	0	7
Incident to Arrest	27	4	9	0	0	40
<b>Was Contraband Discovered</b>						
Yes	49	51	18	1	0	119
No	33	17	11	1	0	62
<b>Description of Contraband</b>						
Drugs	34	48	11	0	0	93
Weapons	4	3	0	0	0	7
Currency	0	0	0	0	0	0
Alcohol	12	8	7	0	0	27
Stolen Property	1	0	1	0	0	2
Other	7	0	1	1	0	9
<b>Did Discovery of Contraband Result in Arrest?</b>						
Yes	3	4	2	0	0	9
No	46	47	16	1	0	110

Comparative Analysis #4:

*Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. Texas Code of Criminal Procedure Article 2.134©(2)*

In 2021, internal records indicate that the UNT Police Department received 2 separate complaints by one individual alleging that two peace officers employed by the agency engaged in racial profiling. These complaints were initially filed with the Dean of Students Conduct

Office. UNT Policy stipulates that biased based complaints will be forwarded to the UNT Office of Equal Opportunity (OEO) for independent review and finding. The OEO review is in addition to the UNT Police Department review process. After investigation and review by OEO, the complaints were unsubstantiated.

#### Additional Analysis:

*Statistical analysis of motor vehicle stops relative to the gender population of the agency's reporting area.* This analysis is presented in the report based on a December 2020 email sent from TCOLE to law enforcement executives in Texas.

In 2021, 2,869 motor vehicle stops were made by the UNT Police Department. Of these stops, 1,013 or roughly 35 percent were female drivers (1,013/2,869), and roughly 65 percent were male drivers (see Table 1).

According to 2019 American Community Survey (ACS) city and county population estimates of the U.S. Census Bureau, the City of Denton was composed of 51.3 percent females and 48.7 percent males. County population 2019 ACS estimates indicate that females accounted for 51 percent of the county population and males accounted for 49 percent of the county population. The most recent available UNT student population figures indicate that females accounted for 55 percent of the student population and males accounted for 45 percent of the student population ([https://institutionalresearch.unt.edu/sites/default/files/factsheet\\_2020-2021.pdf](https://institutionalresearch.unt.edu/sites/default/files/factsheet_2020-2021.pdf)).

Overall, in 2021, males were stopped at rates higher than their proportion of the city, county, and UNT student populations.

#### **Additional Information Required to be Reported to TCOLE**

Table 3 provides additional information relative to motor vehicle stops in 2021 by the UNT Police Department. These data are required to be collected by the University of North Texas Police Department under the Texas Code of Criminal Procedure Article 2.133.

As previously noted, the UNT Police Department received 2 separate complaints by one individual alleging that two peace officers employed by the agency engaged in racial profiling. After investigation and review by OEO, the complaints were unsubstantiated. Furthermore, as previously discussed, of the 2,869 motor vehicle stops in 2021, the officer knew the race/ethnicity of the motorist prior to the stop in 5.58% of the stops (160/2,869).

**Table 3: Additional Information**

<b>Additional Information</b>	<b>Total</b>
<b>Was Race/Ethnicity Known Prior to Stop</b>	
Yes	160
No	2,709
<b>Approximate Location of Stop</b>	
City Street	2,388
US Highway	11
County Road	7
State Highway	13
Private Property/Other	450
<b>Number of Complaints of Racial Profiling</b>	<b>2</b>
Resulted in Disciplinary Action	0
Did Not Result in Disciplinary Action	2

### **Analysis of Racial Profiling Compliance by UNT Police Department**

The foregoing analysis shows that the UNT Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection and reporting of data in compliance with the law.

In addition to providing summary reports and analysis of the data collected by the UNT Police Department in 2021, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the UNT Police Department as well as police agencies across Texas.

# **Appendix A**

## **Racial Profiling Statutes and Laws**

## **Texas Racial Profiling Statutes**

### **Art. 3.05. RACIAL PROFILING.**

In this code, "racial profiling" means 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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

### **Art. 2.131. RACIAL PROFILING PROHIBITED.**

A peace officer may not engage in racial profiling.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

### **Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.**

(a) In this article:

(1) "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.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means the following categories:

- (A) Alaska native or American Indian;
- (B) Asian or Pacific Islander;
- (C) black;
- (D) white; and
- (E) Hispanic or Latino.

(b) 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 compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(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 ticket, citation, or warning 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;

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) 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;

(E) the location of the stop; and

(F) the reason for the stop; 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 Texas Commission on Law Enforcement; 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.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 25, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.05, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. 3051), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.01, eff. September 1, 2017.

**Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.**

(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(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 any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop;

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 26, eff. September 1, 2009.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.02, eff. September 1, 2017.

**Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.**

(a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(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;

(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

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; 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.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.06, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.03, eff. September 1, 2017.

**Art. 2.136. LIABILITY.**

A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

**Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.**

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
- (2) smaller jurisdictions; and
- (3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using video and audio equipment and body worn cameras for those purposes.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.04, eff. September 1, 2017.

**Art. 2.138. RULES.**

The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

**Art. 2.1385. CIVIL PENALTY.**

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an amount not to exceed \$5,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 29, eff. September 1, 2009.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.05, eff. September 1, 2017.

## **Appendix B**

# **UNT Police Department General Order and Complaint Brochure**

**UNIVERSITY OF NORTH TEXAS  
POLICE DEPARTMENT**



<b>GENERAL ORDER: 301.07</b>	<b>EFFECTIVE DATE:</b>
<b>SUBJECT: Professional Police Contacts</b>	01/01/2002
<b>CALEA Standards:</b> 1.2.3a, 1.2.9a-d <b>IACLEA Standards:</b> 2.2.1, 4.1.3a-e	
<b>APPROVED:</b>  <b>Ed Reynolds</b>	<b>REVISION DATE:</b> 08/07/2020

I. Policy [1.2.9a; 4.1.3d]

It is the policy of this department to police in a proactive manner and to thoroughly investigate suspected violations of law. Officers shall actively enforce federal, state, and local ordinances in a responsible and professional manner, without regard to race, ethnicity, gender, sexual orientation, religion, socio-economic status, or national origin. Officers are strictly prohibited from engaging in racial or other bias-based profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians. This policy is also applicable to asset seizure and forfeiture efforts.

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 rights of all persons to be treated equally and to be free from unreasonable search and seizures must be respected. Racial or other bias-based 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

A. Bias-Based Profiling [4.1.3a]

The initiation of law enforcement action including detention, interdiction, search, or seizure against any person based solely upon his or her race, ethnicity, age, gender, sexual orientation, color, creed, national origin, or similar personal characteristics rather than the person's behavior or information identifying him or her as having engaged in prohibited activity.

B. Reasonable Suspicion

Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an offense has been committed, is about to be committed, or is in the process of being committed by the person or persons under suspicion. This can be based on the observations of an officer combined with his or her training and experience and/or reliable information received from credible outside sources.

C. Detention

The temporary seizure of a person for investigation based on an officer's reasonable suspicion of criminal activity.

D. Motor Vehicle Stop

An occasion in which a peace officer stops a motor vehicle and detains an occupant for an alleged violation of a law or ordinance.

E. Pedestrian Stop

# UNIVERSITY OF NORTH TEXAS POLICE DEPARTMENT

**GENERAL ORDER: 301.07**

**SUBJECT: Professional Police Contacts**

An interaction between a peace officer and an individual who is detained for the purpose of a criminal investigation in which the individual is not under arrest.

## F. Consensual Encounters

Peace officers are free to approach and ask questions of persons so long as officers recognize that those persons can refuse to identify themselves, refuse to cooperate, refuse to answer questions, and simply walk away.

## III. Procedures

### A. Reporting of Motor Vehicle and Pedestrian Stops

All motor vehicle and pedestrian stops will be reported. Reporting may be completed using the E-Writer Traffic Citation Device, a paper warning or citation form, or in the RiMS database at the time of the stop.

### B. Video and/or Audio Records of Motor Vehicle and Pedestrian Stops

1. All motor vehicle and pedestrian stops will be recorded pursuant to UNT General Order Number 301.05 (Mobile Vehicle Recording). Video and audio or audio records of motor vehicle and pedestrian stops will be retained for a minimum of 90 days after the date of the stop or until final disposition of a complaint for alleged bias-based profiling is resolved, whichever is longer. Upon written request an officer shall be provided a copy of the video and audio records if a bias-based profiling complaint is filed against the officer. Training [1.2.9b; 4.1.3b]

Officers will be trained on this policy, its reporting requirements, and legal aspects immediately upon employment and will receive refresher training at least every two years.

### C. Departmental Review and Report [1.2.9d; 4.1.3e]

1. A documented administrative review and analysis of agency practices and citizen concerns regarding bias-based profiling will be conducted annually by the field services commander.
2. The field services commander shall submit an annual analysis of citation and arrest data collected on motor vehicle stops as required by ART.2.132 of the CCP to the Chief of Police or designee, no later than February 1. The annual analysis shall not include identifying information about the officers or the individuals who were detained or arrested. Data from the analysis will be submitted to TCOLE using the TCOLE online reporting system no later than March 1 by the Chief of Police or designee.

### D. Stops / Detentions [1.2.3a; 2.2.1]

1. Individuals shall only be stopped or detained based on reasonable suspicion that they have committed, are committing, are about to commit, or have witnessed an offense.
2. In the absence of credible information, a person's age, gender, sexual orientation, race, color, creed, ethnicity, national origin, or similar personal characteristics shall not be a factor in the decision to stop or detain the person.

### E. Oversight

1. Supervisors will monitor compliance with this General Order and will review three recordings of each officer's motor vehicle and pedestrian stops at least once a month.
2. Supervisors are responsible for counseling their employees on the supervisor's assessment of the employee's compliance with this General Order.
3. Supervisors will notify the on-duty Lieutenant of all violations observed.

# UNIVERSITY OF NORTH TEXAS POLICE DEPARTMENT

<b>GENERAL ORDER: 301.07</b>
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## F. Violator Contacts

Unless the officer can articulate a reason for deviating, officers should follow the guidelines contained in General Order 331.01 (Traffic Enforcement).

## G. Enforcement Action

1. Appropriate enforcement action should always be completed, generally in the form of a written warning, citation, or arrest.
2. No person, once cited or warned, shall be detained beyond the point that reasonable suspicion no longer exists.
3. No person or vehicle shall be searched without a warrant, a recognized exception to the warrant requirement, or voluntary consent.

## H. Reporting Requirements of this Policy

1. When completing a written warning, field contact card, citation or arrest report, which resulted from a motor vehicle or pedestrian stop, officers shall record the following information:
  - a. The race or ethnicity of the person detained;
  - b. Whether a search was conducted; and if so
    - i. Whether the person consented to the search; and
    - ii. List of items seized if any;
  - c. Whether the officer knew the race or ethnicity of the operator detained prior to the detention;
  - d. Whether physical force was used that resulted in bodily injury;
  - e. The location of the stop; and
  - f. The reason for the stop.

## I. Complaint Investigation Procedure [4.1.3c]

1. The department shall accept complaints from any person who believes he or she has been the subject of improper law enforcement action due to bias-based 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 bias-based profiling, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint to the designated Professional Standards Officer. All employees will report any allegation of bias-based profiling to their supervisor before the end of their shift.
3. All complaints will be investigated using the guidelines set forth in the University of North Texas Police Department's published "Personnel Complaint Information and Procedures" brochure.
4. 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 written disposition regarding said complaint within a reasonable period of time.

# UNIVERSITY OF NORTH TEXAS POLICE DEPARTMENT

<b>GENERAL ORDER: 301.07</b>
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<b>SUBJECT: Professional Police Contacts</b>
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5. 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. [1.2.9c]

## J. Public Education

Individuals may obtain information about the department's policy against bias-based profiling and the complaint process through the departmental web site and through the department's "Personnel Complaint Information & Procedures" brochure. Copies of the brochure will be available from any police officer, the department's administrative offices, and the department's web page.

**Texas Government Code  
Complaint Against Law Enforcement Officer or Firefighter**

**Sec. 614.022. Complaint to be in Writing and Signed by Complainant.**

To be considered by the head of a state agency or by the head of a fire department or local law enforcement agency, the complaint must be:

- (1) in writing; and
- (2) signed by the person making the complaint.

**Sec. 614.023. Copy of Complaint to be Given to Officer or Employee.**

- (a) A copy of a signed complaint against a law enforcement officer of this state or a fire fighter, detention officer, county jailer, or peace officer appointed or employed by a political subdivision of this state shall be given to the officer or employee within a reasonable time after the complaint is filed.
- (b) Disciplinary action may not be taken against the officer or employee unless a copy of the signed complaint is given to the officer or employee.
- (c) In addition to the requirement of Subsection (b), the officer or employee may not be indefinitely suspended or terminated from employment based on the subject matter of the complaint unless:
  - (1) the complaint is investigated; and
  - (2) there is evidence to prove the allegation of misconduct.

**Texas Penal Code  
Perjury and Other Falsification**

**Sec. 37.02. Perjury.**

- (a) A person commits an offense if, with intent to deceive and with knowledge of the statement's meaning:
  - (1) he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath; or
  - (2) he makes a false unsworn declaration under Chapter 132, Civil Practice and Remedies Code.
- (b) An offense under this section is a Class A misdemeanor.

**Sec. 37.03. Aggravated Perjury.**

- (a) A person commits an offense if he commits perjury as defined in Section 37.02, and the false statement:
  - (1) is made during or in connection with an official proceeding; and
  - (2) is material.
- (b) An offense under this section is a felony of the third degree.

**University of North Texas Police Department  
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Denton, Texas 76201-6572  
Phone (940) 565-3000  
Fax (940) 369-8788  
police.unt.edu**

**UNT<sup>®</sup>**

**UNIVERSITY  
OF NORTH TEXAS<sup>™</sup>**

**Police Department**



Compact with Texans

**Personnel Complaint  
Information & Procedures**



To all Members of the University Community,

The UNT Police Department provides high quality law enforcement services to a diverse and growing suburban university. We take pride in performing our duty and strive for the professional, courteous, and unbiased delivery of services.

This brochure is intended to provide a mechanism for notifying the department of specific acts or instances on the part of department members that do not meet legal or policy mandates.

This brochure defines various types of complaints, as well as, provides general information regarding the complaint process. Specific instructions on both how and where to file a complaint are included in the brochure in an attempt to assist all parties involved.

It is the policy of the department to courteously receive and review all complaints as appropriate. Complaint information is also available both online at <http://police.unt.edu/Complaints.html> and through the department's administrative offices.

With appropriate feedback from members of the community we can continue to foster a positive community relationship and further enhance our community partnership.

Thank you!

## History

The University of North Texas Police Department was established in 1969 and primarily responsible for the physical security of the University campus. As the University continued to grow and evolve, so did the department. The responsibilities of the department have changed dramatically over the years and formed what you see today. The department is a professional, full service police operation with a continuing goal to provide high quality customer service.

## Mission

Our mission is to protect life, property, and individual rights. We will provide quality service in partnership with our community to create an environment that will aid and support the learning process.

## Vision

The Police Department will serve as a model for other departments on campus as well as other university police departments around the State of Texas and the United States by:

- Providing professional, non-biased service to all customers (faculty, staff, students, & visitors)
- Enhancing problem-solving partnerships with our community
- Working effectively as a team
- Utilizing state of the art technology to improve operations and communication

## Values

As members of the Police Department, we adhere to the following values to guide our conduct:

- We aspire towards professionalism in all aspects of our operation
- We shall maintain the highest standards of integrity

We shall treat each other with mutual trust, fairness, and dignity as we strive to serve our community and accomplish our mission.

## Complaints

A written allegation signed by the person making the complaint which alleges misconduct on the part of the employee.

### General Information Regarding Complaints

- All complaints will be addressed in a confidential, courteous, and efficient manner and with respect to the complainant.
- All staff members are expected to treat all customer complaints objectively and without prejudice or hostility toward any person.
- Complaints specific to an area of the Police Department are first handled by the appropriate first line supervisor, then by the supervisor of the division, and finally by the Chief of Police.
- Complaints against other University employees, other than allegations of sexual harassment or discrimination under the law, are handled through the University's staff or faculty complaint and grievance policies and through coordination of the mediation and Alternative Dispute Resolution (ADR) Program.
- Allegations of sexual harassment or discrimination are referred to and coordinated with the University's Office of Equity and Diversity.
- All complaints on Police Department employees will be reviewed and investigated as appropriate. Depending on the seriousness of the complaint, an Internal Affairs investigation may be conducted at the direction of the Chief of Police.
- Once the complaint has been investigated, the person making the complaint will be notified of the findings without delay.
- By law, complaints of police officer misconduct must be reduced to written form and signed by the complainant to help ensure appropriate documentation of both the nature and substance of the complaint.

## Information Regarding the Filing of Complaints

- It is the policy of the University of North Texas Police Department to receive and investigate complaints concerning its employees, including complaints concerning contacts that resulted in warnings, tickets, or citations.
- Persons desiring to make a complaint must understand the importance of submitting their complaint in writing with their signature affixed. The Texas Government Code, Section 614.022 (shown on the back of this brochure) provides that all complaints to be considered on law enforcement officers must be in writing and signed by the person making the complaint. The Chief of Police has extended this requirement to complaints against all department employees.
- The Texas Government Code also requires that a copy of the complaint be presented to the employee within a reasonable time and before any disciplinary action may be imposed.
- Allegations made in a complaint investigation may have one of the following outcomes:
  - a. Unfounded – The allegation is false, not factual.
  - b. Exonerated – The incident occurred, but was lawful and proper or was justified under the existing conditions.
  - c. Not Sustained – There is insufficient evidence to prove or disprove the allegations.
  - d. Sustained – The allegation is supported by sufficient evidence. A sustained complaint may result in disciplinary action against the employee.
- If a complainant deliberately gives false information causing the police department to conduct an investigation, the information can be presented to the District Attorney's office for prosecution.

### Instructions for Filing a Complaint

1. After reading the information in this brochure, contact Captain West Gilbreath at (940) 369-7086, at west.gilbreath@unt.edu, or at the Sullivant Public Safety Center to discuss the incident, allegations, and complaint.
2. Please complete the information listed on the next two pages to assist with the efficient processing of your complaint.
3. With the information you provide and your input, a decision will be made regarding the classification and handling of the complaint, and the complaint will be addressed appropriately.
4. Upon completion of an investigation into a complaint, you will be notified as to the outcome.



# Appendix C

## Racial Profiling Laws and Corresponding General Order

<b>Texas CCP Article</b>	<b>UNT POLICE DEPARTMENT GENERAL ORDER 301.07</b>
2.132(b)1	Section II Definitions
2.132(b)2	Section I Policy
2.132(b)3	Section III (I) Complaint Investigation Procedure
2.132(b)4	Section III (J) Public Education
2.132(b)5	Section III (I) Complaint Investigation Procedure
2.132(b)6	Section III (H) Reporting Requirements
2.132(b)7	Section III (C) Departmental Review and Report