



**NAVARRO COLLEGE**

**DEPARTMENT OF PUBLIC SAFETY**

**POLICE CONTACT DATA**

**ANNUAL RACIAL PROFILING REPORT**

**JANUARY 1, 2018 – DECEMBER 31, 2018**

**Navarro College Department of Public Safety**  
**Police Contact Data**  
**Annual Report**  
**January 1, 2018---December 31, 2018**

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**To:** Navarro College Board of Trustees  
**From:** Chief Kraig Hawkins  
**Subject:** Racial Profiling Report  
**Date:** January 2019

The Navarro College Department of Public Safety, in accordance with the Texas Racial Profiling Law (SB No.1074), Article 2.134 Code of Criminal Procedure, has been collecting police contact data to comply with the law. Throughout the past year, the police department has striven to ensure that the numbers reported, via officer activity reports, NCDPS offense reports and citations, were as accurate as possible.

Originally, the information reported in this report applied to what was referred to as Tier I information. The report did not include information that was being referred to as Tier II information. The applicable rules regarding Tier I and Tier II has change to some degree and they are now blended into what is known as a Full Report. The Navarro College Department of Public Safety has met all State requirements.

In this report, you will encounter several sections which are intended and designed to provide background information on the rationale and objectives of the Texas Racial Profiling Law in accordance with the Article 2.131 - 2.138 Texas Code of Criminal Procedure. Other sections contain information relevant to the policies adopted by the Navarro College Department of Public Safety prohibiting the practice of racial profiling among its officers, providing for a complaint system, and requiring the use of video or voice recordings on all traffic and pedestrian stops where available.

The department, in an effort to ensure that our personnel are not participating in racial profiling practices, implemented a consent search policy and a policy to randomly review audio and video from officer's daily activities and traffic stops.

The final components of this report provide statistical data relevant to the public contacts made during the period of January 1, 2018 through December 31, 2018. This information has been analyzed and compared to the demographic data collected from the Navarro College Human Resources Department and the Navarro College Vice President of Enrollment Management and Institutional Studies concerning the population of Navarro College. Other analysis compares searches and arrests to the total number of traffic stops conducted over the listed time period. The analysis of the data and recommendations for future areas of research are also included. It is my sincere hope that the channels of communication between the Board of Trustees and the Navarro College Department of Public Safety continue to strengthen as we move forward to meet the challenges of the near future.

**Assessment of the Data Analysis:** The Navarro College Department of Public Safety would appear to be enforcing the traffic laws of this State very closely along the lines represented by the various percentages of the population.

According to our analysis, during the listed time period, 41.9% (999) of our population was Caucasian and 52.4% (76 of 145) of our enforcement activity involved Caucasian. The analysis reveals that African comprised 27.6% (659) of our population and 44.1% (64 of 145) of our enforcement activity. Hispanics comprised 21.5% (512) of the population and 2.8% (4 of 145) of our enforcement activity. Asian comprised 0.7% (16) of our population and 0.7% (1 of 145) of our enforcement activity. American Indian comprised approximately 0.5% (11) of our population and 0% (0 of 145) of our enforcement activity. Individuals listed as "Other" comprised approximately 7.8% (188) of our population and 0% (0 of 145) of our enforcement activity. See Chart I & II and Graph I & II for details.

It would appear that the percentages of traffic stops involving African are somewhat elevated versus their relative population. However, our Residence Life population, while representing only 35.05% (836) of our total population of 2,385, was comprised of 57.9% African (484 out of 836). It should be noted that the Residence Life population are present at our facilities 24 hours a day. Also, 37 enforcement contacts (15 of whom were African) of the 145 individuals stopped were determined to be not part of the Navarro College population. See Charts I & II and Graphs I & II.

House Bill 3389 changed several portions of the Code of Criminal Procedures Article 2.131 – 2.138. The major change that is now in the law is that all agencies must report racial profiling data to TCOLE (formerly known as TCLEOSE) as well as their governing body. Also, this addition added a new category of data collection. Under each of the 38 stops made, was the race or ethnicity known prior to the stop?

There were a total of 145 traffic stops conducted that resulted in 10 citations being issued, 6 arrests made and 0 that were issued citations and arrested on the same stop. Of the 145 stops, the race or ethnicity was reported as known on 35 stops and unknown on 110 stops.

The Code of Criminal Procedures Article 2.133 (for the Full Report) now requires the person's gender. In our analysis of the collected data, of the 145 stops, the gender breakdown indicated 51 (35.17%) were females and 94 (64.83%) were males.

Please refer to Charts I, II & III along with Graphs I, II & III for further details and analysis. Also refer to the Full Report under Section III subsection d of this document.

## **Summary Statement**

The findings suggest that the enforcement activities conducted by the Navarro College Department of Public Safety are in compliance with current Racial Profiling Laws and officers are not conducting racial profiling practices.

## **Acknowledgements:**

This report is the product of a cooperative effort between several people. I wish to thank the following persons for their individual and combined efforts which made this report meaningful, complete, concise and correct:

Captain Heath Oakley, Navarro College DPS  
Navarro College Office of Human Resources  
Debbie Pickett, Enrollment Management and Institutional Studies Specialist

**Chart I**  
**2018 Activity**

**Demographics: Navarro College Faculty / Staff**

	<b>Number</b>	<b>Percentage</b>
<b>Hispanic</b>	<b>39</b>	<b>5%</b>
<b>African</b>	<b>101</b>	<b>14%</b>
<b>Caucasian</b>	<b>570</b>	<b>78%</b>
<b>American Indian</b>	<b>3</b>	<b>1%</b>
<b>Asian/Other</b>	<b>16</b>	<b>2%</b>
<b>Total</b>	<b>729</b>	<b>100%</b>

**Demographics: Registered Students (Corsicana)**

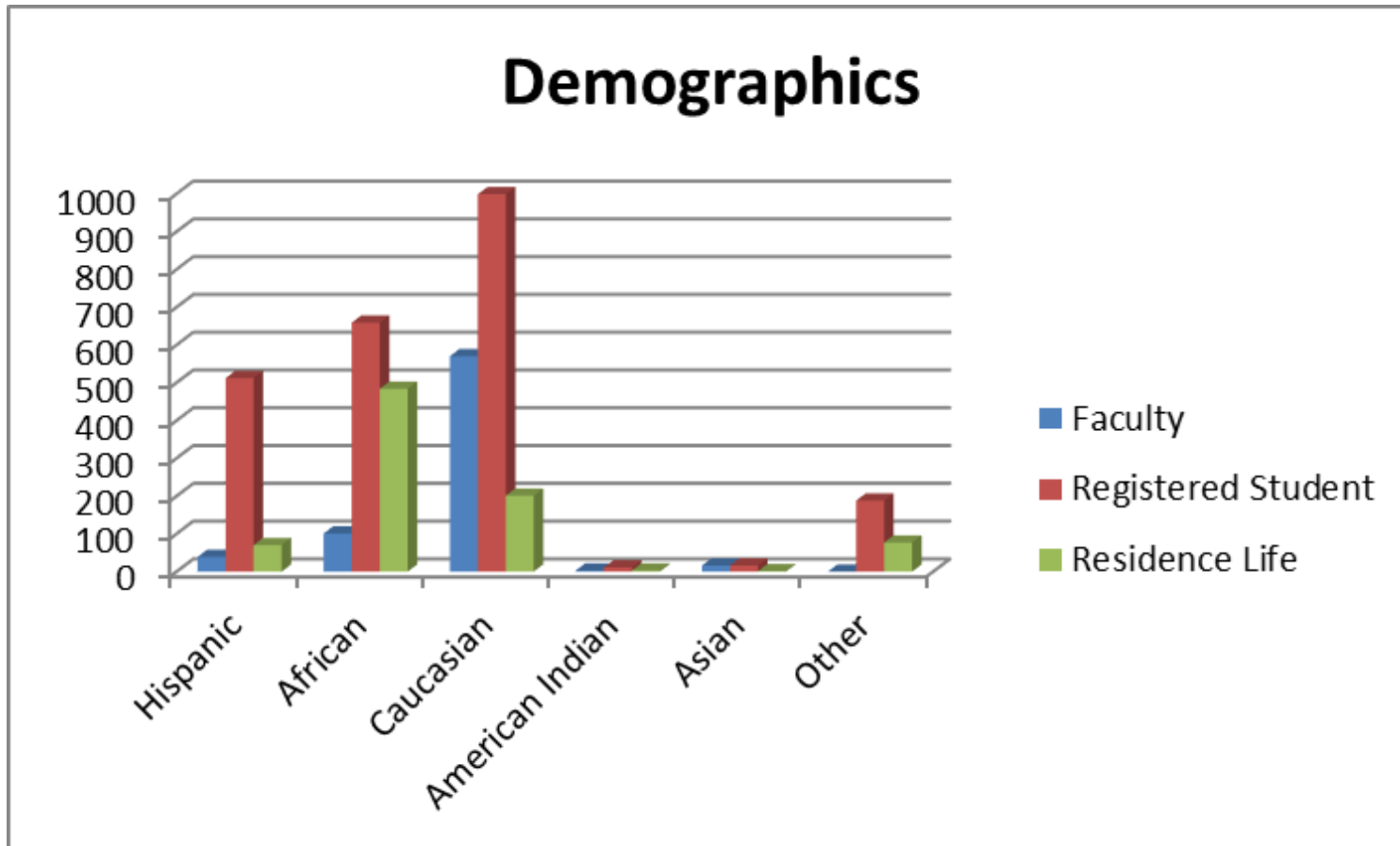
	<b>Number</b>	<b>Percentage</b>
<b>Hispanic</b>	<b>512</b>	<b>21.5%</b>
<b>African</b>	<b>659</b>	<b>27.6%</b>
<b>Caucasian</b>	<b>999</b>	<b>41.9%</b>
<b>American Indian</b>	<b>11</b>	<b>0.5%</b>
<b>Asian</b>	<b>16</b>	<b>0.7%</b>
<b>Undetermined / Other</b>	<b>188</b>	<b>7.8%</b>
<b>Total</b>	<b>2,385</b>	<b>100%</b>

**Demographics: Residence Life Students**

	<b>Number</b>	<b>Percentage</b>
<b>Hispanic</b>	<b>70</b>	<b>8.4%</b>
<b>African</b>	<b>484</b>	<b>57.9%</b>
<b>Caucasian</b>	<b>201</b>	<b>24%</b>
<b>American Indian</b>	<b>3</b>	<b>0.4%</b>
<b>Asian</b>	<b>1</b>	<b>0.1%</b>
<b>Undetermined / Other</b>	<b>77</b>	<b>9.2%</b>
<b>Total</b>	<b>836</b>	<b>100%</b>

\*\*Numbers obtained from Human Resources Dept. and Navarro College Vice President of Enrollment and Institutional Studies.

GRAPH I



## Racial Profiling 2018 - Data Collection

### Total Activity

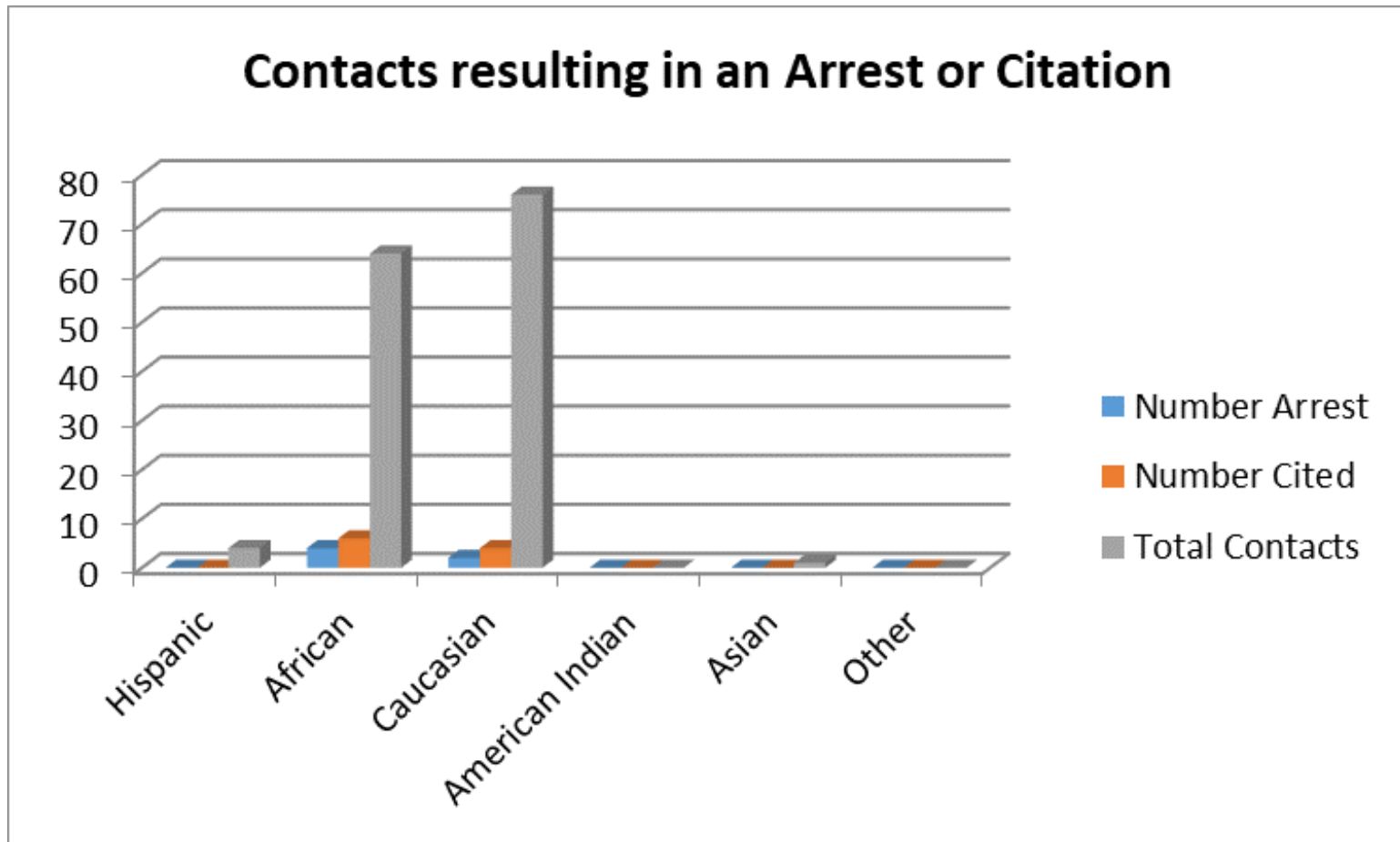
Chart II

Race/Ethnicity	Contacts		Searches		Consensual Searches		PC Searches		Custody Arrests	
	#	%	#	%	#	%	#	%	#	%
<b>Caucasian</b>	76	52.4	2	1.4	2	1.4	0	0	2	1.4
<b>African</b>	64	44.1	13	9.0	4	2.8	9	6.2	4	2.8
<b>Hispanic</b>	4	2.8	0	0	0	0	0	0	0	0
<b>Asian</b>	1	0.7	0	0	0	0	0	0	0	0
<b>Native Amer.</b>	0	0	0	0	0	0	0	0	0	0
<b>Other</b>	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	145	100								

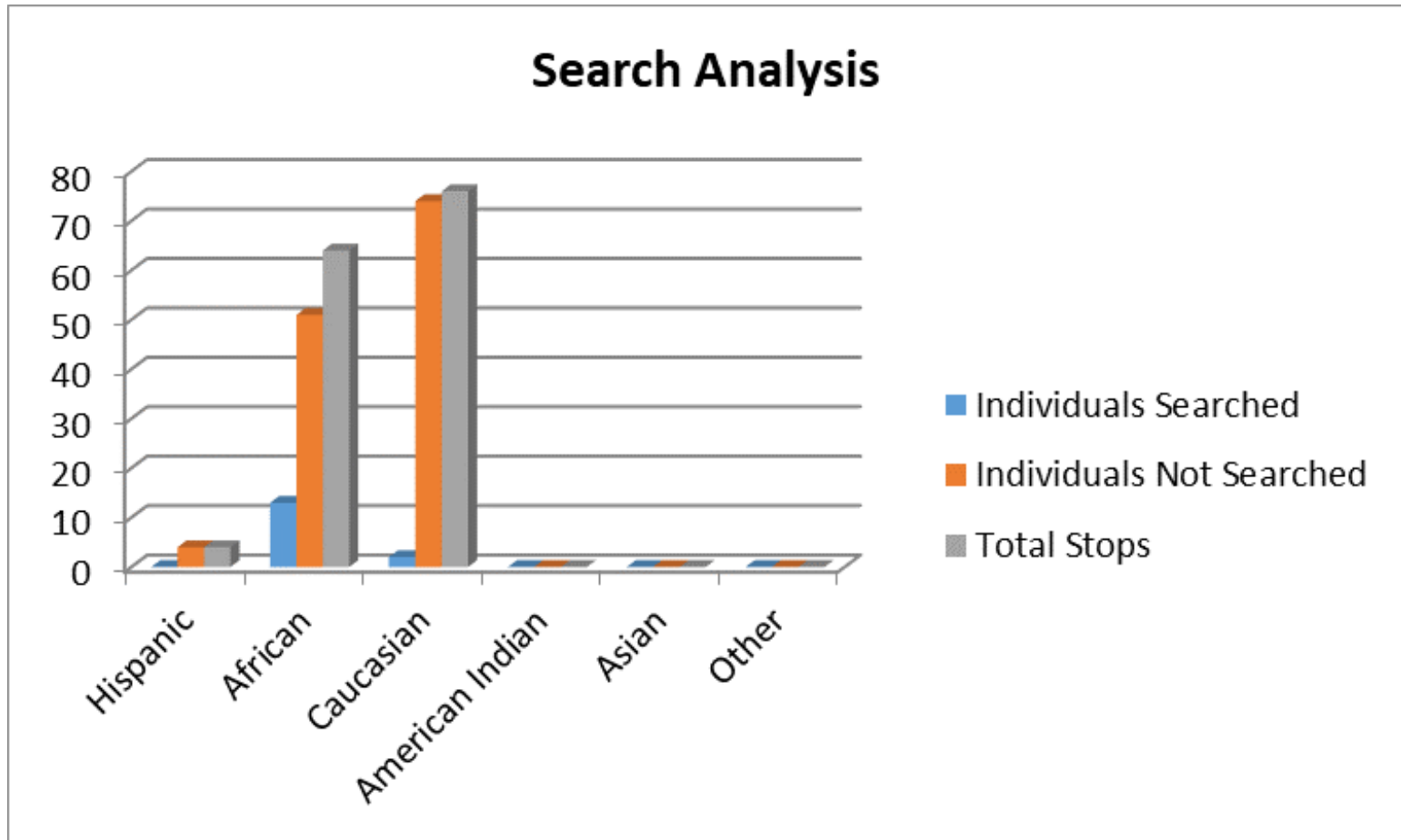
\*Race/Ethnicity is defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American.”



GRAPH II



GRAPH III



## Racial Profiling 2018 - Data Collection

### Activity for Navarro College Demographics Only

Chart III

Race/Ethnicity	Contacts		Searches		Consensual Searches		PC Searches		Custody Arrests	
	#	%	#	%	#	%	#	%	#	%
<b>Caucasian</b>	55	50.9	2	1.9	2	1.9	0	0	1	0.9
<b>African</b>	49	45.4	12	11.1	4	0.4	8	7.4	5	4.6
<b>Hispanic</b>	1	0.9	0	0	0	0	0	0	0	0
<b>Asian</b>	1	0.9	0	0	0	0	0	0	0	0
<b>Native Amer.</b>	0	0	0	0	0	0	0	0	0	0
<b>Other</b>	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	108	100								

\*Race/Ethnicity is defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American.”

## **II. Background Information**

### **Navarro College History**

In the spring of 1946, a group of local citizens met to form a steering committee for the purpose of establishing a junior college in Navarro County. In a general election held July 16, 1946, voters approved the creation of Navarro Junior College and authorized a county tax to help finance the institution. In that same election, voters chose a seven-member Board of Trustees to govern the College. The first students began classes in September, 1946. Most of the 238 members of that first student body were returning veterans from World War II taking advantage of assistance available under the newly enacted GI Bill.

The first campus of Navarro College was located at the site of the Air Activities of Texas, a World War II primary flight school located six miles south of Corsicana. In 1951, the campus was moved to its present location, a 47-acre tract west of downtown Corsicana on State Highway 31. The campus has expanded to 103 acres with 24 buildings (not counting residence halls). In 1954 Navarro College was accredited by the Southern Association of Colleges and Schools. The accreditation was reaffirmed in 1964, 1974, 1985, 1995, 2006, and 2015. In 1974, the College broadened its philosophy and purpose to encompass the comprehensive community based educational concept, adding occupational education programs and implementing new education concepts, including individualized and self-paced instruction and the use of audio tutorial instructional media. In keeping with the new educational role, the word "Junior" was dropped from the Institution's name, and the official name "Navarro College" was adopted by the Board of Trustees.

In an attempt to address the growing needs of its service area, which consists of Navarro, Ellis, Freestone, Limestone, and Freestone counties, the College began offering courses in various locations in those areas. In the early 1970s, Navarro College established two permanent centers - the Navarro College South at Mexia and the Ellis County Center at Waxahachie. In January 2006, Navarro College added a center in Midlothian.

### **Department of Public Safety**

The Navarro College Department of Public Safety (NCDPS) currently employs 13 full-time and 3 part-time law enforcement officers who provide patrol and protection of three of the four College Campuses, to include twenty-four-hour coverage at the Corsicana Campus. The Campus Police Officers are licensed peace officers as defined under the laws of the State of Texas and therefore have the authority as peace officers. They are vested with all the powers, privileges, and immunities of Texas Peace Officers within the

county, including all streets and roads, and all property in which the College owns, rents, leases or otherwise controls. The Department's authority is found within the Texas Code of Criminal Procedure and Chapter 51 of the Texas Education Code.

The Navarro College Department of Public Safety is dedicated to enhancing the opportunity for students, faculty, and staff to participate in the educational experience by providing a safe and orderly environment. For more visibility and officer approachability, the Navarro College Department of Public Safety implemented a Bicycle Unit. We are planning for implementation of additional community policing efforts in the near future. Our Department is committed to the prevention of crime and the protection of life and property.

The Navarro College Department of Public Safety is a community-oriented police agency; therefore, we endeavor to become involved in the College community, and we invite the College community to become involved with us.

### **NCDPS Mission Statement**

*The Navarro College Department of Public Safety exists to support the academic, research, service and other support units of Navarro College in the fulfillment of the Institution's mission. Our primary mission is the protection of life and property and to provide a safe learning, working, and living environment for students and employees.*

The Navarro College Department of Public Safety strives to provide law enforcement and security services that are necessary and essential to:

- Provide a safe learning, working and living environment for students, faculty, and staff;
- Protect the property of Navarro College;
- Protect Constitutional rights;
- Enforce Institutional regulations, local and state laws and investigate violations;
- Enforce all Federal, State, and local laws;
- Control traffic and investigate accidents;
- Maintain protective patrols to deter and detect crime;
- Establish effective crime prevention programs to educate the Institutional community; and
- Fulfill its mission with integrity, common sense, and sound judgment.

The Navarro College Department of Public Safety will strive to reduce the fears of the public and, as far as we can, reflect their priorities in the actions we take. Our Department will be a dynamic organization devoted to improvement, excellence, and maintaining community satisfaction with our delivery of services. We must be courteous, patient, and compassionate, acting without fear, favor, or prejudice to the

rights of others. We believe in the dignity and worth of all people. We are committed to providing high-quality community-oriented services with sensitivity, problem solving, teamwork, and openness. We strive for a healthful workplace, and are proud of the diversity of our work force, which permits us to grow, and respects each of us as individuals.

### **III. Responding to the Texas Racial Profiling Law**

#### **Informing the Public on the Process of Filing a Complaint with the Navarro College Department of Public Safety**

##### **Racial Profiling Policy**

###### **SECTION 200.08 – RACIAL PROFILING**

###### **A. Purpose**

The purpose of this Policy is to reaffirm the Navarro College Department of Public Safety's commitment to unbiased policing in all its encounters between officers 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 protect our officers from unwarranted accusations of misconduct when they act within the dictates of Departmental policy and the law.

###### **B. Agency Philosophy**

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 local, 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.

###### **C. 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.

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

## **D. Conclusion**

Officer of the Navarro College Department of Public Safety may not use race or ethnicity as factors in selecting whom to stop and search, while police may use race in conjunction with other known factors of a suspect in making a determination to detain and/or arrest.

## **SECTION 200.09 – PERSONNEL COMPLAINTS AND DISCIPLINE**

### **A. Purpose**

It is the purpose of this Section to set forth policy governing the conduct of every employee and set forth procedures for personnel complaints and discipline.

### **B. Duty and Responsibility**

1. It is the responsibility of each member of the Department to perform the duties and assume the responsibilities of his/her position and rank in the investigation of complaints or allegations of misconduct regarding members of the Department, and to cooperate fully with any member of the Department conducting such investigation. Supervisory and command personnel shall initiate investigations where warranted, and shall report through the chain-of-command to the Chief of Police.
2. Each alleged or suspected violation by a member of the Department shall be reported to a superior officer by any Department member who receives information of such alleged action.
3. Complaints relative to differences of opinion between a police officer and a citizen over the issuance of a traffic citation will not be resolved through the complaint process, unless there is an allegation of a violation of law or departmental directives on the part of the officer. In such instances, any internal investigation shall be restricted to specific allegations of misconduct. Differences of opinion between a police officer and a civilian regarding the citizen's alleged violation of the law shall be resolved through the judicial process.

### **C. Requirement for Making Complaints**

Personnel complaints will be handled in accordance with current Navarro College policies and procedures. Department requirements include the following:

1. Complaints must be made in writing and signed by the person aggrieved. An affidavit form is preferred; however, it is not required.
2. A signed letter of complaint will be sufficient after verifying that it is not a fictitious letter signed with a fictitious name.

3. A signed letter from a supervisor or other employee, who is aware of the facts, may fulfill the requirements of an internally originated complaint.
4. Internal Affairs, which will be comprised of the Chief of Police, his/her designees, or an outside entity (i.e. Texas Ranger, etc.), will conduct an investigation at the request of any member of the Department who justifiably feels threatened by a false accusation or contrived situation involving false evidence. Such persons are authorized to report this situation directly to the Chief of Police.

#### **D. Time Limit on Accepting Complaints**

Personnel complaints will not be accepted more than thirty (30) days after the alleged incident, with the following exceptions:

1. When the complaint involves a criminal violation.
2. When the complainant can show good cause for not making the complaint within the specified time limit.
3. On direction of the Chief of Police based on findings of a preliminary investigation.

#### **E. Racial Profiling Complaints – Policy**

1. It is the policy of the Navarro College Department of Public Safety to treat citizens, students, and employees with dignity, courtesy, compassion, fairness, and impartiality. Toward this end, racial profiling is strictly prohibited in all areas including but not limited to, traffic contacts, field contacts, searches, and investigative detentions.
2. Officers shall not use national origin, citizenship, religion, ethnicity, gender, or physical or mental disability except to determine whether a person matches a specific description of a specific suspect.
3. Any person may file a complaint with any supervisor or the Chief of Police if they feel they have been stopped and/or searched based on racial profiling.

#### **F. Employees' Responsibilities**

1. Each member participating in a complaint investigation or having knowledge of the reported incident will submit a letter (addressed to the Chief of Police) to the investigator assigned to the case at such time as directed by the investigator. The report will include all information known or reported to him/her relating to the incident.
2. Supervisors:
  - a. Supervisory and command personnel will initiate investigations when they become aware of infractions by any member of the Department. They will not look to higher authority for initiation of this action. Officers and non-sworn employees will report infractions to their supervisor.



- b. Any alleged or suspected violations will be recorded on a Navarro College Department of Public Safety Personnel Complaint Form. The completed form shall be sent through the chain-of-command to the Chief of Police.
- c. If the Commander or other Departmental supervisor resolves the complaint consistent with Department Policy, he/she shall note such resolutions on the complaint form.
- d. When the investigation of an accident involving a Departmental vehicle reveals misconduct or a violation of Departmental rules, these violations will be investigated in accordance with this Order.
- e. The supervisor who first becomes aware of an employee's involvement in an alleged or suspected criminal violation or serious violation of Departmental regulations will inform his/her on-duty Commander as soon as possible. The on-duty Commander will determine whether or not to relieve the accused from duty.
- f. Members of the Department will notify their supervisor, Commander, or the Chief of Police when they are a subject of any criminal investigation by any outside agency, or they are arrested for any offense.

#### **G. Externally Originated Complaints**

1. Citizens who telephone or appear in person to make a complaint against a member of the Department will be referred to the Commander of the employee involved. When the commander is not available, citizens will be referred to any supervisor. It is every employee's responsibility to provide assistance to those who express the desire to lodge a complaint against any employee of this Agency.
2. The Commander or Supervisor will:
  - a. Interview the complainant in person or by telephone, obtaining all pertinent information so the complaint may be reduced to writing on the Navarro College Department of Public Safety Personnel Complaint Form.
  - b. Advise the complainant that, in order for action to be taken against a member of the Department, the complaint must be made in writing and signed by the complainant. If the complainant desires to sign the complaint, the supervisor will advise him/her to appear in person so the supervisor can obtain an affidavit.
3. If the supervisor deems any complaint serious enough to require immediate attention, he/she will notify the Chief of Police in person.
4. The Chief of Police will examine the content of the complaint to determine if it meets the requirement of a complaint, i.e., alleges a violation of the law or the regulations of this Department. The Chief of Police will also determine if a formal or summary investigation is to be made.
5. The complaint will then be transmitted to Internal Affairs. A control log shall be maintained and Internal Affairs will assign a control number or summary number to each complaint. The Human Resources Division will also be notified.

## **H. Sexual Harassment Complaints**

Employees should refer to the Navarro College District Policies and Procedures – Discrimination and Harassment Section – for the procedures in reporting and investigating sexual harassment.

### **I. Preliminary investigations**

To ensure the integrity of the Department and maintain the confidence of the citizenry, it is sometimes necessary to conduct investigations into allegations of misconduct or mishandling of police incidents, even though the allegations do not meet the requirements for making formal complaints. These investigations will be considered preliminary and will not reflect on the personnel record of any member involved unless the Chief of Police or his/her designee identifies a violation, in which case a formal complaint will be authorized.

1. An investigation may be conducted into allegations from a third party at the discretion of the Chief of Police. Such allegations must be in writing and signed by a person with first-hand knowledge of the incident and must be brought within the time limit for accepting formal complaints.
2. An investigation may be conducted into anonymous complaints but only at the specific direction of the Chief of Police.
3. An investigation will be conducted into all allegations of criminal misconduct regardless of the source.
4. The accused employee will respond to the complaint by submitting a special report, if directed to do so, including in it any information pertinent to the alleged incident. The accused employee's supervisor will ensure that all allegations and pertinent questions are answered.
5. The special report will be routed through the accused employee's supervisor to the assigned investigator. The supervisor will ensure the accused employee's report is returned to the investigator within the time period specified.
6. If the report has a discrepancy, is incomplete or inadequate, the accused employee may be required to prepare a supplement to the original report, or to report to the Chief of Police, his/her designees, or Internal Affairs for an interview.
7. Upon completion of the investigation, the investigator will submit a summary report to the Chief of Police. All pertinent items of information (special reports, affidavits, etc.) will accompany this report as attachments.

### **J. Formal Investigations of Complaints**

1. Upon receipt of a complaint, the Chief of Police will designate a representative to investigate the allegation, or to discuss the complaint with the affected employee.

2. An employee may be placed on administrative leave pending the outcome of an investigation. A Captain may place an employee on administrative leave for one shift or less. The Chief of Police must approve longer periods.
3. Should the Chief of Police determine the allegation is of such a nature to warrant investigation, he/she may forward it to the assigned Internal Affairs Investigator, or to such other investigator as may be designated.
  - a. The Investigator shall be responsible for ensuring a complete and expeditious investigation of the allegation(s). Each complaint shall be investigated to its logical conclusion, using all reasonable methods.
  - b. The Investigator shall, if possible, interview the complainant, any civilian witnesses involved, reduce their statements to writing, and accumulate all documentary and physical evidence connected with the case. The Investigator shall prepare a summary of the allegations and shall provide the officer a copy of this summary prior to interview, or requiring the officer to submit an explanatory report regarding the complaint.
  - c. Each member of the Department who is involved in or who has knowledge relating to the incident under investigation shall, if requested, submit to an interview, and if requested shall submit an individual report to the Investigator. The report shall be accurate and complete.
  - d. Complainants who allege excessive force shall be asked to sign a form authorizing release of their relevant medical records to the Investigator and a release permitting all doctors and other medical personnel to answer all questions of the Investigator.
  - e. After a factual statement of the complaint has been obtained, the alleged improper acts shall be identified and the complaint so designated in the file.
  - f. If the complaint is against a Departmental policy rather than an officer's violation of rules, the file shall so indicate.
  - g. If a complainant, witness, or person allegedly injured or improperly treated refuses to give a statement or cooperate in the investigation, the investigation shall proceed without such cooperation and all other information reasonably available will be obtained.
  - h. Failure of a complainant or witness to cooperate will be noted in the file and confirmed by letters to the complainant.
  - i. Complainants and witnesses will be encouraged to come to Internal Affairs to give statements, but if the complainant or witness is unable or unwilling to cooperate, the investigator will offer to meet them at another location to obtain statements.
  - j. Each complainant or witness shall be encouraged to thoroughly review his or her written statement and make any desired changes, deletions, or additions prior to signing.
  - k. The date, time, and length of each contact with any complainant, witness, or officer will be noted in the file.

- l. Any officer interviewed as a witness is ordered to answer all questions directed to him related to the matter under investigation. All questions shall be answered fully and honestly.
        - m. The Investigator shall maintain a courteous, patient, and professional attitude toward all complainants, witnesses and officers; shall strive to be fair and impartial; and to convey the Department policy that all complaints be fairly heard and considered.
        - n. Unless special circumstances prevent it, all investigations must be completed and submitted to the Chief of Police within 10 days following the receipt of such complaint unless additional time is granted by the Chief of Police. The Chief of Police shall receive regular updates as to the status of the investigation. If extenuating circumstances require the time limit to be extended, a written request must be submitted to the Chief of Police stating the reason for the delay and the need for an extension. If the investigation extends longer than 10 days, any citizen complainant and any accused officer will be notified in writing.
        - o. Disciplinary action, if any, will be imposed within 10 days following the completion of the complaint investigation unless additional time is granted by the Chief of Police.
        - p. Where an allegation involves the use of alcohol or drugs, the employee may be required to submit to a chemical test or tests.
        - q. An employee may be required to submit to a polygraph examination or other recognized form of examination or interview relevant to the investigation.
        - r. Should it be determined at any point in the investigation the complaint is clearly unfounded, the investigation will be terminated and the facts reported to the Chief of Police.
4. The Investigator assigned to the complaint will submit the completed file to the Chief of Police. The Investigator will assign one of the following classifications to the complaint:
  - a. Unfounded - Allegation is false or not factual.
  - b. Exonerated - Incident complained of did occur but was lawful and proper.
  - c. Not Sustained - Insufficient evidence either to prove or disprove the allegation.
  - d. Sustained - Allegation is supported by sufficient evidence. Sustained complaints will be based on a finding of fact based on the totality of the circumstance.
5. If a legal issue is involved, legal counsel, who is on retainer or otherwise employed by Navarro College, may be called upon to review the completed investigation, as determined by the Navarro College District President or his/her designee.
6. Upon conclusion of the investigation, if the allegation or incident is classified as unfounded, exonerated, or not sustained, Internal Affairs will notify the accused in writing through his/her chain-of-command.

7. If the allegation is sustained, recommendations will be sought and discipline imposed as described elsewhere in this Order.

#### **K. Summary Investigations**

1. Should the Chief of Police determine the complaint could best be resolved at the Division level, s/he may assign the complaint as a summary investigation. Summary investigations may be assigned to the employee's Division Commander or any other investigator as designed by the Chief of Police.
2. The following procedure will apply to Summary Investigations:
  - a. On receipt of a signed, written complaint, Internal Affairs will assign a summary investigation number (not a control number required for formal investigations) and forward the complaint to the accused employee's investigator.
  - b. The assigned investigator will conduct an investigation of the incident by contacting and interviewing all available witnesses and participants, both Department employees and citizens, and examining any other evidence. It will be the Investigator's decision, subject to review by his/her chain-of-command, whether or not to require written responses from employees.
  - c. After completion of the investigation and final disposition by the Chief of Police, the Investigator will inform the complainant of the findings and final disposition. The completed investigation will contain:
    - 1) Specific documentation of each step in the investigation to include in particular the employee's denials or admissions and other material statements made by the employee or others;
    - 2) Any other evidence gathered, to include copies of all related reports, etc.;
    - 3) The Investigator's conclusions and recommendations;
    - 4) Documentation of final contact with the complainant and explanation of the outcome; and
    - 5) Required paperwork for any discipline administered.
  - d. If, at any time, more serious allegations are encountered, the Investigator assigned will immediately request a formal investigation.
  - e. Investigators shall submit a factual and objective investigation.

## **General Procedures Policy - Racial Profiling**

### **Preface**

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 by this Agency.

### **Prohibition**

Officers of the Navarro College Department of Public Safety are strictly prohibited from engaging in racial profiling as defined by this S.O.P and Texas State Law.

### **Scope**

Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior.

### **Exclusions**

The prohibition of racial profiling does not preclude the use of race, ethnicity or national origin when used as part of an actual description of a specific suspect for whom an officer is searching.

Nothing in this procedure shall preclude officers from offering assistance to a person who is not the subject of an investigation of suspected criminal activity.

### **Definitions**

- A. Racial Profiling: A law enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- B. Race or Ethnicity: Of a particular decent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.
- C. Traffic Stop: The action of a peace officer who stops a motor vehicle for an alleged violation of a law or ordinance.

### **Procedures**

- A. Complaint investigation
  - 1. Complaints involving the allegation of racial profiling will be handled in accordance with Code of Conduct Section 200.09.

2. Sustained complaints involving racial profiling will result in disciplinary action as set forth in Code of Conduct Section 200.09.
3. Additional requirements set forth in Senate Bill 1074 that are not covered by Code of Conduct Section 200.09 are as follows:
  - a. On the commencement of an investigation by a law enforcement agency of a complaint alleging racial profiling 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.
  - b. Furthermore, if a complaint is filed with the Department alleging racial profiling with respect to a traffic or pedestrian stop, the Department shall retain the video/audio recording of the stop until final disposition of the complaint.

### **Public Education**

Information on who to contact regarding complaints on NCDPS employees may be posted on the Navarro College website. Additionally, official complaint forms on how to make a complaint or give a compliment shall be made available to the public upon request.

### **Traffic Stops**

All individuals with whom employees of this Agency come into contact, regardless of the circumstance by which such contact is initiated, will be treated fairly and with respect regardless of their race/ethnicity.

No officer will initiate a traffic stop based solely on the factor of race and or ethnicity. Such detentions are unlawful and unconstitutional and will not be tolerated by this Agency.

Officers will make video and audio recordings of all traffic stops as well as on other occasions as required by Department policy.

If an officer is assigned to a vehicle that is equipped with audio/video equipment that is inoperable, the condition will be reported to the shift supervisor immediately.

### **Data Collection**

It is the responsibility of each officer who operates a police vehicle regularly used by this Department to make traffic stops and pedestrian stops and is equipped with audio and video equipment to collect and record the following information relating to traffic stops in which a citation is issued and or an arrest is made. The following information shall be

recorded on all Justice Court citations and warnings, and all NCDPS warnings in conjunction the current onboard audio/video recording systems located in Department police vehicles as well as pocket audio recorders and/or audio/video recording devices.

- A. The violator's gender.
- B. The violator's race and ethnicity. Entries of "Unknown" should be avoided. If an officer meets with resistance from the reporting party regarding their race, ethnicity or national origin, the officer should not become embroiled in an argument, but make an educated guess based upon the observations of the officer.
- C. Was the violator's race known prior to the initiation of the traffic stop?
- D. Reason for the stop?
- E. Street address or approximate location of the stop.
- F. Was a search conducted?
- G. Reason for the search? / Was the search consensual?
- H. Was contraband discovered? / Description of contraband?
- I. Result of the stop? / Was an arrest made?
- J. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual?
- K. Was physical force resulting in bodily injury used during the stop?

The requirements for race will be reported using the following:

- A= Asian
- B= Black
- W= White
- I= American Indian / Native American
- M= Middle Eastern

The requirements for ethnicity will be reported using the following:

- H= Hispanic
- N= Non-Hispanic

Pedestrian stops should be cleared according to current patrol guidelines and have no specific reporting requirement other than being audio/video recorded.

Parking Citations shall not fall under the reporting requirements of this Section. Parking violations are inherently issued to vehicles and not persons. Therefore, the propensity for racial profiling is all but diminished. This does not mean that an officer cannot issue a citation to an individual who claims ownership of a vehicle as the officer is in process of issuing that vehicle a parking-related citation.

### **Supervisory Responsibility**



It shall be the responsibility of each supervisor who manages officers who are assigned to police vehicles and/or bicycles regularly used to make traffic and pedestrian stops to insure that those officers are adhering to the reporting requirements of this S.O.P. Additionally, supervisors are responsible for the following:

- A. Officers will be assigned to vehicles with operational video/audio equipment before utilizing vehicles that the equipment has been removed from or has malfunctioned to the point of rendering the equipment inoperable.
- B. Officers assigned to the Bicycle Patrol Unit are equipped with properly functioning Body Worn Cameras (BWCs).
- C. Supervisors will maintain a log of audio/video equipment that is out of service due to maintenance issues, indicating the dates the equipment is not available in the unit it is assigned to.
- D. Supervisors will view at a minimum one traffic and or pedestrian stop of five different officers per month per patrol shift. A form listing which officer's stops have been viewed will be forwarded to the appropriate person responsible for analysis of racial profiling data. Should concerns emerge from these viewings regarding the possibility of racial profiling, the person in charge of analysis should be notified and additional tapes will be reviewed to determine if a pattern presents itself. If a pattern is established, the Chief of Police will be notified and all appropriate documentation preserved. Any obvious act of racial profiling will be handled by the supervisor who becomes aware of said act by following the guidelines set forth in Code of Conduct Section 200.09 and this S.O.P.
- E. The Navarro College Department of Public Safety will retain the audio/video footage of each traffic and pedestrian stop recorded for 180 days after the date of the stop in accordance with Department policy. This is inclusive of onboard audio/video equipment in patrol vehicles as well as officers' individual Body Worn Cameras (BWCs).

### **Analysis of Data**

The person designated by the Chief of Police to analyze data regarding racial profiling will submit monthly reports to the Chief of Police containing the information listed below. Additionally, this person shall view a recording of each officer at least once every 90 days. Documentation of these viewings will be maintained. Any specific concern or pattern regarding racial profiling that emerges from analysis of video/audio recordings or collected data shall be immediately reported to the Chief of Police.

The person designated by the Chief of Police to analyze data concerning racial profiling will no later than February 1st of each year submit a report to the Chief of Police containing the following information. The Chief of Police will make a report to the Navarro College Board of Trustees as well as to the Texas Commission on Law Enforcement (TCOLE) no later than March 1st of each year. The data contained in the report will be data collected from the previous calendar year.

- A. A breakdown of citations by race/ethnicity.
- B. Number of citations that resulted in a search.
- C. Number of searches that were consensual.
- D. Number of citations that resulted in custodial arrest.
- E. Number of incidents, if any, where physical force resulting in bodily injury occurred.
- F. Any other combination of data deemed necessary by the Chief of Police.

**Instructions for filing a Complaint or Compliment**

After reading the aforementioned information in this document, contact (by phone or in person) Chief Kraig Hawkins or Captain Heath Oakley to discuss the incident, allegations, and complaint or compliment at (903) 875-7500. With the information you provide, a decision will be made regarding the classification of the complaint (anonymous, informal, or formal), and the complaint will be addressed appropriately.

Upon completion of an investigation into a formal or informal complaint, you will be notified as to the outcome.

**Data on Corrective Action**

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

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

Number of Complaints	Alleged Violations	Disposition of the Case
0	0	N/A

# Racial Profiling Report | Full Report

**Agency Name:** Navarro College Department of Public Safety

**Reporting Date:** 01/11/2019

**Chief Administrator:** Kraig Hawkins

**Agency Contact Information:**

**Phone:** 903-875-7501

**Email:** kraig.hawkins@navarrocollege.edu

**Mailing Address:** 3200 W. 7th Ave., Corsicana Texas 75110

This Agency filed a full report -

Navarro College Department of Public Safety 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 Navarro College Department of Public Safety from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the Navarro College Department of Public Safety if the individual believes that a peace officer employed by the Navarro College Department of Public Safety 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 Navarro College Department of Public Safety who, after an investigation, is shown to have engaged in racial profiling in violation of the Navarro College Department of Public Safety'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; 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.

## **Navarro College Department of Public Safety Motor Vehicle Racial Profiling Information**

Total stops: 145

### **Gender**

Female: 51

Male: 94

### **Race or ethnicity**

Black: 64

Asian/Pacific Islander: 1

White: 76

Hispanic/Latino: 4

Alaska Native/American Indian: 0

### **Was race or ethnicity known prior to stop?**

Yes: 35

No: 110

### **Reason for stop?**

Violation of law: 1

Preexisting knowledge: 0

Moving traffic violation: 63

Vehicle traffic violation: 81

### **Street address or approximate location of the stop**

City street: 140

US highway: 0

State highway: 5

County road: 0

Private property or other: 0

### **Was a search conducted?**

Yes: 15

No: 130

**Reason for Search?**

Consent: 6  
Contraband: 1  
Probable cause: 8  
Inventory: 0  
Incident to arrest: 0

**Was Contraband discovered?**

Yes: 6  
No: 9

**Description of contraband**

Drugs: 6  
Currency: 0  
Weapons: 0  
Alcohol: 0  
Stolen property: 0  
Other: 0

**Result of the stop**

Verbal warning: 0  
Written warning: 129  
Citation: 10  
Written warning and arrest: 6  
Citation and arrest: 0  
Arrest: 0

**Arrest Total**

Total: 6

**Arrest based on**

Violation of Penal Code: 4  
Violation of Traffic Law: 0  
Violation of City Ordinance: 0  
Outstanding Warrant: 2

**Was physical force resulting in bodily injury used during stop**

Yes: 0  
No: 145