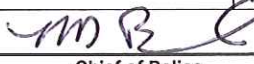
	CLEVELAND POLICE DEPARTMENT	
	Policy 12.1 Racial Profiling Policy and Complaint Procedures	
	Effective Date: 3/1/11	Replaces: Any Current Racial Profiling Policy
	Approved:  Chief of Police	
	Reference:	

Definitions

Racial profiling—A law enforcement- initiated action based on an individual’s race, ethnicity, national origin rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity.

Biased-based policing—Conduct by law enforcement officers motivated by an individual’s race, gender, national origin, ethnicity, age or socio-economic level.

Discrimination—Unfair treatment or denial of normal privileges to persons because of their race, age, nationality, religion, sex, or sexual preference that is not deemed illegal. A failure to treat all persons equally where no reasonable distinction can be found between those favored and those not favored. Baker v. California Land Title Co., D.C.Cal., 349 F.Supp. 235, 238, 239. Behavior prohibited by Title VII of the 1964 Civil Rights Act.

Traffic Stop—A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

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

Profiling and/or Targeting—The grouping of persons into a certain category and/or the target of persons in certain categories for law enforcement purposes, based upon their race/ethnicity, age, sex, sexual preference that is not deemed illegal, nationality, or religion.

I. POLICY

It is the policy of this department to police in a proactive manner and to assertively enforce violations of law. Officers shall actively enforce state and federal laws in a responsible and professional manner without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights defined by both the United States and Texas constitutions are the right of all persons to be treated equally and to be free from unreasonable searches and seizures. Racial profiling is an unacceptable patrol tactic and will not be tolerated.

This policy shall not preclude officers from offering assistance, such as 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.

The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as a factor in detention decisions by a police officer. Race, ethnicity or national origin may be legitimate factors in such a detention when used in part as a description of criminal suspect or witness for whom a police officer is searching. Officers will not discriminate against any person based upon race, creed, color, age, gender, religion, national origin, physical impairment or sexual orientation, in the performance of their official law enforcement duties.

1. Police practices, such as racial profiling, are unlawful. Officers practicing racial profiling are guilty of discrimination by race, which is a violation of state/federal laws.
2. Acts constituting racial profiling may include: a police officer in pre-textual traffic stop of minorities, with the intent of searching the driver and occupants for contraband, such as drugs; or stopping a black male who is observed in a predominantly white neighborhood or vice versa.
3. Officers should focus their enforcement or investigative efforts upon criminal behavior or conduct, not one's race or gender. However, it is not illegal to use race as descriptive information, such as a robbery suspect description. Example: black male, Hispanic male, Asian male, 5-00, middle age, etc...

II. Complaint Process:

1. Any person who believes that a police officer employed by the City of Cleveland has engaged in bias or racial profiling may file a written complaint with the Chief of Police or his/her designee. No person shall be discouraged, intimidated or coerced from filing such a complaint or discriminated against because they filed such a complaint.
2. The Cleveland Police Department shall accept and investigate citizen complaints alleging bias-based or racial profiling by its police officers in the same consistence manner as other citizens complaints of police misconduct. Such complaints shall be in writing, including the identity or description of the officer, dates, times, place and entails of the alleged incident of racial profiling.
3. Any police officer or city official who receives a citizen complaint alleging racial, profiling shall direct the complaint to the Chief of Police who retains the right to assign the complaint to an investigator, within or outside the police department.
4. The accused officer will be given the opportunity to respond, in writing, to the citizen's allegations. Depending upon the circumstances and facts, the investigations may be either administrative, criminal or both.

5. During the investigation of the complaint the investigator shall seek to determine if the accused officer has engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable credible explanation based on established police and law enforcement procedures. The investigation shall contain findings supported sustained, unfounded, or exonerated. Any recommendations for disciplinary action or changes in policy, training, or patrol tactics should be included.

6. If a complaint involves an audio/visual recording, the Chief of Police shall, upon commencement of the investigation and written request of the officer, provide a copy of the recording to the accused officer.

7. The Chief of Police will acknowledge in writing receipt of the complaint. Upon conclusion of the investigation, the Chief of Police shall notify the complainant of the final results. If a racial profiling is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, as directed by the Chief of Police. **The Chief of Police will make the final determination of disposition of all complaints.**

III. PURPOSE

The purpose of the policy is to reaffirm the Cleveland Police Department's commitment to unbiased policing in all its encounters between officer and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of service 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 law.

IV. Public Education:

1. The Cleveland Police Department shall educate the citizens of Cleveland in regards to public concerns about racial profiling by police officers, as well as the agency's policy and complaint process. This may include but not limited to annual police reports, news media, radio, civic presentations, citizens police academies, the internet as well as city council meetings.

2. A summary of the public education efforts made during the preceding year shall be included with the annual police report filed with the Cleveland City Council.

V. Corrective Actions:

1. The Cleveland Police Department does not condone the practice of bias-based profiling, such as racial profiling. Any peace officer who is found after investigation, to have engaged in racial profiling in violation of this policy shall be subject to corrective action as determined by the Chief of Police.

2. Depending upon the facts and circumstances, corrective actions may include cultural diversity and, racial sensitivity training, employee counseling, disciplinary action, and/or dismissal.

VI. Data Collection & Reporting:

1. State Law requires the collection of information relating to traffic stops, resulting in a citation or arrest, including the violator's race and ethnicity, whether a search was conducted, and if so, was the search consensual.
2. While this information may be gathered in various ways, including mobile data terminals, hand held devices, reports, citations, or arrest reports.

VII. Use of Video and Audio Equipment

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

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

Supervisors will ensure officers of this department are recording their traffic and pedestrian stops. Three video recordings of each officer will be reviewed by a supervisor at least once every month and a "video log report form" maintained of those reviews.

VIII. Annual Administrative Review/Report:

Annually, this administration shall review agency practices relating to traffic stops. One purpose of this administration review is to identify any violations related to this directive, state, or federal laws including training deficiencies.

1. As part of the Annual Police Report, the Chief of Police shall report to the City Council a statistical summary of traffic stops, citations, arrest, and /or searches.
2. The information collected shall be compiled in the annual report covering the period of January through December 31st of each year, and shall be submitted to the Cleveland City Council no later than March 1st of the following year or the first regular Council Meeting in the month of March.

3. The report will contain required information, including:

Number of citation by race or ethnicity;
Number of citations resulting in searches;
Number of consensual searches; and
Number of citations resulting in custodial arrest.

4. The annual report shall **not** include identifying information about any individual stopped or arrested, and shall not include identifying information about any police officer involved in a traffic stop or arrest.