

Filing a Complaint for

RACIAL PROFILING

The following information has been disseminated to the public as part of an educational campaign aimed at informing community members of the complaint process relevant to violations of the Texas Racial Profiling Law. Once an individual has filed a complaint regarding racial profiling, he/she should expect an unbiased investigation into all the facts of the allegations.

Lancaster Police Department Racial Profiling Policy

Purpose:

The purpose of this policy is to reaffirm the Lancaster Police Department's commitment to unbiased policing in all of 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 to protect our officers from unwarranted accusations of misconduct when they act within the dictate of departmental policy and the law.

Policy:

It is the policy of this Department to police in a proactive manner and to aggressively investigate suspected violations of law. Officers shall actively enforce local, state and federal laws in a responsible and professional manner without regard to race, gender, 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. The Department will honor the right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be condoned.

This policy shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, 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 action and/or information received about the person.

Definitions:

Racial Profiling- is defined as 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. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

Traffic Stop- is defined as a vehicle stop whereas a peace officer stops a motor vehicle for an alleged violation of law or ordinance regulating traffic.

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

Detaining an individual and conducting an inquiry into that persons activity simply because of that individuals race ethnicity or national origin is racial profiling. Examples of racial profiling include but are not limited to the following:

- a. **Citing a driver because of the cited driver's race, ethnicity, or national origin, or**
- b. **Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.**
- c. **Detaining an individual based upon the determination that a person of that race, ethnicity, or national origin does not belong in a specific part of town or a specific place.**



Lancaster Police Department

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the Process

the Interview:

A police supervisor or an investigator from the department's Professional Standards Division will interview the individual filing the complaint. The officer will ask the alleged victim questions about what happened. It is possible that the officer may be able to explain the officer(s) actions to your satisfaction.

Usually, the alleged victim will be interviewed at the Police Department's Main Building. It is possible that he/she may be videotaped during the interview. The individual filing the complaint may bring a lawyer, family member or friend to the interview.

the Findings:

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

Sustained – The allegation is supported by sufficient evidence to justify a reasonable conclusion that the alleged misconduct occurred.

Unfounded – It is found that the reported misconduct did not occur or did not occur as alleged.

Exonerated – The incident occurred, but was lawful and proper.

Not Sustained – A determination that the facts presented are insufficient to clearly prove or disprove the allegations. The inquiry into this allegation is inactivated pending development pending development of further information.

The Chief of Police will inform the alleged victim through an official letter of the final decision.

the Review Process:

The investigation, findings, and recommendations will then be sent to the Chief of Police for review to ensure accuracy and fairness.

the Complaint Process:

You may call, write a letter, or come to the police department and talk to one of the police department supervisors. If, after discussing your complaint with a supervisor, you wish to have a formal investigation, you will need to complete and sign a formal complaint form. The Lancaster Police Internal Affairs Department can be contacted Monday through Friday from 8am to 7pm, Sergeant Janet Beesley (972) 218-2772.

