

Subject: **Racial Profiling**
Policy Number: (If applicable, policy number here)
Effective Date: (If applicable, policy number here)
Revision Date(s): (If the policy is revised, revision date here)

POLICY

Racial profiling is a practice which presents a great danger to the fundamental principles of a democratic society. It is abhorrent and cannot be tolerated. An individual who has been detained or whose vehicle has been stopped by the police for no reason other than the color of his or her skin or his or her apparent nationality or ethnicity is the victim of a discriminatory practice.

No member of (your agency name here) shall engage in racial profiling. Racial profiling shall not be used to justify the detention of an individual or to conduct a motor vehicle stop.

DEFINITIONS

Disparate treatment means differential treatment of persons on the basis of race, color, or national origin.

Motor vehicle stop means any stop of a motor vehicle, except for a stop of a motor truck, truck-tractor, semitrailer, trailer, or towed vehicle at a state weighing station.

Racial profiling means detaining an individual or conducting a motor vehicle stop based upon disparate treatment of an individual.

INTERNAL METHODS OF PREVENTION AND ENFORCEMENT

All levels of supervision and command are required to take measures to ensure members of (your agency here) do not practice racial profiling. These steps include, but are not limited to:

- Categorically stating to members in their command that racial profiling will not be tolerated;
- A review of enforcement reports with a focus towards identifying possible racial profiling patterns;
- Encouraging appropriate traffic enforcement tactics;
- Randomly reviewing audio and video, if applicable, towards identifying possible racial profiling patterns.

Any member of this agency who becomes aware of incidents of racial profiling by any member of this agency shall report such incident to the (Chief or Sheriff, as appropriate) immediately. The (Chief or Sheriff) shall report such incidents to the Nebraska Commission on Law Enforcement and Criminal Justice within thirty days after becoming aware of such incident.

In addition, this agency shall engage in internal methods of preventing racial profiling, including:

- Providing training to agency personnel focused on avoidance of apparent or actual racial profiling pursuant to this policy;
- Conducting internal affairs investigations in response to complaints regarding racial profiling; and
- Engaging in early intervention, up to and including disciplinary measures, with any member of this agency determined to have committed, participated in, condoned, or attempting to conceal any instance of racial profiling.

HANDLING OF COMPLAINTS REGARDING RACIAL PROFILING

All complaints regarding racial profiling, as defined in this policy, shall be handled in the same manner which other complaints regarding officer conduct are investigated. Members of the public, who believe they have been the victim of racial profiling, are encouraged to report such allegation to the (Chief or Sheriff), and no member of this agency should attempt to discourage a member of the public from reporting such allegation. Allegations of racial profiling will be investigated by the (Chief or Sheriff) or his/her designee. Members of this agency, who have been found through internal investigation to have violated this policy, may be required to participate in remedial training and/or be subject to disciplinary action as set forth in the Policy and Procedures Manual.

All allegations of racial profiling shall be reported to the Nebraska Commission on Law Enforcement and Criminal Justice. The (Chief or Sheriff) shall provide to the Commission the following:

- A copy of the allegation of racial profiling received;
- Written notification of the review and disposition of such allegation.

REPORTING OF TRAFFIC STOP DATA

All allegations of racial profiling shall be reported to the Nebraska Commission on Law Enforcement and Criminal Justice in the matter specified for electronic reporting on NCJIS.

This agency shall collect and maintain data regarding traffic stops and racial profiling allegations. This agency shall report to the Nebraska Commission on Law Enforcement and Criminal Justice, in a time period, format, and manner prescribed by the Commission, a summary report of the following information:

- The number of motor vehicle stops;
- The characteristics of race or ethnicity of the person stopped, the identification of such characteristics shall be based on the observation and perception of the officer responsible for reporting the motor vehicle stop;
- If the stop is for a law violation, the nature of the alleged law violation which resulted in the motor vehicle stop;
- Whether a warning or citation was issued, an arrest made, or a search conducted as a result of the motor vehicle stop (search does not include a search incident to arrest or an inventory search);
- The agency shall collect and maintain any additional information this department has deemed necessary.

TRAINING

Members of this agency shall receive training on prevention of racial profiling during annual in-service training. The agency head shall ensure all personnel are familiar with the content of operational procedures related to racial profiling and personnel are operating within compliance of this policy.

ADMINISTRATIVE REVIEW

The (Chief or Sheriff) or his/her designee shall conduct an annual review of the operational procedures and practices relating to racial profiling to insure members of this agency follow and adhere to the operational policies and practices.