

February 1, 2015

Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 7th Street, NW
Washington, D.C. 20531

Re: The Center Police Department's Traffic Stop and Search Practices Violate Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968

Dear Sir/Madam:

I, Tim Jackson, am filing this complaint against the Center Police Department ("CPD") and police officers Bob Allen and Ralph Neal for conducting a discriminatory traffic stop and search of my vehicle in Center, State in violation of Title VI of the Civil Rights Act of 1964 (Title VI) and the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act). Officers Allen and Neal stopped and searched my vehicle because of my race and sex. Also, there is evidence that CPD officers have stopped and searched the cars of other African-American males in a discriminatory manner.

I. The Facts

[NOTE: In this section, please describe the incident(s) in detail, including the date(s), names of the persons involved and any witnesses, and why you believe the police department's actions were discriminatory. Please consider the following questions:

- 1) Are there any facts that may show that you were treated differently when compared to persons of another race, color, national origin, or sex who were involved in a similar situation? If so, this would support a disparate treatment argument.*
- 2) Did officers say anything that would lead you to believe that their actions were discriminatory, such as a racial slur? If so, this would be direct evidence of racial discrimination.*
- 3) Is there any information that may show that the police department has treated other persons of color differently when compared to white civilians in similar situations? If so, this information would be additional evidence of racial discrimination.]*

I am an African-American male. On November 1, 2014, I was driving in a residential area in Center, State when Officer Allen followed my vehicle and flashed the lights of his police car indicating that I should pull over. Officer Allen approached my vehicle and explained that he stopped me for having an expired inspection sticker in violation of state law.

The police officer then asked to search my car. I did not understand why he wanted to search the car after stopping me for a traffic violation. At that point, I believed that the officer was engaging in racial profiling, so I did not consent to a search. Officer Allen then returned to his police car and asked me to wait in my vehicle.

As Officer Allen was in his car, Officer Neal of the Center Police Department arrived on the scene with a dog. Officer Neal requested that I step out of the car. I complied and he conducted a pat-down search. He then walked his dog around my vehicle to sniff for drugs. The

dog found nothing. Officer Allen returned to my car and issued a ticket to me for having an expired inspection sticker. The next day, November 2, 2014, I submitted a written complaint to the CPD. I have not received a response.

I believe that Officers Allen and Neal followed, stopped and searched my vehicle because of my race and sex. A few months ago, CPD officers stopped two of my white friends, Rachel Slowdown and Mary Donshuette for expired inspection stickers, but the officers gave them warnings only. The officers did not search them or their cars. Both Slowdown and Donshuette are willing to share their stories and may be reached at the numbers indicated in the attached complaint verification information form. *[Note: This may be evidence of disparate treatment.]*

Additionally, CPD appears to stop and search vehicles driven by African-American males at higher rates than vehicles driven by white men and women. For example, according to a January 2015 article in the *Center Times*, in 2014, investigative reporters monitored traffic enforcement along four major highways through the city over a twelve-month period. According to the data that the newspaper collected, among the vehicles that the CPD stopped for traffic infractions, including expired state inspection stickers, CPD officers were four times more likely to call in a canine unit to search a stopped vehicle when the driver was an African-American man than when the driver was a white man. The newspaper also reported that CPD officers were six times more likely to call in a canine unit to search a stopped vehicle when the driver was an African-American man than when the driver was a white woman. *[Note: This may be evidence showing that other African-American males were treated differently when compared to whites during traffic stops.]*

II. Jurisdiction: The Office for Civil Rights has the Authority to Investigate this Complaint

[NOTE: In this section, please provide any information you have showing that the police department has received federal funding. You may do so by visiting the following websites: Office of Justice Programs at <http://ojp.gov/index.htm>, select Grants/Funding, and then click on OJP Award data; Office of Community Oriented Policing Services Program at <http://www.cops.usdoj.gov>, select Grants & Funding and click on Grant Award Packages; Office on Violence Against Women at <http://www.justice.gov/ovw>, select Grant Programs and click on Awards; and USA Spending at www.usaspending.gov. Also, you may contact the local offices of your U.S. Senators or Representatives who could determine whether law enforcement agencies in their districts have received federal funding.]

The Office of Justice Programs' Office for Civil Rights investigates complaints from individuals who believe that a law enforcement agency that receives funding from the U.S. Department of Justice, has discriminated against them in employment or the delivery of police services. The Office for Civil Rights enforces several civil rights laws. These laws include: Title VI, which prohibits discrimination based on race, color and national origin in the delivery of police services to the public; and the Safe Streets Act, which prohibits discrimination based on race, color, national origin, sex and religion in employment practices and the delivery of services.

The Office for Civil Rights has the authority to investigate this complaint of race and sex discrimination against the CPD. According to the website of the Department of Justice's Community Oriented Policing Services Program, the CPD received several federal grants in 2013 and 2014. Also, this complaint is timely because it is being submitted within 180 days of

the date when CPD officers stopped and searched my vehicle, as required by Title VI, and within one year of that date, as required by the Safe Streets Act.

III. Remedies

[NOTE: In this section, please list the changes you would like to see if the Office for Civil Rights finds that the police department discriminated against you and others based on race and sex in violation of Title VI and the Safe Streets Act.]

I respectfully request that the Office for Civil Rights require the Center Police Department to end its racially discriminatory traffic stop and search practices. Additionally, the CPD should:

1. Annually collect, analyze, and publicly distribute traffic stop and search data disaggregated by race, color, national origin, and sex of the occupants of the vehicle, whether the vehicle was searched and if so, whether a canine search was involved.
2. Require officers to obtain supervisory approval before subjecting a motorist to a canine search.
3. Retrain officers on the legal requirements for traffic stops, vehicle searches, and racial profiling.
4. Revamp its internal complaint procedures in accordance with national professional standards, including notifying civilians of the outcome of an investigation of their complaints.
5. Suspend or terminate funding if the CPD does not cooperate with the Office for Civil Rights efforts to assist it with complying with Title VI and the Safe Streets Act.

IV. Conclusion

For the reasons stated above, I urge the Office for Civil Rights to investigate CPD's traffic stop and search practices and remedy violations of Title VI and Safe Streets Act. Please acknowledge receipt of this complaint and notify me of its resolution.

Sincerely yours,

Tim Jackson