Racial Profiling

Racial profiling is a widely recognized problem, yet only 15 states have taken action to curtail the practice. Racial profiling must be ended, not only to stop discrimination, but to bridge the lack of trust between law enforcement agencies and communities of color.

Racial Profiling

Summary

- **Discriminatory racial profiling is a widely recognized problem in communities across the country.**
- **States are beginning to recognize the need to address this discriminatory practice.**
- **Racial profiling of African Americans and Latinos is widespread. And in the aftermath of September 11, profiling of Arabs and South Asians has increased.**
- **Until recently, few states or federal agencies collected data on the incidence of racial profiling.**
- **The practice of racial profiling must be ended, not only to curtail discrimination, but to bridge the lack of trust between law enforcement agencies and communities of color.**
- **In recent years, over 20 states have enacted laws against racial profiling.**

Discriminatory racial profiling is a widely recognized problem in communities across the country.

Numerous studies over the past few years have validated what many have known for decades: law enforcement agents at all levels consistently use race, ethnicity, national origin, and religion when choosing which individuals should be stopped and searched.[1]

States are beginning to recognize the need to address this discriminatory practice.

The practice of racial profiling occurs when law enforcement officers target suspects on the basis of race, national origin, ethnicity, or religion. Racial profiling is not just an issue of who gets stopped, but why individuals are stopped, and how they are treated. In 1999, the federal government and New Jersey came to an unprecedented agreement that state troopers could no longer use race as a factor in highway traffic stops. This decision came about after an investigation of police records revealed that three-fourths of the cars searched on state highways were driven by African Americans or Latinos.

Racial profiling of African Americans and Latinos is prevalent at all levels of law enforcement today.

A U.S. Department of Justice report states that in 1999, African Americans were 20 percent more likely to be stopped than white Americans, and that police were more than twice as likely to search the car of an African American or Hispanic driver than a white driver. Studies in Colorado, Massachusetts and Los Angeles in 2002 confirm that racial profiling continues to be a serious problem.[2]

In the aftermath of September 11, racial profiling of Arabs and South Asians has increased.

Since the terrorist attacks, individuals who are or appear to be of Arab or South Asian descent have been targeted for special scrutiny. Over 8,000 Arab men were called in for questioning after the September 11 attack, but this did not lead to the announcement of suspects in that attack or any other terrorist activity. In addition, many Arabs and South Asians have been asked to leave airplanes for no reason other than their appearance. Many Sikh Americans have been asked to remove their turbans in airports, a violation of their religious practices.

Until recently, few states or federal agencies collected data on the incidence of racial profiling.

The U.S. Department of Justice first issued voluntary guidelines for collection of racial profiling data in 2000. At least nine states are collecting such data today.

The practice of racial profiling must be ended, not only to curtail discrimination, but to bridge the lack of trust between law enforcement agencies and communities of color.

Policymakers typically underestimate the burden placed on innocent people stopped by law enforcement officers because of racial profiling. The Department of Justice reports that African Americans are 50 percent more likely than whites to be stopped more than once. These incidents lead to a reasonable fear of police officers, and risk the alienation of communities while doing little to serve the purposes of law enforcement.

In recent years, over 20 states have enacted laws against racial profiling.

These states (AR, CO, CT, FL, IL, KY, LA, MD, MA, MN, MO, MT, NE, NV, NJ, NC, OK, TX, UT, VA, WA, WV) typically require law enforcement agencies to develop and enforce policies to prevent racial profiling. Twelve of them (CO, CT, IL, MD, MO, NE, NC, OK, TX, UT, WA, WV) also require law enforcement officials to collect information, including the race and gender of each driver stopped by police, and what actions were taken.[3]

Endnotes

[1] "Wrong Then, Wrong Now: Racial Profiling Before and After September 11, 2001," Leadership Conference on Civil Rights. Leadership Conference on Civil Rights Education Fund, Criminal Justice Reform Project, February 2003.

[2] Ibid.

[3] Institute on Race and Justice, Northeastern University.

Racial Profiling

For more information...

Center for Policy Alternatives
1875 Connecticut Avenue NW, Suite 710
Washington, DC 20009
202-387-6030
www.stateaction.org

American Civil Liberties Union
125 Broad Street, 18th Floor
New York, NY 10004
212-344-3005
www.aclu.org

National Association for the Advancement of Colored People
4805 Mt. Hope Drive
Baltimore, MD 21215
410-486-9100
www.naacp.org

North Carolina Department of Crime Control and Public Safety
4701 Mail Service Center
Raleigh, NC 27699
919-733-5027
www.nccrimecontrol.org

Racial Profiling Prevention Act

SECTION 1. SHORT TITLE

This Act shall be called the "[STATE] Racial Profiling Prevention Act."

SECTION 2. RACIAL PROFILING PREVENTION AND DATA COLLECTION

After section XXX, the following new section XXX shall be inserted:

(A) DEFINITIONS—In this section:

1. "Law enforcement agency" means the sheriff's office of any county, the police department of any city or municipality, or the state police.

2. "Law enforcement officer" means a sworn officer of a law enforcement agency.

3. "Racial profiling" means the detention, interdiction or other disparate treatment of an individual solely on the basis of their actual or perceived race, color, ethnicity, national origin, age, gender, religion, or sexual orientation.

(B) PROHIBITION AGAINST RACIAL PROFILING

1. No law enforcement officer shall engage in racial profiling.

2. Every law enforcement agency shall adopt a written policy that prohibits the stopping, detention or search of any person when such action is solely motivated by considerations of actual or perceived race, color, ethnicity, national origin, age, gender, religion, or sexual orientation, and the action would constitute a violation of the person's civil rights.

(C) DATA COLLECTION

1. Every law enforcement agency shall, using the form developed by the [Attorney General], record and retain the following information:

a. The number of people stopped for traffic violations.

b. Characteristics of race, color, ethnicity, gender, religion and age of such people, provided the identification of such characteristics shall be based on the observation and perception of the law enforcement officer responsible for reporting the stop, and the information shall not be required to be provided by the person stopped.

c. The nature of the alleged traffic violation that resulted in the stop.

d. Whether a warning or citation was issued, an arrest made, or a search conducted as a result of the stop.

e. Any additional information that the [Attorney General] deems appropriate.

2. Every law enforcement agency shall promptly provide to the local [State's Attorney], or, in the case of the state police, to the Attorney General:

a. A copy of each complaint received alleging racial profiling.

b. Written notification of the review and disposition of such complaint.

3. Every law enforcement agency shall provide to the [Attorney General] an annual report of the information recorded pursuant to this section, in such a form as the [Attorney General] may prescribe. The [Attorney General] shall compile this information and report it to the Governor and legislature, including any observations or recommendations.

4. If a law enforcement agency fails to comply with the provisions of this section, the [Attorney General] may order an appropriate penalty in the form of withholding state funds from such law enforcement agency.

(D) REPORTING FORMS—The [Attorney General] shall develop and prescribe two forms:

1. A form, in both printed and electronic format, to be used by law enforcement officers when making a traffic stop to record personal information about the operator of the motor vehicle stopped, the location of the stop, the reason for the stop, and other information that is required by this section.

2. A form, in both printed and electronic format, to be used to report complaints by people who believe they were subjected to a motor vehicle stop by a law enforcement officer solely on the basis of their actual or perceived race, color, ethnicity, national origin, age, gender, or sexual orientation.

SECTION 3. EFFECTIVE DATE

This Act shall take effect on July 1, 2004. The forms described in section (D) shall be developed and distributed by October 1, 2004. The collection of data described in section (C) shall begin when the [Attorney General] certifies that the process is in place, but no later than January 1, 2005.