



The Faces of Profiling

Toolkit for Action

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Street-Level Profiling: The Facts

In 2005, the U.S. Department of Labor's Bureau of Justice Statistics reported that:

- Black drivers (4.5 percent) were twice as likely as White drivers (2.1 percent) to be arrested during a traffic stop, while Hispanic drivers (65 percent) were more likely than White (56.2 percent) or Black (55.8 percent) drivers to receive a ticket.
- In addition, Whites (9.7 percent) were more likely than Hispanics (5.9 percent) to receive a written warning, while Whites (18.6 percent) were more likely than Blacks (13.7 percent) to be verbally warned by police.
- Black (9.5 percent) and Hispanic (8.8 percent) motorists stopped by police were searched at higher rates than Whites (3.6 percent).

Street-level profiling spans beyond race – it also includes profiling on the basis of someone's actual or perceived religion, sexual orientation, gender identity, and other identity categories. The [NAACP's groundbreaking report, "Born Suspect,"](#) touches on a few of these groups.

- In 2011, the NYPD conducted a total of 685,724 stops; of which 88 percent (nine out of ten) did not result in arrest or issuance of a summons
- In 2011, 53 percent of stops were of African Americans, 34 percent were of Latino(a)s
- African American and Latino(a) ages 14-24 accounted for 41.6 percent of those stopped, and only make up 4.7 percent of New York City's population
- A 2014 national survey indicates that 73 percent of LGBT people and people with HIV report having had face-to-face contact with the police
- 20 states do not explicitly prohibit racial profiling
- 3 states allow individuals to seek injunctive relief to stop police departments from racial profiling
- 17 states require mandatory data collection for all stops and searches; 15 require analysis and publication of racial profiling data
- 17 states require the creation of commissions to review and respond to complaints of racial profiling

Policy and Discriminatory Profiling

What the End Racial Profiling Act (ERPA) does:

- Prohibits profiling by federal, state, local and Indian tribal law enforcement authorities on the basis of race, religion, ethnicity or national origin;
- Mandates law enforcement training on racial profiling and data collection on all law enforcement routine or investigatory activities;
- Creates a private right of action for victims of racial profiling to seek redress;
- Authorizes the Department of Justice to provide grants for the development of best practices to discourage racial profiling and withholding grants from law enforcement agencies that do not comply with ERPA; and
- Requires the Department of Justice to provide periodic reports to assess any ongoing discriminatory policing practices by federal, state, local, and tribal law enforcement authorities.

Status of ERPA:

- ERPA has been introduced in almost every Congress since June 2001. The Senate champion is Sen. Ben Cardin (D-Md) and the House champion is Rep. John Conyers (D-Mich.).

New Developments:

- There is now a push to expand the language of ERPA to include sexual orientation and gender identity under the protections.

What the 2003 Department of Justice profiling guidance does:

- The guidance makes clear that the federal government views racial profiling as an issue of national concern and characterizes racial profiling as ineffective and inconsistent with American values of fairness and justice.
- The guidance prohibits federal agents, during the course of traditional law enforcement activities, from using race or ethnicity in any way, except in a specific suspect description.

How the Guidance Needs to Be Reformed:

- The guidance should be revised to:
 - Prohibit profiling based on religion, gender, sexual orientation, gender identity and expression and national origin;
 - Eliminate loopholes that currently allow for racial profiling in the name of border integrity and national security;
 - Prohibit profiling in the context of law enforcement surveillance activities;
 - Apply to state and local law enforcement agencies working in partnership with federal agencies or receiving federal funding; and
 - Include enforceable accountability mechanisms.

Call to Action

Use your voice to direct attention to discriminatory profiling. We challenge you to take action. Here are some actions you can take to help:

- Share your story.
 - Post your profiling stories on social media outlets such as Facebook, Twitter or blogging sites using the hashtag #MoreThanAProfile. Below is a sample:
 - “Enrique is a gay Latino man from Jackson Heights (Queens), NY who was stopped and frisked as he and his boyfriend waited for the train at the Junction Boulevard train station. As the train was arriving, Enrique grabbed his boyfriend’s hand and the two men kissed. An officer then emerged from the station, approached and pulled them to the side, and asked for their IDs. Enrique provided his, but his boyfriend did not have his ID on him, and was then arrested and put in a police van. When Enrique asked why his boyfriend was arrested the officer reportedly told him to shut up and called him a ‘f****t.’ Upon inquiring about the reason for the detainment, Enrique was told by the officer that he would also be arrested if he did not leave. This incident has left Enrique afraid to show any affection in public for fear that he or his boyfriend will be harassed, stopped and arrested by police officers.” – Born Suspect (NAACP report)
 - Write an opinion piece for your local or campus news sources or your personal blog.
 - Share posts from The Leadership Conference (@civilrightsorg) and other organizations that are fighting profiling.
- Reach out to your representatives.
 - Call, write, or email your representatives in Congress and ask them whether they support ERPA and how they’re fighting profiling. Ask your Senators and Representatives to support ERPA. A sample letter and phone call can be found in [Born Suspect](#). Look up your representatives here:
House: <http://www.house.gov/representatives/find/>
Senate: http://www.senate.gov/general/contact_information/senators_cfm.cfm
 - Tweet to your representatives during the lame duck session and encourage them to back ERPA using the lists provided below:
House: <http://civilrightsdocs.info/pdf/house-twitter-handles.pdf>
Senate: <http://civilrightsdocs.info/pdf/senate-twitter-handles.pdf>
- Lead the way.
 - Lead your own roundtable discussion on your campus or town to talk about how profiling affects your community.
 - Continue this discussion informally with your peers.
 - Organize a call-in day to contact members of Congress and ask them what they’ll be doing to fight profiling.
- Learn more.
 - Reach out to organizations that are working to end profiling to learn more. A partial list of organizations is below:
 - American Civil Liberties Union: <https://www.aclu.org/>
 - NAACP: <http://www.naacp.org/>
 - National LGBTQ Task Force: <http://www.thetaskforce.org/>
 - National Center for Transgender Equality: <http://transequality.org/>
 - MALDEF: <http://www.maldef.org/>
 - Muslim Advocates: <http://www.muslimadvocates.org/>
 - Arab American Institute: <http://www.aaiusa.org/>