

Fact Sheet: End Racial Profiling Act

Racial profiling refers to the practice of a law enforcement agent or agency relying, to any degree, on race, ethnicity, religion, or national origin in selecting which individuals to subject to routine or investigatory activities, such as traffic stops, searches, and seizures. Blacks or African Americans, Native Americans, Latinos, and Asians have reported being unfairly targeted by police. In many border-states and communities with high immigrant populations, it has been documented that law enforcement officials use racial profiling as a method of border security and enforcement. In the aftermath of September 11, 2001, profiling of Arabs and South Asians has resulted in unwarranted surveillance, traffic stops and searches and rampant discrimination at U.S. airports. This institutional discrimination contributes to disproportionate surveillance, excessive use of force, and the escalation of violence within communities of color.

YWCA USA POSITION

The intersection of race, gender, and violence is often unexplored in discussions of racial profiling. While recent high profile incidents of racial profiling focus on Black or African American males, women of color are also at risk. The YWCA USA supports passage of legislation that bans racial profiling at the federal, state, and local levels. The YWCA firmly believes that all individuals, regardless of race, ethnicity, religion, national origin or gender identity should be ensured justice and protected equally under the law. Passage of police accountability measures will ensure that policing of all communities is done fairly using methods that respect the full humanity and rights of all regardless of race, gender, class, sexual orientation, ability or citizenship status.

FACTS

- **Racial and religious profiling is a common practice by law enforcement officials resulting in multi-million dollar lawsuit settlements to victims.** For example in Baltimore, Maryland the local police department has paid out more than \$5.7 million in lawsuit settlements since 2011 for engaging in racial profiling tactics that in some instances resulted in death. ^[1]
- **While recent high profile incidents of racial profiling focus on Black or African American males, women of color are also at risk.** For example, a 2013 report released by the Missouri Attorney General Office, revealed that Black women in Ferguson were stopped by police more anyone yet white drivers regardless of gender were more likely to be found carrying contraband. ^[2]
- **Women of color airline passengers are subject to intrusive searches at U.S. airports yet less likely than white women to be found with contraband.** ^[3] In 2015, the ACLU reached a settlement in a lawsuit filed against Frontier Airlines and several government defendants on behalf of Shoshana Hebshi, a mother of Saudi Arabian and Jewish descent who was pulled off an airplane at gunpoint, arrested, strip-searched, and detained. ^[4] In 2006, a group of 87 African-American women settled for \$1.9 million in compensation for illegal pat-downs and strip searches at O'Hare International Airport. ^[5]
- **Women who are undocumented immigrants or have limited English proficiency are at greater risk of being profiled for "Driving While Female".** ^[6] The International Association of Chiefs of Police issued an executive guide in June of 2011 that addressed sexual misconduct by law enforcement officers who profiled victims. ^[7]
- **Black and Latino drivers are more likely to experience excessive use of force during traffic stops.** A U.S. Department of Justice 2008 study on police contact with the public found that Black drivers (12.3 percent) were about three times as likely as white drivers (3.9 percent) and about two times as likely as

for every woman

Hispanic drivers (5.8 percent) to be searched during a traffic stop. 74 percent who said that police used or threatened force against them felt it was excessive. ^[8]

- **A New York Judge declared racial profiling is discriminatory and unconstitutional.** In October 2014, a Federal Appeals court upheld a ruling that New York's controversial "stop-and-frisk" policy was discriminatory and unconstitutional.^[9] The ruling affirmed claims made by civil rights organizations, academics and bi-partisan law makers from across the country that racial profiling is wrong and an ineffective crime detection tactic.
- **Support for data collection for all stops and searches is growing among state legislatures.** There are currently 17 states that require data collection for all stops and searches: AL, CA, CT, FL, IL, LA, MD, MA, MN, MO, MT, NE, NV, RI, TX, WA, and WV. Additionally, there are 15 states that require analysis of racial profiling data: AL, CA, CT, FL, IL, KS, LA, MD, MA, MO, NE, NV, RI, TX and WV. ^[10]
- **Currently there are 20 states that do not explicitly prohibit racial profiling.** These states are AK, DE, GA, HI, ID, IN, IA, ME, MI, MS, NH, NY, ND, OH, OR, PA, SD, VT and WY. ^[10]
- **Legislatures in Border States have passed laws that target immigrant communities.** In Arizona, local law enforcement officials have been granted jurisdiction to enforce federal immigration laws. This has resulted in more complaints by ethnic, religious, and immigrant communities of color about incidences where their citizenship is questioned or challenged solely by virtue of their outward appearance.

[1] Retrieved from <http://data.baltimoresun.com/news/police-settlements/>

[2] Missouri Attorney General Office (2013). Racial Profiling Data. Retrieved from <http://ago.mo.gov/docs/default-source/public-safety/2013agencyreports.pdf?sfvrsn=2>

[3] United States General Accounting Office. (March 2000). *U.S. Customs Service: Better Targeting of Airline Passengers for Personal Searches Could Produce Better Results*. GGD-0038. Retrieved from <http://www.gao.gov/assets/230/228979.pdf>

[4] Retrieved from <https://www.aclu.org/cases/hebschi-v-united-states>

[5] Retrieved from http://articles.chicagotribune.com/2000-04-10/news/0004100103_1_strip-searches-intensive-searches-white-women

[6] University of Nebraska at Omaha. (March 2002) *"Driving While Female": A National Problem In Police Misconduct*. Retrieved from <http://samuelwalker.net/wp-content/uploads/2010/06/dwf2002.pdf>

[7] International Association of Chiefs of Police (June 2011). *Addressing Sexual Offenses and Misconduct by Law Enforcement Officers: An Executive Guide*. Retrieved from <http://www.theiacp.org/Portals/0/pdfs/AddressingSexualOffensesandMisconductbyLawEnforcementExecutiveGuide.pdf>

[8] United States Department of Justice, Bureau of Justice Statistics. (February 2011). *Contacts Between Police and the Public, 2008*. NCJ 234599. Retrieved from <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=2229>

[9] United States Court of Appeals, Second Circuit. (October 31, 2014). *David Floyd, et al. v. City of New York*. Retrieved from http://www.ca2.uscourts.gov/decisions/isysquery/22663b36-0ec4-40ee-b75c-bd2d970266f4/1/doc/13-3088_13-3123_14-2829_14-2848_14-2834_opn.pdf#xml=http://www.ca2.uscourts.gov/decisions/isysquery/22663b36-0ec4-40ee-b75c-bd2d970266f4/1/hilite/

[10] The National Association for the Advancement for Colored People (NAACP). (September 2014). *Born Suspect: Stop-and-Frisk Abuses & the Continued Fight to End Racial Profiling in America*. Appendix 1. Retrieved from http://action.naACP.org/page/-/Criminal%20Justice/Born_Suspect_Report_final_web.pdf

For questions please contact Tralonne Shorter, Senior Advocacy and Policy Associate for Racial Justice and Civil Rights at tshorter@ywca.org

for every woman