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Res. No. 1266

Resolution calling on the United States Congress to pass H.R. 3618/S.1670, the End Racial Profiling Act of 2011.

By Council Members Williams, James, Dromm, Ferreras, Lander, Levin, Mark-Viverito, Palma, Rose, Vann, Rodriguez and Chin

Whereas, The United States Department of Justice defines racial profiling as “any police-initiated action that relies on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual on who has been identified as being, or having been, engaged in criminal activity”; and

Whereas, In addition to being discriminatory, racial profiling is an ineffective policing tool that draws attention away from crimes that are actually being committed; and

Whereas, Racial profiling engenders feelings of distrust towards law enforcement agencies in communities of color; and

Whereas, In the United States, racial profiling violates a person’s constitutional rights to protection from

unreasonable searches and seizures, due process of the law, and equal protection under the law; and

Whereas, Despite widespread agreement that racial profiling is counterproductive and unfair, its practice continues to prevail throughout the country; and

Whereas, There were numerous reports in the days that followed the terrorist attacks on September 11, 2001 of innocent Muslim-, Arab- or South Asian-appearing men in the United States being mistreated, detained and/or investigated by law enforcement agencies, despite having no association with terrorist organizations or activities; and

Whereas, In April 2010, the Governor of Arizona signed into law a bill that enables law enforcement officers to determine a person's legal status if there is suspicion that that person might be an undocumented immigrant, a move which was loudly criticized by many in the country as encouraging racial profiling of Latinos in that state; and

Whereas, Racial profiling is also a problem in a city as diverse as New York, where in 2011, of the 685,724 New Yorkers stopped and frisked by police (of whom 88 percent were innocent), 53 percent were black and 34 percent were Latino; and

Whereas, A 2009 report from the United Nations Human Rights Council on racial intolerance in the United States found that "instances of direct discrimination and concrete racial bias still exist and are most pronounced with regards to law enforcement agencies," and that "the Government should clarify to law enforcement officials the obligation of equal treatment and, in particular, the prohibition of racial profiling"; and

Whereas, If passed, H.R. 3618/S.1670, introduced by Congressman John Conyers, Jr. and Senator Ben Cardin, respectively, would address this issue by creating the tools to prevent and eliminate racial profiling by law enforcement officers; and

Whereas, Known as the End Racial Profiling Act of 2011, H.R. 3618/S.1670 would prohibit law enforcement agencies at all levels of government from engaging in profiling on the basis of race, ethnicity,

national origin or religion throughout the course of an investigation, and would create a private right of action for those who have been inappropriately profiled; and

Whereas, H.R. 3618/S.1670 would also require federal law enforcement agencies to maintain policies that would prevent racial profiling including the cessation of existing policies that encourage racial profiling; and

Whereas, H.R. 3618/S.1670 would address racial profiling at the state, local and tribal level by requiring those law enforcement agencies which receive certain law enforcement grants from the United States Department of Justice (USDOJ) to demonstrate that they have taken adequate steps to prevent and eliminate policies which would encourage racial profiling; and

Whereas, H.R. 3618/S.1670 would also enable the USDOJ to administer grants to state, local and tribal law enforcement agencies for the purposes of data collection and the development of best practices as it relates to ending racial profiling; and

Whereas, To ensure that racial profiling is being effectively combatted, H.R. 3618/S.1670 would require the United States Attorney General to issue regulations, as necessary, to ensure compliance and to submit annual reports to Congress on continuing incidences of racial profiling by law enforcement agencies; and

Whereas, Passage of H.R. 3618/S.1670 is critical if we are to truly prevent the mistreatment of certain communities by law enforcement agencies in this country; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass H.R. 3618/S.1670, the End Racial Profiling Act of 2011.

DMB
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