



Legislation Text

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Res. No. 1122

Resolution denouncing state legislation, such as that proposed by Assemblyman Hikind, calling for racial profiling for law enforcement purposes and reaffirming the New York City Council's opposition to racial profiling.

By Council Members Monserrate, Lopez, Barron, Boyland, Brewer, Clarke, Gerson, James, Liu, Reyna, Seabrook, Vann, Reed and Katz

Whereas, Racial profiling is an ineffective law enforcement practice saturated in racial stereotypes and the erroneous assumption that any particular individual of one race, ethnicity, national origin, or religion is more likely to engage in certain conduct than any particular individual of another race, ethnicity, national origin, or religion; and

Whereas, Such assumptions in law enforcement perpetuate negative stereotypes that are harmful to our diverse population, and significantly impair efforts to maintain a fair and just society; and

Whereas, Law enforcement practices that are perceived to be biased or unfair, build a wall of distrust between minority communities and police departments; in such instances, these minority communities may be less willing to trust and confide in officers, report crimes, be witnesses at trials, or serve on juries; and

Whereas, In most instances, racial profiling is regarded as unconstitutional in the United States as it violates the equal protection clause of the 14th Amendment as well as the prohibition against unreasonable searches clause of the 4th Amendment; and

Whereas, Racial profiling is also considered by many a human rights violation as it violates certain international standards against non-discrimination and multiple treaties to which the United States is party, including the United Nations Convention for the Elimination of All Forms of Racial Discrimination (CERD)

and the International Convention on Civil and Political Rights (ICCPR); and

Whereas, Especially in recent times of terror threats and other violent crimes, racial profiling depletes law enforcement resources from the effective detection of real threats and jeopardizes the strength of antiterrorism initiatives; and

Whereas, Racial profiling has reportedly undermined important terrorist investigations in the U.S., including the Oklahoma City bombing in which the white male assailant, Timothy McVeigh, was able to flee while law enforcement officers reportedly operated on the theory that "Arab terrorists" had committed the act; and

Whereas, Approximately 32 million people, a number roughly equivalent to the population of Canada, report they have already been victims of racial profiling; and

Whereas, According to Amnesty International U.S.A. Board Member and U.S. Marshal, Matthew Fogg, "racial profiling is a threat to our national security, to the effectiveness and fairness of our criminal justice system, and it is an affront to the dignity of all Americans."; and

Whereas, According to a New York City Police Department spokesperson, "Racial profiling is illegal, of doubtful effectiveness, and against department policy."; and

Whereas, The Executive Director of the New York Civil Liberties Union called racial profiling "discriminatory, serving no purpose whatsoever", and further added that "it is bad law enforcement, and it is fundamentally at odds with our basic democratic values."; and

Whereas, Recognizing the flaws and dangers associated with racial profiling in New York City, the City Council passed a local law, signed by the Mayor in July of 2004, prohibiting the use of racial or ethnic profiling by law enforcement officers; now, therefore, be it

Resolved, That the Council of the City of New York denounces state legislation, such as that proposed by Assemblyman Hikind, calling for racial profiling for law enforcement purposes and reaffirming the New York City Council's opposition to racial profiling.

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