

## THE END RACIAL (AND RELIGIOUS) PROFILING ACT OF 2017 (H.R. 1498/S.411)

Too often, the stereotypes, biases and racial power dynamics that are part of our larger culture are embedded at a systemic level in our laws and public policies. They are also reflected in the use of racial profiling, heightened surveillance tactics, targeted enforcement strategies, and other practices that increase policing of certain racial and ethnic communities (but not others) and criminalize people of color. YWCA seeks to dismantle the systems and structures that perpetuate these inequities. We oppose laws, policies, and practices that enable racial profiling and the criminalization of people of color. We also support efforts to provide government agencies with the tools and resources to address the role that stereotypes, biases, and institutional practices play in their interactions with communities of color and other marginalized groups. Because of this, YWCA supports the End Racial (and Religious) Profiling Act of 2017.

### BACKGROUND

- Racial profiling continues to persist in the United States. In 2011-12 data, 70 police departments reported arresting black individuals at a rate **10 times higher** than individuals of other races and over 1500 police departments reported arresting black individuals at rates over **three times higher** than individuals of other races.<sup>i</sup>
- Women of color are often forgotten in the discussions surrounding racial profiling because data on traffic stops and other instances where racial profiling occur **rarely disaggregate by both race and gender**, restricting the public from adequately assessing the severity of the issue.<sup>ii</sup> We know, however, that women of color also experience racial profiling and criminalization. For example, women of color airline passengers are subject to intrusive searches at U.S. airports, yet they are less likely than white women to be found with contraband.<sup>iiiiv</sup>
- The implications of these systemic disparities are profound: an arrest makes completing school, finding a job, and providing for one's family all the more challenging; targeted implementation of immigration policy tears families and communities apart; and the use of excessive force makes communities less safe and exacerbates distrust of law enforcement by communities of color.

### WHAT THE END RACIAL (AND RELIGIOUS) PROFILING ACT DOES

- **Prohibits profiling** on the basis of race, gender, ethnicity, religion, national origin, sexual orientation, or gender identity by federal, state, local and Indian tribal law enforcement.
- Orders law enforcement **training on racial profiling** and **data collection** on routine and investigatory law enforcement activities.
- Authorizes the Department of Justice to provide grants to state and local law enforcement agencies for the **development of best practices** to discourage racial profiling.
- Requires the Department of Justice to **provide regular reports on any ongoing discriminatory policing practices** at the federal, state, local and tribal law agencies.

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- There is a growing consensus that data collection on all law enforcement activities is an effective strategy for reducing the instances of racial profiling. Support for data collection for all stops and searches is growing among state legislatures. Currently, 17 states 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, 15 states require analysis of racial profiling data: AL, CA, CT, FL, IL, KS, LA, MD, MA, MO, NE, NV, RI, TX and WV.
  - A federal standard for data collection, particularly disaggregated by race and gender, would contribute further to the elimination of racial profiling as a law enforcement practice.
- Current federal, state, local and tribal law enforcement guidance does not solve the problem of racial profiling.
- Racial profiling is ineffective and makes us less safe.
- Racial profiling is dehumanizing and goes against the United States' founding principles of fairness, equal protection and non-discrimination.

**Please support the End Racial (and Religious) Profiling Act of 2017, joining the 27 Senators and 69 Members of the House who have already co-sponsored.**

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<sup>i</sup> USA Today. (2014, November). Racial gap in U.S. arrest rates: 'Staggering disparity.' Retrieved 14, February on <http://www.usatoday.com/story/news/nation/2014/11/18/ferguson-black-arrest-rates/19043207/>

<sup>ii</sup> American Civil Liberties Union. (2009, August). The Persistence of Racial and Ethnic Profiling in the United States. Retrieved 14, February on [https://www.aclu.org/files/pdfs/humanrights/cerd\\_finalreport.pdf](https://www.aclu.org/files/pdfs/humanrights/cerd_finalreport.pdf)

<sup>iii</sup> United States General Accounting Office (2000, March). U.S. Customs Service: Better Targeting of Airline Passengers for Personal Searches Could Produce Better Results. Retrieved 14, February from <http://www.gao.gov/assets/230/228979.pdf>