



Racial profiling is an illegal, ineffective and degrading practice that violates constitutional protections and human rights. It occurs when law enforcement agents use race, religion, ethnicity, or national origin as a factor in deciding whom they should investigate, arrest or detain, except where these characteristics are part of a specific suspect description. Racial profiling is a national problem that affects men and women of all age groups, from all socio-economic backgrounds, in rural, suburban and urban areas. It affects African Americans, Arab Americans, Asian Americans, Hispanic Americans, immigrants and native born Americans—in both public and private places.

Racial profiling doesn't work and is a waste of resources. By focusing on factors unrelated to criminal activity rather than on specific indicators of criminal behavior, law enforcement may increase the number of people brought through the criminal justice system, but they decrease the hit rate on catching actual criminals. In 1998, the U.S. Customs Service eliminated the use of race, ethnicity and gender in deciding which individuals to search and began focusing solely on suspect behavior. A study by Lamberth Consulting found that this policy shift led to an almost 300% increase in searches that resulted in the discovery of illegal contraband or activity.¹

Racial profiling makes communities less safe. When agents are believed to be biased or unjust, community members lose trust and confidence in those that are meant to protect them. Community members become less likely to assist police with criminal investigations or come forward when they are victimized.

Racial profiling is wrong. According to the U.S. Constitution and international human rights laws and treaties that are binding on the United States, every person has the fundamental right to equal protection under the law regardless of race, ethnicity, religion, or national origin. Dragnet investigation based on such arbitrary factors as race, religion, ethnicity or national origin is a form of stereotyping, is profoundly unjust and illegal.

We need a national policy solution. Rights Working Group recommendations:

1. Congress should introduce and pass the "End Racial Profiling Act" which would ban racial profiling at the federal, state and local level.
2. The Obama Administration should revise the 2003 Department of Justice guidance on racial profiling to include profiling based on religion and national origin, to eliminate loopholes that allow for profiling at the border and for national security, and to ensure that the guidance is enforceable.
3. Congress and the Obama Administration should eliminate Department of Homeland Security programs, such as 287(g), CAP and the Secure Communities initiative, that result in racial profiling.

¹ Lamberth Consulting, "Racial Profiling Doesn't Work." <http://www.lamberthconsulting.com/about-racial-profiling/racial-profiling-doesnt-work.asp>