

PRE-ARREST PROFILING

The Fourth Amendment to the United States Constitution, as interpreted by the Supreme Court, requires police have reason to believe a person is involved in criminal activity before stopping or detaining that individual. The perception of racial and economic profiling, stopping individuals based on race or apparent economic status raises doubts about the fairness of the criminal justice process. While some law enforcement officials across the state have begun to address this issue, countless citizens continue to feel that they have been targeted because of their race or economic status.

Recognizing the importance of this issue, the League adopted a study at state convention in 2001 to consider whether racial and/or economic factors impact on the treatment of individuals during arrest and actions leading up to arrest.

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Statement of Position

As announced by the State Board, May 2003

The League of Women Voters of New York State believes that racial and economic factors do influence the treatment of citizens during arrest and actions leading up to arrest. The multi-jurisdictional law enforcement system and lack of uniform law enforcement procedures makes assessing the degree of racial and economic profiling and its prevention difficult. To monitor and prevent this practice the League supports the establishment of statewide guidelines for law enforcement at all levels to prevent racial and economic profiling, including:

- **Policy statements,**
- **Hiring practices,**
- **Training, including pre-service training and in-service training,**
- **Interactions with civilians,**
- **Record keeping, including collecting data on all stops (pedestrian or vehicle),**
- **Reporting and publicizing results,**
- **The handling of complaints,**
- **Disciplinary actions for law enforcement personnel who exhibit inappropriate behavior.**

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Statement of Position

As announced by the State Board, May 2003 (continued)

In addition, the League supports the issuance of separate guidelines for interacting with youths to assure non-discriminatory pre-arrest treatment.

The League recognizes the legitimate use of race as an identifying factor by law enforcement in certain instances, for example when issuing a wanted description, and supports that continued use.