

PRE-ARREST PROFILING

In 1973, reflecting a growing concern with both the protection of defendants' rights and the ability of the courts to handle increasing caseloads, the League adopted a study of pretrial procedures in the criminal courts, focusing on four areas: counsel for the indigent, bail and alternatives to bail, plea bargaining, and the grand jury. Consensus was reached in 1975. A 1986 consensus updated the section dealing with the indicting function of the grand jury. (See Grand Jury Position Statement.)

Recent Activity

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. Upon completion of Alternatives to Incarceration (ATI) study in 1993, the portion of Pretrial Procedures relating to Alternatives to Bail was moved under the ATI position. (See ATI Position Statement.)

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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.**

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