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## Racial Profiling

November 22, 2013 – Volume 23, Issue 42

### Are minorities unfairly targeted by police?

By [Kenneth Jost](#)



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#### Pro/Con

Is racial profiling by police a serious problem in the United States?

##### Pro



#### Dennis Parker

Director, Racial Justice Program, American Civil Liberties Union. Written for *CQ Researcher*, November 2013

In their 2009 report, "The Persistence of Racial and Ethnic Profiling: A Follow-Up Report to the U.N. Committee on the Elimination of Racial Discrimination," the American Civil Liberties Union and the Rights Working Group concluded that despite "overwhelming evidence of its existence, often supported by official data, racial profiling continues to be a prevalent and egregious form of discrimination in the United States."

Time has not altered that conclusion. Numerous studies, data collection and individual anecdotes confirm that law enforcement agents continue to rely on race, color or national or ethnic origin as a basis for subjecting people to criminal investigations.

The cost of this reliance on race or ethnicity as a supposed indicator of likely criminal activity is high for individuals and society. Examples of the practice abound. After analyzing hundreds of thousands of police stops, a federal judge concluded that African-Americans and Latinos in New York City were far more likely than whites to be stopped by police when there was no reasonable suspicion of criminal activity and were less likely than whites to be found in possession of illegal items. Meanwhile, a federal court in Arizona found the Maricopa County Sheriff's Office relied on ethnicity in enforcing immigration laws in a way that was clearly unconstitutional. In both cases, the courts were so concerned about future violations that they ordered the use of impartial monitors to track compliance with remedies intended to stop the illegal practices.

Reliance on racial profiling is not limited to local law enforcement. Six states have adopted immigration enforcement laws that invite the profiling of Latinos. The federal government routinely relies on programs and practices that delegate immigration enforcement authority to state and local agencies, resulting in the unfair

##### Con



#### Heather Mac Donald

Fellow, Manhattan Institute. Written for *CQ Researcher*, November 2013

There is no credible evidence that racial profiling is a serious problem among police forces. Studies that purport to show the contrary inevitably assume that police activity should match population ratios, rather than crime ratios. But urban policing today is driven by crime data: Officers are deployed to where city residents are most victimized by violence. Given the racial disparities in crime commission, the police cannot provide protection to neighborhoods that most need it without generating racially disproportionate enforcement numbers.

In New York City, for example, the per capita shooting rate in predominantly black Brownsville, Brooklyn, is 81 times higher than in Bay Ridge, Brooklyn, which is largely white and Asian. That disparity reflects Brownsville's gang saturation, which affects policing in myriad ways. Police presence will be much higher in gang-infested neighborhoods, and officers deployed there will try to disrupt gang activity with all available lawful tools, including the stopping and questioning of individuals suspected of criminal activity. Each shooting will trigger an intense police response, as officers seek to avert a retaliatory gang hit. Given the difference in shooting rates, it is no surprise that Brownsville's per capita police stop rate is 15 times higher than Bay Ridge's. If it were not, the police would not be targeting their resources equitably, according to need. Yet some advocates cite such stop disparities as prima facie proof of profiling.

Community requests for protection are the other determinant of police tactics. Last fall, I spoke with an elderly cancer amputee in the South Bronx. She was terrified to go down to her lobby to get her mail because of the youths hanging out there, smoking marijuana. Only when the police had been by to conduct trespass stops would she venture out: "When you see the police, everything's A-OK," she

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targeting of Latino, Arab, South Asian and Muslim people in the name of immigration control and national security.

Despite overwhelming evidence that racial profiling persists, the End Racial Profiling Act continues to languish in Congress. Until appropriate action is taken to address discriminatory profiling, people will continue to be subjected to the humiliation of repeated, unwarranted and intrusive stops and investigations, depriving them of their individual rights and undermining support for our criminal justice system.

The idea of basing law enforcement on actions rather than on race, ethnicity or religion is long overdue.

said. Police cannot respond to such requests for public order without producing racially disparate enforcement data that can be used against them in the next racial profiling lawsuit.

Young, black males are murdered at 10 times the rate of whites and Hispanics combined, usually killed by other minority males. The New York Police Department has brought the homicide victimization rate among the city's minorities down nearly 80 percent, yet young, black men are still 36 times more likely to be murdered than young, white males. Proactive policing is the best protection poor, minority neighborhoods have against violence and fear.

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