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30 April 2010

Hate Crimes Review
Department of Justice
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Melbourne Vic 3001

Criminal.law@justice.vic.gov.au

Dear Hon Geoffrey M Eames AM QC

Submission to the Hate Crimes Review

The Flemington & Kensington Community Legal Centre is located at the centre of a thriving community from diverse racial and religious backgrounds. The 2006 Census, found that up to 25% of the high rise estate in Flemington was of African background and that 50% of residents of the estate were under 25 years old.¹

The Centre sees a diverse clientele: including Ethiopian taxi drivers, Somali youth, Sudanese women dealing with housing issues and Burmese unaccompanied minors seeking migration assistance.

The centre's two areas of expertise – arising directly from the needs of its community – are migration and complaints against police.

Since 2005 the Centre has received 87 complaints about policing. The overwhelming majority of those making complaints are from non-white backgrounds – principally Sudanese, Eritrean, Somali, Saudi Arabian, Afghani, Turkish and Vietnamese.

Complaints cover issues such as:

- Over policing of youth from African background (racial profiling); (for example one client has reported being stopped on the side of the road for no reason while he was walking home from school. The police broke his finger and after hearing it snap ran off. He never heard from the police again. He did not speak enough English or know where to complain at the time of the incident.)
- Unjustified assaults and threats of violence on the streets, in homes and at the police station; (For example it was reported that a police officer hit a young person with a torch after he refused to name a person who had run away on the street.)
- Allegations of assaults and excessive force coupled with direct statements like "you black cunt, get back to Africa"

¹ See 2006 Census data attached as exhibit 1.

- Desecration of the Qu'ran during a raid on a house coupled with statements like "this is shit."
- Torture including assaulting a Sudanese person to unconsciousness in the police station while he was handcuffed.
- Telling an African mother that she had no rights in this country and she was living in "taxpayer" housing.
- Capsicum spraying an entire household of Sudanese children and mothers, including a three-month-old child.
- Failing to act on complaints by African taxi drivers of customer theft and saying, "the customer is always right."
- Failing to investigate assaults on African youth.

The situation is extremely dire.

Police behaviour reported to the legal centre includes assaults requiring hospitalization of victims, punitive beatings of handcuffed or otherwise restrained people, unlawful imprisonment, acts of torture and brutality within police stations, excessive use of force, unlawful searches, threats of sexual violence, unjustified use of capsicum spray, strip searches conducted after such threats are made, searches in unjustified and humiliating circumstances, racist and sexist comments, thefts of money and mobile phones, harassment, degrading and humiliating conduct and ill-treatment against racial and religious minorities. In some of the reports, children as young as 10 have been assaulted and mothers sprayed with capsicum spray.

Reported and observed effects on individuals and witnesses to the violence have included intense paranoia, fear, refusal to leave the house, helplessness, loss of weight, dropping out of school, long term injuries, loss of sight, long term pain, scaring and deep distress at being in Australia, distrust of institutions. In some cases people have left Victoria and Australia rather than continue facing the degree of harassment they receive at the hands of police. Some people have ongoing medical needs as a result of police misconduct that they cannot afford to fix.

In the words of a 16 year old Somali Australian: "In my experience the police are racist. They are racist to black people. They think we are all gangsters. We are not gangsters. We are normal people. They should treat us like normal people. Since this incident [an allegation of severe beating by police] I haven't been sleeping properly. I've been paranoid. I've been hating cops. I don't want to associate with police. I don't want anything to do with police."

Another African Australian client of ours can no longer work in the city because when ever he sees a police officer his fear and distress prevents him from functioning. He spends most of his time at home, terrified to leave. He has experienced an extremely vicious and racist assault by several police officers, and continues to be stopped and questioned when he walks around the city and particularly in Flemington.

There is no doubt in our minds that some members of Victoria Police are consciously and deliberately racist and that they are on a mission to humiliate, assault and degrade non-white immigrants and African Australians and Muslims in particular.

However, we are also firmly of the view that there exists structural, institutional and equally as oppressive forms of racism within Victoria Police practices. This view comes from the justifications we have heard police use for why they target young

African Australians for increased questioning. In our view the law does not contain adequate protections to prevent either the overt or the structural and institutional racism that we are seeing dominate the lives of our clients.

The experiences of our clients are extraordinarily serious and warrants significant changes in police practises to ensure police compliance with fundamental human rights.

Recommendations:

To overcome institutional and overt racism within the Victoria Police we make the following recommendations:

1. Legislation that expressly makes racia/religious profiling unlawful and a disciplinary
2. offence.
3. Education of police about what racial/religious profiling is and its effects on communities.
4. Legislation that ensures all complaints against police and particularly those involving racism/racial/religious discrimination are independently investigated by non-police officers.
5. Stop and search receipting and data collection and reporting (Recommendation 61 of the Stephen Lawrence Inquiry 1999 – further information below.)
6. Anti-racism training within police agencies (not just cross cultural- training, which risks becoming stereotype training and entrenches the problem).
7. The establishment of a hate crime unit within Victoria Police.
8. Dismissal of police who fail to investigate crimes against racial and religious minorities.
9. Ongoing integrity testing of officers about attitudes.
10. Recording cameras and microphones in all police holding cells, interview rooms, vehicles etc.
11. De-escalation training for all police in responding to all people including those from diverse racial, national, ethnic and cultural backgrounds.
12. Decriminalisation of offensive language. (People who are being stopped and questioned because of their race -racial profiling- are frequently charged with offensive language).
13. Introduction of a reasonable justification for searching a person under the *Control of Weapons Act*, (to reduce racial profiling potential).
14. Police protocol that police will not approach young people on the street unless requested or where there are statutory reasons to do so. (This protocol would be similar to the one existing between the police and homeless people).
15. Changing the definitions of services in the *Equal Opportunity Act* to include police interactions with people suspected of crimes. (Under current law, people who police treat as suspects are not recipients of a service and cannot make complaints under the Victoria *Equal Opportunity Act*).

In our opinion, these amendments will reduce the impact of overt racism and reduce the institutional racism with Victoria Police.

We recommend that the Hate Crime Review review the recommendations of the Stephen Lawrence Inquiry in the UK in 1999.

In particular we recommend the adoption of recommendation 61 which states as follows:

"That the Home Secretary, in Consultation with Police Service should ensure that a record is made by police officers of all "stops" and "stops and searches" made under any legislative provision (not just the Police and Criminal Evidence Act). Non-statutory or so called "voluntary" stops must also be recorded. The record to include the reason for the stop, the outcome, and the self-defined ethnic of the person stopped. A copy of the record shall be given to the person stopped."²

Mandatory recording and receipting

It is now mandatory under the *Police and Evidence Code A* (as amended on 1 January 2009) that police in the UK provide people they stop and search with a document containing the following data:

1. Their name and station where they work.
2. The legal basis for the stop.
3. The person's rights.
4. The reason the person has been stopped and searched.
5. Why the police chose that person.
6. What the police were looking for.

The police also keep a record of the following data:

1. The officer's details.
2. The date time and place of the stop.
3. The reason for the stop.
4. The self-defined ethnicity of the person.
5. Vehicle registration (if any).
6. What the officers were looking for and anything they found.
7. Name or description of the person stopped (if the person doesn't give their name).

(Source – Metropolitan Police – Stop and Search information)³.

Our attempts to study the issue of racial profiling as well as those of academic institutions with Victoria are having difficulties studying the prevalence of racism within the Victoria Police because Victoria Police fails to collect the above data.

The collection of this data would assist in studies of the issue of racial profiling, but also, and importantly from our clients' point of view, encourage the police to stop and search a person

² The Stephen Lawrence Inquiry 1999 – Recommendation 61 – Exhibit 2.

³ www.met.police.uk/stopandsearch/what_is.html#paperwork Exhibit 3.

only when justified.

Stop and search data collection does not just occur in the UK. In the US, 4,000 cities and 6,000 police departments collect data on the ethnicity of people they stop. Nine states - Maryland, Missouri, Nebraska, Nevada, South Dakota, Texas, Kentucky and Tennessee have laws that mandate data collection.⁴

In 2000, police in Montgomery were trained to use hand held computers designed to record the race and other details of motorists stopped in the county.

The 3 by 5 inch computer was said, by the police chief to cost the county \$373,000 US.⁵ On 9 October 2003 it was reported that LA Police were to be issued with wireless handheld computers to collect data while they were on foot patrol. It was reported that these computers would in future be able to print tickets.⁶

The availability of this technology indicates that data collection and receipting is within the capacity of police agencies.

The American Civil Liberties Union (ACLU) supports the use of data collection of the ethnicity of people police stop as a tool to understand and eliminate police stops based on race.⁷

A similar conclusion was reached by The Institute on Race & Poverty (*The "Institute"*) in their research on best practice components of racial profiling legislation.⁸

The Institute identified the following requirements:

1. Mandatory Collection of Data
2. Necessary Data collected to include:
 - Location, date, time
 - Race, age and gender of driver
 - The reason for the stop, the authority for the stop
 - The outcome of the stop
3. Ongoing – permanent data collection
4. Officers to be identified and tracked
5. Advisory committee to be established that includes community representatives.

4 ACLU Report 2009 Exhibit 4 .

5 Washington Post Article dated 26 July 2000 attached as Exhibit 5

6 Business Wire Article dated 9 October 2003. Exhibit 6

7 See Exhibit 7.

8 Attached as Exhibit 8.

In Canada, the 21 October 2003 Paying the Price of Racial Profiling Report of the Ontario Human Rights Commission recommended in Action 10 that police collect data on racial profiling and at Action 11 that an independent police complaint system be investigated.⁹

In 2009 the Canadian Human Rights Commission and Canadian Race Relations Foundation have urged police to collect data on the ethnicity of people they interact with.¹⁰

Studies from overseas support the introduction of stop and search receipting and data collection. We strongly recommend that the Hate Crime Review recommend these measures in Victoria.

We also attach a report on effective investigation of police written under a grant from the Victorian Law Foundation in response to the issues of police violence in Flemington, which provides further background to the issues we raise.

We look forward to hearing from you.

Yours sincerely,



Tamar Hopkins
Principal Solicitor



Simon Roberts
CEO

⁹ Attached as Exhibit 9.

¹⁰ Media report attached as Exhibit 10.

2006 CENSUS INFORMATION FOR FLEMINGTON PUBLIC HOUSING
(Collection District 2311405, 2311409, 2311406, 2311404) (with 2311403)

Sex	Flemington Housing Estate	Victoria	Australia
Males	983 (44.4%)	49.1%	49.4%
Females	1,230 (55.6%)	50.9%	50.6%

Age Groups	Flemington Housing Estate	Victoria	Australia
0-4	319 (15.1%)	6.2%	6.3%
5-14	422 (20%)	13.1%	13.5%
15-24	318 (15.1%)	13.7%	13.6%
25-54	754 (35.7%)	42.5%	42.2%
55-64	118 (5.6%)	10.8%	11.0%
65+	180 (8.5%)	13.7%	13.3%

Birthplace	Flemington Housing Estate	Victoria	Australia
Australia	647 (43.7%)	69.6%	70.9%
Vietnam	278 (18.8%)	1.2%	0.8%
Ethiopia	125 (8.4%)	*	0.0%
Somalia	183 (12.4%)	*	0.0%
China	39 (2.6%)	1.1%	1.0%
East Timor	88 (5.9%)	*	0.0%
Eritrea	56 (3.8%)	*	*
Sudan	45 (3%)	*	*
Turkey	20 (1.4%)	0.3%	0.5%

* ABS website only consists of the most common 35 countries of birth reported in the 2001 Census.

* Victoria saw a high representation of people born in England 3.3%, Italy 1.3% and New Zealand 1.3%.

Language spoken at home	Flemington Housing Estate	Victoria	Australia
English only	263 (18%)	74.4%	78.5%
Vietnamese	268 (18.3%)	1.5%	1.0%
Cantonese	238 (16.2%)	1.4%	1.2%
Somali	350 (23.9%)	*	0.0%
Arabic	228 (15.6%)	1.1%	1.2%
Amharic	16 (1%)	*	0.0%
Hakka	60 (4.1%)	*	0.0%
Turkish	28 (1.9%)	0.6%	0.3%
Spanish	14 (0.9%)	0.5%	0.5%

* ABS website only consists of the most common Language Spoken at Home responses reported in the 2001 Census.

Religion	Flemington Housing Estate	Victoria	Australia
Islam	839 (47.7%)	2.2%	7.7%
Budhism	342 (19.5%)	2.7%	2.1%
Catholic	314 (17.9%)	27.5%	25.8%
No religion	161 (9.2%)	20.4%	18.7%
Eastern Orthodox	68 (3.9%)	4.5%	2.7%
Eastern Orthodox	20 (1.1%)	4.5%	2.7%
Anglican	13 (0.7%)	13.6%	18.7%

Marital status	Flemington Housing Estate	Victoria	Australia
Married	729 (35.3%)	50.0%	49.6%
Never married	511 (24.8%)	33.4%	33.2%
Seperated/divorced	696 (33.8%)	10.5%	11.3%
Widowed	126 (6.1%)	6.0%	5.9%

Income	Flemington Housing Estate	Victoria	Australia
Median individual	208	456	466
Median household	297.5	1,022	1,027
Median family	410	1,170	1,171

Family	Flemington Housing Estate	Victoria	Australia
Couple with kids	167 (30.8%)	46.9%	45.3%
Couple without kids	66 (12.2%)	35.9%	37.2%
One parent families	285 (52.6%)	15.4%	15.8%
Other families	24 (4.4%)	1.9%	1.7%

Household type	Flemington Housing Estate	Victoria	Australia
Family	527 (70.6%)	68.1%	67.4%
Lone person	207 (27.7%)	23.3%	22.9%
Group	13 (1.7%)	3.8%	3.7%

Landlord	Flemington Housing Estate	Victoria	Australia
Real estate agent	0 (0%)	57.1%	50.5%
State Housing Authority	672 (97.7%)	12.3%	14.9%
Other	6 (0.8%)	27.7%	31.6%
Not stated	10 (1.5%)	2.9%	3%

CHAPTER FORTY-SEVEN

RECOMMENDATIONS

We recommend:

OPENNESS, ACCOUNTABILITY AND THE RESTORATION OF CONFIDENCE

1. That a Ministerial Priority be established for all Police Services:

"To increase trust and confidence in policing amongst minority ethnic communities".

2. The process of implementing, monitoring and assessing the Ministerial Priority should include Performance Indicators in relation to:

- i. the existence and application of strategies for the prevention, recording, investigation and prosecution of racist incidents;
- ii. measures to encourage reporting of racist incidents;
- iii. the number of recorded racist incidents and related detection levels;
- iv. the degree of multi-agency co-operation and information exchange;
- v. achieving equal satisfaction levels across all ethnic groups in public satisfaction surveys;
- vi. the adequacy of provision and training of family and witness/victim liaison officers;
- vii. the nature, extent and achievement of racism awareness training;
- viii. the policy directives governing stop and search procedures and their outcomes;
- ix. levels of recruitment, retention and progression of minority ethnic recruits; and
- x. levels of complaint of racist behaviour or attitude and their outcomes.

The overall aim being the elimination of racist prejudice and disadvantage and the demonstration of fairness in all aspects of policing.

3. That Her Majesty's Inspectors of Constabulary (HMIC) be granted full and unfettered powers and duties to inspect all parts of Police Services including the Metropolitan Police Service.

4. That in order to restore public confidence an inspection by HMIC of the Metropolitan Police Service be conducted forthwith. The inspection to include examination of current undetected HOLMES

based murders and Reviews into such cases.

5. That principles and standards similar to those of the Office for Standards in Education (OFSTED) be applied to inspections of Police Services, in order to improve standards of achievement and quality of policing through regular inspection, public reporting, and informed independent advice.

6. That proposals as to the formation of the Metropolitan Police Authority be reconsidered, with a view to bringing its functions and powers fully into line with those which apply to other Police Services, including the power to appoint all Chief Officers of the Metropolitan Police Service.

7. That the Home Secretary and Police Authorities should seek to ensure that the membership of police authorities reflects so far as possible the cultural and ethnic mix of the communities which those authorities serve.

8. That HMIC shall be empowered to recruit and to use lay inspectors in order to conduct examination and inspection of Police Services particularly in connection with performance in the area of investigation of racist crime.

9. That a Freedom of Information Act should apply to all areas of policing, both operational and administrative, subject only to the "substantial harm" test for withholding disclosure.

10. That Investigating Officers' reports resulting from public complaints should not attract Public Interest Immunity as a class. They should be disclosed to complainants, subject only to the "substantial harm" test for withholding disclosure.

11. That the full force of the Race Relations legislation should apply to all police officers, and that Chief Officers of Police should be made vicariously liable for the acts and omissions of their officers relevant to that legislation.

DEFINITION OF RACIST INCIDENT

12. That the definition should be:

"A racist incident is any incident which is perceived to be racist by the victim or any other person".

13. That the term "racist incident" must be understood to include crimes and non-crimes in policing terms. Both must be reported, recorded and investigated with equal commitment.

14. That this definition should be universally adopted by the Police, local Government and other relevant agencies.

REPORTING AND RECORDING OF RACIST INCIDENTS AND CRIMES

15. That Codes of Practice be established by the Home Office, in consultation with Police Services, local Government and relevant agencies, to create a comprehensive system of reporting and recording of all racist incidents and crimes.

16. That all possible steps should be taken by Police Services at local level in consultation with local Government and other agencies and local communities to encourage the reporting of racist incidents and crimes. This should include:

- the ability to report at locations other than police stations; and
- the ability to report 24 hours a day.

17. That there should be close co-operation between Police Services and local Government and other agencies, including in particular Housing and Education Departments, to ensure that all information as to racist incidents and crimes is shared and is readily available to all agencies.

POLICE PRACTICE AND THE INVESTIGATION OF RACIST CRIME

18. That ACPO, in consultation with local Government and other relevant agencies, should review its *Good Practice Guide for Police Response to Racial Incidents* in the light of this Report and our Recommendations. Consideration should be given to the production by ACPO of a manual or model for such investigation, to complement their current *Manual of Murder Investigation*.

19. That ACPO devise Codes of Practice to govern Reviews of investigations of crime, in order to ensure that such Reviews are open and thorough. Such codes should be consistently used by all Police Services. Consideration should be given to such practice providing for Reviews to be carried out by an external Police Service.

20. That MPS procedures at the scene of incidents be reviewed in order to ensure co-ordination between uniformed and CID officers and to ensure that senior officers are aware of and fulfil the command responsibilities which their role demands.

21. That the MPS review their procedures for the recording and retention of information in relation to incidents and crimes, to ensure that adequate records are made by individual officers and specialist units in relation to their functions, and that strict rules require the retention of all such records as long as an investigation remains open.

22. That MPS review their internal inspection and accountability processes to ensure that policy directives are observed.

FAMILY LIAISON

23. That Police Services should ensure that at local level there are readily available designated and trained Family Liaison Officers.

24. That training of Family Liaison Officers must include training in racism awareness and cultural diversity, so that families are treated appropriately, professionally, with respect and according to their needs.

25. That Family Liaison Officers shall, where appointed, be dedicated primarily if not exclusively to that task.

26. That Senior Investigating Officers and Family Liaison Officers be made aware that good practice and their positive duty shall be the satisfactory management of family liaison, together with the provision to a victim's family of all possible information about the crime and its investigation.

27. That good practice shall provide that any request made by the family of a victim which is not acceded to, and any complaint by any member of the family, shall be formally recorded by the SIO and shall be reported to the immediate superior officer.

28. That Police Services and Victim Support Services ensure that their systems provide for the pro-active use of local contacts within minority ethnic communities to assist with family liaison where appropriate.

VICTIMS AND WITNESSES

29. That Police Services should together with the Home Office develop guidelines as to the handling of victims and witnesses, particularly in the field of racist incidents and crimes. The Victim's Charter to be reviewed in this context.

30. That Police Services and Victim Support Services ensure that their systems provide for the pro-active use of local contacts within minority ethnic communities to assist with victim support and with the handling and interviewing of sensitive witnesses.

31. That Police Services ensure the provision of training and the availability of victim/witness liaison officers, and ensure their use in appropriate areas particularly in the field of racist incidents and crimes, where the need for a sensitive approach to young and vulnerable victims and witnesses is paramount.

PROSECUTION OF RACIST CRIMES

32. That the standard of proof of such crimes should remain unchanged.

33. That the CPS should consider that, in deciding whether a criminal prosecution should proceed, once the CPS evidential test is satisfied there should be a rebuttable presumption that the public interest test should be in favour of prosecution.

34. That Police Services and the CPS should ensure that particular care is taken at all stages of prosecution to recognise and to include reference to any evidence of racist motivation. In particular it should be the duty of the CPS to ensure that such evidence is referred to both at trial and in the sentencing process (including Newton hearings). The CPS and Counsel to ensure that no "plea bargaining" should ever be allowed to exclude such evidence.

35. That the CPS ensure that a victim or victim's family shall be consulted and kept informed as to any proposal to discontinue proceedings.

36. That the CPS should have the positive duty always to notify a victim and victim's family personally of a decision to discontinue, particularly in cases of racist crime, with speed and sensitivity.

37. That the CPS ensure that all decisions to discontinue any prosecution should be carefully and fully recorded in writing, and that save in exceptional circumstances, such written decisions should be disclosable to a victim or a victim's family.

38. That consideration should be given to the Court of Appeal being given power to permit prosecution after acquittal where fresh and viable evidence is presented.

39. That consideration should be given to amendment of the law to allow prosecution of offences involving racist language or behaviour, and of offences involving the possession of offensive weapons, where such conduct can be proved to have taken place otherwise than in a public place.

40. That the ability to initiate a private prosecution should remain unchanged.

41. That consideration should be given to the proposition that victims or victims' families should be allowed to become "civil parties" to criminal proceedings, to facilitate and to ensure the provision of all relevant information to victims or their families.

42. That there should be advance disclosure of evidence and documents as of right to parties who have leave from a Coroner to appear at an Inquest.

43. That consideration be given to the provision of Legal Aid to

victims or the families of victims to cover representation at an Inquest in appropriate cases.

44. That Police Services and the Courts seek to prevent the intimidation of victims and witnesses by imposing appropriate bail conditions.

TRAINING

FIRST AID

45. That First Aid training for all "public contact" police officers (including senior officers) should at once be reviewed and revised to ensure that they have basic skills to apply First Aid. Officers must be taught to "think first aid", and first and foremost "A (Airways), B (Breathing) and C (Circulation)".

46. That training in First Aid including refresher training should include testing to recognised and published standards in every Police Service.

47. That Police Services should annually review First Aid training, and ensure that "public contact" officers are trained and tested to recognised and published standards.

TRAINING

RACISM AWARENESS AND VALUING CULTURAL DIVERSITY

48. That there should be an immediate review and revision of racism awareness training within Police Services to ensure:-

- a. that there exists a consistent strategy to deliver appropriate training within all Police Services, based upon the value of our cultural diversity;
- b. that training courses are designed and delivered in order to develop the full understanding that good community relations are essential to good policing and that a racist officer is an incompetent officer.

49. That all police officers, including CID and civilian staff, should be trained in racism awareness and valuing cultural diversity.

50. That police training and practical experience in the field of racism awareness and valuing cultural diversity should regularly be conducted at local level. And that it should be recognised that local minority ethnic communities should be involved in such training and experience.

51. That consideration be given by Police Services to promoting joint training with members of other organisations or professions otherwise than on police premises.

52. That the Home Office together with Police Services should publish recognised standards of training aims and objectives in the field of racism awareness and valuing cultural diversity.

53. That there should be independent and regular monitoring of training within all Police Services to test both implementation and achievement of such training.

54. That consideration be given to a review of the provision of training in racism awareness and valuing cultural diversity in local Government and other agencies including other sections of the Criminal Justice system.

EMPLOYMENT, DISCIPLINE AND COMPLAINTS

55. That the changes to Police Disciplinary and Complaints procedures proposed by the Home Secretary should be fully implemented and closely and publicly monitored as to their effectiveness.

56. That in order to eliminate the present provision which prevents disciplinary action after retirement, disciplinary action should be available for at least five years after an officer's retirement.

57. That the Police Services should through the implementation of a Code of Conduct or otherwise ensure that racist words or acts proved to have been spoken or done by police officers should lead to disciplinary proceedings, and that it should be understood that such conduct should usually merit dismissal.

58. That the Home Secretary, taking into account the strong expression of public perception in this regard, consider what steps can and should be taken to ensure that serious complaints against police officers are independently investigated. Investigation of police officers by their own or another Police Service is widely regarded as unjust, and does not inspire public confidence.

59. That the Home Office review and monitor the system and standards of Police Services applied to the selection and promotion of officers of the rank of Inspector and above. Such procedures for selection and promotion to be monitored and assessed regularly.

STOP AND SEARCH

60. That the powers of the police under current legislation are required for the prevention and detection of crime and should remain unchanged.

61. That the Home Secretary, in consultation with Police Services, should ensure that a record is made by police officers of all "stops" and "stops and searches" made under any legislative provision (not

just the Police and Criminal Evidence Act). Non-statutory or so called "voluntary" stops must also be recorded. The record to include the reason for the stop, the outcome, and the self-defined ethnic identity of the person stopped. A copy of the record shall be given to the person stopped.

62. That these records should be monitored and analysed by Police Services and Police Authorities, and reviewed by HMIC on inspections. The information and analysis should be published.

63. That Police Authorities be given the duty to undertake publicity campaigns to ensure that the public is aware of "stop and search" provisions and the right to receive a record in all circumstances.

RECRUITMENT AND RETENTION

64. That the Home Secretary and Police Authorities' policing plans should include targets for recruitment, progression and retention of minority ethnic staff. Police Authorities to report progress to the Home Secretary annually. Such reports to be published.

65. That the Home Office and Police Services should facilitate the development of initiatives to increase the number of qualified minority ethnic recruits.

66. That HMIC include in any regular inspection or in a thematic inspection a report on the progress made by Police Services in recruitment, progression and retention of minority ethnic staff.

PREVENTION AND THE ROLE OF EDUCATION

67. That consideration be given to amendment of the National Curriculum aimed at valuing cultural diversity and preventing racism, in order better to reflect the needs of a diverse society.

68. That Local Education Authorities and school Governors have the duty to create and implement strategies in their schools to prevent and address racism. Such strategies to include:

- that schools record all racist incidents;
- that all recorded incidents are reported to the pupils' parents/guardians, school Governors and LEAs;
- that the numbers of racist incidents are published annually, on a school by school basis; and
- that the numbers and self defined ethnic identity of "excluded" pupils are published annually on a school by school basis.

69. That OFSTED inspections include examination of the implementation of such strategies.

70. That in creating strategies under the provisions of the Crime & Disorder Act or otherwise Police Services, local Government and

relevant agencies should specifically consider implementing community and local initiatives aimed at promoting cultural diversity and addressing racism and the need for focused, consistent support for such initiatives.

Image 1 - Anonymous letter found in a telephone kiosk

Image 2 - Anonymous letter found in a telephone kiosk

Image 3 - Anonymous letter left on car

Image 4 - Anonymous letter left on car

Image 5 - Note handed to Mr Ilsley on 6 May by Mrs Lawrence

Image 6 - Aerial photograph, looking north. Well Hall Road running from bottom right to upper right; junction with Dickson Road bottom centre

Image 7 - Aerial photograph, looking south west. Well Hall Road roundabout at left, with Well Hall Road running to bottom right; junction with Dickson Road at centre of photograph.

Image 8 - Ordnance Survey Map.

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We welcome your comments on this site.

Prepared 24 February 1999

Stop and Search

Frequently Asked Questions

- Why do the police in London use stop and search?
 - Why me?
 - What is a stop?
 - What is a stop and search?
 - Who can stop me?
 - Where can I be searched?
 - What if I am in a vehicle?
 - What should I do if I am stopped /and searched?
 - How should I react?
 - What can I expect from the officer stopping or searching me?
 - During a stop and search what information do the police have to give me?
 - During a stop and search what information will the police ask for?
 - Is this a police record?
 - What paperwork do I get after a stop? And a stop and search?
 - What information does the record contain?
-

Why do the police in London use stop and search?

The use of stop and search powers allow the police to tackle crime and anti social behaviour, and to prevent more serious crimes occurring.

Generally stop and search happens in public places – in the area around football matches, for example, or in neighbourhoods that have been experiencing problems with crime or vandalism.

The police have the legal right to stop members of the public and search them for a variety of reasons and using a number of powers. These are:

- Section 60 Criminal Justice and Public Order Act 1994, gives police the right to search people in a defined area at a specific time when they believe, with good reason, that: there is the possibility of serious violence; or that a person is carrying a dangerous object or offensive weapon; or that an incident involving serious violence has taken place and a dangerous instrument or offensive weapon used in the incident is being carried in the locality. This law has to be authorised by a senior officer and is used mainly to tackle football hooliganism and gang fights.
- Section 44 Terrorism Act 2000 gives police the power to search vehicles and people for items that could be used to commit a terrorist act. Police can search anybody anywhere under this law, and they do not need reasonable suspicion to do so. It is under this law that police conduct random searches in train and tube stations.

These searches are an important tool in the ongoing fight against terrorism. Used as part of a structured anti-terrorist strategy, the powers help to deter terrorist activity by creating a hostile environment for would-be terrorists – ensuring it is not easy for them to carry or use explosives and weapons.

Anti-terrorism Stop and Search often happens in train/tube stations, crowded public places

or near important landmarks such as Parliament in central London.

Across London you may encounter three different police forces, the Metropolitan Police Service, City of London Police and the British Transport Police. Officers from these three forces, at various times, work together on specific crime and terrorist operations.

Why me?

- Being stopped does not mean you are under arrest or have done something wrong. In some cases, people are stopped as part of a wide-ranging effort to catch criminals and deter would-be terrorists in a targeted public place.

A police officer, or a community support officer must have a good reason for stopping or searching you and they are required to tell you what that reason is.

There are, however, occasions when the police can search anyone in a certain area, for example when there is evidence that serious violence has taken place or may take place, (Powers under S60 Criminal Justice and Public Order Act 1994) or a terrorist threat has been identified, (powers under the Terrorism Act 2000). The officer should explain this to you and must be searching for items to be used in connection with terrorism or violence.

You should not be stopped just because of your age, race, ethnic background, nationality, faith, the language you speak or because you have committed a crime in the past.

The police can stop or stop and search you:

- As part of anti-terrorism efforts
 - If they think you're carrying a weapon, drugs or stolen property
 - If there has been serious violence or disorder in the vicinity
 - If they are looking for a suspect who fits your description
-

What is a stop?

There are three different types of stops that you may encounter:

- 1. **STOP** - when a police officer or police community support officer stops you in a public place and asks you to **account for yourself** and may ask you the following questions:
 - What you are doing
 - Where have you been
 - Where you are going
 - What you are carrying
- 2. **STOP AND SEARCH** - when a police officer stops and then searches you, your clothes and anything you are carrying.
- 3. **VEHICLE** - a police officer can stop any vehicle and ask the driver for driving documents. This is not the purpose of stop and search, but you may be given documentation relevant to road traffic matters. It becomes a stop if:
 - you or any passengers with you are asked to account for themselves; or
 - a search is carried out of the vehicle, you or any passengers with you.

You will not necessarily be searched every time you are stopped. Sometimes you may just be stopped and questioned.

The police officer or police community support officer must explain why you are being stopped and held to account for your actions or presence in an area.

There are plenty of occasions when you might talk to police, and most of these do not qualify as either a 'stop' or 'stop and search'.

You have not been officially 'stopped' if, for example:

- You stop an officer to ask for directions or information
- You have witnessed a crime and are questioned about it to establish the background to the incident
- You have been in an area where a crime recently occurred and are questioned about what you might have seen

In cases such as those, you have **not** been stopped for the purposes described on this website, a record of the encounter will not be made and you will not be given a receipt.

However, if you feel you have been stopped you can insist on the officer or police community support officer recording the encounter and giving you a receipt.

What is a stop and search?

Only a police officer can stop and go onto search you, your clothes and anything you are carrying, except when powers under the Terrorism Act 2000 are being used then police community support officers may search vehicles and bags carried by persons under the supervision of a police officer.

You may be stopped as the officer may have grounds to suspect that you are carrying:

- Drugs, weapons or stolen property
- Items that could be used:
 - to commit crime.
 - to commit an act of terrorism
 - to cause criminal damage.

The grounds the police officer must have should be based on facts, information or intelligence or could be because of the way you are behaving. There are times however when police officers can search anyone within a certain area, for example:-

- Where a terrorist threat has been identified. (Section 44 Terrorism Act 2000)
- Where there is evidence that serious violence has or may take place. (Section 60 Criminal Justice and Public Order Act 1994)

The police officer should explain this to you and must be searching for items that could be used in connection with violence or terrorism.

Who can stop me?

- A police officer, or

- A police community support officer.

A police community support officer must be in uniform. A police officer does not have to be in uniform but if they are not wearing uniform they must show you their warrant card.

Where can I be searched?

- In a public place
- Anywhere, if the police believe you have committed a crime

If you are in a public place, you only have to take off your coat or jacket and your gloves, unless you have been stopped in relation to terrorism or where the officer believes you are using clothes to hide your identity

If the officer asks you to take off more than this or anything you wear for religious reasons, such as a face scarf, veil or turban, they must take you somewhere out of public view. This does not mean you are being arrested. In this case, the police officer that searches you must be the same sex as you.

What if I am in a vehicle?

Your vehicle can be stopped at any time and you may be asked to show your driving documents, such as your drivers licence.

A police officer can legally stop any vehicle at any time and ask to see the driver's licence. They can also ask where you're going and why. If the process ends there, this is considered a 'vehicle stop'.

If, however, a police officer then tells you to step out of the vehicle and it is then **searched**, this is a 'vehicle stop and search'

What should I do if I am stopped or/and searched?

Everyone has a civic duty to help police officers prevent crime and catch offenders. The fact that the police may have stopped someone does not mean they are guilty of an offence.

Apart from the inconvenience, people may feel irritated that they've been stopped when they haven't done anything wrong – that's completely understandable. However, the stop or stop and search will be much quicker if a person co-operates with police officers.

It's up to you whether you provide your name and address. You don't have to, but the best advice is that you should co-operate with the police.

Don't forget that the stop or stop and search must be carried out according to strict rules – the police have responsibility to ensure that people's rights are protected. Everyone should expect to be treated fairly and responsibly. In almost all cases, an individual should be given a record of the stop or stop and search at the time it happens. The police use these powers to help make the local community safer by disrupting crime – public co-operation is an essential part of that.

How should I react?

Be patient

The police are aware that being searched is an inconvenience, and that you're probably in a hurry to get where you're going. They should make the search as brief as possible. But in the interest of public safety they must also be thorough.

Be calm

- Remember, you are not under arrest.
- Don't refuse to be stopped or/and searched.
- The process is not voluntary - the law gives police the authority to stop and search.
- Officers do not need your permission to go through your belongings - if you refuse, you can be searched by force.
- Try to stay calm and don't be afraid to speak to the officer if you think your rights are being infringed.

What can I expect from the officer stopping or searching me?

The officer must be polite and respectful at all times. The Metropolitan Police are committed to continuously improving standards around the delivery of service to London's communities.

All stops and searches must be carried out with courtesy, consideration and respect.

We are aware that the process may take a little time but the process should be handled quickly and professionally.

The police officer will ask a few questions and then if necessary search you.

The search is not voluntary. If you do not cooperate the officer can use reasonable force to conduct the search.

Police officers, and police community support officers must use stop and search powers fairly, responsibly and without discrimination.

During a stop and search what information do the police have to give me?

The police who stop and search you must provide you with certain information including:

- Their name and the station where they work (unless the search is in relation to suspected terrorist activity or giving his or her name may place the officer in danger. They must then give a warrant card or identification number)
- The law under which you have been stopped
- Your rights
- Why you have been stopped and searched
- Why they chose you
- What they are looking for

During a stop and search what information will the police ask for?

The police have a legal requirement to include certain information from individuals who have been stopped and searched. This includes:

- Date and time of the stop and search
- Location of the stop and search
- Why they stopped you, the grounds
- What they were looking for
- Names of the officers conducting the search and others present

The police officer will ask for your name and address and date of birth. You do not have to give this information if you don't want to, unless the police officer says they are reporting you for an offence.

Everyone who is stopped or stopped and searched will be asked to define his or her ethnic background. You can choose from a list of national census categories that the officer will show you.

You do not have to say what it is if you don't want to, but the officer is required to record this on the form. The ethnicity question help community representatives make sure the police are using their powers fairly and properly.

Is this a police record?

The fact that you are stopped and held to account and/or searched does not mean that you are under arrest or have done anything wrong. The officer is required to complete a form. The completing and issuing of the search form (or a receipt for a stop) does not amount to you having a police record.

What paperwork do I get after a stop and a stop and search?

You should receive a written record of the search or a receipt of the stop at the time of the event. If you want to complain either about being stopped or searched or the way it was carried out, this record / receipt will help identify the circumstances.

Supervisors at the police station also keep a copy of the search record. They use it to monitor the use of stop and stop and search powers and check for any inappropriate use. The police service must also make arrangements for community representatives to look at their stop and search records.

Police may use the search record at a later date to contact you about anything that may have happened in that area around the time you were stopped.

You will normally be given a search record at the time of the event. However, because of operational demands (public order situations, large public events, or if an officer is called to an emergency) you may be told where to collect the record later. A record must be made available for up to 12 months.

What information does the record contain?

The search record must contain the following information:

- the officer details

- the date, time and place of the stop and search
 - the reason for the stop and search
 - the outcome of the stop and search
 - your self-defined ethnicity
 - the vehicle registration number (if relevant)
 - what the officers were looking for and anything they found
 - your name or a description if you refuse to give your name – you do not have to provide the officer with your name and address.
-

Any further questions please access the [Ask the Met website](#)

ACLU report 2009

VII. THE SOLUTION

A. What is Being Done about Racial Profiling in the United States?

Over the past ten years, support for collecting arrest data as a mechanism to identify, understand, and address racial profiling has grown among law enforcement agencies, government officials and community groups. Tracking who the police stop and what happens after someone is stopped is an easy and effective way to determine whether racial profiling is occurring. It sends a strong message to individual police officers and the community at large that racial profiling is looked down upon. It also allows top law enforcement personnel to evaluate the effectiveness of their agency's policies.

Today, 4,000 cities, and 6,000 police departments across the country collect racial data on police stops.¹⁸ Nine states have laws requiring racial data collection by law enforcement agencies.¹⁹

Courts around the country have identified data collection as a mechanism to monitor and eliminate racial profiling. When other states and cities have been sued for systematic race-based arrests, the solution has often been to start collecting data.²⁰

The international community has also expressed support for increased monitoring of law enforcement. After the U.S. submitted its report on the International Covenant on Civil and Political Rights and appeared before the UN Human Rights Committee (HRC) in 2006, the HRC raised concerns about the widespread use of racial profiling by law enforcement and advised the U.S. government to address the lack of accountability or tracking mechanisms in place to monitor the activities of regional task forces set

up to wage the "war on drugs" and the "war on terror", stating that both of these "wars" disproportionately impact people of color.

B. What Ought to Be Done in Louisiana?

In 2001, Louisiana passed its first law on racial profiling. The law requires law enforcement agencies to collect and report data—including the race, gender and age data of all people stopped in traffic stops.

The law, however, has an enormous loophole. If a law enforcement agency adopts a written policy against racial profiling, they do not have to collect the data on all traffic stops.²¹ Naturally, almost every law enforcement agency in Louisiana has adopted a written policy against racial profiling.

Despite the law on racial profiling, no police department in the state is required to track data of the racial makeup of people stopped by law enforcement. One agency voluntarily collects and analyzes this data. Many more routinely record racial data, along with other identifying information they record each time someone is arrested, but they do not keep track of it or report it to any central agency so it can be analyzed later and examined for signs of racial profiling.

Almost all law enforcement agencies in Louisiana refuse to track racial data. They claim the process of collecting and reporting racial data is a drain of money and officers' time. Because of this, we don't know the full extent of racial profiling in Louisiana.

We do know, however, that we continue to get complaints from people who believe they are being harassed by the police—being stopped when they are simply going about the business of living their lives and have no involvement to crime—because of the color of their skin.

We also know that those who do voluntarily collect this data think it works. They feel it is a vital first step in combating the problem and have found ways to store the information without spending extra money on equipment and without consuming officers' time.

C. The Causeway Bridge Police: Data Collection at Work

The Causeway Bridge Police is in charge of patrolling the 24-mile causeway across Lake Ponchartrain. In 2001, prior to the passage of Louisiana's racial profiling law, the Causeway Bridge Police instituted a policy of collecting racial data on every stop conducted by its officers.

The Causeway Bridge Police Department's policy on racial data collection should serve as a model for law enforcement across Louisiana. Data collection allows the Causeway Bridge Police to defend its officers against unwarranted complaints of racial profiling and also allows the department to prevent systemic racism from corrupting the department's performance.

D. The St. Tammany Parish Sheriff's Office: The Future of Louisiana Law Enforcement

Throughout our data collection process the St. Tammany Parish Sheriff's Office expressed interest and concern about racial profiling. To demonstrate the legal and professional conduct of their officers and to show their opposition to racial profiling, the St. Tammany Parish Sheriff's Office has agreed to collect racial data on all traffic stops in accordance with LSA-R.S. 32:398.10. The ACLU applauds Sheriff Strain and the entire St. Tammany Parish Sheriff's Office for taking this important step and for demonstrating the Sheriff's Office's commitment to effective and constitutional policing practices. By collecting racial data on all traffic stops, the St. Tammany Parish Sheriff's Office sets a standard for law enforcement across the State of Louisiana. It is the hope of the ACLU that the other law enforcement agen-

cies analyzed in this report and all law enforcement agencies in Louisiana follow the lead of Sheriff Strain and begin collecting racial data on all traffic stops conducted by their officers.

E. Community Action: Another Step Towards Ending Racial Profiling

- Know your rights;
- Teach others their rights;
- Make complaints to law enforcement and the ACLU when you feel your rights have been violated;
- Organize community coalitions with fellow citizens

VIII. POSITIVE STEPS TO STOP

RACIAL PROFILING

The simplest way to begin creating greater fairness—in arrests and traffic stops for people of color—is to track data on the people stopped and arrested by Louisiana law enforcement.

The only way to solve the problem is to draw awareness to it; collecting data on stops is a powerful way to do that. The Causeway Bridge Police has found that data collection not only allows the department to identify and root out systemic racism, but it also makes the officers more aware of their actions, and ultimately more diligent at their jobs. It serves as a check while they are working; when they have to record the race of a person they are stopping, they are much more likely to stop and think about the reason for the stop.

IX. CONCLUSION

Seven years after the passage of Louisiana's first racial profiling law, racial profiling remains a major problem. We urge lawmakers to remove the loophole in the current law by requiring police departments and sheriff's offices to collect race data on all traffic stops. Removing the loophole would serve three important goals. First, mandatory data collection would allow the state and the public to identify which law enforcement agencies engage in racial profiling and devote attention and resources towards rectifying the problems in those areas. Second, the transparency created by mandatory data collection would lead to greater trust and respect between communities and the police. Third, data collection will make the state safer by channeling resources more effectively, encouraging policing practices which would prevent and stop crime.

Decades after the Constitution declared, people of all colors equal in the eyes of the law, we should feel emboldened to take the steps which will help make justice, fairness, and equality a reality in Louisiana.

¹ LSA R.S. 32:398.10.

² Reports on highway stops in Arizona, Minnesota, Nevada, New Jersey, New York, Texas and Washington, all refute the idea that racial profiling is justified because it helps catch more criminals. *Driving While Black or Brown: An Analysis of Racial Profiling in Arizona*, issued by the ACLU of Arizona in April of 2008; Report of the Interim Clerk of the State Review Team Regarding Allegations of Racial Profiling is available online at www.state.nj.us/lps/intm419.pdf, 1999 Report on the New York City Police Department's "Stop and Frisk" Practices available at www.oag.state.ny.us/press/reports/stop_frisk/stop_frisk.html; 2003 Minnesota Department of Public Safety Racial Profiling Report; 2003 Traffic Stop Data Collection Study in Carson City, Nevada; 2001 Report to the Legislature on Routine Traffic Stop Data in Olympia, Washington; *Driving While Black: Racial Profiling on Our Nation's Highways*, ACLU 1999 Report.

³ A great number of police departments and sheriff's offices already track racial data for arrests; they just do not compile or report data so that it can be analyzed to track racial inequalities.

⁴ *United States v. Brignoni-Ponce*, 422 U.S. 873, 886-87 (1975); *State v. Wilson*, 775 So. 2d 1051, 1052 (La. 2000).

⁵ CERD Articles 2 and 5. Article 2(1) provides: State Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and to this end: (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.....(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, groups or organization....

Also relevant is Article 5 of CAT which provides: In compliance with the fundamental obligations laid down in article 2 of this Convention, State Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:.....(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution....

⁶ *Driving While Black or Brown*, April 2008 report by the ACLU of Arizona, page 5.

⁷ U.S. Department of Health and Human Services, Office of Applied Science, *Results 2004 National Survey on Drug Use and Health: National Findings*. Found at: <http://www.oas.samhsa.gov/NSDUH/2k4NSDUH/2k4results/2k4results.htm#2.7>

⁸ In Arizona, black drivers were 2.5 times more likely to be searched than white drivers though the rates at which they were found to be carrying contraband was nearly identical. *Driving While Black or Brown: An Analysis of Racial Profiling in Arizona*, issued by the ACLU of Arizona in April of 2008.

⁹ The ACLU of Arizona's April 2008 report, *Driving While Black or Brown*, found that the majority of searches target minorities even though they ended up being less likely to carrying drugs, weapons or other illegal materials.

¹⁰ Arrests indicated to result from a probation and parole violations or warrants were not included in our study.

¹¹ Due to changes in the population following Hurricane Katrina, U.S. Census data was not used for St. Tammany Parish. Instead we used the 2007 Claritas Reports prepared for the St. Tammany Economic Development Foundation.

¹² Calmes, Mr. Jason.

¹³ Bath, Alison, *The Shreveport Times*, Racial Profiling? Traffic Citations database shows blacks cited more often for traffic offenses, January 20, 2008.

¹⁴ *Driving While Black or Brown: An Analysis of Racial Profiling in Arizona*, issued by the ACLU of Arizona in April of 2008.

¹⁵ This report of the Interim Clerk of the State Review Team Regarding Allegations of Racial Profiling is available online at http://www.state.nj.us/lps/intm_419.pdf. Also see Revised Statistical Analysis of the Incidence and Arrests of Police Stops of Black Drivers from 1991 through 1998 at www.lamberthconsulting.com/downloads/new_jersey_study_report.pdf.

¹⁶ The 1999 Report on the New York City Police Department's "Stop and Frisk" Practices is available at www.oag.state.ny.us/press/reports/stop_frisk/stop_frisk.html.

¹⁷ 2003 Minnesota Department of Public Safety Racial Profiling Report; 2003 Traffic Stop Data Collection Study in Carson City, Nevada; 2001 Report to the Legislature on Routine Traffic Stop Data in Olympia, Washington.

¹⁸ Dream and Reality: Search for Racial Justice in the United States. Open Society Institute, 2007.

¹⁹ *Maryland* [MD Code, Transportation, 25-113]; *Missouri* [V.A.M.S. 590.650]; *Nebraska* [Neb.Rev.St. Section 20-504]; *Nevada* [N.R.S. 289.820, A.B. 500, 71st Leg. (Nov. 2001)]; *South Dakota* [3 years of data collection that ended in 2005]; *Texas* [Vernon's Ann. Texas C.C.P. Art. 2.133]; *Utah* [U.C.A. 1953 Section 53-1-106]; *Kentucky Executive Order 2000-475* required State Law Enforcement collect data for 120 day trial period; *In 2001 Tennessee's Legislature enacted Chapter 910 [S.B. No. 2415] requiring Highway Patrol to collect data for year long study.*

²⁰ In Phoenix, Arizona in 2006, for example, a federal court approved a settlement ordering police to collect race data on all traffic stops and also receive written permission from drivers before searching vehicles in *Arnold v. Arizona Department of Public Safety*.

²¹ LSA R.S. 32:398.10



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Montgomery police officers are being trained to use hand-held computers designed to record the race, sex and age of all motorists stopped in the county, officials announced yesterday.

The new tracking system--part of an agreement that settled a three-year federal civil rights probe of the department--is scheduled to begin Sept. 1.

Police Chief Charles M. Moose said at a news conference yesterday that each officer assigned to patrol duties will be provided one of the 3-by-5-inch computers, which officials said cost the county \$373,000.

"The traffic-stop data collection is the most visible piece" of a project to improve the department, especially to allay citizens' fears of racial profiling, ...

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Inc. (NYSE:SBL) and partner Vytek Public Safety Solutions, Inc., today announced that the Los Angeles Police Department will implement ProfilerPD(TM), Vytek's integrated mobile solution, and the Symbol PDT 8100 ruggedized handheld computer to enable police officers in vehicles or on foot to collect critical law enforcement data and communicate with police stations and centralized databases as they move throughout the department's citywide network. Vytek's solution uses a secure, high-speed 802.11b (Wi-Fi) wireless local area network, to allow officers equipped with the Symbol PDT 8100 handheld

computer to collect and upload traffic stop data, such as a motorist's age and gender. The information is collected electronically, thereby reducing errors by eliminating the use of paper, while still ensuring complete records.

Electronic Traffic Tickets

In a second phase of the project, LAPD is planning to implement Vytek's electronic traffic ticket solution. Using the Symbol devices, officers will be able to create and print traffic citations on mobile printers while in the field.

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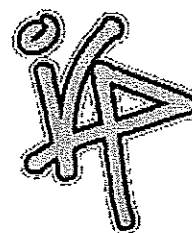
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institute on race & poverty

Research, Education and Advocacy



Components of Racial Profiling Legislation

DATE: March 5, 2001

TO: Senator Linda Berglin, Senator Jane Ranum, Representative Greg Gray

FROM: Institute on Race & Poverty

RE: Components of Racial Profiling Legislation

Summary

Key components of effective racial profiling legislation:

1. Mandatory collection
2. Necessary data categories
3. Ongoing data collection
4. Officer identification and other accountability measures
5. Establishment of an advisory committee of legislators, police representatives and community representatives

Context

Racial profiling is one of the most pressing civil rights issues of our time. It extends beyond direct victims to negatively affect all persons of color of all generations and income levels. It undermines the legitimacy of the criminal justice system, and hinders effective policing in the communities that need it the most.

A Resource Guide on Racial Profiling Data Collection Systems, published by the U.S. Department of Justice, defines racial profiling as:

any police-initiated action that relies on the race, ethnicity or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal

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activity.[1]

In the context of traffic stops by police officers, racial profiling should be defined broadly as encompassing officers' *use of race or ethnicity as a factor* in deciding to stop, question, search or arrest someone.

Racial profiling has been monitored in a number of jurisdictions, and in nearly all of these jurisdictions it was found to be a significant problem. For example, a 1996 study in Maryland found that while African Americans accounted for only 16.9% of the drivers on I-95, they constituted 72.9% of the drivers stopped and searched by the Maryland State police.[2]

Racial Profiling Violates Civil Rights

Racial profiling affects law-abiding citizens as well as offenders. Innocent persons of color are stopped, questioned and searched for reasons that would not lead to stops of white drivers. People of color report stops based on minor equipment violations such as items hanging from the rear view mirror, and even stops followed by inquiries such as, "whose car is this you're driving?" or "what are you doing in this neighborhood?"

"[i]n a society dedicated to the ideal of equal justice under the law, forcing one group of citizens to put up with disparate treatment because of the color of their skin is positively abhorrent."

Racial profiling not only subordinates the civil rights of entire communities to the goals of criminal justice, but it is an ineffective crime prevention tool that ultimately victimizes the very people that its supposed to protect (the non-criminal public). David Harris writes, "[i]n a society dedicated to the ideal of equal justice under the law, forcing one group of citizens to put up with disparate treatment because of the color of their skin is positively abhorrent." [3]

Racial Profiling Undermines Police-Community Relations

So far in Minnesota, only the Minneapolis and Saint Paul police departments have collected race data on traffic stops. The two cities' data-collection programs differ from each other, and both lack some of the components necessary for comprehensive analysis of the extent to which racial profiling is practiced. Until such data is collected throughout the state, we will not know the extent to which racial profiling is occurring in Minnesota. We do know, however, that people of color in Minnesota have experienced racial profiling, and that the perception in communities of color is that profiling is common.

A 1999 Gallup poll found that nationally, 42% of African Americans believe they have been stopped by police because of their race, 77% of African Americans believe racial profiling is widespread, and 87% disapprove of the practice.[4] The testimony presented by citizens of Minnesota at legislative hearings both last year and this year, and at public meetings last summer at Sabathani Community Center in Minneapolis and River of Life Christian Church in Saint Paul, indicates that the experiences and perceptions of people of color in Minnesota are similar.

The widespread perception among people of color that they are unfairly targeted by the police because of their race has led to a lack of trust in the police. This mistrust harms both the police and communities of color, by impeding effective police

work. Communities of color need effective policing. People of color are more likely than whites to be victims of crime. They need the protection offered by effective police work, and the police want to do their job effectively. Mistrust of the police frustrates this goal because it makes people less likely to cooperate with the police by reporting crimes and aiding police investigations. The investigation and eradication of racial profiling serves the common interests of police and communities of color.

The police, communities of color, and the entire community have an interest in effective policing. In order to further this goal, we must first gather the information necessary to move us beyond the stalemate of police denial of racial profiling, and community insistence that it is happening. After the information is gathered and analyzed, we will have a solid basis for designing measures that will allow police and communities of color to better work together to fight crime.

Racial Profiling is Unsound Policing

Dr. John Lamberth, in a study of stops by Maryland State Troopers on I-95, found that the "hit rate" – the percentage of searches in which contraband was found – was the same for black and white drivers, 28%.

Racial profiling not only constitutes discrimination against people of color; it is also an unsound, inefficient method of policing. One traditional law enforcement justification for racial disparities in police stops and searches is that it makes sense to stop and search people of color in greater numbers, because they are more likely to be guilty of drug offenses. The reality is that people of color are arrested for drug offenses in connection with vehicle stops at a high rate because they are targeted at a high rate, not because they are more likely than whites to

have drugs in their cars. Studies have shown that even when people of color are searched at higher rates, they are no more likely than whites to be found with contraband.

Dr. John Lamberth, in a study of stops by Maryland State Troopers on I-95, found that the "hit rate" – the percentage of searches in which contraband was found – was the same for black and white drivers: 28%. New Jersey's attorney general reported in 1999 that the hit rates for motorists stopped by New Jersey State Troopers were 10.5% for white drivers and 13.5% for black drivers. New York's attorney general reported that in "stop in frisk" incidents in 1998 and 1999, the arrest rates were 12.6% for whites, 11.3% for Latinos, and 10.5% for blacks. In 1998 the U.S. customs service reported similar numbers for stops and searches in airports nationwide. Their hit rates were 6.7% for whites, 6.3% for blacks, and 2.8% for Latinos.[5]

Legislation – Best Practices

Eleven states have enacted legislation addressing racial profiling to date: California,[6] Connecticut,[7] Kansas,[8] Massachusetts,[9] Missouri,[10] North Carolina,[11] Oklahoma,[12] Oregon,[13] Rhode Island,[14] Tennessee,[15] and Washington.[16] Of these statutes, the Missouri law is the strongest. So far in 2001, legislators in another thirteen states, including Minnesota, have introduced bills dealing with racial profiling. In general, the 2001 bills are stronger than the laws enacted in 1999 and 2000, with the trend in the 2001 bills being toward

mandatory, indefinite data collection by all state and local law enforcement agencies. The following analysis identifies the most effective legislation aimed at eliminating racial profiling through traffic stop racial data collection efforts. We have identified five key components of effective legislation:

Key Components of Good Racial-Profilng Legislation

1. Mandatory Collection

The first step toward addressing racial profiling is for law enforcement agencies to collect data on the race of all the drivers they stop, as well as related data about the character of the stops. Data collection is necessary for identifying the problem, and giving direction to efforts to eliminate profiling both as a practice of individual officers, and as an institutionalized departmental policy. Data collection is not intended as a "study," and should not be viewed as something that delays the implementation of a solution to racial profiling. Data collection is part of the solution. Ongoing monitoring and measuring of police performance is necessary to ensure effective police work and to serve the important mandate of protecting the civil rights of the public. Measuring performance and outcomes is an established and necessary element of effectively implementing and administering any program or policy.

Three states – Connecticut, Missouri, and Rhode Island – have laws mandating data collection by all state and local law enforcement agencies. Three more states – North Carolina, Tennessee and Washington – mandate data collection by the state police only. The trend is definitely toward mandatory, universal data collection. This year, almost all of the bills introduced around the country – bills in 10 of the 12 states other than Minnesota considering new profiling legislation – include mandatory data collection by all state and local police.^[17] A bill has also been introduced in Washington to expand that state's mandatory data collection from state police to all police.

Racial profiling is an important law enforcement issue that affects civil rights. A voluntary policy would be ineffective and place the rights of people of color at the whim of individual jurisdictions that may perceive it to be in their best interest not to evaluate the problem. Jurisdictions that feel that they have something to hide and/or are not seriously committed to civil rights will not voluntarily collect data. Also, the nature of our metropolitan areas and the nature of our driving habits require many of us to cross city boundaries every day. Allowing local municipalities to decide whether or not to collect data will give us only a fragmented idea of the extent of racial profiling and how to address it. Under voluntary programs, different localities will collect different information, making comparison and analysis difficult at best. The different data categories recorded by Minneapolis and Saint Paul police in their voluntary programs illustrate this point. Finally, the perception of the problem in minority communities is so strong that unless the state sends a clear message that it takes the issue seriously as a civil rights concern, we cannot hope to effectively deal with it.

2. Necessary Data Categories

It is necessary for effective analysis of the data that sufficient categories of data be recorded. The necessary categories are the location, date and time of the stop; the race, age and gender of the driver; the reason for the stop; the disposition of the stop; and data relating to searches. We recommend the recording of comprehensive search data: whether there was a search, the authority for the search, and whether any contraband was discovered.

Search data in general is necessary because data reported in other jurisdictions indicates that people of color are not only more likely to be stopped by the police; once stopped, they are more likely to be searched, or have their vehicle searched. Information about the results of the search is necessary for analysis of the "hit rates," the rates at which contraband is found when people of different races are searched. As noted above, hit rate studies in other jurisdictions have shown that disproportionate stopping and searching of people of color is not an effective drug interdiction strategy.

Of the six states currently mandating data collection by either state police or all police, five require the recording of data regarding searches.^[18] Three of the five^[19] require all of the search data we recommend: occurrence of search, authority for search, and whether contraband was found. Of the 10 new state bills mandating data collection, eight require search data,^[20] with four of those eight including all of the search data we recommend.^[21]

3. Ongoing Data Collection

Data collection is a monitoring tool for protecting civil rights and ensuring ongoing achievement of key law enforcement goals; it is not simply a tool for measuring the magnitude of a problem at a particular point in time. Four states' laws currently require ongoing data collection,^[22] but the trend in this year's bills is definitely toward ongoing data collection. All 10 of the bills in other states that mandate data collection do so indefinitely. No new bill in any state other than Minnesota terminates the data collection after a study period. Also, a bill has been introduced in Connecticut to extend that state's existing data collection program until 2012.

Racial profiling is a serious civil rights violation, and an obstacle to police-community relations and effective policing. This is not a short-term concern. Data collected thus far at sites around the country, public opinion polls, and testimony presented at hearings here in the Twin Cities all indicate that racial profiling is a widespread civil rights violation, one that warrants ongoing monitoring of law enforcement officers and agencies. Also, the requirement of recording the race of every driver stopped may deter law enforcement officers from making improper racially motivated stops. The benefits of this deterrent effect should be reaped indefinitely.

4. Officer Identification and Other Accountability Measures

The Missouri law requires each law enforcement agency to adopt procedures for determining whether any officers have a pattern of disproportionately stopping people of color, and to provide counseling and training to any such officers. New bills introduced in Illinois, Indiana and Texas contain similar provisions.

The ability of police agencies to identify and address problem officers is necessary to an effective response to a finding of racial profiling. Unlike the other two Minnesota bills, Representative Gray's bill requires that the officer's badge number be included in the record of each stop. Under this bill, the identity of individual officers would not be public information, but would be solely for internal use by the law enforcement agencies in identifying officers who may need additional training or other remedial attention. The Saint Paul Police Department currently uses a similar system, which has allowed the department to identify a small number of officers whose disproportionate stopping of African Americans was handled within the department.^[23] The Sacramento, California, police department voluntarily employs similar procedures, as do the New Jersey State Troopers, under a consent decree with the U.S. Department of Justice. No existing law in any state specifies that officer identification information must be recorded, but the Missouri law and the new bills in Illinois, Indiana and Texas seem to anticipate such data collection, since they

require departments to identify officers who need additional training and/or disciplinary action.

5. Establishment of an Advisory Committee of Legislators, Police Representatives and Community Representatives

Rhode Island's statute includes a provision calling for the creation of a racial profiling advisory board to work with the attorney general in designing the data collection program, and choosing the independent analyst to analyze the data. This provision is a step toward remedying the persistent under-representation of people of color in decision-making bodies addressing racial profiling. It also provides an opportunity for police representatives and community representatives to begin working together to address the problem of racial profiling, and to begin developing the cooperative relationships that will be necessary to the process of healing the divisions between police and communities of color.

[1] DEBORAH RAMIREZ, JACK McDEVITT & AMY FARREL, A RESOURCE GUIDE ON RACIAL PROFILING DATA COLLECTION SYSTEMS: PROMISING PRACTICES AND LESSONS LEARNED 3 (2000).

[2] DAVID A. HARRIS, DRIVING WHILE BLACK: RACIAL PROFILING ON OUR NATION'S HIGHWAYS, AN AMERICAN CIVIL LIBERTIES UNION SPECIAL REPORT 21-22 (1999).

[3] David A. Harris, *Car Wars: The Fourth Amendment's Death on the Highway*, 66 GEO. WASH. L. REV. 556 (March 1998).

[4] The same poll showed that although only 6% of whites believed they had been stopped by police because of their race or ethnic background, 56% of whites believed racial profiling was widespread, and 80% disapproved of profiling. THE GALLUP POLL, September 24-November 16, 1999.

[5] RAMIREZ, *supra* note 1, at 10.

[6] CA S.B. 1102 (1999).

[7] Conn. Public Act No. 99-198 (1999).

[8] Kan. H.B. 2683 (1999).

[9] 2000 Mass. Legis. Serv. Ch. 228 (S.B. 2238).

[10] R.S.Mo. ch. 590 (2000).

[11] N.C. St. § 144-10 (1999).

[12] Okla. S.B. 1444 (1999).

[13] HB 2433-A (1997).

[14] Rhode Island Laws. Ch. 00-251(2000).

[15] Tenn. S.B. 2415 (1999).

[16] Wash. Legis. Sev. Ch. 118 (S.S.S.B. 6683) (2000).

[17] Those ten states are Alabama, Georgia, Illinois, Indiana, Mississippi, Montana, Nebraska, New York, Texas, and Virginia.

[18] The five states are Connecticut, Missouri, North Carolina, Rhode Island, and Washington.

[19] Missouri, North Carolina, Rhode Island.

[20] Georgia, Illinois, Indiana, Montana, Nebraska, New York, Texas, and Virginia.

[21] Georgia, Illinois, Indiana, and Texas.

[22] Connecticut, Missouri, North Carolina and Washington. Massachusetts law also requires indefinite data collection, but only for stops that result in a citation.

[23] Phillip Piña and Janet Roberts, *St. Paul Police Stops Show Racial Disparity*, ST. PAUL PIONEER PRESS, January 10, 2001, at 1A.

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RECOMMENDATIONS FOR FUTURE ACTION

RECOMMENDATIONS FOR FUTURE ACTION

The effects of racial profiling identified in this report raise significant human rights issues to which society must respond. We cannot afford to allow racial profiling to be tolerated and practiced in Ontario. The cost is simply too great. It is imperative that swift and effective action be taken.

To this end, the Commission is proposing some measures for action to address racial profiling. This is not intended to be an exhaustive list of best practices to combat racial profiling, as that has not been the focus of the Commission's work to date. Rather, the focus of the Commission's recommendations remain consistent with the purpose of the inquiry: to raise public awareness about racial profiling, to mobilize public action to put an end to it and to bridge the divide between those who deny the existence of racial profiling on the one hand, and the communities who have long held that they are targets of racial profiling on the other.

The discussion that follows is aimed at **all** organizations or institutions that may have a problem with racial profiling. This includes, but is not necessarily limited to:

- police services across the province (including the OPP and RCMP);
- all levels of the criminal justice system including crown counsel, justices of the peace, judges, prison guards and officials and those involved in parole and probation;
- all levels of the education system, particularly those involved in any way with the *Safe Schools Act* and zero tolerance policies such as school board officials, school administrators, principals, teachers, guidance counsellors, Ministry of Education officials;
- the Canada Customs and Revenue Agency;
- private security companies;
- malls, stores, restaurants, bars, theatres, casinos;
- taxi companies; and
- airport and airline security.

Government ministries responsible for some of the above institutions, such as the Ministry of Community Safety and Correctional Services, the Ministry of the Attorney General, and the Ministry of Education, also have a role to play in implementing the Commission's recommendations for action.

As indicated earlier, many studies have been undertaken on issues of police/minority relations and on racism in the criminal justice system (see Appendix A). Many of these reports put forward excellent recommendations covering race relations training, recruitment and retention of diverse police forces, measures for community based policing, effective police complaint

mechanisms, the use of force and many other areas. The number of studies that have been conducted have led racialized communities to tell the Commission that they feel that they have been "studied to death" and that what is now needed is action. However, few of the recommendations from these reports have been implemented or, if implemented, monitored to ensure their effectiveness.

Therefore, the Commission recommends that one of the first priorities is to conduct a review of the recommendations set out in earlier studies, set a timetable for implementation and establish a process for monitoring implementation and effectiveness. It is the Commission's view that each body to which these reports apply should conduct its own review and set its own timetable for implementation of the recommendations relevant to it. However, it is also the Commission's opinion that a central government agency should be responsible for overseeing this process and reporting on the implementation of the recommendations. In addition, this body should have a mandate to ensure that government policy development respects and promotes racial equity and diversity, should engage in public education activities and should facilitate relationships between those with concerns about racial profiling and public and private sector organizations that serve the public.

ACTION:

1. The government should establish a Racial Diversity Secretariat with a mandate to:
 - report annually on issues of racism in Ontario;
 - review and report on the implementation of recommendations in previous reports on racial profiling;
 - review and report on the implementation of recommendations in previous reports specific to Aboriginal peoples, in particular the 1996 Report of the Royal Commission on Aboriginal Peoples;
 - influence and support government policy development activities to ensure that racial diversity and equity are respected and promoted in all government initiatives;
 - facilitate dialogue between those with concerns about racial profiling and public and private sector service providers; and
 - engage in public awareness and education activities concerning racial diversity.
2. All organizations and institutions entrusted with responsibility for public safety, security and protection should take steps to monitor for and prevent the social phenomenon of racial profiling, and develop or modify their policies, practices, training and public relations activities in this regard.

- 3. Organizations or institutions that have, or are alleged to have, a problem with racial profiling should review recommendations set out in earlier studies, should report on those that have been implemented and establish a timetable for executing those recommendations that remain outstanding.**
- 4. With respect to Aboriginal persons, organizations or institutions involved in the delivery of services to the Aboriginal community should review their practices to ensure that they are adapted to the unique needs of Aboriginal persons and that their staff is properly trained in issues concerning the Aboriginal community.**

As discussed throughout this Report, one of the main barriers to addressing racial profiling is an unwillingness to admit that it is occurring or even that the perception that it is a problem is reason enough to be concerned and take action. It is the Commission's view that the evidence of the existence of racial profiling is incontrovertible; that this approach of denial does not work and only exacerbates tensions in our society. It is not conducive to either tackling racial profiling or to good community relations. Therefore, the Commission recommends that persons in positions of leadership acknowledge the problem of racial profiling and send a strong message that it is not tolerated.

ACTION:

- 5. Organizations or institutions that have, or are alleged to have a problem with racial profiling, should accept and acknowledge the existence of racial profiling as well as the need to address the concerns of the communities they serve.**
- 6. Persons in positions of leadership in Ontario, including government officials, should accept and acknowledge the existence of profiling and demonstrate a willingness to undertake action to combat it.**
- 7. All organizations serving the Ontario public should adopt a zero tolerance policy regarding racial profiling and should communicate it clearly to all staff.**
- 8. Economic analysts, business, private and public sector leaders should consider the effect of racial profiling when analyzing economic costs and productivity issues.**

What is also clear from the Commission's inquiry is that many persons who are affected by profiling are eager to engage in a constructive process to work with key organizations and leaders to identify their concerns and strategies for addressing profiling. In a few areas where this is already happening, there have been some positive gains made in terms of both building relationships and concrete measures to begin to tackle local issues of profiling. Therefore, the Commission would emphasize the importance of this type of dialogue between institutions and communities.

ACTION:

- 9. Organizations or institutions that have, or are alleged to have a problem with racial profiling should meet with concerned communities on an ongoing basis to discuss concerns and work with these communities to facilitate solutions.**

A recurrent theme in the racial profiling inquiry and the Commission's consultation on disability and education regarding zero tolerance policies and the *Safe Schools Act* emphasized the need to monitor whether there is a disproportionate impact on certain groups. In other words, where there is a concern expressed that policies or practices are having a particular effect on certain groups, organizations should take steps to assess whether this is in fact the case. This will normally involve the collection of data and production of statistics.

It is to be emphasized that the collection of data identifying individuals by *Code* grounds must be done with great care. Such data must only be used for the purposes of furthering the objects of the *Code*, such as to monitor and evaluate discrimination, identify and remove systemic barriers, ameliorate disadvantage and promote substantive equality. It should never be used to further marginalize or stigmatize a group. And, where the public interest is involved, organizations collecting the data should consult with affected communities and the Commission regarding the method of collection and the use of the data.

ACTION:

- 10. Where anecdotal evidence of racial profiling exists, the organization involved should collect data for the purpose of monitoring its occurrence and to identify measures to combat it. Such organizations should consult with affected communities and the Ontario Human Rights Commission to establish guidelines on how the data will be collected and its use. Such data should not be used in a manner to undermine the purposes of the Ontario *Human Rights Code*.**

The participants in the inquiry were clear in expressing their view that the current process in place to receive complaints against institutions, particularly the police, does not have their confidence. The overwhelming feeling was that the process is not accessible, lacks independence and is not effective in resolving concerns. A complaint process that has the trust of communities is critical.

ACTION:

- 11. The Ministry of Community Safety and Correctional Services should undertake a public consultation to determine the best way to ensure that the police complaints mechanism is, and is seen as, independent and effective. Necessary changes to the current system should be made accordingly.**

The need for training initiatives on racism and racial profiling was repeatedly mentioned by participants in the inquiry. While some organizations already provide such training, many felt that it needs to be strengthened. And, in other cases the perception is that no such training is provided at all. For example, many people noted that private security guards have a great deal of power but many receive no training at all on racism, race relations or racial profiling.

ACTION:

- 12. Organizations or institutions that have, or are alleged to have a problem with racial profiling should engage in ongoing effective training initiatives on racism, race relations and racial profiling.**
- 13. The Ministry of Education should incorporate anti-discrimination and diversity training in the elementary and secondary school curriculum. This should also be the case for private schools operating in Ontario.**

Another recurrent theme that came through in the inquiry is the need to ensure diversity in key societal institutions. This is achieved through recruitment, promotion and retention of racialized persons.

ACTION:

- 14. Organizations or institutions that have, or are alleged to have a problem with racial profiling should undertake measures to improve recruitment, retention and promotion of employees who are members of racialized groups.**

A number of other suggestions and best practices to tackle profiling have been identified to the Commission. While many of these are covered in more detail in the many reports and studies that already exist and are therefore addressed by recommendation 1 and 2, they are also worth repeating on their own:

ACTION:

- 15. Police services across the province should install cameras in police cruisers to allow for monitoring the interaction between the police and public.**
- 16. Police officers and private security guards should wear name badges that are clearly displayed.**

- 17. Organizations or institutions that have, or are alleged to have a problem with racial profiling should provide new staff with sufficient support to ensure that they learn appropriate practices and not resort to racial profiling due to the stresses of the job.**
- 18. In conjunction with local communities, police services should develop educational materials, particularly aimed at youth, explaining citizens' rights.**
- 19. Organizations or institutions that have, or are alleged to have a problem with racial profiling should study the best practices of other organizations that are dealing with racial profiling, both in Canada and abroad, with a view to implementing them.**

The Commission will persist in its efforts to combat racial profiling and racial discrimination in Ontario. It will use its mandate to hold anyone engaging in racial profiling accountable in accordance with the Ontario *Human Rights Code*. And, the Commission will continue with the work it has begun on its larger project on race, which includes as its goal the development of a Commission policy statement on racial discrimination. The Commission further commits to training its own staff on issues around racial profiling and race and will also work with community groups and other organizations to continue to raise awareness in society about the negative effects of racial profiling.

The Commission is optimistic that through sincere commitment and sustained efforts, racial profiling can be stopped. However, it will take a concerted effort from a number of public and private sector organizations and even individuals to stop racial profiling. We all have a role to play in ending racial profiling. The time has come to act, the human cost of racial profiling is too great – our society is paying the price.



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Vytek and Symbol Technologies Provide Los Angeles Police Department with Innovative Handheld...

Publication: Business Wire

Date: Thursday, October 9 2003

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"With the use of ruggedized devices and field-proven software, the LAPD officer can quickly and reliably enter and upload required data to the database from the field, eliminating data collection and transposition errors, while also providing important field information to the LAPD's operational staff," said Lt. Anita McKeown of the Los Angeles Police Department's Information and Communication Services Bureau.

"Our selection by the LAPD over some very large competitors is both validation and recognition of the hard work that went into the development of ProfilerPD. Our solution provides a comprehensive data collection platform that incorporates leading wireless technologies with a proven software product," said Bill Shannon, vice president, Vytek Public Safety Solutions, Inc. "This implementation of ProfilerPD provides the LAPD with a platform for additional functionality, including the creation of traffic tickets and access to criminal databases."

"The Los Angeles Police Department is pioneering a technology trend that puts 'anywhere-anytime' information into the hands of officers on the street to improve productivity and public safety. We believe the system will pay for itself in savings alone from increased accuracy in a matter of months," said Brian Lehmann, senior director, global government, Symbol Technologies.

Vytek and Symbol anticipate that officers using the handheld computer will need no more than 30 seconds to capture appropriate traffic stop data. This represents a significant time savings over the current method of capturing information: now officers use a paper-based system to collect the data before it is handed off to additional personnel for data entry. This paper-based system is often slow and leads to inaccurate data collection. Vytek's ProfilerPD solution is expected to improve the department's efficiency, accelerate accurate report preparation and assist in compliance with the Department of Justice's Consent Decree that addresses racially biased policing by law enforcement officers. The consent decree requires information to be collected from all motorists stopped by officers.

"Vytek is working with law enforcement organizations in California, Maryland, Missouri and other states to deliver uninterrupted, secure and fast wireless access to the data that is at the heart of any public safety organization," said Joe Dion, president, Vytek Public Safety Solutions, Inc. "We are convinced that we can provide Los Angeles with the most innovative solution available today."

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EDITORIAL

Learning from race data

Mar 25, 2009 04:30 AM

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The argument for collecting race-based police statistics gained more allies last week when two arm's length federal organizations called for such data as a way to address racial profiling.

In a joint statement, the Canadian Human Rights Commission and the Canadian Race Relations Foundation urged police, border guards, and security agencies across the country to systematically track their interaction with the public – a process that would include collecting information on people's race.

Elsewhere, this is done routinely, including in many U.S. states and in Britain. But – with rare exceptions – police forces in Canada are unwilling to collect and analyze statistics that could shed light on racial profiling by some officers.

Police adamantly maintain that they do not discriminate according to race, but there is much anecdotal evidence, especially in the black community, to suggest profiling does indeed happen. It is impossible to know how much.

That's why a systematic collection of statistics is so important: It can alert police departments if they have a problem with racial profiling.

The federal human rights commission and the foundation, which is a Crown corporation dedicated to fighting racism, issued their joint statement after the authors of a study they commissioned recommended "more rigorous data collection to demonstrate whether or not profiling occurs."

Several methodologies exist to do exactly this sort of analysis. Indeed, as the joint statement notes: "The collection of such data is becoming the norm." Given that trend, Canada's police and security forces should take up the challenge and confront race-based statistics – sooner rather than later.

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