

# *Unequal*



UNDER THE

# *Law*

RACIAL PROFILING IN LOUISIANA



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|--|-----------|
| <b>I. INTRODUCTION.....</b>  | <b>5</b>  |
| <b>II. WHAT IS RACIAL PROFILING? .....</b>                               | <b>7</b>  |
| Joseph Brock's Story .....   | 7         |
| Oscar S. James II's Story .....  | 8         |
| <b>III. THE PROBLEM WITH RACIAL PROFILING .....</b>                      | <b>9</b>  |
| <b>IV. THE ACLU'S INVESTIGATION .....</b>                                | <b>9</b>  |
| The Results .....  | 10        |
| Avoyelles Parish .....   | 10        |
| St. Tammany Parish .....   | 10        |
| E.J. Simpson's Story.....  | 11        |
| De Soto Parish .....   | 12        |
| <b>V. OTHER STUDIES: THE CASE IN STATISTICS NATIONWIDE .....</b>         | <b>13</b> |
| <b>VI. THE STORIES BEHIND THE STUDY.....</b>                             | <b>15</b> |
| <b>VII. THE SOLUTION .....</b>   | <b>17</b> |
| A. What is Being Done about Racial Profiling in the United States? ..... | 17        |
| B. What Ought to Be Done in Louisiana? .....                             | 17        |
| C. The Causeway Bridge Police: Date Collection at Work.....              | 18        |
| D. The St. Tammany Parish Sheriff's Office:                              |           |
| The Future of Louisiana Law Enforcement.....                             | 18        |
| E. Community Action: Another Step Towards Ending Racial Profiling.....   | 18        |
| <b>VIII. POSITIVE STEPS TO STOP RACIAL PROFILING .....</b>               | <b>19</b> |
| <b>IX. CONCLUSION .....</b>  | <b>19</b> |



## I. INTRODUCTION

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Seven years ago, Louisiana passed the state's first racial profiling law.<sup>1</sup> It made a statement about racial equality under the law, but was a largely empty gesture in that it did not require law enforcement to document officers' daily conduct. Almost three years ago, in the aftermath of Hurricane Katrina, the world watched as thousands of New Orleans residents—most of them poor and black—were left stranded by the rising floodwaters. Then last year, race inequality in Louisiana was once again thrust into the national spotlight when six African-American students were suspended and arrested under dubious circumstances in Jena.

Racial profiling erodes our system of justice. It erodes the public's faith in the police, and the police's trust in the community. Assumptions take the place of facts—facts which are needed to fight crime and make our neighborhoods safer.

The American Civil Liberties Union is dedicated to the principle that *all people* should be treated equally under the law. In 2007, we began an investigation to find out whether racial profiling is still occurring in Louisiana, and if so, which areas have the worst problem.

We collected arrest and booking data for the first three months of 2007 from three parishes in Louisiana, analyzed the numbers, reviewed law enforcement policies and looked into individual complaints of racial profiling. This is a summary of what we found.

Racial profiling remains a problem in Louisiana. In the worst areas, in towns like Bunkie and Mansfield, black people are two to three times as likely to be arrested as white people.

There remains a common perception that African-Americans are more likely to be driving a stolen car, carrying drugs, or involved in illegal activity when pulled over than white people, but many studies have shown this perception to be untrue. There is a growing body of evidence—studies by Attorney General Offices, watchdog organizations and the U.S. Department of Justice—showing black drivers violate laws less frequently or at the same rates as white drivers.<sup>2</sup>

Our report puts three parishes under the magnifying lens. It is a small window into racial profiling in Louisiana and law enforcement policies which have a disparate effect on people of color.

We urge Louisiana legislators to amend the current law and require all law enforcement agencies to collect and report racial data on all traffic stops.<sup>3</sup> This would be a vital step towards stopping racial profiling. Armed with this information, police chiefs will have a better idea of how their officers are behaving and how to strengthen law enforcement overall.



## II. WHAT IS RACIAL PROFILING? \_\_\_\_\_

Racial profiling occurs whenever law enforcement targets someone based on the color of their skin or their physical appearance—be it their race, ethnicity or national origin. When police officers or security guards stop, search, detain, or arrest an individual because of the way they look, that is racial profiling.

Evidence of racial profiling does not mean that police are consciously harassing black people. Law enforcement officers' perceptions of who looks suspicious or whether someone is likely to commit a crime are often based on subconscious ideas about specific groups of people.

Still, racial profiling violates the United States Constitution's promise that all people are equal under the law. It also violates the 4<sup>th</sup> Amendment guarantee that all people be free from unreasonable searches and seizures.<sup>4</sup> Targeting people based on their race is also a direct violation of human rights norms; it contradicts the Convention on the Elimination of All Forms of Race Discrimination, a major human rights treaty to which the United States is a signatory.<sup>5</sup>

### RACIAL PROFILING: REAL STORIES

Racial profiling not only violates the Constitution. It is ineffective policing. Smart law enforcement techniques—those proven to stop crime—single people out based on behavior that is directly related to committing a crime, not based on the color of their skin or their hairstyle.

### Joseph Brock's Story



Joseph Brock is a consultant who works with families in the criminal justice system. He helps defense attorneys conduct investigations and helps people get family members released from prison on bond. Mr. Brock's work takes him into Orleans Parish courthouses daily.

Mr. Brock also happens to be a black man with dreadlocks who drives a red Chevy Monte Carlo. When driving, he is routinely stopped by police. One of his most recent encounters with the police occurred in May 2008, while he was driving to a client's home.

When Mr. Brock was pulled over, he had been obeying all traffic laws. The police questioned him about what he was doing and where he was going; they did not ask about or mention any traffic violation. Mr. Brock explained he was on his way to a client's home and that he worked in the courthouse. Ultimately, the police recognized him and allowed him to go on his way.

When asked about repeatedly being stopped by the cops, Mr. Brock says these incidents are "embarrassing." He works hard, trying to help people for a living, and is tired of being treated like a criminal when he has not done



anything wrong. Mr. Brock laments the fact that police often take one look at the color of his skin or his dreadlocks and assume he is dealing drugs or driving a stolen car.

The time and resources the police spend stopping people like Joseph Brock could and should be used to investigate real crimes committed by real criminals. As long as the police target people such as Mr. Brock based on their skin color or hairstyle, important police work is left undone. Basic public safety is at stake when people are profiled.



### Oscar S. James II's Story

In April 2008 Oscar James, a twenty-seven year old African American Councilman from Newark, NJ, along with five other adults and five teenagers traveled to Louisiana to volunteer their time in a week-long Habitat for Humanity program. One of the purposes of the group's trip was to show the residents of Louisiana that the rest of the country had not forgotten about them or their flood-damaged homes. While in Louisiana, Councilman James and the other members of his group worked in St.

Bernard Parish replacing the roofs of homes damaged by Katrina and its aftermath. All members of Councilman James' group of volunteers were people of color.

Unfortunately, in addition to sampling Louisiana's famous cuisine and meeting many wonderful community members, the group also learned firsthand about the reality of racial profiling in Louisiana. On April 11 during the group's lunch break, their rented minivan was stopped by St. Bernard law enforcement for an alleged traffic violation. Instead of speaking with the driver about the alleged violation, the officers ordered two passengers, including Councilman James, out of the vehicle. The police then patted down the two men and searched the car. Nothing illegal was found in the car and nothing illegal was found on the bodies of the two men. When the

police instructed Councilman James to remove all sharp objects from his body, Councilman James emptied the nails he had been using to repair roofs from his pockets. When he did so, police officers charged him with littering.

Councilman James was racially profiled. We believe that the car Councilman James was riding in was pulled over and searched because it was carrying several black people, not because of a traffic violation. Councilman James was ordered out of the car and patted down because he was a black man wearing informal clothing. In New Jersey Councilman James is a respected elected official, yet due to the color of his skin, when he came to Louisiana he was treated as a presumed criminal.

### III. THE PROBLEM WITH RACIAL PROFILING \_\_\_\_\_

Racial profiling is a pretext. It stems from the idea that if police pull someone over for speeding, then they get to investigate any bad things that person's been doing. Profiling motorists is a strategy originally employed by the Drug Enforcement Agency in the 1980's to intercept drug couriers on highways.<sup>6</sup> It has been statistically shown, however, that black people use illegal drugs in roughly the same proportion as people of other races and ethnicities.<sup>7</sup> Likewise, there is proof that, when black drivers are pulled over at a disproportionate rate, police don't find more weapons or other contraband.<sup>8</sup> Using race as a proxy for who has probably committed a crime does not work.

Racial profiling wastes police resources and diverts police attention away from those who are committing dangerous crimes. Black people are no more likely to speed, drive recklessly, or forget to replace burnt-out headlights than drivers of other ethnicities, but they are much more likely to be pulled over. They are more likely still to be searched or have their vehicle searched.<sup>9</sup> And if a black driver takes issue with being targeted, he often finds himself accused of resisting arrest or disorderly conduct, an offense that takes aim at a person's attitude towards the police while ignoring the fact that no real crime has been committed.

While racial profiling is most often discussed in connection with traffic violations, the subtle perception that people of color are criminals can seep into other areas too, corrupting the relationship between the police and the community. The ACLU has investigated many complaints where basic interactions between community members and law enforcement have resulted in unnecessary arrests and severely damaged relations between law enforcement and the communities they are charged with protecting.

Taking a stance against racial profiling is a simple way to encourage more strategic and less violent interactions between police and the community overall.

### IV. THE ACLU'S INVESTIGATION \_\_\_\_\_

In the fall of 2007, the ACLU began collecting and analyzing data for the first three months of 2007 from three parishes across Louisiana. We focused on St. Tammany Parish in southeastern Louisiana, Avoyelles Parish in central Louisiana, and De Soto Parish in northwestern Louisiana. The ACLU received complaints from around the state suggesting that racial profiling might be a problem. We wanted to learn what was really happening, and whether those complaints had any basis.

To gather racial data, we sent public records requests to sheriff's offices and police departments. By reviewing arrest reports and booking information provided by the sheriff's offices and police departments themselves, we compiled racial data on arrests from nine different agencies in these three parishes.<sup>10</sup> When the arrest data we received did not include race, we looked through court records to fill in that information.

The gathering of arrest and racial data was time-consuming, but without legislation requiring law enforcement to report racial data, this was the only way we could gather the data for analysis. We obtained the racial makeup of each town, city, and parish from the most recent U.S. Census.<sup>11</sup> By comparing the racial composition of people arrested to the racial composition of the population overall, we were able to identify the rate at which law enforcement agencies arrested people of color and the rate at which they arrested white people.

The idea is, that, if black people make up 50% of the population in a given town, they should make up roughly 50% of the arrests. We looked to see whether the rates at which black people and white people were arrested were roughly equal, and paid special attention to any areas with grossly different rates. A statistician helped us determine the chances the differences in arrest rates between people of color and white people could occur randomly.

We acknowledge that a direct comparison between the rate of arrest and the representation in the population overall for each racial group does not take into account several factors; for example, if police patrol certain areas more heavily than others, or certain groups of people engage in criminal activity more than others, this could skew our findings. We also acknowledge that the St. Tammany Parish Sheriff’s Office is a very large organization with many taskforces and enforcement units which due to the specialized nature of their operations could arguably affect our findings. To control for this, we did special comparisons within each parish because we understand law enforcement practices in rural parishes may vary significantly from law enforcement practices in more urban settings.

*The Results*

We collected information from nine law enforcement agencies. In every town, city, and parish examined, people of color were arrested at a higher rate than their representation in the population. For instance, in the town of Bunkie, black people make up 52% of the population, but 80% of the arrests. The differences may not seem stark to the average reader; but in reality, this means that if you are a black resident of Bunkie, you were 3.8 times more likely to be arrested during the first three months of 2007 than if you are a white person living in Bunkie.

For six of the nine agencies we studied, the difference between the arrest rate for people of color and the proportion of people of color in the community overall was found to have a less than one percent chance of occurring randomly.<sup>12</sup> And only one law enforcement agency, the Mandeville Police Department, had arrest data that was found to have more than a 10% chance of occurring randomly. In other words, statistical analysis indicates that the disparity in arrest records is not due to chance.

These results strongly suggest racial profiling is still occurring in Louisiana. These numbers warrant further investigation. Several areas in particular had such high arrest rates for black people that it is highly probable people are being targeted by law enforcement according to the color of their skin. Law enforcement techniques there should be carefully reviewed.

*Avoyelles Parish*

The most alarming statistics came from Bunkie in Avoyelles Parish, in central Louisiana. In Avoyelles Parish as a whole people of color are arrested by

the Sheriff’s Office at 1.3 times the rate of white people. However, the Bunkie police department arrests people of color at a much higher rate.

In Bunkie, black people are 3.8 times as likely to get arrested as white people. In Marksville, the town next door, black people are 1.7 times more likely to get arrested than white people. As previously mentioned, the Avoyelles Sheriff’s Office, which patrols the entire parish, had the best record of any agency examined in the Parish. There, people of color are 1.3 times as likely to get arrested as white people.

Something special is occurring in Bunkie. In stark contrast to the Avoyelles Sheriff’s Department and the Marksville Police Department, Bunkie’s arrest rate for blacks strongly suggests the Bunkie police are targeting people based on race.

|  | Bunkie   | Marksville   | Avoyelles Parish   |
|--|--|--|--|
| Total Population                                 | 4,662  | 5,537  | 42,663   |
| % People of Color                                | 52%  | 43%  | 33%  |
| % White Residents                                | 48%  | 57%  | 67%  |
| % People of Color as a Percentage of all Arrests | 80%  | 56.5%  | 38.8%  |
| Arrest Rate Comparison                           | People of color in Bunkie are 3.8 times more likely to be arrested than white people | People of color in Marksville are 1.7 times more likely to be arrested than white people | People of color in Avoyelles Parish are 1.3 times more likely to be arrested than white people |

Many of the most disturbing stories we heard while doing this report came from Bunkie. Take Gary Fields, for example. In January the Bunkie Police Department kicked down the door to his home and drew a Taser after they came to seize his car. Fields, an African American man, had not committed a crime, stolen anything or harmed anybody; the police had come to his home on a civil matter. But the police treated him like a criminal.

**St. Tammany Parish**

St. Tammany Parish abuts New Orleans in southeastern Louisiana. Over the past few decades, many white residents of Orleans Parish have relocated to St. Tammany, which is known for its high-performing public schools. With a population of just over 230,000, the vast majority of residents are white.

Within St. Tammany Parish, we examined the arrest and booking data of police departments in Covington, Mandeville, and Slidell and the St. Tammany Parish Sheriff’s Office. All three police departments and the Sheriff’s Office had arrest rates for people of color that were higher than people of color’s representation in the population. Only Mandeville had a rate which suggests true balance.

|  | Covington  | Mandeville  | Slidell  | St. Tammany Sheriff’s Office   |
|--|--|---|--|--|
| Total Population                               | 8,976  | 12,255  | 26,632   | 230,001  |
| % People of Color                              | 27%  | 10%   | 22%  | 16%  |
| % White People                                 | 73%  | 90%   | 78%  | 84%  |
| People of Color as a Percentage of all Arrests | 41%  | 11%   | 34%  | 31%  |
| Arrest Rate Comparison                         | People of color in Covington are 1.8 times more likely to be arrested than white people. | People of color in Mandeville are 1.2 times more likely to be arrested than white people. | People of color in Slidell are 1.8 times more likely to be arrested than white people. | People of color in St. Tammany are 2.3 times more likely to be arrested than white people. |

**E.J. Simpson’s Story**



E.J. Simpson is a fourteen-year-old boy who lives in De Soto Parish and attends the local middle school. One night in April 2008 as he was leaving a school dance, he was taken into custody by the police. That night outside the dance, a scuffle broke out between teenagers. E.J. was not involved. In fact, he ran in the opposite direction to get away from the fight. But when police appeared on the scene, they saw E.J.—a black teenager in a hooded sweatshirt—and chased after him. The police drew a gun on E.J., pushed him to the ground, and put him in handcuffs.

Scared and shaken, E.J. was taken to the police station and held there, until the police could determine he had done nothing wrong. Instead of driving E.J., a teenager with no way to get home, back to his mother’s house and apologizing for what had happened, the police ordered E.J to call his mother and have her pick him up at the station.

When E.J.’s mother arrived, the police said nothing about what had happened or why they had pulled a gun on her son. The police had no reason to believe E.J. was involved in the fight. He just happened to be at the dance that night.

E.J.’s mother Joy is still upset about the incident. The police in De Soto assume “every little black boy wearing a hoodie is a criminal,” she told us.

***De Soto Parish***

De Soto Parish is located in northwest Louisiana. The data collected from De Soto Parish also shows variations between law enforcement agencies. People of color are over twice as likely to be arrested by the police department in the town of Mansfield than are white people. Our data and citizen complaints suggest racial profiling is a real problem in the city of Mansfield.

|  | Mansfield Police Department  | De Soto Sheriff's Office   |
|--|--|--|
| Total Population                               | 5,582  | 26,390   |
| % People of Color                              | 66%  | 42%  |
| % White People                                 | 34%  | 58%  |
| People of Color as a Percentage of all Arrests | 85%  | 53%  |
| Arrest Rate Comparison                         | People of color in Mansfield are 2.9 times more likely to be arrested than white people. | People of color in De Soto are 1.6 times more likely to be arrested than white people. |

## V. OTHER STUDIES:

### THE CASE IN STATISTICS NATIONWIDE \_\_\_\_\_

The ACLU is not the only organization investigating racial profiling in Louisiana. In January of 2008, *The Shreveport Times* published the results of a similar study they conducted. They compared how frequently black and white drivers receive citations. They found that, in Shreveport, black drivers are given tickets more than twice as often as one would expect given their representation in the driving population overall; and in Bossier City, black drivers receive tickets 2.25 times more often than white drivers.<sup>13</sup>

*The Shreveport Times'* findings mirror our own. We take this as yet another sign that racial profiling is a serious problem in Louisiana.

Since the phrase “driving while black” was coined nearly a decade ago, many organizations have begun documenting racial profiling on America’s roadways. Today, there is a growing body of evidence to show that, in nearly every state that’s been examined, minority drivers are disproportionately pulled over, searched, or given citations though there is no rational reason to treat them differently.

- The ACLU of Arizona issued a report in April 2008 showing that minority drivers are more likely to be stopped by the police, and more likely to be searched and detained for long periods of time despite statistical evidence that they are *less* likely to have drugs or weapons in their cars. Blacks and Hispanics were 2.5 times more likely to be

searched than Caucasians. Data collected showed that minorities were targeted by the Department of Public Safety police on every major highway in the state.<sup>14</sup>

- A study conducted by the New Jersey Attorney General’s Office in 1999 found racial inequality with vehicle searches; black people made up three-quarters of all cars searched on the New Jersey Turnpike but made up a significantly smaller percentage of state motorists.<sup>15</sup>
- A similar study, conducted by the New York Attorney General’s Office, of 175,000 pedestrians stopped by police in New York City, found that African-Americans were six times more likely to be stopped than white people—a rate of ten times their percentage in the overall population. Blacks who were stopped proved less likely to be carrying something illegal than whites who were stopped.<sup>16</sup>

Since 2000, reports have been published with similar findings in Minnesota, Nevada, and Washington.<sup>17</sup>



## VI. THE STORIES BEHIND THE STUDY

The ACLU of Louisiana receives complaints throughout the state about racial profiling. Complaints tend to fall into two categories: 1) traffic stops and searches; and 2) arrests.

In preparing this report, the ACLU wanted to go beyond the data to find out what people are experiencing day-in day-out, and whether the complaints we receive have merit. We spoke with a number of people who feel they've been targeted by police.

The story we heard most frequently comes from black men who drive new or luxury cars. These men always tell the same story. When driving their cars, police stop them for no reason. Police search their cars without cause. When the search doesn't turn up anything, the police issue them tickets for fabricated or minor violations such as driving five miles over the speed limit or failure to signal before making a turn. This pattern of events violates the U.S. Constitution, Louisiana's law, and the CERD Human Rights Treaty which all condemn racial profiling. Yet it occurs repeatedly.

James Soileau, a 39-year-old disabled veteran from Ville Platte, Louisiana has such a story. After serving eight years in the military, including twice on the front lines of Operation Desert Storm, Soileau retired with his wife, who works as a school teacher. As a disabled veteran, he collects several thousand dollars a month from the government and sometimes works as a camera machinist. I had a couple incidents with the police," he explained. "A police officer who's off the force now, he was wondering how I was able to drive new cars. So he labeled me as a drug dealer. He was pulling me over left and



right. And if anybody else was driving my car, he was stopping them and having my car impounded. He would pull me over just to see who was driving. If it was me, he knew I knew the law. So he would just kind of harass me a little bit, ask for my license."

At the time, Soileau was buying a new car every few years and had a Toyota Camry. "Between me and my wife, we got an income of almost \$100,000 a year. We got a nice car that's paid for. I just recently bought a house in Opelousas—the house cost me a quarter of a million dollars. And what they don't understand is, how can a black man have that? See, that's Evangeline Parish."





## VII. THE SOLUTION

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### 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.<sup>18</sup> Nine states have laws requiring racial data collection by law enforcement agencies.<sup>19</sup>

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.<sup>20</sup>

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.<sup>21</sup> 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.

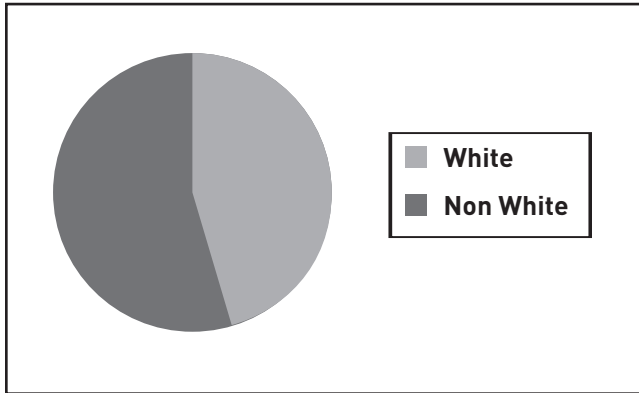
The only way to solve the problem is to draw awareness to it; collecting data on stops is a powerful way to do that. The Causeway Bridge Police has found that data collection not only allows the department to identify and root out systemic racism, but it also makes the officers more aware of their actions, 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 \_\_\_\_\_

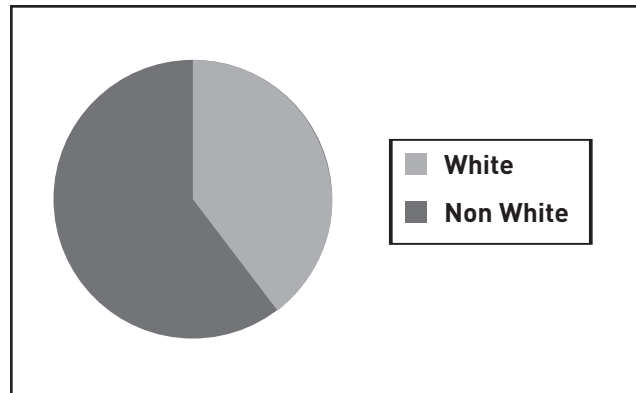
Seven years after the passage of Louisiana’s first racial profiling law, racial profiling remains a major problem. We urge lawmakers to remove the loophole in the current law by requiring police departments and sheriff’s offices to collect race data on all traffic stops. Removing the loophole would serve 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.

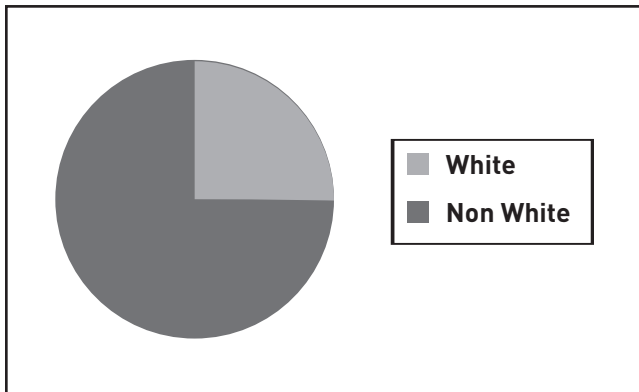
BUNKIE POPULATION



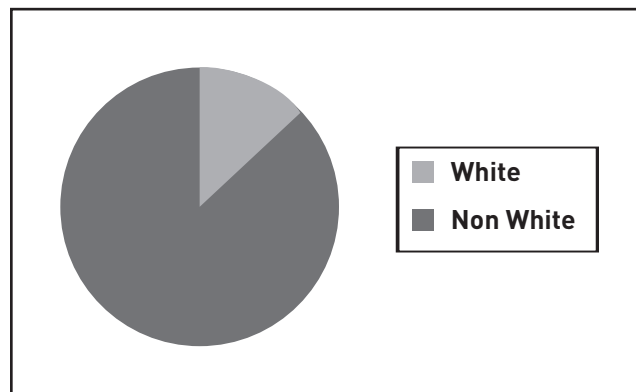
MANSFIELD POPULATION



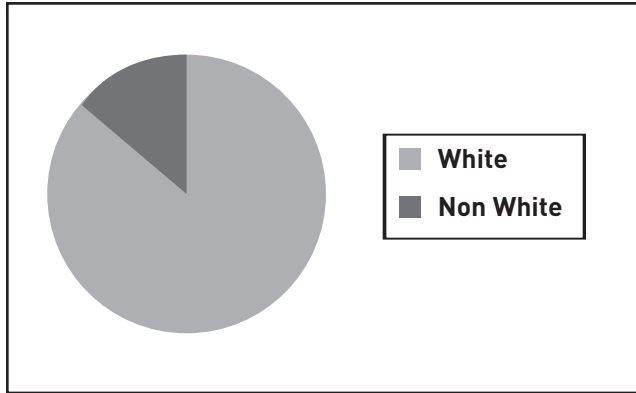
BUNKIE ARRESTS



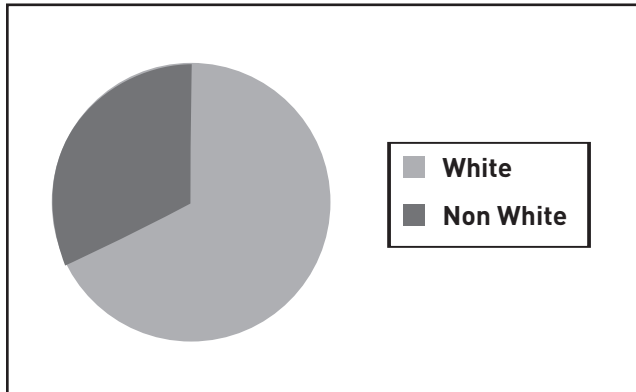
MANSFIELD ARRESTS



ST. TAMMANY POPULATION



ST. TAMMANY ARRESTS



<sup>1</sup> LSA R.S. 32:398.10.

<sup>2</sup> 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](http://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](http://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.

<sup>3</sup> 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.

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

<sup>5</sup> 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....

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

<sup>7</sup> 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>

<sup>8</sup> 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.

<sup>9</sup> 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.

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

<sup>11</sup> 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.

<sup>12</sup> Calmes, Mr. Jason.

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

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

<sup>15</sup> 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](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](http://www.lamberthconsulting.com/downloads/new_jersey_study_report.pdf).

<sup>16</sup> 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](http://www.oag.state.ny.us/press/reports/stop_frisk/stop_frisk.html).

<sup>17</sup> 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.

<sup>18</sup> *Dream and Reality: Search for Racial Justice in the United States*. Open Society Institute, 2007.

<sup>19</sup> *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.

<sup>20</sup> 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*.

<sup>21</sup> LSA R.S. 32:398.10





