

## ARKANSAS RACIAL PROFILING TASK FORCE

Jack T. Lassiter  
Chairman



December 30, 2011

Senator Mary Anne Salmon, Chair  
Representative Tommy Baker, Chair  
Arkansas Legislative Council  
315 State Capitol  
Little Rock, Arkansas 72201

RE: Racial Profiling Annual Report

Dear Senator Salmon and Representative Baker:

On behalf of the Racial Profiling Task Force, I am pleased to provide the Racial Profiling Task Force annual report, pursuant to Act 1458 of 2009. As charged, task force members monitored implementation and compliance with Arkansas Code § 12-12-1401 and reforms enacted by the 87<sup>th</sup> General Assembly, studied the effectiveness and feasibility of a racial profiling data collection system, worked in conjunction with law enforcement agencies and civil rights activists, and compiled an annual report to be presented to the Governor, Arkansas Legislative Council, and the Arkansas Legislative Black Caucus of the General Assembly.

We are providing supporting documentation including: a survey created by task force member Maricella Garcia, reports from the office of the Attorney General, Police Departments, Sheriff's Departments, and Campus Police Departments.

We believe this report can and should be a valuable tool in addressing the occurrences of racial profiling in the State of Arkansas.

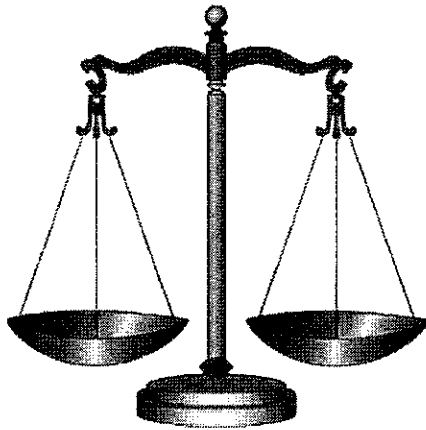
Sincerely,

A handwritten signature in cursive script that reads "Jack Lassiter" with a small "es" below it.

Jack Lassiter, Chair

c: The Honorable Paul Bookout, Senate President Pro Tempore  
The Honorable Robert Moore, Speaker of the House of Representatives

ARKANSAS TASK FORCE ON RACIAL PROFILING:  
ACT 1458 OF 2009



DECEMBER 30, 2011

Submitted by:

Jack Lassiter, Chair  
Renee Bullock  
Chief Carlos Corbin  
John L. Colbert  
Lt. William Dawson  
Maricella Garcia  
Kevin Hunt  
John Wesley Hall  
Larry Jegley  
Leonardo Monterrey  
Dorothy Oliver  
Didi Sallings  
Marcus Vaden  
Gary Walker

**Annual Report**  
**Racial Profiling Task Force**

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## **Racial Profiling Task Force 2011 Report**

Act 1458 of the regular session of the 2009 General Assembly directed the Governor to appoint a 13 member Task Force on Racial Profiling. Governor Beebe's appointees were John L. Colbert, John Wesley Hall, Didi Sallings, Leonardo Monterrey, Maricella Garcia, Lt. William Dawson, Marcus Vaden, Chief Carlos Corbin, Larry Jegley, Dorothy Oliver, Renee Bullock, Gary Walker and Jack Lassiter. Sadly, Ms. Renee Bullock passed away during the work of the task force; her contribution and efforts are recognized. Kevin Hunt was appointed to complete Ms. Bullock's term.

A previous task force had a different mandate from the current one. That task force conducted public hearings and made recommendations, some of which were incorporated into the current task force legislation. The final report of the previous task force is dated December 30, 2004.

This task force was charged with the following tasks.

- 1. Monitor implementation and compliance with Arkansas Code § 12-12-1401 et seq. and reforms enacted by the 87<sup>th</sup> General Assembly.**

Response:

Earlier legislation required each law enforcement agency in the state to create and provide Legislative Audit a copy of the department's policies on racial profiling. Legislative Audit was contacted and provided the task force a disc containing policies produced in response to the legislation. The disc contains a report of 75 sheriff's offices and 284 police departments. Representatives of Legislative Audit have appeared twice before the task force to brief us on compliance with the legislative mandate.

- 2. Serve in an advisory capacity to the director of the Department of Arkansas State Police and the State Board of Education regarding the public education and awareness campaigns on racial profiling.**

Response:

The task force has not been called upon by either the Arkansas State Police or State Board of Education to assist.

**3. Study the effectiveness and feasibility of a racial profiling data collection requirement in the state of Arkansas.**

Response:

The Arkansas State Police is implementing an E-Citation system. As most racial profiling incidents occur during traffic stops, this will provide an effective and feasible platform to monitor racial profiling. Jack Lassiter, chairman of the Task Force, met with Lt. Colonel Tim K'nuckles and Allen Fitzgerald of the Arkansas State Police (ASP) on May 8, 2011. In that meeting, Colonel K'nuckles stated that the response from the involved state agencies had been excellent and projected implementation by year end for certain law enforcement agencies in the central Arkansas area. The global positioning system is also built into the design and, as a result, the database will contain not only information relevant to race, but also the location of law enforcement/citizen contact. The system will also contain warning citation data. The effectiveness of such a system will, of course, depend on the number of law enforcement agencies participating. A similar system in Alabama has incorporated 98% of the law enforcement agencies in that state.

During the task force meeting on September 30, 2011, at the Bowen School of Law, presenters from ASP provided an in-depth description of the system. ASP representatives were Gloria Cook, E-Citation Project Manager; Ms. Paulette Ward, Internal Affairs Supervisor - Office of Professional Standards; Bill Sadler, State Police Public Information Officer; and James Kingsbury, Information Technology Specialist. In this system, the cited driver's license and registration are scanned and global positioning system coordinates of the stop are entered as well. The officers can print a copy of the ticket for the defendant and a computer copy is automatically sent to a data storage bank. The citation is then electronically sent to the appropriate district court for docketing and adjudication. After adjudication, the court finding can be electronically sent to the Department of Finance and Administration's Revenue Division. As of the September 30 meeting, the program was still under development. Five district courts were E-Citation ready with an additional district court nearing readiness.

**4. Work with law enforcement agencies and civil rights advocates to determine an effective and appropriate penalty for violating the prohibition against racial profiling.**

Response:

Task Force member Maricella Garcia created a survey addressing this issue that was forwarded to individuals and organizations statewide. A summary of the 63 responses is attached. The Task Force was unable to reach agreement as to an appropriate sanction (**Attachment 1**).

**5. Compile an annual report of all complaints and investigations regarding racial profiling. Provide the report to the Governor, Arkansas Legislative Council, and the Arkansas Legislative Black Caucus of the General Assembly.**

Response:

Beginning September 2011, all police departments and sheriff's offices in the state were contacted and asked to provide a report of all complaints and investigations involving racial profiling. The task force was assisted with this task by Ms. Christean Bell, Bureau of Legislative Research staff.

Eighty-five police departments responded. A list of the responding departments is attached to this report (Attachment 2). Only eight departments reported racial profiling complaints, as listed below:

- Cabot - one complaint determined to be inconsistent with the evidence
- Fort Smith - twelve complaints, of which eight were determined unfounded, one withdrawn, one not sustained, one no violation, and one lack of cooperation
- Hope - one complaint in which the officer was exonerated
- Jacksonville - nine complaints, four in which the officer was exonerated, three unfounded, and one not sustained
- Little Rock - three complaints, one of which was determined unfounded, one not sustained, and one under review
- North Little Rock - four complaints, three determined unfounded and one with no misconduct
- Rogers - six complaints, five of which were determined unfounded and one in which the officer was exonerated
- El Dorado - one complaint determined not to violate profiling policy

None of the twenty-five sheriff's offices responding reported a racial profiling complaint during the time period. A list of those responding is attached (Attachment 3).

The Public Safety Departments of the following institutions of higher learning responded with no complaints of racial profiling (Attachment 4): Arkansas Northeastern College, Arkansas State University, Arkansas Tech University, Henderson State University, Mid-South Community College, North Arkansas College, Northwest Arkansas Community College, Ozarka College, Phillips Community College, Pulaski Technical College, South Arkansas Community College, University of Arkansas at Little Rock, University of Arkansas at Monticello, University of Arkansas Community College at Hope, University of Arkansas Community College at Morrilton, University of Arkansas for Medical Sciences, University of Arkansas Division of Agriculture and University of Central Arkansas.

The University of Arkansas at Fayetteville reported one complaint which was not sustained.

Also responding were the Arkansas State Parks, the Camp Robinson Department of Public Safety, and the Arkansas Highway Police (Attachment 4). There were no complaints for these agencies. The responding law enforcement agencies provided a copy of all complaints of racial profiling filed; these documents are available for review.

6. **Report its findings and recommendations to the Governor and Arkansas Legislative Council before December 31, 2011.**

Response:

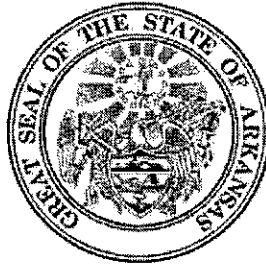
Report is timely submitted.

7. **Facilitate an annual symposium on Racial Profiling for the Governor's Office, Arkansas Legislative Black Caucus of the General Assembly, the Department of Arkansas State Police and other interested persons to: a) serve as a forum for dialogue to promote awareness and understanding of racial profiling between the public law enforcement agencies and other government agencies; b) disseminate information and materials about the best practices towards combating misinformation and prejudices; c) provide assistance to community leaders and law enforcement agencies in the fight against racial profiling, and d) advocate and promote a state policy agenda that establishes the best practices for addressing racial profiling.**

Response:

A meeting of the Task Force to comply with this requirement was held September 30, 2011, at the Bowen School of Law. Representatives from Legislative Audit, the Attorney General's Office, and Arkansas State Police were present. The meeting was poorly attended.

The Attorney General's annual report on Racial Profiling Compliance dated September 30, 2011, was provided to the Task Force and is attached to this report as Appendix A. The Attorney General's Annual Report on Racial Profiling dated October 2, 2010 is also attached (Appendix B).



**Members of the Arkansas Legislative Racial Profiling Task Force**  
as appointed by Governor Mike Beebe

- **John L. Colbert, Associate Superintendent for Elementary Education - Fayetteville Public Schools**
- **Chief Carlos Corbin, Assistant Chief of Police – Little Rock Police Department**
  - **William Dawson, Chief of Police – Greenwood Police Department**
- **Maricella Garcia, Director of Immigration Services Catholic Charities of Arkansas**
  - **John Wesley Hall, Defense Attorney - John Wesley Hall P.C.**
  - **Kevin Hunt, External Affairs Liaison – Governor’s Office\***
  - **Larry Jegley, Prosecuting Attorney – Sixth Judicial District**
  - **Jack T. Lassiter, Attorney at Law – Lassiter & Couch Law Firm**
- **Leonardo Monterrey, Attorney at Law - Monterrey & Tellez Law Firm, P.L.L.C**
  - **Dorothy Oliver - Pine Bluff, Arkansas**
  - **DiDi Sallings, Arkansas Public Defenders Commission**
  - **Marcus Vaden, Deputy Prosecuting Attorney - Marcus Vaden P.A.**
    - **Gary Walker - De Queen, Arkansas**

\* After the passing of Renee Bullock, Kevin Hunt was appointed to the task force on behalf of the Governor’s Office.



## **Charge to the Task Force**

The Arkansas Legislative Racial Profiling Task Force was established pursuant to Act 1458 of 2009. The General Assembly sought to address the issues concerning racial profiling in the state of Arkansas. The task force was explicitly charged with:

- Monitoring implementation and compliance with Arkansas Code § 12-12-1401 and reforms enacted by the 87<sup>th</sup> General Assembly
- Serving in an advisory capacity to the Director of the Department of Arkansas State Police and the State Board of Education
- Studying the effectiveness and feasibility of a racial profiling data collection system
- Working in conjunction with law enforcement agencies and civil rights activists
- Compiling an annual report to be presented to the Governor, Arkansas Legislative Council and the Arkansas Legislative Black Caucus of the General Assembly
- Reporting its findings and recommendations to the Governor and Legislative Council
- Facilitating an annual symposium on racial profiling for the Governor's office, Arkansas Legislative Black Caucus of the General Assembly, Department of Arkansas State Police and other interested parties
- Serving as a forum for dialogue to promote awareness and understanding of racial profiling between the public, law enforcement agencies, and other government agencies
- Disseminating information and materials about the best practices toward combating misinformation and prejudice
- Providing assistance to community leaders and law enforcement agencies in the fight against racial profiling
- Advocating and promoting a state policy agenda that establishes the best practices for addressing racial profiling

## **Developing an Appropriate Penalty for Violating the Prohibition on Racial Profiling**

### **Background**

The Arkansas Task Force on Racial Profiling is to serve as a forum for dialogue to promote awareness and understanding of racial profiling between the public, law enforcement agencies, and other government agencies.

Pursuant to that goal the Task Force sought feedback from the community on determining an effective and appropriate penalty for violating the prohibition on racial profiling. The Task Force generated a link through Survey Monkey and distributed the survey to individuals and organizations throughout the state. A copy of the survey tool is attached as well as a copy of the raw data. The survey was disseminated to the following organizations:

- ACLU
- Arkansas Advocates for Children and Families
- Arkansas Friendship Coalition
- Arkansas Justice for Our Neighbors
- Arkansas Public Policy Panel
- Arkansas State NAACP
- Hispanic Women's Organization of Arkansas
- Just Communities of Arkansas
- LULAC
- MLK Arkansas Commission
- MWA MLK Planning Center
- UALR Bowen Black Law Students Association
- UALR Bowen Hispanic Law Students Association
- UALR Institute on Race and Ethnicity
- University of Arkansas Diversity Office
- Worker's Justice Center

### **Demographic Information Concerning Respondents**

Seventy-five respondents attempted the survey and sixty-three completed the survey. 38% of the respondents were men and 62% were women. 37% of the respondents were African-American, 33% were White, and 19% were Hispanic.

Among the respondents age range varied from early 20s to 60+ years. The majority of participants were in their 30s (38%), 21% were in their 20s, 16% were in the 40s, 21% were in their 50s, and 14% were 60+ years of age.

Respondents reported from the following counties:

- Ashley
- Craighead
- Perry
- White
- Baxter
- Faulkner
- Pulaski
- Yell
- Benton
- Jefferson
- Union
- Colombia
- Lee
- Washington

Thirty-three organizations were represented among the respondents:

- ACLU of Arkansas
- Alpha Kappa Alpha
- Arkansas Activities Association
- Arkansas Advocates for Children & Families
- Arkansas Democratic Black Caucus
- Arkansas Interfaith Alliance
- Arkansas Interfaith Conference
- Arkansas Justice for Our Neighbors
- Arkansas Support Network
- BCD
- Catholic Charities of Arkansas
- Church
- Junior League of Little Rock
- Just Communities of Arkansas
- Kappa Alpha Psi, Inc.
- Life Choices
- LULAC
- Martin Luther King Planning Committee
- NAACP
- Progressive League of College Station, Inc.
- Pulaski Co. Republican Committee.
- Pulaski County Bar Association
- Pulaski County Council for Children and Youth Services board
- Pulaski County Democratic Central Committee

- Civitans
- Delta Sigma Theta YBPA
- HCSI
- Hispanic Community Services Inc.
- Hispanic Law Student Association
- Pulaski County Democratic Women
- Seis Puentes
- Women's Foundation of Arkansas
- [www.WalterWashington.com](http://www.WalterWashington.com)
- 

### **Experience with Racial Profiling**

95% of respondents had some familiarity with racial profiling and 22% classified themselves as an expert on the issue and 27% had personal knowledge of the issue. 87% of respondents believed that racial profiling was an issue in their community. 84% of respondents reported personal knowledge of more than one racial profiling incident in the past year. 29% of respondents were aware of more than ten such incidents, 22% were aware of more than five incidents, and 19% were aware of three to five incidents. 54% of all respondents felt that racial profiling should be addressed more aggressively in their community.

Some responses in the survey were open-ended questions allowing respondents to describe their experiences with racial profiling. The following are direct quotes to these questions:

#### **Question 11: In what context did your racial profiling incident occur?**

- "Police Officer in Crawford county commented that my cousin spoke good english (last name is Alvarez, he's a US Marine and was born in USA) I asked what he meant and he responded. 'Oh you know what I talking 'bout, y'all know english when it suits you.'"
- "Pulled over several times for no reason."
- "I was stopped by the Faulkner Co. Sheriff on a pretext - vehicle violation."
- "Myself and my then 16y/o son was carrying a load to our new home in Vilonia Arkansas 10/2009. The police officer was parked at the car wash that is position directly in front of the road I was preparing to turn down. I was positioned in the middle lane signaling to turn left (which place the officer to my right). I sat in the middle lane and allowed traffic to clear before turning down Simpson Lane. However once I turned down Simpson Lane the police officer immediately turned his lights on and got behind me to pull me over."

Once he came to my side of the truck the first question was "Where are you two going?" I explained to him that we are moving into town and currently taking a load to our new home. The officer then asked my 16y/o son for his driver licenses before he asked for my information or why he pulled us over. In addition since we have been living in Vilonia we (my family) have been pulled over 8 times while in the same vehicle and each time its to find out where we are going therefore a ticket has never been given.

**Question 13: What observations/experiences have you had with racial profiling?**

- That it is prevalent in Arkansas. Police are not immune. Whether it is a hispanic family that had house broken into and police in Little Rock, not filing a report because family only speaks spanish & they assume that they are illegal. Or being flagged down by a police officer to translate with a person that he is talking to who only speaks spanish.
- Getting stopped for no reason, just because of the look of your car or the music being played.
- I met with the Ex-Chief of Rogers on this issue. His report and findings were not all inclusive to the real issue. Government office's continue to profile when individuals do not appear to defend themselves.
- Clients are subjected to harsh immigration penalties (lost wages as a result of detention for example) as a result of unlawful encounters with law enforcement, particularly in Saline County, AR.
- Hispanic clients pulled over time and again not for traffic violations but for no drivers license, or requests to show drivers licenses - in Benton County, not Washington County.
- Hispanic clients are often pulled over for "no driver's license" at locations where Hispanics often visit. They are also often just stopped while walking and asked for driver's license and proof of legal status (no probable cause in either situation).
- One judge requires that when someone receives a ticket for driving without a license he will not let them pay the ticket before the court date. In the court he gives them a fine, public service hours and sends them to jail for two days so that INS is notified to pick them up for deportation. If they go before a different judge they are allowed to pay the fine and they are free.
- Police following, basically harassing young Af. Am individuals in a vehicle

Respondents were given a number of possible penalties for addressing violations of the prohibition on racial profiling. They were allowed to select multiple responses. Respondents supported the possibilities as outlined below:

- Written policies condemning racial profiling: 57%
- Traffic stop procedures designed to avoid racial profiling: 63%
- Obtaining written consent when requesting a search during a traffic stop: 24%
- Videotaping of all traffic stops, and maintaining the tapes or disks: 54%
- Mandatory training regarding racial profiling: 62%
- Data collection, analysis, and monitoring of data collection: 54%
- Follow-up to instances of possible racial profiling: 59%
- Complaint process that is accessible and understandable by public: 56%
- Citizen involvement in a complaint review board: 44%
- Penalties and fines: 44%
- Lawsuits against agencies that profile: 43%
- A state racial profiling agency: 29%
- A citizen complaint review board: 40%
- Complaint process that is accessible and understandable by public: 41%

Respondents were also allowed to respond with any other suggestion. The following are a sample of responses:

**Question 18: How should the government address and attempt to eliminate racial profiling?**

- Awareness seminars
- To have a place where people can report these incidents without fear and that something actually gets done about the problem. Not just ignore the problem.
- There needs to be public awareness about this issue, T.V. and radio ads
- Racial profiling must have penalties and fines and/or civil lawsuits to have enough backing to end it.
- I think some law enforcement officers do not understand that they are actually engage in racial profiling even if they understand that racial profiling is illegal. I would like to see further education, especially for city and county officials, as well as a state agency to ensure the issue is taken seriously by local law enforcement.

**Recommendations**

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## **Recommendations**

Based on the community responses we recommend the policies/procedures be implemented:

1. Creation of universal traffic stop procedures designed to avoid racial profiling to be implemented throughout the state.
2. Mandatory training regarding the prohibition on racial profiling and penalties for violation for all law enforcement agencies and officers in the state.
3. Creation of a state racial profiling commission comprised in part by private citizens to follow-up to instances of possible racial profiling via investigation and sanctions
4. Creation of a universal complaint process that is accessible and understandable by public.
5. Mandatory videotaping of all traffic stops, and maintaining the tapes or disks for a period of at least three years.
6. Central data collection, analysis, and monitoring of data collection of law enforcement activities, i.e. ticket procedures; citizen complaints, resolutions of complaints; etc., and publication of that information annually for the public.



**Task Force Request for Incidents in Racial Profiling:  
Police Departments Responding**

Alexander	Glenwood	Morrilton
Alma	Gravette	Mountain Home
Ashdown	Green Forrest	Mountain View
Bella Vista	Greenland	North Little Rock
Benton	Greenwood	Ozark
Bentonville	Haskell	Pangburn
Berryville	Heber Springs	Paragould
Blytheville	Hope	Paris
Booneville	Hot Springs	Piggott
Cabot	Hot Springs Village	Pottsville
Camden	Hughes	Prairie Grove
Carlisle	Jacksonville	Prescott
Cave Springs	Jonesboro	Quitman
Clarksville	Lakeview	Rector
Clarendon	Lake Village	Rogers
Conway	Lavaca	Russellville
Danville	Lewisville	Searcy
Dumas	Little Rock	Sheridan
Earle	Lonoke	Sherwood
El Dorado	Lowell	Siloam Springs
Eureka Springs	Madison	Springdale
Etowah	Magazine	Stamps
Farmington	Malvern	Stuttgart
Fayetteville	Mansfield	Texarkana
Fordyce	Maumelle	Truman
Forrest City	McGhee	Van Buren
Fort Smith	McRae	Vilonia
Gentry	Monette	Warren
		White Hall

**Task Force Request for Incidents in Racial Profiling:  
Sheriff Departments Responding**

Arkansas County	Cross County	Izard County
Ashley County	Dallas County	Jackson County
Baxter County	Faulkner County	Jefferson County
Benton County	Fulton County	Madison County
Bradley County	Garland County	Mississippi County
Carroll County	Greene County	Montgomery County
Chicot County	Hempstead County	Pulaski County
Cleveland County	Howard County	
Columbia County	Independence County	

**Task Force Request for Incidents in Racial Profiling:  
Public Safety Departments Responding**

Arkansas Northeastern College	University of Arkansas at Fayetteville
Arkansas State University	University of Arkansas at Little Rock
Arkansas Tech University	University of Arkansas at Monticello
Henderson State University	University of Arkansas Community College at Hope
Mid-South Community College	University of Arkansas Community College at Morriston
North Arkansas College	University of Arkansas Division of Agriculture
Northwest Arkansas Community College	University of Arkansas for Medical Sciences
Ozarka College	University of Central Arkansas
Phillips Community College	
Pulaski Technical College	
South Arkansas Community College	

**Task Force Request for Incidents in Racial Profiling:  
other Law Enforcement Agencies Responding**

Arkansas State Parks  
Camp Robinson Department of Public Safety  
Arkansas Highway Police

## **APPENDIX A**

**ACT 1458 of 2009**

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1458 of the Regular Session

State of Arkansas

As Engrossed: S3/23/09 H3/31/09

87th General Assembly

A Bill

Regular Session, 2009

SENATE BILL 299

By: Senators H. Wilkins, Crumbly, Elliott, Steele

By: Representatives Allen, T. Baker, Blount, Carroll, Davis, Rainey, Williams, Word

For An Act To Be Entitled

AN ACT TO REESTABLISH A TASK FORCE ON RACIAL  
PROFILING; AND FOR OTHER PURPOSES.

Subtitle

TO REESTABLISH A TASK FORCE ON RACIAL  
PROFILING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. SPECIAL LANGUAGE — NOT TO BE CODIFIED.

Task Force on Racial Profiling established.

(a)(1) The task forces created by Acts 2003, No. 1207, and Acts 2005, No. 2136, expired, respectively, on December 31, 2004, and December 31, 2006. Since additional work by a task force is needed, there is created a task force, consisting of thirteen (13) members, to be known as the "Task Force on Racial Profiling".

(2) The Governor shall appoint the members as follows:

(A) Four (4) members shall be active or retired law enforcement officers or prosecuting attorneys;

(B) Three (3) members shall be associated with civil rights or community organizations;

(C) Two (2) members shall be lawyers practicing substantially in the field of criminal defense; and

(D) Four (4) members shall be citizen representatives.

(b)(1) Within thirty (30) days after all members are appointed, the



1 members shall meet to organize at a time and place determined by the  
2 Governor.

3 (2) The task force shall select a member to serve as chair each  
4 year.

5 (3) The task force shall meet as necessary to carry out its  
6 duties under this act and at the call of the chair.

7 (c) There shall be no compensation for the members of the task force,  
8 though each member may receive expense reimbursement in accordance with  
9 Arkansas Code § 25-16-902 to the extent funds are available.

10 (d) General staff support and operating assistance for the task force  
11 may be provided by the Bureau of Legislative Research.

12 (e) The task force shall:

13 (1) Monitor implementation and compliance with § 12-12-1401 et  
14 seq., and reforms enacted by the Eighty-Seventh General Assembly;

15 (2) Serve in an advisory capacity to the Director of the  
16 Department of Arkansas State Police and the State Board of Education  
17 regarding the public education and awareness campaigns on racial profiling;

18 (3) Study the effectiveness and feasibility of a racial  
19 profiling data collection requirement in the State of Arkansas;

20 (4) Work with law enforcement agencies and civil rights advocates  
21 to determine an effective and appropriate penalty for violating the  
22 prohibition on racial profiling;

23 (5) Compile an annual report of all complaints and investigations  
24 regarding racial profiling and provide the report to the Governor,  
25 Legislative Council, and Arkansas Legislative Black Caucus of the General  
26 Assembly;

27 (6) Report its findings and recommendations to the Governor and  
28 Legislative Council before December 31, 2011; and

29 (7) Facilitates an annual symposium on racial profiling for the  
30 Governor's office, Arkansas Legislative Black Caucus of the General Assembly,  
31 Department of Arkansas State Police, and other interested persons to:

32 (A) Serve as a forum for dialogue to promote awareness and  
33 understanding of racial profiling between the public, law enforcement  
34 agencies, and other government agencies;

35 (B) Disseminate information and materials about the best  
36 practices toward combating misinformation and prejudice;

1                   (C) Provide assistance to community leaders and law  
2 enforcement agencies in the fight against racial profiling; and

3                   (D) Advocate and promote a state policy agenda that  
4 establishes the best practices for addressing racial profiling.

5           (f) The task force shall expire on June 30, 2012.  
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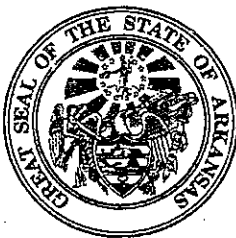
8                                   */s/ H. Wilkins*  
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10   **APPROVED: 4/10/2009**  
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## **APPENDIX B**

### **ATTORNEY GENERAL'S 2011 ANNUAL REPORT**





BRADFORD J. PHELPS  
CHIEF DEPUTY ATTORNEY GENERAL

STATE OF ARKANSAS  
THE ATTORNEY GENERAL  
DUSTIN McDANIEL

September 30, 2011.

Mr. Jack Lassiter  
Chairman of Racial Profiling Task Force  
813 W. Third  
Little Rock, AR 72201

Enclosed is a copy of the Annual Report of Racial Profiling. Please do not hesitate to contact my office if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dustin B. McDaniel", is written over a horizontal line.

DUSTIN B. McDANIEL  
Attorney General

DBM:bp

cc: Senator Mary Anne Salmon  
Representative Tommy Lee Baker  
Brent Gasper, Staff Attorney



## **MEMORANDUM**

**To: Jack Lassiter, Chairman of Racial Profiling Task Force**  
**cc: Senator Mary Anne Salmon, Representative Tommy Lee Baker, Brent Gasper, Staff Attorney**  
**From: Dustin McDaniel, Attorney General**  
**Subject: Annual Report of Racial Profiling**  
**Date: September 30, 2011**

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### **Attorney General's Annual Report of Racial Profiling Complaints** **September 30, 2011**

Racial profiling is the practice of a law-enforcement officer's reliance on race, ethnicity, national origin, or religion when deciding which individuals to subject to investigation, a definition adopted by the General Assembly by Act 1207 of 2003, and now codified in Arkansas law. See Ark. Code Ann. §12-12-1401 (Repl. 2009). In 2003, and over the course of the intervening years, the Arkansas General Assembly has passed several laws to combat racial profiling by law-enforcement officials. While those laws are largely directed at law-enforcement agencies themselves, the General Assembly has given the Attorney General an important, but limited, role to play in combating racial profiling.

By the same Act defining racial profiling in 2003, the General Assembly also prohibited its use by the Arkansas State Police, county sheriffs, municipal police, and

other law-enforcement agencies, and further required those agencies to adopt written policies prohibiting racial profiling and to provide training to that end. Id. at §12-12-1402 and -1403. In 2005, the General Assembly directed the Arkansas Commission on Law Enforcement Standards and Training to develop a training module concerning diversity and racial sensitivity for use by law-enforcement agencies. Id. at §12-12-1404. In 2007, the General Assembly provided for the review of all agencies' racial-profiling policies by the Attorney General to ensure their compliance with the law. Id.

Most recently, the General Assembly passed Act 768 of 2009, codified at Ark. Code Ann. §12-12-1405, requiring the Attorney General to establish a racial-profiling hotline. Pursuant to that Act, the Attorney General has established procedures to receive complaints concerning racial profiling from the public. The procedures include the operation of a toll-free telephone hotline (1-877-246-4404) and the use of fax, e-mail, or mail to receive allegations. The purpose of the hotline is to gather statistics about racial profiling by Arkansas law-enforcement officers for the submission of an annual report to the General Assembly's Legislative Council and Task Force on Racial Profiling and to provide information to the callers. The hotline uses a dedicated voice-mail box that has recordings in English and Spanish to receive incoming calls. Messages are returned by an employee of the Attorney General in order to obtain information for a written record concerning the alleged racial-profiling incident. Allegations from fax, e-mail, or mail also are memorialized with the written records from the hotline.

#### **Statewide Statistics**

The first report, issued October 1, 2010, covered the first 16 months of the hotline's operation, from May 1, 2009, to September 14, 2010. This report covers the

next 12-month period. Of the 37 contacts received in the last year, 12 concerned allegations of racial profiling by law-enforcement officers. While the Attorney General is charged with collecting complaints, the Office has no legal authority to investigate instances of racial profiling or bring legal action against persons or agencies accused of racial profiling. See Ark. Code Ann. §12-12-405. Thus, individuals were advised to make a formal complaint with the agency in question and/or obtain private counsel.

This report reflects allegations of racial profiling by direct complaints from the public. It does not contain allegations received by law-enforcement agencies. Nor does this report contain a data-analysis plan generated from all police contacts with the public to analyze police procedure in dealing with the public. Following are tables reporting the 12 complaints reported to the Attorney General from September 15, 2010, to September 15, 2011.

	<u>Actual Complaints</u>	<u>Calls to Hotline</u>	<u>Letters</u>
September	1	3	0
October	3	5	0
November	1	1	0
December	2	5	0
January	2	3	0
February	1	6	0
March	1	1	0
April	1	4	0
May	0	4	0
June	0	1	0
July	0	2	0
August	0	2	0
September	0	0	0
Total	12	37	0

Complainant Statistics:

**Sex:**

Males            7  
Females        5

**Race:**

Black            8  
White  
Hispanic        3  
Unknown        1

## **APPENDIX C**

### **ATTORNEY GENERAL'S 2010 ANNUAL REPORT**



STATE OF ARKANSAS  
THE ATTORNEY GENERAL  
DUSTIN MCDANIEL

Friday, October 1, 2010

Jack Lassiter  
813 West Third Street  
Little Rock, Arkansas 72201

Dear Mr. Lassiter,

Enclosed please find the Attorney General's Annual Report on Racial Profiling.

If you have any questions about this report, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Dustin McDaniel", is written over a horizontal line.

Dustin McDaniel  
Attorney General

cc: Senator Henry "Hank" Wilkins, IV  
Representative Allen Maxwell  
Brent P. Gasper, Staff Attorney



## **MEMORANDUM**

**To: Jack Lassiter, Chairman of Racial Profiling Task Force**  
**cc: Senator Henry "Hank" Wilkins, IV, Representative Allen Maxwell, Brent Gasper, Staff Attorney**  
**From: Dustin McDaniel, Attorney General**  
**Subject: Annual Report of Racial Profiling**  
**Date: October 1, 2010**

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### **Attorney General's Annual Report of Racial Profiling Complaints** **October 1, 2010**

Racial profiling is the practice of a law-enforcement officer's reliance on race, ethnicity, national origin, or religion when deciding which individuals to subject to investigation, a definition adopted by the General Assembly by Act 1207 of 2003, and now codified in Arkansas law. See Ark. Code Ann. §12-12-1401 (Repl. 2009). In 2003, and over the course of the intervening years, the Arkansas General Assembly has passed several laws to combat racial profiling by law-enforcement officials. While those laws are largely directed at law-enforcement agencies themselves, the General Assembly has given the Attorney General an important, but limited, role to play in combating racial profiling.

By the same Act defining racial profiling in 2003, the General Assembly also prohibited its use by the Arkansas State Police, county sheriffs, municipal police, and

other law-enforcement agencies, and further required those agencies to adopt written policies prohibiting racial profiling and to provide training to that end. Id. at §12-12-1402 and -1403. In 2005, the General Assembly directed the Arkansas Commission on Law Enforcement Standards and Training to develop a training module concerning diversity and racial sensitivity for use by law-enforcement agencies. Id. at §12-12-1404. In 2007, the General Assembly provided for the review of all agencies' racial-profiling policies by the Attorney General to ensure their compliance with the law. Id.

Most recently, the General Assembly passed Act 768 of 2009, codified at Ark. Code Ann. §12-12-1405, requiring the Attorney General to establish a racial-profiling hotline. Pursuant to that Act, the Attorney General has established procedures to receive complaints concerning racial profiling from the public. The procedures include the operation of a toll-free telephone hotline (1-877-246-4404) and the use of fax, e-mail, or mail to receive allegations. The purpose of the hotline is to gather statistics about racial profiling by Arkansas law-enforcement officers for the submission of an annual report to the General Assembly's Legislative Council and Task Force on Racial Profiling and to provide information to the callers. The hotline uses a dedicated voice-mail box that has recordings in English and Spanish to receive incoming calls. Messages are returned by an employee of the Attorney General in order to obtain information for a written record concerning the alleged racial-profiling incident. Allegations from fax, e-mail, or mail also are memorialized with the written records from the hotline.

### **Statewide Statistics and Methodology**

This report covers the first 16 months of the Attorney General's effort to maintain and report racial-profiling statistics from around the state. From May 1, 2009, to



September 14, 2010, the office received 100 phone calls and 4 letters. Of the 104 contacts received by the Office, 34 concerned allegations of racial profiling by law-enforcement officers. The majority of the complaints arose from single vehicle stops, though some complainants alleged ongoing harassment. In each case, the Attorney General's Office gathered information, answered questions and provided information to callers on how to have their complaints investigated. We do not have information on how many callers pursued their legal remedies by making a formal complaint with the agency in question and/or obtaining private counsel.

This report reflects allegations of racial profiling by direct complaints from the public. It does not contain allegations received by law-enforcement agencies. Nor does this report contain a data-analysis plan generated from all police contacts with the public to analyze police procedure in dealing with the public. Following are tables reporting the 34 complaints reported to the Attorney General from May 1, 2009, to September 14, 2010.

	<u>Actual Complaint</u>	<u>Call to Hotline</u>	<u>Letters</u>
May	10	15	
June	3	13	
July	3	13	
August	0	8	
September	2	3	
October	2	4	
November	0	2	
December	0	3	
<b>2009 Total</b>	<b>20</b>	<b>61</b>	<b>0</b>
January	0	3	
February	2	2	
March	3	5	
April	1	1	3
May	3	2	1
June	2	6	
July	1	4	
August	2	15	

September	0	1	
2010 Total	14	39	
<b>Grand Total</b>	<b>34</b>	<b>100</b>	<b>4</b>
(May 1, 2009 – Sept. 14, 2010)			

**Complainant Statistics:**

**Sex:**

Males	26
Females	8

**Race:**

Black	25
White	6
Hispanic	2
Unknown	1

## **APPENDIX D**

### **MINUTES OF 2010 TASK FORCE MEETINGS**

**(April 27, May 27, June 29 and August 2, 2010)**

## **MINUTES**

### **TASK FORCE ON RACIAL PROFILING**

**Tuesday, April 27, 2010, 10:00 a.m.**

**Room 130, State Capitol**

**Little Rock, Arkansas**

The Task Force on Racial Profiling met on Tuesday, April 27, 2010 at 10:00 a.m. in Room 130 of the State Capitol Building, Little Rock, Arkansas. Committee Members present were: Mr. Jack Lassiter, Chair, Chief Carlos Corbin, Mr. William Dawson, Ms. Maricella Garcia, Mr. John Wesley Hall, Jr., Mr. Leonardo Monterrey, Ms. Dorothy Oliver and Ms. Renee Bullock.

Mr. Jack Lassiter, Chair, called the meeting to order and the Minutes of March 29, 2010 were adopted as corrected with the addition of the Racial Profiling Task Force Assignment list.

Mr. David Raupp, Senior Assistant Attorney General, Office of the Attorney General was recognized. Mr. Raupp began by saying there are two areas that the Attorney General's office is responsible for: review of the policy manuals that each state's law enforcement agencies are required to maintain and maintain the Racial Profiling Hotline (toll free # 1-877-246-4404) This is a dedicated phone line with an answering machine in both English and Spanish. The Racial Profiling Hotline is for gathering statistics to generate reports. There is no investigative process as the Racial Profiling Hotline is not authorized to do so. The complainants may make a complaint directly to the agency they believe violated racial profiling policies. Since May, 2009, the hotline has received 81 calls, with 25 being complaints. There will be a report on the hotline in October 2010 which will be presented to this committee annually, as well as to Legislative Council.

Mr. Lassiter said the Task Force on Racial Profiling is also responsible for compiling an annual report of complaints and investigations regarding racial profiling to report to the Governor's Office, the Arkansas Legislative Black Caucus, Legislative Council and the General Assembly.

Ms. Dorothy Oliver was recognized regarding the Policy Manuals and asked if there was a format or template for drafting the various policies or does each agency come up with it's own format.

David Raupp said the agencies generate their own, the statute is pretty explicit (Title 12) that requires each agency to have a policy with details explaining that it's necessary to have a complaint or review process. The statutory template is used by looking at each agency to determine if they had at least the minimum of each statutory requirement. A policy has not been generated to dictate to the agencies. Some agencies had policies in effect before the statute.

Ms. Mitzi Ferguson, Division of Legislative Audit (DLA) was recognized. The Task Force was established in 2003 and in 2005 the code was amended to require law enforcement agencies to include a copy of their racial profiling policy in their annual report. It was decided that it was the intent of the legislature that those policies be collected in the (DLA) office. There is no central registry of law enforcement agencies in the state. DLA compiled it's own list and sent forms and asked for the Racial Profiling Policies to be returned to them. In 2007, it was amended that those

policies be forwarded to the Attorney General's Office to be reviewed to make sure they contained all the requirements for the Racial Profiling Policy. To avoid confusion, the Attorney General's Office sent out letters asking for the policies, performed the reviews and were then forwarded to the DLA. DLA keeps a registry of the policies and makes sure each law enforcement agency has the policy. The law requires everything be forwarded to the Attorney General's Office and the Attorney General will take action if agencies are not compliant.

At 10:22 a.m., Mr. Lassiter suggested the members break into their task force assignments and asked that a report be given at the next meeting on the progress made.

The meeting reconvened at 10:49 a.m. and Mr. Lassiter asked that "Committee Reports" be placed on the Agenda for the next meeting. Mr. Mark Hays, Municipal League will be on the next Agenda.

There being no further business, Mr. Lassiter adjourned the meeting at 10:51 a.m.

## MINUTES

### TASK FORCE ON RACIAL PROFILING

**Thursday, May 27, 2010, 10:00 a.m.**

**Room 130, State Capitol**

**Little Rock, Arkansas**

The Task Force on Racial Profiling met on Thursday, May 27, 2010 at 10:00 a.m. in Room 130 of the State Capitol Building in Little Rock, Arkansas. Committee members present were: Mr. Jack Lassiter, Chair, Mr. Johnl Colbert, Vice Chair, Ms. Renee Bullock, Chief Carlos Corbin, Lieutenant William Dawson, Mr. John Wesley Hall, Jr., Ms. Dorothy Oliver, Mr. Marcus Vaden and Mr. Gary Walker. Representative Steve Harrelson was also present.

Mr. Jack Lassiter, Chair, called the meeting to order and the Minutes of April 27, 2010 were approved.

Mr. Mark Hayes, General Counsel, Arkansas Municipal League (AML) was recognized. Mr. Hayes said that the Arkansas Municipal League had worked with the Criminal Justice System (CJI) and had engaged in lengthy training. When the law was first passed, AML worked with CJI and developed a sample policy that had been updated several times in the past and was presently being updated. AML had worked with state organizations and had conducted training sessions in many parts of the state. Internally, ANL had worked with the City of Little Rock conducting a "Use of Force" class for the entire department. The League has long since recognized the value of training law enforcement officers.

Mr. Lassiter said the Task Force was charged with determining the effectiveness and feasibility of racial profiling data collection.

Mr. Hayes said data collection in a small department with limited computer facilities versus Little Rock, possibly the largest law enforcement agency in the state, could make a huge difference in data collection. The surveying aspect was exceedingly expensive. Ignoring the expense levels of data collection, the surveying part of the puzzle was very expensive. There were only a few universities that did this and it would be costly for the state to make that kind of investment while simultaneously investing in the personnel and computer equipment necessary for data. Mr. Hayes suggested a comparative analysis of the cost involved in data collection.

Mr. Lassiter asked Mr. Hayes how data collection was implemented.

Mr. Hayes said some departments used ticket bar coding of tickets and could capture from the computer in the patrol unit certain data which was instantly captured and put into a data base. Not all departments had those capabilities. Some units still had VCR tapes. Collecting data from VCR tapes was inconsistent. If you had the money to buy a digital filming system, it could be off-loaded to a computer without the officer ever being

involved. It was stated that the latest devices were the lapel cameras and they ranged in form and fashion and the download in some instances was officer oriented or it could be down-loaded by a supervisor. The mechanical aspect of data collection could be done in any number of forms - from a hand written check list to computerized bar coding equipment.

Mr. Johnl Colbert was recognized and asked Mr. Hayes how the agencies were contacted about the training programs. Mr. Hayes said he initially took the statute and did an extensive review with CJI of case law and was able to create a policy that would encompass all departments. The AML had a liability pool called the Municipal Legal Defense Program consisting of approximately 500 cities and towns with 430 cities or towns being members of that program. A targeted mailing was sent to members of the program with a copy of the policy and how it should be implemented. He said that AML was also affiliated with the City Attorney's Association and additional CLE training was done with the city attorneys. At the June convention, there would be 12 hours of CLE, with one hour being taught on the racial profiling law and the new policy, to about 100 city attorneys from across the state. AML used a multi-dimensional plan by going through the management process with mayors, city managers, city administrators, city attorneys and various other city officials. In addition, there were a series of law enforcement training classes available, but one had not yet been done on racial profiling. The CLE training would be June 17-18, 2010.

Ms. Dorothy Oliver was recognized and asked about investigating any complaints received on the Racial Profiling hotline as complainants are asked to contact the agency that the complaint was against. Mr. Hayes said the law required an internal review, a supervisory review with some analysis from the reviews, and a determination as to whether some form of remedial training, discipline or other action was to be taken by the department.

At 10:29 a.m. Mr. Lassiter suggested that the members break into their task force assignment groups. The meeting resumed at 10:53 a.m.

Ms. Rita Sklar, Executive Director, ACLU, was recognized and stated the ACLU approached Senator Wilkins in 2003 with this legislation. In the original version, legislation concerning enforcement measures for engaging in racial profiling and data collection were substantially reduced. In the original legislation introduced by Senator Wilkins, training and requiring a policy remained. Not addressed in the legislation was a specific person collecting the policies, making sure everyone had a policy with the proper training and that supervisory reviews were in place and that there was accountability.

Mr. Lancaster asked Ms. Sklar to scan a copy of the bubble card to be circulated to the task force members.

Mr. Marcus Vaden was recognized and said police were already required to process a lot of paperwork and at some point in time, the paperwork overwhelmed the actual job.

## Committee Reports

### Dealing with Effectiveness and Feasibility of Racial Profiling Data Collection:

(Chief Carlos Corbin, Mr. Larry Jegley, Ms. Didi Sallings, Renee Bullock)

Chief Carlos Corbin contacted several Chiefs-of-Police as to the effectiveness of their data collection practices and policy and procedures for racial profiling. All the departments contacted did have a racial profiling policy. The Little Rock Police Department collected raw data as to tickets issued and who the tickets were issued to as far as the racial breakdown. Most departments still used the paper ticket. A contact person for the University of Arkansas, Little Rock had agreed to participate in the meetings and to assist in reviewing any data that had been collected.

### Coordinating with Law Enforcement Agencies and Civil Rights Advocates to

### Determine an Effective and Appropriate Penalty for Racial Profiling:

(Lieutenant Will Dawson, Ms. Maricella Garcia, Mr. Gary Walker, Mr. John Colbert  
Ms. Dorothy Oliver)

Ms. Oliver said the Committee had made assignments to include contacting law enforcement associations, civil rights groups and attorneys to gather information on the types of complaints received pertaining to racial profiling as well as the consequences of valid complaints. A questionnaire that had been developed would provide consistent information from the law enforcement associations, the Governor's Liaison for Law Enforcement and the State Police. The Committee would follow up with the aforementioned organizations and have a report at the next meeting.

### Facilitating an Annual Symposium

(Mr. Leo Monterey, Mr. John Wesley Hall, Mr. Marcus Vaden, Mr. Jack Lassiter)

Mr. Lassiter said the Committee would like to have a symposium in Little Rock and Fayetteville in October. The content of the symposium was undetermined at that time.

Mr. Lassiter requested that the representative of the Law Enforcement Training Academy, Mr. John Leo, be placed on the next Agenda to provide a report on their presentation and training.

There being no further business, the meeting was adjourned at 11:18 a.m.



## **MINUTES**

### **TASK FORCE ON RACIAL PROFILING**

**Tuesday, June 29, 2010**

**10:00 a.m., Room 130**

**State Capitol, Little Rock, Arkansas**

The Task force on Racial Profiling met on Tuesday, June 29, 2010 at 10:00 a.m. in Room 130 of the State Capitol Building in Little Rock, Arkansas. Committee Members present were: Mr. Johnl Colbert, Vice Chair; Ms. Renee Bullock; Lieutenant William Dawson; Ms. Maricella Garcia; Mr. John Wesley Hall, Jr.; Ms. Didi Sallings; and Mr. Gary Walker.

Mr. Jack Lassiter, Chair, called the meeting to order and the Minutes of the May 27, 2010 meeting were approved.

Mr. Charles Ellis, Arkansas Law Enforcement Training Academy (ALETa), was recognized to brief the Task Force on the Academy's training for law enforcement officers regarding the issue of racial profiling. Mr. Ellis said the Commission of Law Enforcement Standards and Training was divided into two branches: 1) The Office of Law Enforcement Standards and 2) the Arkansas Law Enforcement Training Academy. He said that the Commission consisted of a Director, a Chairperson, a Co-Chairperson and nine Commissioners that met on a quarterly basis. Of that nine, six were law enforcement officers and three were members at large that were appointed by the Governor. Mr. Ellis said that the Commission set the standards for qualifications for employment. It also specified what training an individual must achieve before becoming a law enforcement officer. He said that the Office of Law Enforcement Standards was located in Little Rock and that there were two specialists at the Standards Office who traveled to Agencies around the state and conducted audits of Agency records and also made sure that each officer had undergone their annual racial profiling training. ALETa conducted basic and advanced law enforcement training, developed, researched and prepared training materials and provided training materials to other law enforcement agencies throughout the State. ALETa conducted six law enforcement basic classes each year; four at the East Camden location and two at the Northwest Academy in Springdale, training about 300 new officers per year.

It was stated that, in 2009, an Act established the Racial Profiling Hot Line. The Attorney General's office accepted any calls to report racial profiling.

The Racial Profiling Task Force was used to monitor compliance of legislation among

have an outline on presentations for the Symposium by the next meeting, for the Northwest Arkansas meeting, Mr. Lassiter suggested early November with regional participation.

Dr. Montague and Dr. Golden accepted an invitation from Mr. Lassiter to attend the next meeting.

Mr. Lassiter asked for a representative of each committee to give a report at the next meeting on their efforts to answer the assignments as to the feasibility of data collection and what might be an appropriate sanction for racial profiling.

There being no further business, the meeting adjourned at 11:46 a.m.

## MINUTES

### TASK FORCE ON RACIAL PROFILING

Monday, August 2, 2010, 10:00 a.m. Room 130

State Capitol, Little Rock, Arkansas

The Task Force on Racial Profiling met on Monday, August 2, 2010 at 10:00 a.m. in Room 130 of the State Capitol Building in Little Rock, Arkansas. Committee Members present were Mr. Johnl Colbert, Vice Chair, Ms. Renee Bullock, Chief Carlos Corbin, Ms. Maricella Garcia, Mr. Larry Jegley, Ms. Janice Vaughn for Ms. Didi Sallings and Mr. Gary Walker.

Mr. Johnl Colbert, Vice Chair called the meeting to order and the Minutes of June 29, 2010 were approved.

#### **Presentation by Ms. Holly Dickson, Staff Attorney, ACLU**

Ms. Holly Dickson, Staff Attorney, ACLU was recognized. She said that the existing information on agencies that were collecting data with respect to racial profiling had not been updated in 5 years. In an effort to update the data, appropriate states were contacted. Less than half of the states contacted had responded.

Dickson stated that different agencies had been required to collect data about traffic stops, usually forced as a result of a law suit about racial profiling. In 2004, in Arkansas, the Rogers Police Department was sued for racial profiling of Latino motorists. The suit ended with a consent decree. The Rogers Police Department had been collecting data about their traffic stops, arrests and citations for the past several years even though the consent decree had expired. It helped improve relationships with the Hispanic community. When officers were aware that they were making stops solely based on race, there would be a deterrent effect in that they had to report information about their stops. Analyzing collected data could bring biases to light. Currently, there are 2,780 law enforcement agencies across the country collecting data on every traffic stop -- 34,000 collect data on citations or arrests only. The best policies would require collection of data on stops, searches, contraband and hit rates all broken down by race. She said that having a centralized depository where reports could be analyzed was as important as collecting the data itself.

On Page 6 of her handout, there were several methods of collection; she said that the technology was out there but many small agencies could not afford it.

For Arkansas, scanner sheets or a computer aided dispatch seemed feasible.

**Discussion with Dr. Jim Golden, Criminal Justice Department, University of Arkansas, Little Rock, Arkansas**

Dr. Jim Golden, Criminal Justice Department, University of Arkansas at Little Rock (UALR), was recognized and said data collection helped to build trust within the community. More importantly, racial profiling was inconsistent with effective policing and equal protection. Officers needed to be able to determine the race or ethnicity of the persons they stopped without being confrontational. Discussions in the literature dealt with whether the driver's license should be used or officers should question the person. Consensus indicated that if the community considered racial profiling to be a perception problem by the police, then the perception of the officer was important in determining race. He said that we had three types of agencies (State Police, County Sheriff, Municipal Police) in Arkansas and we should possibly tailor the data collection based on the agencies themselves, as each had different capabilities.

Mr. Colbert asked Dr. Golden how the data was analyzed. Dr. Golden responded that several states partnered with an academic component (a university) to do the statistical analysis.

Ms. DiDi Sallings asked Dr. Golden about looking at the agency versus the individual officer.

Dr. Golden said if agencies designed data collection and made the agency responsible for data entry, the agency could use the data to determine whether or not individual officers in the agency were moving outside of the boundaries.

#### **Workgroup/Subcommittee Discussion**

Mr. Colbert temporarily recessed the meeting at 10:58 a.m. so members could break into workgroup/subcommittees for discussion.

Mr. Colbert re-convened the meeting at 11:19 a.m. and began with the Committee on Effectiveness and Feasibility of Racial Profiling Data Collection. Chief Carlos Corbin asked for results from those areas currently collecting the data to see if it identified officers guilty of racial profiling and the steps that would be taken against officers that were found guilty. Chief Corbin was interested in the usage of this data.

Mr. Colbert asked the Committee about Coordination with Law Enforcement Agencies and Civil Rights Advocates to determine an effective and appropriate penalty for racial profiling. Ms. Garcia said the committee had created a survey tool and would identify the appropriate agencies to send the survey to at the next meeting.

There being no further business, the meeting adjourned at 11:26 a.m.