



MEMORANDUM

To: Sen. Bill Sample and Rep. John Edwards, Co-chairs Legislative Council
From: Dustin McDaniel, Attorney General
Re: Annual Report of Racial Profiling
Date: October 2, 2013

Attorney General's Annual Report of Racial Profiling Complaints

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 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.

In 2009, the General Assembly passed Act 768, 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 Profiling¹ 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

This report covers the 22-month period from January 1, 2012, to October 1, 2013. Of the 58 contacts received in that period, 12 concerned allegations of racial profiling by law-enforcement officers. While the Attorney General is charged with collecting

¹The Task Force expired by operation of law on June 30, 2012, as called for by Act 1458 of 2009. It was not reestablished by the 89th General Assembly.

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. §12-12-1405. 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's hotline between January 1, 2012 and October 1, 2013.

**ARKANSAS
OFFICE OF ATTORNEY GENERAL
RACIAL PROFILING HOTLINE
2012**

	<u>Actual Complaints</u>	<u>Calls to Hotline</u>	<u>E-Mail/Letters</u>
January	0	4	0
February	1	3	0
March	1	1	1
April	0	3	0
May	1	5	0
June	1	2	0
July	0	3	0
August	2	3	1
September	1	14	1
October	0	8	0
November	0	0	0
December	0	0	0

**RACIAL PROFILING HOTLINE
2013**

	<u>Actual Complaints</u>	<u>Calls to Hotline</u>	<u>Letters/E-mails</u>
January	0	3	0
February	0	0	0
March	1	3	0

April	1	1	1
May	1	0	1
June	0	1	0
July	1	0	1
August	0	0	0
September	1	0	1
October	0	0	0

Complainant Statistics During 2012:

Sex:

Males-4

Females-3

Race:

Black-4

White-1

Hispanic-2

Unknown-0

Complainant Statistics During 2013:

Sex:

Males-3

Females-2

Race:

Black-5

White-0

Hispanic-0

Unknown-0