

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.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

As Engrossed: S2/24/03 S3/25/03

# A Bill

Act 1207 of 2003  
SENATE BILL 96

5 By: Senators Wilkins, Baker, Bryles, Faris, J. Jeffress, G. Jeffress, Capps, Steele, Higginbotham,  
6 Wilkinson, Miller, Whitaker, B. Johnson, Gullett, Wooldridge, Salmon, Glover

7 By: Representatives Elliott, Goss, C. Johnson  
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## For An Act To Be Entitled

11 AN ACT CREATING A TASK FORCE ON RACIAL PROFILING;  
12 AND FOR OTHER PURPOSES.

### Subtitle

15 AN ACT CREATING A TASK FORCE ON RACIAL  
16 PROFILING; AND FOR OTHER PURPOSES.  
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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#### 21 SECTION 1. Definition.

22 For purposes of this act, "racial profiling" means the practice of a  
23 law enforcement officer relying, to any degree, on race, ethnicity, national  
24 origin, or religion in selecting which individuals to subject to routine  
25 investigatory activities, or in deciding upon the scope and substance of law  
26 enforcement activity following the initial routine investigatory activity,  
27 except that racial profiling does not include reliance on the criteria in  
28 combination with other identifying factors when the law enforcement officer  
29 is seeking to apprehend a specific suspect whose race, ethnicity, or national  
30 origin is part of the description of the suspect, and the description is  
31 thought to be reliable and locally relevant.  
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#### 33 SECTION 2. Prohibition on racial profiling.

34 (a) No member of the Arkansas State Police, Arkansas Highway Police, a  
35 sheriff's department, a municipal police department, constable, or any other  
36 law enforcement officer of this state shall engage in racial profiling.



1           (b) The detention of an individual based on any non criminal factor or  
2 combination of non criminal factors is inconsistent with this policy.

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4           SECTION 3. Policies.

5           (a) Not later than January 1, 2004, the Arkansas State Police,  
6 Arkansas Highway Police, all sheriffs' departments, municipal police  
7 departments, constables, and all other law enforcement agencies of this state  
8 shall adopt a written policy that:

9                   (1) Prohibits racial profiling as defined in section 1 of this  
10 act;

11                   (2) Requires that law enforcement officers have reasonable  
12 suspicion prior to a stop, arrest, or detention;

13                   (3) Defines reasonable suspicion, to ensure that individuals are  
14 stopped for valid reasons, and that race, ethnicity, national origin, or  
15 religion are not a basis for stops for violations for which other non group  
16 members would not be stopped;

17                   (4) Requires law enforcement officers to identify themselves by  
18 full name and jurisdiction, and state the reason for the stop and when  
19 possible present written identification;

20                   (5)(A) Provides for a systematic review process by supervising  
21 personnel within a department or law enforcement agency for investigating  
22 allegations of racial profiling to determine whether any officers of the law  
23 enforcement agency have a pattern of stopping or searching persons; and

24                           (B) If the review reveals a pattern, requires an  
25 investigation to determine whether a trend is present indicating that an  
26 officer may be using race, ethnicity, national origin, or religion as a basis  
27 for investigating other violations of criminal law;

28                   (6) Provides, where a supervisor or other reviewer has detected  
29 a pattern of racial profiling, timely assistance, remediation, or discipline  
30 for individual law enforcement officers who have been found to be profiling  
31 by race, ethnicity, national origin, or religion;

32                   (7) Ensures that supervisors will not retaliate against officers  
33 who report racial profiling by others; and

34                   (8) Provides standards for the use of in-car audio and visual  
35 equipment, including the duration for which the recordings are preserved.

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1           SECTION 4. Training.

2           (a) Each law enforcement agency shall provide annual training to all  
3 officers that:

4                   (1) Emphasizes the prohibition against racial profiling;

5                   (2) Ensures that operating procedures adequately implement the  
6 prohibition against profiling and that their law enforcement personnel have  
7 copies of, understand, and follow the operating procedures; and

8                   (3) Includes foreign language instruction, if possible, to  
9 ensure adequate communication with residents of a community.

10           (b) The course or courses of instruction and the guidelines shall  
11 stress understanding and respect for racial, ethnic, national, religious, and  
12 cultural differences, and development of effective and appropriate methods of  
13 carrying out law enforcement duties.

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15           SECTION 5. Task Force on Racial Profiling established.

16           (a)(1) There is created a task force, consisting of thirteen (13)  
17 members, to be known as the "Task Force on Racial Profiling".

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

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

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

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

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

26           (b)(1) Within thirty (30) days after all members are appointed, the  
27 members shall meet to organize at a time and place determined by the  
28 Governor.

29                   (2) The task force shall select a member to serve as chairperson  
30 each year.

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

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

36           (d) General staff support, facilities, and operating assistance for

1 the task force may be provided by the Governor's office.

2 (e) The task force shall conduct public hearings on racial profiling  
3 issues.

4 (f) Based on the information received at the hearings, the task force  
5 shall prepare a report and make recommendations for policies and proposed  
6 legislation to the Governor and to the Legislative Council no later than  
7 November 1, 2004.

8 (g) The task force shall expire on December 31, 2004.

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10 /s/ Wilkins

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13 APPROVED: 4/10/2003  
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