



## **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