

More Myth & Facts

MYTH: Opponents of the Community Safety Act ban on discriminatory profiling are claiming it would “ban cops from identifying a suspect’s age, gender, color or disability,” but there is simply no truth in that claim.

FACTS:

- The bill does not prevent officers on the street from pursuing leads or using race or any other descriptive categories in their suspect descriptions.
- It uses the same exact “determinative factor” standard as the current racial profiling law – sponsored and touted by Public Safety Chair Peter Vallone, Jr. and signed into law by Mayor Bloomberg in 2004 – that does not presently prevent officers from identifying a suspect based on race.

2004 Racial Profiling Law language	2013 Discriminatory Profiling Bill language
1. "Racial or ethnic profiling" means an act of a member of the force of the police department or other law enforcement officer that relies on race, ethnicity, religion or national origin as the determinative factor in initiating law enforcement action against an individual, rather than an individual's behavior or other information or circumstances that links a person or persons of a particular race, ethnicity, religion or national origin to suspected unlawful activity.	1. "[Racial or ethnic] Bias-based profiling" means an act of a member of the force of the police department or other law enforcement officer that relies on actual or perceived race, [ethnicity, religion or] national origin color, creed, age, alienage or citizenship status, gender, sexual orientation, disability, or housing status as the determinative factor in initiating law enforcement action against an individual, rather than an individual's behavior or other information or circumstances that links a person or persons [of a particular race, ethnicity, religion national origin] to suspected unlawful activity.
http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=441383&GUID=9DE60248-A521-4090-A499-B17B03061E4A&Options=ID Text &Search=racial+profiling	http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1444267&GUID=BCB20F20-50EF-4E9B-8919-C51E15182DBF&Options=ID%7cText%7c&Search=1080

The only differences between current law and the discriminatory profiling bill approaching a vote are:

- In addition to race, ethnicity, religion or national origin – which are protected categories under the city’s current racial profiling ban – this bill would expand protections based on age, gender, gender identity or expression, sexual orientation, immigration status, disability, and housing status.
- It provides a clear mechanism of enforcement (through a private right of action), because the current law fails to provide any enforcement mechanism.
- It protects New Yorkers from policies and practices that result in discrimination and a disproportionate impact on certain communities, even if the discrimination is not intentional (i.e. If the Board of Elections decided to stop printing ballots in languages other than English to save money. While not intended to discriminate, such a policy would be discriminatory to voters who do not speak or read English.)