Racial Profiling: Police Chiefs Have Violated Trust

By Michael D. Évora and Martha Yager

First appeared in The Providence Journal on April 29, 2011

The Rhode Island Coalition Against Racial Profiling calls upon the Rhode Island Police Chiefs' Association for a public accounting of its about-face on House Bill H-5263, the Comprehensive Racial Profiling Prevention Act.

On April 19, at its monthly meeting, members of the RIPCA discussed a revised version of H-5263 that followed weeks of negotiations among members of RIPCA, other law-enforcement representatives and community members. But in a startling turn of events, RIPCA members voted unanimously, with two abstentions, to oppose the compromise bill, reversing a decision they had made just a week earlier.

Three years of data collected in Rhode Island, and independently analyzed by researchers at Northeastern University, have demonstrated that racial minorities are much more likely to be stopped and searched by police, even though white drivers are more likely to be found with contraband when searched. Our coalition, of more than two dozen community organizations, has advocated an anti-racial-profiling bill since 2007 to address this issue and has worked tirelessly toward that goal in the face of the opposition of law-enforcement officials.

We had thought that this year would be different.

In February, negotiations between coalition representatives and law-enforcement officials began in earnest, with one goal in mind: developing a revised bill that would meet with the approval of both sides.

Coalition representatives, armed with far too many anecdotes of people of color – many of them youth – being the victims of unwarranted searches and questioning by police in the absence of any plausible suspicion of wrongdoing, tried in good faith to achieve consensus. And as meetings continued, both sides made numerous compromises.

At a final meeting attended by coalition members, representatives of the state attorney general's office, other law-enforcement officials and about a dozen police chiefs, the details of a compromise bill were painstakingly hammered out. From the community's perspective, that version contained two critical provisions: one that banned asking juveniles for permission to search them absent reasonable suspicion of criminal activity; and another that barred police from requesting proof of identification from passengers (which they legally are not required to carry) in motor vehicles stopped for traffic violations – again, unless there was reasonable suspicion of wrongdoing. After that final meeting, on April 11, coalition designees were advised that the chiefs association had agreed to support the compromise bill. While there was some tweaking of bill language suggested after that announcement, the two provisions noted above remained virtually unchanged.

At a hearing two days later before the House Judiciary Committee, RIPCA President Edward Mello and other law-enforcement representatives spoke in support of the compromise bill. Many people from the community spoke about the importance of the legislation, and how the collaborative work on it was an important step in reducing mistrust between the groups. All that was left, we were told, was that the police chiefs had to discuss final changes.

Cut to April 19, when RIPCA voted to oppose the compromise bill, reportedly because of "two particular issues that the chiefs thought belonged to the realm of the courts, and not to legislation." ("Chiefs' group rejects profiling bill," Journal, April 20) Those two issues: the restrictions on asking juveniles for consent to search them and asking passengers for proof of identification – elements that had supposedly met with RIPCA's approval just a week before.

In a classic tale of promises reneged and a dream deferred, the community seems to have been played.

H.L. Menken once observed: "It is mutual trust, even more than mutual interest, that holds human associations together." Without that trust, how can we hope to work cooperatively to improve society, whether on racial-profiling prevention or any other issue? Naïvely believing that everybody had been acting in good faith, coalition members feel that their trust was betrayed by the very people who purport to serve them. A public accounting of this reversal is necessary.

Police do difficult work, and we must give them some broad powers to help create a safe community and deal with those who cause harm. There are tradeoffs between personal liberty and public safety. But when certain police behaviors undermine security by creating hostility and mistrust, we must address those issues. And the police have an obligation to listen. Unfortunately, RIPCA has chosen not to listen and appears to not have negotiated in good faith.

With such a breakdown of the collaborative process, it is time for the legislature to intervene. After years of work, it is important that the compromise language go forward. The coalition's trust has been broken. Without trust it is impossible to negotiate.

We hope the General Assembly will step up and move this process forward. Passage of a comprehensive racial-profiling-prevention bill is overdue.

Michael D. Évora is executive director of the Rhode Island Commission for Human Rights; Martha Yager is program director for Southeastern New England of the American Friends Service Committee.