

Summary of Major Provisions in 2013 Comprehensive Racial Profiling Prevention Act

Racial Profiling on the Highways:

- Requires police officers to document in writing their “probable cause” or “reasonable suspicion” grounds for conducting a search of vehicles, drivers or pedestrians. Also provides that the documentation will be public record, with few exceptions.
- Bars police from asking drivers for further documentation of identification beyond a driver’s license, vehicle registration, and/or proof of insurance during a routine traffic stop in the absence of reasonable suspicion of criminal activity.
- Bars police officers from asking motor vehicle passengers for identification in the absence of reasonable suspicion of criminal activity.
- Requires police officers to document in writing the investigatory basis for a stop if a violation of traffic laws is used to stop a motor vehicle for non-related investigatory reasons
- Reestablishes traffic stop data collection, and requires every law enforcement agency to formally submit a regular report certifying that the data have been reviewed for disparities, indicating whether that review has found any patterns relating to officers, locations or practices that are responsible for the disparity, and specifying any actions taken in response to documented racial disparities. For departments that have mobile display terminals, data about their use must also be reported.
- Requires video recording of traffic stops by all capable law enforcement units, and establishes policies and procedures for the use and storage of such recordings.

Racial Profiling of Juveniles:

- Bars the use of so-called “consent searches” on juveniles when there is no probable cause or reasonable suspicion. A consent search is a search in which the search is permitted only because the individual has given their consent.

Racial Profiling of Immigrants:

- Requires that any arrangements that police departments have with the Bureau of Immigration and Customs Enforcement (ICE) be a matter of public record, including any agreements pursuant to 8 U.S.C. §1357(g) [more commonly known as §287(g)].
- Requires that any policies and procedures regarding inquiries of immigration status to ICE or the federal government be a matter of public record.