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**Written Testimony of Laura Mijanovich on behalf of American Civil Liberties Union of Nevada and in support of SB 360, submitted at the April 7, 2003 Hearing before the Senate Government Affairs Committee.**

The ACLU of Nevada supports SB 360. The results of the study mandated under SB500 demonstrate that racial profiling is not just a perception but a real pattern of behavior that significantly affects minority communities. To effectively eradicate the use of bias by police in dealing with citizens of color, the data collection component of the bill is essential. This is the proven, effective method to respond to this unacceptable practice. In this regard, the ACLU strongly supports the adoption of SB360 and its provisions pertaining to data collection. Data collection will ensure accountability and openness and will provide a valuable tool for self-assessment. Most importantly, it will convey a strong message to minority communities that the Legislature will address their concerns.

We, at the ACLU, cannot emphasize enough that the protection of civil rights is a fundamental responsibility of the police, just as it is the enforcement of the laws of the state. It goes without saying, racial profiling is unacceptable and a violation of civil rights. When law enforcement inappropriately considers race or ethnicity in deciding with whom and how to intervene in an enforcement capacity, law enforcement is in violation of the civil rights of those individuals affected.

Because of negative attitudes regarding race, significant portions of our community are being disproportionately targeted and victimized. At the same time, the practice affects the attitudes of minority communities towards police and reduces the chances of collaboration with law enforcement. By helping monitor the use of police authority, data collection will help ensure that policing is into accord with the rule of law.

If the State of Nevada is genuinely interested in deterring bias and assuring that law enforcement is conducted in a racially neutral way, SB360 must be adopted with its data collection component.

In order to produce valid information, the data collected must include officer identifier information and specific time and location of stops. The inclusion of this information, which will permit a more accurate analysis of the data, has been recommended by national police organizations such as the Police Executive Research Forum (PERF), because it permits to survey actual traffic flows at particular locations and allows the determination of accurate base lines or benchmarks against which to compare data. It would also prevent certain profiling patterns from being masked behind otherwise more vague or generalized information. The data collected should include as well include pedestrian stop information as well, as racial profiling is unfortunately not limited to vehicular stops. In this regard, we support SB 360 as it requires the collection of this type of data.

The ACLU of Nevada supports also the educational components of the proposed bill, in particular, its provisions pertaining to training, as an essential component in reducing the incidence of racial profiling. Also, we support the bill's provisions related to driver manuals, because they will assist not only law enforcement but the community at large in understanding the issue of racial profiling. On behalf of the American Civil Liberties Union of Nevada, I urge you to adopt SB360.

One final comment and a caveat. We do not believe police officers are consciously racists when engaging in racial profiling. These are patterns that operate subconsciously, and that in this sense the bill, if adopted will represent a tool for remedial action, not for punishment. However, Section 9, paragraph 2, which provides that "no retaliatory or punitive action may be taken against a peace officer who discloses information concerning racial profiling" should be limited to initial profiling infractions.