

**TESTIMONY BEFORE THE COMMITTEE ON THE JUDICIARY**  
**SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY**  
**FOR THE HEARING ENTITLED “21<sup>ST</sup> CENTURY LAW ENFORCEMENT: HOW**  
**SMART POLICING TARGETS CRIMINAL BEHAVIOR”**

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**BY**

**JILES H. SHIP**

**NATIONAL PRESIDENT**

**NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES (NOBLE)**

Chairman Smith, Chairman Sensenbrenner, Ranking Member Conyers, Ranking Member Scott and members of the Committee: I am Jiles H. Ship, national president of the National Organization of Black Law Enforcement Executives. Thank you for the opportunity to testify and submit testimony for the record regarding the problem of racial profiling and the use of suspect classifications in law enforcement policy.

The National Organization of Black Law Enforcement Executives, better known as NOBLE, was founded in September 1976, during a three-day symposium to address crime in urban low-income areas. The symposium was co-sponsored by the Police Foundation and the Law Enforcement Assistance Administration (LEAA). The goal of NOBLE is to be recognized as a highly competent, public service organization that is at the forefront of providing solutions to law enforcement issues and concerns, as well as to the ever-changing needs of our communities. NOBLE works to ensure equity in the administration of justice in the provision of public service to all communities, and to serve as the conscience of law enforcement by being committed to justice by action.

As national president, I am here representing over 3,500 chiefs of police, commissioners, superintendents, directors of public safety, and law enforcement executives – predominantly African Americans, but our membership also includes law enforcement officials from other communities. NOBLE has been a leading national voice on hate crimes, community policing, racial and religious tolerance, and law enforcement accreditation standards as a founding association of the Commission on Accreditation for Law Enforcement Agencies (CALEA), along with International Association of Chiefs of Police (IACP), Police Executive Research Forum (PERF), and the National Sheriffs’ Association (NSA). CALEA works to improve the delivery of public safety services, primarily by: maintaining a body of standards developed by public safety practitioners, covering a wide range of up-to-date public safety initiatives; establishing and administering an accreditation process; and recognizing professional excellence.

I have spent over 25 years as a state and local law enforcement official. I started my career in law enforcement in 1985, first serving as an officer on the Edison Police Department, patrolling a roadway more commonly known in the law enforcement profession as “Cocaine Alley.” During that time I also served as a bias investigator and an Instructor for the Middlesex County Police Academy. Most recently I served as the Director of Public Safety for the City of Plainfield, New Jersey. As Chief Executive Officer of the Department of Public Safety, I oversaw the Police Division, Fire Division, and the Office of Emergency Management, having responsibility for 254 sworn personnel and 51 civilian employees and managing a budget of over \$23 million. Prior to that appointment, I served in the State of New Jersey Attorney General's Office – Division of Criminal Justice as the Special Assistant to the Director and as a Supervising State Investigator, Lieutenant State Investigator and Administrator of Investigations. Following my tenure as Director of Public Safety for the City of Plainfield, I returned to the Division of Criminal Justice, where I served as an Administrator of Investigations, in the Medicaid Fraud, Anti-Trust, Special Prosecutions, Fraud and Public Protection Units. There I oversaw and directed investigations, including multimillion dollar investigations, conducted by assigned investigative personnel to prepare for prosecution cases involving violations of New Jersey state statutes.

Racial profiling is one of the most critical issues facing law enforcement today. The continued denial and refusal to address this issue has led to the deterioration of public trust and confidence in the criminal justice system, and has strained police and community relations – even more so in our post 9-11 society. The need to embrace smart policing as a philosophy is even more important; there are numerous cities throughout the nation in “crisis” – powder kegs waiting to be ignited by a single incident of racial profiling. We cannot ignore the warning signals. We must respond immediately and develop strategies to eliminate this practice.

To be clear, “racial profiling” means the practice of a law enforcement officials or agency relying, to any degree, on race, ethnicity, national origin, or religion in selecting which individual to subject to routine or spontaneous investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure, except when there is trustworthy information, relevant to the locality and timeframe, that links a person of a particular race, ethnicity, national origin, or religion to an identified criminal incident or scheme.

Racial profiling should never be used as a predictor of a person’s conduct. The general rule of prohibiting law enforcement officers from using racial profiling as a factor in determining the likelihood that a person is engaged in criminal activity – makes sense from a practical perspective because it is unambiguous and thus will help police officers to avoid many of the legal pitfalls and landmines that would arise were they to try to build race, ethnicity, national origin, or religion into the equation of suspiciousness. Rather, law enforcement must look to conduct and behavior as indicators of criminal activity. Law enforcement officials must never use racial profiling as a factor in deciding if that person is involved in criminal activity – unless an officer is responding to a suspect-specific or investigative-specific be-on-the-lookout (B.O.L.O.) situation. A person’s race, ethnicity, national origin, or religion should play no part in police discretion. Our citizens deserve nothing less.

There are many lasting effects that stem from the use of racial profiling. One of the most significant is the loss of public support in the form of community trust and engagement. The use of racial profiling has resulted in a culture in which everyday citizens mistrust law enforcement officers – the same people they should look to for protection. Rather than serving as valuable sources of intelligence information,

these citizens, their family members and friends are less likely to support law enforcement efforts. It is both ironic and regrettable that in our zeal to protect our citizens from criminal activity, we may inadvertently have alienated large segments of our society who otherwise could have provided valuable information to law enforcement authorities. In other words, in our efforts to create a safer society, we may have unwittingly choked off our supply of the kind of information or "tips" that we need in order to target our resources and apprehend the most dangerous and predatory criminals.

In addition to destroying a valuable pipeline of information, the resulting erosion of community trust undermines our law enforcement and prosecution efforts in other ways. For the police to be effective, they must have the trust and cooperation of the citizens they serve. Progressive police executives have come to understand that, in order to generate community support, the police must think and act like they are a part of the community they serve. Police must engage the community as partners and be responsive to community concerns. Racially-influenced policing can result in some jurors being mistrustful of law enforcement officers, and therefore less willing to accept the credibility of police witnesses. This can happen when a police officer does something during an encounter to make a citizen (or the citizens close friends and relatives) mistrustful of police. When certain communities view the criminal justice system as unjust, they are less likely to be cooperative, and more likely to withhold information, to fail to appear as witnesses, and to withhold guilty verdicts in important cases and question the credibility of police witnesses in criminal prosecutions.

Our law enforcement officers are hard working men and women who are the backbone of our criminal justice system. The need to instill public trust with our communities "to protect and serve," is not a partisan issue. The National Organization of Black Law Enforcement Executives encourages you to enact legislation because it is important to our organization's mission of ensuring justice, fairness, and effectiveness in law enforcement.

Thank you for your leadership on this critical issue.