



Homeland Security

THE DEPARTMENT OF HOMELAND SECURITY'S COMMITMENT TO RACE NEUTRALITY IN LAW ENFORCEMENT ACTIVITIES

June 1, 2004

One of the greatest strengths of the Department of Homeland Security is the quality and integrity of the people with whom I am honored to serve. I am particularly grateful for the opportunity to work with outstanding law enforcement and military personnel who put their lives on the line daily to make our country safe. Your professionalism, dedication and commitment to excellence are inspiring to us all.

Our mission is to ensure the security of our nation and our people. The size, scope and character of our nation means that we face a substantial challenge, for while we must secure our nation and our people we must also secure our freedoms and ensure that liberty thrives. In all we do to secure America, our strategies and our actions must be consistent with the individual rights and civil liberties protected by the Constitution and the rule of law. I challenge each of you to redouble your efforts to conduct your activities in ways that meet this critical goal.

I particularly direct you to follow a policy of race neutrality in your law enforcement activities. The Department of Homeland Security's policy is to prohibit the consideration of race or ethnicity in our daily law enforcement activities in all but the most exceptional instances. The following is the Department's official policy on this issue:

"Racial profiling" concerns the invidious use of race or ethnicity as a criterion in conducting stops, searches and other law enforcement activities. It is premised on the erroneous assumption that any particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of another race or ethnicity. DHS explicitly adopts the Department of Justice's "Guidance Regarding the Use of Race by Federal Law Enforcement Agencies," issued in June 2003. It is the policy of the Department of Homeland Security to prohibit the consideration of race or ethnicity in our daily law enforcement activities in all but the most exceptional instances, as defined in the DOJ Guidance. DHS personnel may use race or ethnicity only when a compelling governmental interest is present. Rather than relying on race or ethnicity, it is permissible and indeed advisable to consider an individual's connections to countries that are associated with significant terrorist activity. Of course, race- or ethnicity-based information that is specific to particular suspects or incidents, or ongoing criminal activities, schemes or enterprises, may be considered, as stated in the DOJ Guidance.

This Guidance governs all federal law enforcement activities, and there will be serious consequences for those who disregard it.

All components are hereby directed to include the DHS policy stated above in law enforcement manuals and policy guidelines covering any activity in which the use of race or ethnicity may arise. Moreover, all components are hereby directed to ensure that all law enforcement personnel, supervisors and managers are trained to the standards set forth in the DOJ Guidance and the DHS policy stated above, and are held accountable for meeting those standards. The Department's Office for Civil Rights and Civil Liberties will supply the components with training materials to ensure that the policy is interpreted and applied in a consistent and uniform manner. In addition, each component should develop agency-specific training materials, in concert with the Department's Office for Civil Rights and Civil Liberties.

Working together, we can protect America while also preserving her great freedoms. I am honored to work with all of you to fulfill this calling.


Tom Ridge