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LDF Media
212-965-2200 / media@naacpldf.org

LDF, CPCS and the ACLU of Massachusetts Submit Amicus Brief in Case Involving Black Man Racially Profiled by Police and Unjustly Sentenced to Prison

Today, the [Legal Defense Fund](#) (LDF), the [Committee for Public Counsel Services](#) (CPCS), and the [American Civil Liberties Union of Massachusetts](#) filed an amicus brief in the Massachusetts Supreme Judicial Court on behalf of Warrens Gelin, a Black man who was sent to prison after his probation was unjustly revoked following a traffic stop. On October 12, 2021, after a Massachusetts State Trooper stopped a vehicle for a minor traffic infraction, the officer allowed the driver—a white man—to remain in the vehicle without a citation, but ordered Mr. Gelin and another Black passenger to exit. Within minutes, the two Black passengers were placed in handcuffs on the side of the road and subjected to an unlawful and discriminatory search.

In a subsequent hearing, the trial judge found that the search of Mr. Gelin was “unreasonable and unconstitutional” since a “mere hunch is not enough” to justify a police search. The court suppressed the unlawfully seized evidence and, ultimately, the criminal cases against both passengers were dismissed. But, that same illegally seized evidence was used against Mr. Gelin in his probation revocation proceedings, and the unlawful search resulted in Mr. Gelin being sentenced to 2.5 to 3.5 years behind bars.

Our brief argues that the probation violation finding must be vacated, because allowing people to be incarcerated based on racially discriminatory searches would undermine the integrity of our courts, erode public confidence in the judicial system, and exacerbate the mass incarceration of Black people in this country. The brief further argues that the United States Supreme Court and the Massachusetts Supreme Judicial Court have long held that the immense harms of racial discrimination require remedies, and that all victims of racial profiling must have a meaningful remedy.

“The law does not, and must not, deprive Black people on probation of a remedy when they are racially profiled by law enforcement officers. Warrens Gelin, and others like him who have endured unjust probation revocation and imprisonment, must be allowed the opportunity to seek justice,” said LDF Assistant Counsel Adam Murphy.

“Discriminatory policing occurs with disturbing frequency across the country, and continues to have deeply troubling consequences for victims of unlawful police conduct, such as Warrens Gelin in this very case,” said Rebecca Kiley, Attorney-in-Charge of the Public Defender Division Appeals

Unit at CPCS. “Already, Black people are disproportionately the victims of racial profiling in traffic enforcement in Massachusetts, and the criminal legal system is filled with disparities arising out of this enforcement. We urge the Court not to adopt a stance that treats this as an acceptable policing tactic.”

“We are asking the Court to clearly state that racial profiling has no place in the criminal legal system,” said Jessie Rossman, incoming Legal Director at the ACLU of Massachusetts. “To do otherwise would be to tell the 38,000 people on probation in Massachusetts, a disproportionate number of whom are Black people, that police are allowed to racially discriminate against them.”

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Founded in 1940, the Legal Defense Fund (LDF) is the nation’s first civil rights law organization. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.