

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

Senate Bill 110 (Senator Ruben. *et al.*)

Judicial Proceedings

Task Force to Study Race-Based Traffic Stops

This bill establishes a 17-member Task Force to Study Race-Based Traffic Stops.

Fiscal Summary

State Effect: Any expense reimbursements for task force members and staffing costs for the Office of the Attorney General are assumed to be minimal and absorbable within existing budgeted resources. Providing information and data to the task force could be handled with the existing budgeted resources of the State Police and any other State law enforcement agency.

Local Effect: Providing information and data to the task force could be handled with the existing budgeted resources of local law enforcement agencies.

Small Business Effect: None.

Analysis

Bill Summary: The task force is charged with studying a variety of areas and issues relating to routine traffic stops, including the identifying characteristics of individuals stopped, whether arrests were made as a result of the stop, and the benefit of traffic stops to drug interdiction efforts. Law enforcement agencies may provide information to the task force to the extent practicable and to the extent not in conflict with State law. The bill specifies that information provided by law enforcement agencies to the task force may not contain information that may reveal the identity of an individual who is stopped. The bill also places specified limitations on the acquisition and use of data acquired by the task force. Staffing for the task force will be provided by the Office of the Attorney General. The bill requires

the task force to report the results of its study to the Governor by October 1, 2001.

Current Law: There is no such task force under aegis of State government.

Background: Racial profiling refers to police officers stopping motorists of color simply because they fit the "profile" of people who might carry contraband, drugs, or other illegal items. How widespread this technique is has been a topic of debate among minority groups, law enforcement personnel, civil libertarians, and academicians.

Last April, the U.S. Attorney General Janet Reno called for collection of more hard data by police departments to see whether and where racial profiles might be in use as a basis for traffic stops and other police questioning of citizens. She praised a program then recently instituted by San Diego police that requires traffic officers to record the race of people they stop, and enables them to enter the information quickly and unobtrusively on a handheld computer.

Legislation is before Congress to require study of data from state and local law enforcement agencies with regard to race and traffic stops. The issue was formally discussed in at least 20 state legislatures in 1999 where measures were introduced to stop the practice and/or to study the extent of its use. Of those states, however, only North Carolina and Connecticut passed meaningful anti-profiling bills in 1999. Virginia created a special legislative panel to study police agencies and their use of profiling to stop motorists.

North Carolina's statute requires collection of information on each traffic stop, including the race and gender of the drivers. It also requires documenting whether a search was performed, if consent was given for the search, whether contraband was found, if physical force was used, and whether the stop resulted in a ticket or arrest. The information will help determine whether certain racial groups are being unfairly profiled in North Carolina, which contains part of the I-95 corridor thought to serve as a major route for drug couriers.

The Connecticut law is similar, requiring law enforcement agencies to collect information on race, gender, ethnicity and age of the drivers, the nature of the alleged violations, and circumstances surrounding the stops. Municipal police departments and the state Department of Public Safety must adopt a written policy that prohibits stopping, detaining, or searching a person when the action is motivated by race, gender, ethnicity, or sexual orientation.

The issue is returning to other states this year after New Jersey's well-publicized admission that its state police had used race as a factor in stopping and searching motorists. A report by the New Jersey attorney general provided statistical evidence that police have been singling out blacks for extra scrutiny for years. The report found that from 1994 to 1999, in central and southern New Jersey, 77% of drivers asked to agree to a search were black or Hispanic. Nineteen percent of those stops ended in an arrest.

The Frederick (MD) News-Post has reported that an analysis of traffic stop reports collected by the Frederick Police Department for the last five months of 1999 found that, while the frequency of traffic stops fell roughly along demographic lines, there seemed to be a racial disparity in the proportion of stops that resulted in searches and police dog scans.

The use of racial profiling by the Maryland Department of State Police has been extensively documented. In 1995, the State settled a lawsuit alleging profiling by promising to cease using race as a factor in traffic stops and to keep records of searches and arrests. However, two years later, a federal judge ruled that evidence showed a "pattern and practice of discrimination" in traffic stops along Interstate 95 in northeastern Maryland. While the State Police do routinely collect some traffic stop data, it is believed to be limited in scope and usage.

State Fiscal Effect: The Department of State Police believes that this bill will result in the need for a significant amount of additional resources for the State Police and local police agencies in order to comply with quantitative requests for data by the task force. In addition, the Office of the Attorney General notes that the bill is somewhat vague regarding how the task force would proceed.

However, Legislative Services advises that any methodologies, including sampling, employed by this task force (like all others) will not be determined until it begins operations. The bill allows the provision of data to the task force to be "to the extent practicable" for a law enforcement agency. In any event, it is assumed that any selected methodology would be designed to accommodate the existing budgeted resources of the agencies from which the task force would seek information and within allotted staffing resources.

Additional Information

Prior Introductions: A similar bill, SB 430, was introduced during the 1999 session. The bill passed the Senate with amendments, passed the House with amendments, and no further action taken on it by the General Assembly.

Cross File: None.

Information Source(s): Office of the Governor, Office of the Attorney General, Department of State Police, Maryland Department of Transportation (State Highway Administration), Department of Legislative Services

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