

Department of Legislative Services  
Maryland General Assembly  
2000 Session

**FISCAL NOTE**

House Bill 226 (Delegate Rawlings. *et al.*)

Judiciary

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**Law Enforcement Officers - Racial Profiling**

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This bill prohibits a law enforcement officer, under provisions applicable to the Law Enforcement Officers' Bill of Rights, from using race or ethnicity as the sole reason to initiate a criminal investigation. Violators are subject to a maximum civil penalty of \$1,000.

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**Fiscal Summary**

**State Effect:** While the number of such violations cannot be reliably predicted, it is assumed to be relatively small. In any event, the civil penalty provisions of this bill are not expected to significantly affect State finances or operations.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** None applicable.

**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 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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of State Police, Maryland Department of Transportation (Mass Transit Administration Police), Cecil County, Harford County, Montgomery County, Prince George's County, Queen Anne's County, St. Mary's County, Department of Legislative Services

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