



Testimony for the House Environment and Transportation Committee February 19, 2015

HB 339 Vehicle Laws – Race-Based Traffic Stops – Policy and Reporting Requirements

SUPPORT

The American Civil Liberties Union of Maryland supports the renewal of Maryland's race-based traffic stop reporting statute, which requires law enforcement agencies to compile and report data from traffic stops and requires analysis by the state of such data to determine whether agencies and/or individual officers are stopping and searching residents based on race or ethnicity.

Since 1993, the ACLU of Maryland has fought against race-based traffic searches in our long-running case, *Wilkins v. Maryland State Police*. The *Wilkins* case, one of the first in the nation to call attention to police targeting of motorists for "driving while black," was filed on behalf of an African-American public defender and his family who were wrongfully stopped and searched in western Maryland by state troopers using a racial profile. Under a settlement reached in 1995, the Maryland State Police agreed not to use racial profiles and to keep detailed records of all motorist searches for review by the court and the ACLU.

Statistics that the Maryland State Police were required to collect between 1995 and 2001 showed that, especially along I-95, African-American motorists were far more likely to be stopped and searched than were white motorists. According to a May, 16, 2001 story by the Washington Post, nearly two-thirds (63%) of drivers stopped and forced out of their cars by Maryland state troopers on I-95 were minorities—even though minorities made up only about 20% of drivers on that highway.

In 2001, the General Assembly recognized the importance of this data to help address the problem of racial profiling by local police departments by passing HB303 Law Enforcement Officers - Vehicle Laws - Race-Based Traffic Stops. Data collection has been an important step, because racial disparities in data raise a red flag and show that there is an issue requiring the attention of both the public and police management. In recent years, data collected by the Governor's Office of Crime Control and Prevention (GOCCP) has shown a decrease in racial profiling since 2000. However, racial disparities continue to exist in traffic stops and seem to be on the rise. Although the 2010 Census showed that African Americans make up about 30.1% of Maryland's population, the GOCCP reports show that African Americans are stopped at increasingly disproportionate rates.

- In the 2008 GOCCP report, African Americans made up 32.3% of all traffic stops;
- In the 2009 GOCCP report, African Americans made up 35.1% of all traffic stops;
- In the 2010 GOCCP report, African Americans made up 38.3% of all traffic stops;

TONI HOLNESS
PUBLIC POLICY
ASSOCIATE

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

MAIN OFFICE
& MAILING ADDRESS
3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
or 240-274-5295
F/410-366-7838

FIELD OFFICE
6930 CARROLL AVENUE
TAKOMA PARK, MD 20912
T/240-274-5295

WWW.ACLU-MD.ORG

COLEMAN BAZELON
PRESIDENT

SUSAN GOERING
EXECUTIVE DIRECTOR

C. CHRISTOPHER BROWN
GENERAL COUNSEL

- In the 2012 GOCCP report, African Americans made up 36.5% of all traffic stops; and
- In the 2013 GOCCP report, African Americans made up 39.3% of all traffic stops

Data collection is not simply a tool for measuring the magnitude of a problem at a particular point in time, it is a key monitoring tool for ensuring ongoing achievement of law enforcement goals. Good police managers, who recognize the existence of racial profiling and want to guard against this practice in their own departments, have welcomed data collection. Data collection regarding officer practices is a useful and probably necessary tool for spotting potential problems and dealing with them.

Additionally, data collection makes law enforcement strategies more transparent to communities, who are then better able to assess their efficacy in both keeping those communities safe and protecting the rights of individuals. The results of data collections have, for some agencies, helped to begin restoring the public trust in the law enforcement officers. However, there is much left to do to continue healing the damaged trust in many communities who believe, often with just cause, that biased police practices go on. Comprehensive data collection and analysis have now been successfully implemented for years here in Maryland, as well as across the country, and should continue to be in force.

For all these reasons, the ACLU of Maryland urges a favorable report on HB 339.

We further recommend that GOCCP include in its annual data collection report a breakdown of the data it is collecting by locality. Agencies are already submitting this data and therefore this should add no additional burden.