

**TESTIMONY FOR THE JUDICIAL PROCEEDINGS COMMITTEE
JANUARY 20, 2011**

SB14 – Vehicle Laws – Race-Based Traffic Stops – Reporting Requirements

SUPPORT

The American Civil Liberties Union of Maryland strongly 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.

The State of Maryland has been in the vanguard of states in the nation that have taken concrete steps to solve the problem of racial profiling. Over the past decade, majorities of Americans of all racial groups have come to recognize that racial profiling is a real phenomenon on America's roadways. It is not just a matter of perceptions. Statistics have clearly shown that minority motorists are more likely to be pulled over by the police. Once pulled over, minority motorists are more likely to be searched.

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, as an important complement to the *Wilkins* case, the ACLU of Maryland worked for this original legislation to help address the problem of racial profiling by local police departments. We believe that 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 profiling of African-Americans continues to exist and has again been rising since a low of 32.3% of all drivers stopped in 2007 to 38.3% in

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the latest report of 2009 data, warranting continued monitoring of law enforcement agencies.¹

Data collection is a monitoring tool for protecting civil rights and ensuring ongoing achievement of key law enforcement goals; it is not simply a tool for measuring the magnitude of a problem at a particular point in time. 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 recommends that the Committee favorably report SB 14. We further recommend that GOCCP study the traffic stop data that has been collected over the past decade by the Maryland Justice Analysis Center and then by GOCCP and prepare a comprehensive report to the General Assembly analyzing any changes in traffic stop statistics for each ethnic and racial group since data collection began by December 1, 2011, in order to determine whether progress is being made in combating this problem.

¹ Note that African-Americans represent approximately 28% of the population of Maryland.

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