**ACLU**
Maryland

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**Testimony for the Health and Government Operations Committee**

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**HB 1603 Task Force to Standardize Data Collection on Race and Ethnicity**

**FAVORABLE**

The ACLU of Maryland supports HB 1603, which creates a task force to review the race and ethnicity classifications and collection methods used by Maryland state agencies to collect and report race and ethnicity data. The task force would then provide recommendations to standardize that data collection.  Currently in Maryland, there is no uniform collection of data on race and ethnicity across state and local agencies, making data based claims unreliable and meaningless. Standardization would foster the accurate reporting of race and ethnicity across all state agencies and create a mechanism to measure success combating racial and ethnic bias.

**Current data collection varies in the description of race and ethnicity**
Data collection on race and ethnicity varies between different agencies, and even on different topics within the same agency. Some of those variations include:

| State Agency | Data Collected | Notes |
|---|---|---|
| Motor Vehicle Administration | Black or African American; White (Caucasian); Asian; Native Hawaiian or other Pacific Islander; American Indian or Alaska Native; Multi-racial | Race codes in driving records do not include "Hispanic or Latino origin". |
| Traffic Stops | Asian; Black; White; Hispanic; Other | Md. Code. Transp. § 25-113 |
| District Court of Maryland[1] | Black, African American; White, Caucasian, Asiatic Indian, and Arab; Asian, Native Hawaiian, Other Pacific Islander; American Indian, Alaska Native; Unknown/Other | Officers are directed to "Hispanic" in the ethnicity field if the arrestee is Hispanic. |
| Individuals tased by law enforcement[2] | Caucasian; African American; Asian; Hispanic; Other/Unknown/Missing | |
| Dept of Corrections[3] | Asian; Black; Indian; White; Unknown | Hispanic counted as "white" |
| State Police collection of DNA | Asian; African-American; White; Hispanic; Other | COMAR 29.05.01.16 |

[1] https://www.courts.state.md.us/sites/default/files/import/district/forms/criminal/dccr090.pdf
[2] https://goccp.maryland.gov/wp-content/uploads/ecd-data-report-2016.pdf
[3] http://goccp.maryland.gov/wp-content/uploads/dpscs-restrictive-housing-report-2017.pdf

In the prison context, the Hispanic population is not captured at all, and instead anyone who would otherwise be categorized as Hispanic is designated as "white". This misrepresents the racial make-up of the prison population and undervalues the racial disparity between Black and white inmate populations. If Hispanic inmates are counted as "white", it inflates the actual number of white inmates by including people who are not white. Maryland is one of only four states that collects data in this way, and has the highest incarceration rate of African Americans in the country, at 72 percent. The Black/white racial disparity, measured at almost five Black inmates for every one white inmate, understates the disparity because of the mis-designation of Hispanic inmates as "white".[4]

Race is an evolving concept that Americans view differently today than several decades ago. In the 2000 and 2010 Census, "Some Other Race" was designed to be a residual category, but was identified as the third largest racial category, primarily because of the Hispanic community who did not identify with any of the Census' designated racial categories.[5] Maryland currently does not collect data in a uniform or standardized way, and is not collected with a consideration of Census data and other state agency data sets, which significantly impedes civil rights legislation and litigation that rely on data to inform policy decisions. Especially among the Hispanic and Latinx community, Maryland falls short in providing a comprehensive picture of how civil rights abuses are committed against them. In order to adequately address the trauma inflicted on our over-policed Black and Brown communities, accurate standardized data collection is necessary.

Further, it is imperative for state agencies to accurately understand the racial make-up of the populations they serve to provide services in a conscientious way. Maryland agencies must be able to compare data sets in an effective and reliable way so that they may fully understand the impact of their agency's work and address any problems that may be easily identifiable with reliable data. Simply collecting data is meaningless unless the data can be used in productive ways.

This bill will assemble various stakeholders to discuss and recommend standardized categories and collection methods on race ethnicity. For persons of color who are neither Black nor white (or not perceived as Black or white), they are often counted as white and therefore 'disappeared' into the aggregated data pool. Moreover, the counting of these persons as white skews the racial disparities between Black and white communities, poisoning the entire data set that is available.

For these reasons, we urge you to issue a favorable recommendation for HB1603.

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[4]The Color of Justice: Racial and Ethnic Disparity in State Prisons, The Sentencing Project, 3, 4, 17 (2016) https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/
[5] https://www.census.gov/about/our-research/race-ethnicity.html