

RACIAL PROFILING: THE STATE OF THE LAW

This document provides updates on legal developments at the state and local level that relate to the timely and crucial issue of racial profiling. Most of the information contained here deals with law enforcement activities that occurred as a result of legislation enacted or introduced since the 2001 legislative session. In addition, there is some discussion of police practices and policies recently undertaken in response to the passage of bills, lawsuits, or U.S. Department of Justice investigations in previous years. Information is conveyed in descending chronological order. We consider this document to be a work in progress and will periodically revise it as new information becomes available. If you have questions or comments, or if you have any news you would like to add, please contact Dr. Lisa Yarkony at lyarkony@policefoundation.org. We hope you find this document to be informative, and we welcome your input.

ALABAMA

- **Pending Legislation** - Senate Bill 32, an “Act Relating to Traffic Stops,” was introduced on January 8, 2002 and indefinitely postponed by the following April. The proposed bill would require municipal police departments and the Department of Public Safety to adopt written policies prohibiting racial profiling, mandate the adoption of forms designed to document traffic stops, provide for complaints, and require statistical reports on traffic stops to be filed with the **Alabama** Attorney General.¹
- **Pending Legislation** - Senator Roger Smitherman sponsored Senate Bill 15, a measure to prohibit racial profiling, during the fourth special session of the **Alabama** State Legislature. The bill would require state and local law enforcement agencies to adopt written policies to prohibit racial profiling, collect data at traffic stops, report it to the Attorney General, and make formal provisions for citizen complaints. The Senate has read the bill and referred it to the Judiciary Committee.²

ARIZONA

- **Executive Order** - Police cannot use race, skin color, or ethnicity to pull someone over under new racial profiling guidelines announced by **Arizona** Attorney General Janet Napolitano. Arizona’s policy for eradicating racial profiling is among the most comprehensive in the nation, though it makes an exception when race is part of a suspect’s description.³

¹ Alabama Legislative Information on the Net, “SB 32,” <http://alisd.b.legislature.state.al.us/acas/searchableinstruments/2002rs/bills/sb32.htm>.

² Alabama State Legislature. “SB 15,” December 13, 2001, <http://www.legislature.state.al.us/searchableinstruments/20014s/bills/sb15.htm>.

³ Daniel González, “Napolitano unveils policy against racial profiling.” Arizona Republic, 15 May 2001, <http://www.arizonarepublic.com/arizona/articles/0515profiling15-ON.html>

CALIFORNIA

- **Lawsuit Settlement** - In February 2003, The **California** Highway Patrol agreed to end traffic stops based solely on hunches, ban searches of vehicles without probable cause, and monitor whether black and Latino motorists are more likely than others to be pulled over. Following a class- action settlement in federal court, the CHP voluntarily agreed to stop asking motorists for permission to search their vehicles. It intends, however, to continue searching vehicles when officers have good cause for suspecting a crime. The settlement ended a 1999 lawsuit that the ACLU brought on behalf of three minority motorists who said their cars were stopped and searched because of their ethnicity. ACLU lawyers filed the suit after obtaining evidence from two CHP districts indicating that Latino drivers were three times as likely as whites to be stopped and searched by the CHP, and African Americans were one and a half times as likely. The CHP agreed to the settlement to improve public confidence in the agency and resolve the litigation, even though it denied engaging in racial profiling. According to the settlement, the CHP will collect data on every traffic stop, and it will pay \$725,000 in attorney fees to the ACLU and \$50,000 in damages to each of the motorists named in the suit.⁴
- **Executive Order** - In January 2002, Governor Gray Davis ordered the **California** Highway Patrol to record information relating to traffic stops, such as the race of the motorists involved, and the eventual outcome of the stop. The order is in direct contrast to Davis's 1999 veto of legislation that would have required data collection by law enforcement agencies to determine whether police stop minorities at disproportionate rates.⁵
- **Pending Legislation** - Arguing that **California's** racial profiling law is ineffective, lawmakers and civil rights leaders started campaigning for a bill to strengthen the statute. The revised legislation that was proposed in April 2001 would clarify the definition of racial profiling and require state law enforcement agencies to begin collecting extensive data on traffic stops by 2006.⁶
- **Lawsuit** - Civil rights groups sued **California** Governor Gray Davis, alleging that he unlawfully rewrote racial profiling legislation in a case that threatened to launch a constitutional challenge to the chief executive's veto powers. The controversy surrounded part of the state's \$100 billion budget Davis signed in July 2001. Lawmakers included in the package \$3 million of law enforcement grants to collect racial profiling data on vehicle stops. Davis, however, enraged activists by invoking his veto powers to

⁴ Maura Dolan and John M. Glionna, "The Nation; CHP settles lawsuit over claims of racial profiling; The agency promises reforms; Officers will no longer pull over drivers based only on hunches," Los Angeles Times, 28 February 2003, 1 (A).

⁵ "A good u-turn by Davis," San Francisco Chronicle, 28 January 2002, 4 (B).

⁶ Krasnowski, Matt. "Stronger law on racial profiling sought; Police would have to collect data on stops." San Diego Union, 14 April 2001, 3 (A).

eliminate several kinds of data that law enforcement must collect to be eligible for funding.⁷

- **Enacted Legislation** - In September 2000, **California** approved legislation requiring cultural diversity training. Senate Bill 1102 prohibits law enforcement officers from engaging in racial profiling and requires their participation in courses on racial profiling developed by the Commission on Peace Officer Standards and Training and a five-person civilian panel.⁸

Anaheim

- **Lawsuit Settlement** - In December 2002, **Anaheim** agreed to pay \$50,000 to a Korean man who claimed that racial profiling by officers caused him to be wrongly detained for two days on suspicion of killing a California Highway Patrol officer. Yong Ho Choi was taken into custody at gunpoint on an **Anaheim** street corner shortly after a gunman shot Officer Don Burt Junior several times in Fullerton and fled in the officer's car. The car was abandoned in **Anaheim** and Choi was found waiting for a bus nearby. Several eyewitnesses identified him as the man Burt pulled over.⁹

Los Angeles

- **Report on Data Collection** - Data compiled by the **Los Angeles** Police Department as part of a federal consent decree showed that the city's officers were more likely to stop and search black and Latino drivers after a traffic stop than their white counterparts. The data inspired mixed reactions from **Los Angeles** authorities following its release on January 6, 2003. On the one hand, **Los Angeles** Mayor Jim Hahn and Police Chief William Bratton urged residents not to jump to any conclusions on the basis of the information. On the other hand, City Councilman Nate Holden brandished the statistics as proof that racial profiling is alive and well in **Los Angeles**.¹⁰
- **DOJ Consent Decree** - Beginning in November 2001, civil libertarians acquired new ammunition in their continuing feud with the **Los Angeles** Police Department: 750,000 paper slips. That's roughly how many forms

⁷ Kravets, David. "Governor sued over veto powers involving racial profiling bill." San Diego Union, 2 November 2001, 11 (A).

⁸ California State Senate, "SB 1102," <http://info.sen.ca.gov/cgi-bin/waisgate?WAIISdocID=25092220831+0+0+0&WAIISaction=retrieve>.

⁹ Seema Mehta, "The Region: Anaheim to settle profiling lawsuit; A Korean man who says he was arrested in a CHP officer's killing because of his race will get \$50,000. City officials deny any wrongdoing," Los Angeles Times, 25 December 2002, 4 (B).

¹⁰ Heather MacDonald, "LAPD; What looks like profiling might just be good policing," Los Angeles Times, 19 January 2003, 3 (M). Mason Stockstill, "Holden, ACLU says racial profiling exists; Hahn, Bratton say data must be analyzed," Sentinel, 9 January 2003, 1 (A).

LAPD officers are expected to file in the coming year as they begin the final phase of a new data-collection effort under the terms of a federal consent decree.¹¹

Riverside

- **Lawsuit Settlement** - In March 2001, a judgment (pursuant to stipulation) from the case California v. City of Riverside required the **Riverside Police Department** to collect, review, and analyze data on traffic stops and to make an annual report on its findings to the state Attorney General. The stipulation also required additional reforms, including increased training and modification of the citizen complaint procedure.¹²
- **DOJ Investigation** - In 2001, the Department of Justice conducted an investigation of the **Riverside Police Department**.¹³ Though Justice did not release its findings, the department itself had made the investigation public by December 2001.¹⁴

COLORADO

- **Executive Order** - Governor Bill Owens issued an executive order in September 2001 prohibiting racial profiling throughout **Colorado**. His spokesman, Dick Wadhams, said the executive order would complement **Colorado's** racial profiling bill mandating limited data collection. Wadhams described the governor's order as a pre-emptive move at a time when racial profiling was making national news because of incidents in other states.¹⁵
- **Enacted Legislation** - On June 5, 2001, the **Colorado** General Assembly approved House Bill 1114 mandating data collection. The bill requires the **Colorado** State Patrol and Denver law enforcement agencies to collect data whenever their officers issue a citation or warning during traffic stops.¹⁶

¹¹ Leovy, Jill. "Paper trail begins on racial profiling; LAPD: Under the federal consent decree, officers must fill out a form on everyone they stop. Chief Parks, police union, others question the value." Los Angeles Times, 12 November 2001, 1 (B). U.S. Department of Justice, "United States v. City of Los Angeles," <http://www.usdoj.gov/crt/split/documents/laconsent.htm>.

¹² Racial Profiling Data Collection Resource Center at Northeastern University, "California," <http://www.racialprofilinganalysis.neu.edu/jurisdictions.php?state=CA&level=plan>.

¹³ U.S. Department of Justice, Civil Rights Division, Special Litigation Section. "Frequently Asked Questions" <http://www.usdoj.gov/crt/split/faq.htm>. Please note that this link no longer exists, but we will continue to monitor any further developments arising from the federal probe of Riverside police.

¹⁴ "Pattern or practice cases: The civil prosecution of police misconduct," http://www.geocities.com/sccjus/scope_page3.html.

¹⁵ Martinez, Julia C. "Ex-patrolman Arnold blasts racial-profiling bill." Denver Post, 30 March 2001, 19 (A).

¹⁶ Colorado General Assembly, "House Bill 01-1114," http://www.leg.state.co.us/2001/inetcbill.nsf/fsbillcont/06A3FA3648F063F7872569D2005D7D17?Open&file=1114_enr.pdf

- **Previous Legislation - Colorado** State Representative Peter Groff withdrew his first racial profiling bill on January 20, 2001, after it faced certain death by a House committee. Groff’s revised bill would require the State Patrol and local law enforcement agencies with populations over 75,000 to gather information on whether traffic stops are being made based on race.¹⁷

Denver

- **Report on Data Collection** - In October 2002, **Denver** released a report on traffic stops by city police as required by a lawsuit settlement that the city had reached with the ACLU. The report covered 199,410 contact cards collected by **Denver** officers between June 1, 2001 and May 31, 2002 and showed that 48.2 percent of all traffic stops involved whites, but only 4.1 percent of whites were searched. African-Americans accounted for 16.6 percent of stops and Hispanics, 31.3 percent. Blacks and Hispanics, however, were searched in 13.2 percent of traffic stops.¹⁸
- **Report on Data Collection - Denver** police pull over or stop more whites than they do members of other races, but they tend to search more blacks and Hispanics, according to the department’s first three months of racial profiling data. The numbers released in November 2001 showed that whites accounted for 45 percent of all stops, Hispanics for 31 percent and blacks for 21 percent. Only 14 percent of stops involving whites led to a search, however, while the corresponding figure for blacks was 38 percent and that for Hispanics was 29 percent. Among just traffic stops, 6 percent of whites stopped were searched, while the figure was 22 percent for blacks and 20 percent for Hispanics. Notwithstanding these disparities, contraband was seized at about the same level during traffic stops for whites (17.6 percent) and blacks (19.6 percent) but was lower for Hispanics (10.4 percent).¹⁹
- **Lawsuit** - Under the terms of a previous lawsuit settlement between the city of **Denver** and the ACLU, the police department began collecting data in June 2001, to determine whether racial profiling is taking place.²⁰

CONNECTICUT

- **Report on Data Collection** - In 1999, **Connecticut** passed Public Act No. 99-198, which mandated data collection by all state and local law enforcement agencies. In keeping with the law, the Office of the Chief State’s Attorney issued an “Interim Report of Traffic

¹⁷ Seibert, Trent. “Racial profiling bill returns.” Denver Post, 6 February 2001, 11 (A).

¹⁸ John Ingold, “Profiling data spur queries, few answers,” Denver Post, 7 November 2002, 1 (B). “Good stop on profiling,” Denver Post, 30 October 2002, 6 (B).

¹⁹ Carol Kreck, “Report details police stops; Hispanics, blacks get searched more,” Denver Post, 28 November 2001, 1 (A).

²⁰ Kreck, Carol. “Police, citizens clash on profiling; Cops: Racial charge a matter of perception,” Denver Post, 15 January 2001, 1 (A).

Stop Statistics, January 2000 to June 2000” in January 2001. The report is available at <http://www.policeforum.org/CT-report.pdf>.

FLORIDA

- **Enacted Legislation** - In June 2001, the **Florida** legislature passed Senate Bill 84, an act that mandates training in cultural diversity for law enforcement officers and requires sheriffs’ offices and municipal law enforcement agencies to adopt policies and practices prohibiting racism or discrimination.²¹
- **Enacted Legislation** - All Miami-Dade County law enforcement agencies must have a policy against racial profiling and train police not to single people out by their race, according to legislation signed by Governor Jeb Bush in June 2001. Senate Bill 84 prescribes cultural diversity training for officers and requires sheriffs and municipal law enforcement agencies to adopt policies and practices prohibiting discrimination and racism. Representatives Kendrick Meek and Dorothy Bendross-Mindigall, who crafted the law, originally wanted to create a statewide task force to investigate the prevalence of racial profiling in **Florida**, but lawmakers changed the focus of the bill under pressure from the **Florida** Sheriffs’ Association. Miami-Dade police already have a policy against racial profiling, but are doing a study to see if the practice actually exists.²²

Miami

- **DOJ Investigation** - As of March 13, 2003, the **Miami** Police Department was under investigation by the U.S. Department of Justice.²³

Orange County

- **DOJ Investigation** - The Department of Justice conducted an investigation of the **Orange County** Police Department in 2001.²⁴ Though Justice did not release its findings, the department itself had made the investigation public by December 2001.²⁵

²¹ Florida Legislature, “Senate Bill 0084: Relating to Law Enforcement/Discrimination,”

http://www.flsenate.gov/Session/index.cfm?Mode=Bills&SubMenu=1&Tab=session&BI_Mode=ViewBillInfo&BillNum=0084&Chamber=Senate&Year=2001&Title=%2D%3EBill%2520Info%3AS%25200084%2D%3ESession%25202001.

²² “Miami-Dade County; Law requires policy against racial profiling, Miami Herald, 20 June 2001, B3. AELE Law Enforcement Legal Center, “Senate Bill 84-2001 Legislature,” <http://www.aele.org/flaprofile.html>.

²³ U.S. Department of Justice, Civil Rights Division, Special Litigation Section, “Investigation of the Miami Police,” http://www.usdoj.gov/crt/split/documents/miamipd_techletter.pdf.

²⁴ Jane Prendergast. “Investigation begins-Federal team examines practices; Police under scrutiny; Feds pledge cooperation, but carry big stick.” Cincinnati Enquirer, 23 May 2001, 1 (A). There has been no further discussion of this investigation in either the electronic or printed media, but we will continue to monitor any future developments arising from the federal probe of Orange County.

²⁵ “Pattern or practice cases: The civil prosecution of police misconduct,” http://www.geocities.com/sccjus/scope_page3.html.

GEORGIA

- **Pending Legislation** - In January 2001, Senate Bill 41 was introduced in the **Georgia** General Assembly. The proposed legislation would mandate policies to prohibit law enforcement officers from illegally using race or ethnicity in determining whether to stop a motorist; annual training of law enforcement officers on illegal use of race and ethnicity in stopping vehicles; and documentation of the race, ethnicity, and gender of motorists and passengers subject to traffic stops. The bill passed the Senate, but it has languished in the House Judiciary Committee since March 2001.²⁶

ILLINOIS

- **Pending Legislation** - As of February 2003, there were two proposals in the **Illinois** General Assembly for commissioning studies to determine whether police are engaging in racial profiling. The first bill would require all state and local authorities to record the sex and race of motorists at all traffic stops and submit the ensuing data for analysis at Northwestern University's Center for Public Safety. The second bill makes analogous provisions but would require the secretary of state to analyze the data. Similar bills dealing with racial profiling have already passed the state House four times but were held up in the Senate.²⁷
- **Pending Legislation** - In January 2001, State Representatives Jay C. Hoffman (D-Collinsville) and Monique Davis (D-Chicago) introduced House Bill. 335 calling for **Illinois** law enforcement officers to record the race, age, and gender of all drivers involved in traffic stops for a two-year period beginning January 1, 2002. In the previous year, Hoffman and Davis sponsored similar legislation that passed the House, only to die in the Senate. The current bill emulates Missouri racial profiling legislation, which became effective in August 2000.²⁸

Chicago

- **Municipal Ordinance** - In June 2001, the **Chicago** City Council forbade all officers, including private police, to engage in racial profiling. Police Superintendent Terry Hillard had already given a general order banning the use of race and other extraneous factors in deciding whom to stop or search. The new ordinance, however, provided an additional incentive for officers to refrain from discriminatory law enforcement by threatening to fire them for doing so.²⁹ Strongly phrased as the ordinance was, it did not win the wholehearted approval of activist groups. Banning racial profiling

²⁶ Georgia General Assembly, "Senate Bill 41," http://www.legis.state.ga.us/legis/2001_02/fulltext/sb41.htm.

²⁷ "State Dems may pass legislation on race profiling; Cops would have to record race," Chicago Sun-Times, 18 February 2003, 18.

²⁸ Massingale, Mary. "Racial profiling legislation is delayed; Data collection for age, race, gender called into question; Language will be reworded." St. Louis Post, 14 May 2001, 1 (SM).

²⁹ Fran Spielman and Nancy Moffett, "City council widens racial profiling ban," Chicago Sun-Times, 7 June 2001, 26. Fran Spielman, "Chicago takes lead on banning racial profiling," Chicago Sun-Times, 24 May 2001, 1.

was not sufficient, according to the ACLU, which urged aldermen to also make law enforcement officers fill out and maintain “contact cards” on the perceived race of the person stopped and to ban “pretext stops.” Alderman Edward M. Burke, who introduced the ordinance, responded by saying he would consider strengthening the legislation later on.³⁰

Highland Park

- **DOJ Settlement** - In July 2001 the U.S. Department of Justice and the **Highland Park** Police Department entered into a memorandum of agreement that provided for a cooperative effort by the United States, the City of **Highland Park**, and the **Highland Park** Police Department to institute management practices that would promote nondiscriminatory law enforcement. The memorandum of agreement incorporated all the terms of a consent decree imposed on the city in October 2000 following allegations that **Highland Park** officers used race and ethnicity to target motorists for stops and searches.³¹

Mount Prospect

- **Lawsuit Settlement** - A federal investigation into allegations of racial profiling by **Mount Prospect** police ended with a settlement in January 2003. The village and police department admitted no wrongdoing but agreed to officially adopt a number of reforms—including codifying nondiscrimination in policing and documenting traffic stops by race, gender, and ethnicity—and to report to the government on their progress in implementing reforms. The agreement is binding for five years, though monitoring will end after three years assuming the department complies.³²

INDIANA

- **Pending Legislation** - House Bill 1917, introduced in January 2003 mandates collection of traffic stop data and requires **Indiana** law enforcement agencies to formally prohibit racial profiling and provide sensitivity training. The proposed bill also authorizes use of local civilian review boards to investigate allegations of misconduct by law enforcement agencies.³³

³⁰ Spielman, Fran. “Banning racial profiling isn’t enough, ACLU says.” Chicago Sun-Times, 24 March 2001, 22.

³¹ U. S. Department of Justice, Civil Rights Division, Special Litigation Section, “Memorandum of Agreement Between the United States and the City of Highland Park, Illinois,” http://www.usdoj.gov/crt/split/documents/Highland_MA.htm. U.S. Department of Justice, Civil Rights Division, Special Litigation Section, “Consent Decree in Ledford v. City of Highland Park, Illinois,” http://www.usdoj.gov/crt/split/documents/Highland_CD.htm.

³² Aamer Madhani, “Racial profiling dispute settled; Mt. Prospect cops agree to reform,” Chicago Tribune, 23 January 2003, 2 (M). U.S. Department of Justice, Civil Rights Division, Special Litigation Section, “Memorandum of Agreement Between the United States and the Village of Mt. Prospect, Illinois,” http://www.usdoj.gov/crt/split/documents/mtprospect_moa.pdf.

³³ Access Indiana, “House Bill 1917,” <http://www.in.gov/legislative/bills/2003/IN/IN1917.1.html>.

- **Pending Legislation** - House Bill 1996, “Racially based traffic stops,” was introduced in the 2001 session of the **Indiana** General Assembly. According to the provisions of the bill, law enforcement officers must collect data regarding traffic stops and the race of persons stopped, and their agencies must compile the data annually and report it to the Attorney General’s Office. The bill also requires the Attorney General to analyze the data and submit a yearly report on it to the Legislative Council, the Governor, and law enforcement agencies. The bill has been referred to Courts and Criminal Code.³⁴

IOWA

- **Pending Legislation** - In February 2003, the **Iowa** House of Representatives introduced House File 214 to establish a central repository in the Department of Public Safety for collecting and disseminating information about motor vehicle stops. The proposed bill also defines racial profiling as a violation of civil rights and requires all law enforcement agencies to adopt a written policy that prohibits it.³⁵
- **Pending Legislation** - In February 2001, **Iowa** State Senators Joe Bolckom, Jack Holveck, Wally Hammond, and Patricia Harper introduced legislation to combat racial profiling. A similar bill was introduced in 2000, at which time the **Iowa** State Patrol and several local police departments began voluntary data collection to address the problem. The more recent bill, Senate File 142, would require city police, county sheriffs, and state patrol officers to collect information on the race, ethnicity, and age of motorists who they stop, whether a ticket was issued; and whether the vehicle was subsequently searched.³⁶ The bill has been read and referred to the Senate Judiciary Committee.³⁷

KANSAS

- **Racial Profiling Study** - In 1999, **Kansas** enacted House Bill 2683, legislation to address racial profiling and establish pilot projects to examine the extent of the problem. Pursuant to the legislation, the state contracted with the Police Foundation to conduct a statewide assessment to determine whether racial profiling was occurring in **Kansas** and to make recommendations for any further action. The report released by the foundation in April 2003 demonstrated that **Kansas’** police were indeed profiling black and Hispanic motorists. The foundation’s analysis of tens of thousands of stops at predetermined locations revealed that black and Hispanic motorists are three times more likely than

³⁴ Indiana State Legislature. “House Bill 1996,” December 7, 2001, http://www.in.gov/serv/lssa_billinfo?year=2001&request=getBill&docno=1996&doctype=HB.

³⁵ Iowa General Assembly, “House File 214,” <http://www.legis.state.ia.us/GA/80GA/Legislation/HF/00200/HF00214/030217.html>.

³⁶ State Senator Joe Bolckom. “Networker - February 9, 2001.” http://www.joebolckom.org/2001networker/010209_networker.htm.

³⁷ Iowa State Legislature. “Senate File 142.” <http://www.legis.state.ia.us/GA/79GA/BillHistory/SF/00100/SF00142.html>

whites to be pulled over by authorities on **Kansas'** interstate highways. **Kansas** Governor Sebelius plans to use the report to improve law enforcement training.³⁸

KENTUCKY

- **Executive Order** - In March 2001, **Kentucky** Governor Paul Patton issued an executive order directing state police to ban racial profiling and to conduct a study on the race and gender of motorists stopped by the police. Twenty-five local police agencies volunteered to participate in the study.³⁹
- **Enacted Legislation** - On March 20, 2001 Governor Patton signed Senate Bill 76, "An Act Relating to Racial Profiling," into law. The legislation prohibits the use of racial profiling by **Kentucky** law enforcement agencies; requires the Criminal Justice Council to develop anti-racial profiling guidelines; and requires local law enforcement agencies that receive police salary supplement funding to develop local anti-racial profiling guidelines and file them with specified state agencies.⁴⁰

LOUISIANA

- **Enacted Legislation** - All police agencies in **Louisiana** must report how many traffic stops they make, the race and gender of the driver, and whether a search was conducted under racial profiling legislation signed into law in July 2001. House Bill 1855, sponsored by Representative Cedric Richmond (D-New Orleans) also calls for state and local police agencies to view a training video on racial profiling produced by the State Department of Public Safety and Corrections.⁴¹

New Orleans

- **DOJ Investigation** – The U.S. Department of Justice conducted an investigation of the **New Orleans** Police Department in 2001.⁴² Though Justice did not release its findings, the department itself had made the investigation public by December 2001,⁴³ and had also begun voluntarily to collect data on traffic stops.⁴⁴

³⁸ "Police engage in racial profiling," CJOonline.com/Topeka Capital-Journal, 22 April 2003, http://www.cjonline.com/stories/042203/kan_ksbrfs.shtml.

³⁹ Pitsch, Mark. "2001 Kentucky General Assembly/Senate approves racial-profiling ban." The Courier-Journal, 2 March 2001, <http://www.legis.state.wi.us/senate/sen04/news/art2001-36.htm>.

⁴⁰ Kentucky State Legislature. "SB 76," <http://www.lrc.state.ky.us/record/01rs/SB76.htm>.

⁴¹ Anderson, Ed, "Police must report traffic stop details; Foster signs bill aimed at racial profiling." Times-Picayune, 6 July 2001, 3 (A).

⁴² U.S. Department of Justice, Civil Rights Division, Special Litigation Section. "Frequently Asked Questions" <http://www.usdoj.gov/crt/split/faq.htm>. This link no longer exists, but we will continue to monitor any further developments arising from the federal probe of New Orleans.

⁴³ "Pattern or practice cases: The civil prosecution of police misconduct," http://www.geocities.com/sccjus/scope_page3.html.

⁴⁴ Racial Profiling Data Collection Resource Center at Northeastern University, "Louisiana," <http://www.racialprofilinganalysis.neu.edu/jurisdictions.php?state=LA&level=plan>.

MAINE

Portland

- **DOJ Investigation** - As of March 21, 2003, the U.S. Department of Justice was conducting a pattern or practice investigation of the **Portland** Police Department.⁴⁵

MARYLAND

- **Consent Judgment** - In March 2003, **Maryland** Governor Robert Ehrlich deferred a decision on whether to accept a consent judgment requiring state police to pay for alleged racial profiling and adopt a variety of new policies. State Police Superintendent Colonel Edward T. Norris also expressed misgivings about the costs of the proposal, which would require state police to develop a system for tracking the race of stopped motorists, establish a police-citizen panel to monitor reports of racial profiling, and set up a telephone number for complaints.⁴⁶
- **Enacted Legislation** - On May 15, 2001 **Maryland** Governor Parris Glendening signed into law a racial profiling bill and a minority enterprise bill, two significant pieces of legislation for the black community.⁴⁷

Montgomery County

- **Report on Data Collection** - In June 2002, **Montgomery County** Police complied with a DOJ settlement by releasing a third report on traffic stops by county police between October 1, 2001 and March 31, 2002. The latest set of **Montgomery County** traffic stop data shows that black drivers continue to be stopped at a rate that exceeds their proportion of the county population of registered drivers. During the reporting period, the percentage of black drivers who were stopped by police also exceeded the disproportionate percentage of black drivers receiving traffic tickets, a statistic which had previously been noted by the Justice Department during its four-year investigation of **Montgomery County** police. It was that investigation which resulted in the agreement to record data on all traffic stops for a five-year period⁴⁸
- **Report on Data Collection** - **Montgomery County** police still stop black drivers at a rate significantly higher than their proportion of the county population, according to the second six months of traffic stop data released

⁴⁵ U.S. Department of Justice, Civil Rights Division, Special Litigation Section, "Investigation of the Portland, Maine Police Department," http://www.usdoj.gov/crt/split/documents/portland_ta_ltr.pdf

⁴⁶ "Maryland: Governor reviews profiling consent," Crime Control Digest, 14 March 2003, 37.

⁴⁷ Glover, Morton. "Racial profiling, MBE bills become law." Afro-American Red Star, 26 May 2001, 1 (A).

⁴⁸ "Most recent traffic stop data show little change; Black drivers still stopped at higher rate," Washington Post, 6 June 2002, 3 (ME).

on January 30, 2002. The latest statistics on traffic stops do not appear to vary significantly from the data for October 2000 through March 2001, which showed that black drivers accounted for 27.3 percent of 32,743 stops that were recorded.⁴⁹

- **DOJ Settlement** - In January 2000, the U.S. Department of Justice reached a settlement of an administrative investigation under Title VI and the Safe Streets Act with the **Montgomery County** Police Department.⁵⁰ As part of the settlement, the DOJ has required the county to keep data on traffic stops since September 1, 2000. In October 2001, Charles A. Moose, the **Montgomery County** Chief of Police, released a report on the 32,743 traffic stops made from October 2000 to March 2001.⁵¹ The data collected by the department showed that blacks accounted for the overwhelming majority of motorists stopped in the county's culturally diverse Silver Spring area and for a significant percentage of stops in predominantly white residential areas such as Bethesda and Rockville.⁵² The complete text of the department's initial report on "Traffic Stop Data Collection Analysis" is available at http://www.co.mo.md.us/services/police/doj/ts_data_analysis_report.pdf.

Prince George's County

- **DOJ Investigation** – In November 2000, the U.S. Department of Justice launched an investigation to determine whether the **Prince George's County** Police Department engaged in a pattern and practice of brutality and discrimination.⁵³ Though Justice did not release its findings, the department itself had made the investigation public by December 2001.⁵⁴

MASSACHUSETTS

- **Report on Data Collection** - Nearly two years after **Massachusetts** began collecting information on traffic citations to measure possible racial profiling by police, a Boston Globe analysis of more than 750,000 tickets from every police department in the state showed a wide racial disparity in traffic tickets and vehicle searches. The analysis found that whites were less likely than blacks and Hispanics to be searched. Whites, however,

⁴⁹ Phong Ly, "Blacks more apt to be stopped; Montgomery police data still show disparity in rates," Washington Post, 31 January 2002, 1 (B).

⁵⁰ U.S. Department of Justice, Civil Rights Division, Special Litigation Section, "Memorandum of Agreement with Montgomery County Maryland, resolving the administrative investigation under Title VI and the Safe Streets Act," <http://www.usdoj.gov/crt/cor/Pubs/mcagrmt.htm>.

⁵¹ Ly, Phong. "Montgomery traffic data show race disparity." Washington Post, 2 November 2001, 1 (B).

⁵² Phong Ly, "County police release traffic-stop records; Blacks pulled over often in white areas," Washington Post, 8 November 2001, 3 (ME).

⁵³ U.S. Department of Justice, Civil Rights Division, Special Litigation Section. "Frequently Asked Questions." See <http://www.usdoj.gov/crt/split/faq.htm>. This link no longer exists, but we will continue to monitor any further developments arising from the federal probe of Prince George's County.

⁵⁴ "Pattern or practice cases: The civil prosecution of police misconduct," http://www.geocities.com/sccjus/scope_page3.html.

were more likely than other racial groups to face drug charges after a search, a finding that bolsters claims that minorities are searched with less reason. To add fuel to the fire, black and Hispanic drivers throughout the state received traffic tickets at a rate twice their share of the population, and once ticketed they were 50 percent more likely than whites to have their cars searched by police.⁵⁵

MICHIGAN

- **Pending Legislation** - In June 2001, State Representative Samuel “Buzz” Thomas introduced House Bill 4927 to ban the practice of racial profiling. Representative Thomas’ bill would clearly define racial profiling; it would require local police departments to mandate racial sensitivity training and retrain officers guilty of racial profiling; and it would instruct the **Michigan** Attorney General’s Office to investigate stop and search patterns.⁵⁶ Thomas stated that the time has come for **Michigan** to set the standards for ending racial profiling and called it a “grave injustice” that could profoundly damage community trust in civil society.⁵⁷

Detroit

- **DOJ Investigation** - As of April 2003, the **Detroit** Police Department was under investigation by the U.S. Department of Justice.⁵⁸

East Pointe

- **DOJ Investigation** - The U.S. Department of Justice conducted an investigation of the **Eastpointe** Police Department in 2001.⁵⁹ Though Justice did not release its findings, the department itself had made the investigation public by December 2001.⁶⁰ The department, in addition, subsequently began to collect traffic stop data on a voluntary basis.⁶¹

MINNESOTA

- **Enacted Legislation** - On July 1, 2001, **Minnesota** enacted legislation authorizing a racial profiling study and voluntary data collection. Minn. Stat. Ann. 626.951 requires

⁵⁵ Bill Dedman, and Francis Latour, “Traffic citations reveal disparity in police searches,” Boston Globe, 6 January 2003, 1 (A).

⁵⁶ Bill McConico, “Michigan needs such information to protect against discrimination; Require police to collect racial data on stops.” Detroit News, 8 April 2001, A (15).

⁵⁷ Lolita Standifer, “Law would ban racial profiling.” Michigan Chronicle, 20 June 2001, 1 (A).

⁵⁸ U.S. Department of Justice, Civil Rights Division, Special Litigation Section, “Investigation of the Detroit Police Department,” http://www.usdoj.gov/crt/split/documents/dpd/detroit_cover.htm.

⁵⁹ U.S. Department of Justice, Civil Rights Division, Special Litigation Section. “Frequently Asked Questions.” <http://www.usdoj.gov/crt/split/faq.htm>. This link no longer exists, but we will continue to monitor any further developments arising from the federal probe of Eastpointe.

⁶⁰ “Pattern or practice cases: The civil prosecution of police misconduct,” http://www.geocities.com/sccjus/scope_page3.html.

⁶¹ Racial Profiling Data Collection Resource Center at Northeastern University, “Michigan,” <http://www.racialprofilinganalysis.neu.edu/jurisdictions.php?state=MI>.

the commissioner of public safety to oversee a statewide study on traffic stops of civilians to determine whether racial profiling exists. It also allocates grant money to agencies that choose to participate in the study so they can install video cameras in their police vehicles.⁶²

- **Previous Legislation** - In June 2001, a coalition of community groups and legislators asked **Minnesota** Governor Jesse Ventura to veto a \$4.3 million compromise plan on racial profiling, dismissing the measure as a meaningless waste of time. Proponents of the bill hailed it as a way to settle one of the most contentious and emotional issues facing the 2001 legislature. But opposing groups, including the NAACP, assailed the measure because it makes data collection on traffic stops voluntary and does not require officers to hand out complaint cards at every stop informing drivers they can indeed complain.⁶³

MISSOURI

- **Report on Data Collection** - In June 2002, **Missouri** Attorney General Jay Nixon issued a comprehensive state report on racial profiling showing that black and Hispanic motorists are stopped and frisked more frequently than whites. Mr. Nixon's report confirmed that racial profiling does exist, even though many Missourians had doubts that race underlay the disproportionate number of stops. Blacks were stopped 35 percent more frequently than whites and were searched 78 percent more often, according to the report. Cops, however, turned up contraband items among only 15 percent of black drivers compared to 22 percent of whites.⁶⁴
- **Report on Data Collection** - **Missouri's** state law Section 590.650 RsMo (2000) requires all law enforcement agencies in the state to record data concerning the race of all drivers involved in a traffic stop, search, or arrest. That information is submitted to the **Missouri** Attorney General's Office on an annual basis and then compiled in a report presented to the Governor and General Assembly by June 1. The "2000 Annual Report on Missouri Traffic Stops," made public on June 1, 2001, includes information from 634 law enforcement agencies reporting information on 453,189 stops between August 28 and December 31. It is available in its entirety on the Attorney General's site at <http://www.ago.state.mo.us/rpexecsummary.htm>. The "2001 Annual Report on Missouri Traffic Stops," which was subsequently released, summarized data from 609 law enforcement agencies and dealt with a total of 1,389,947 traffic stops, resulting in 99,860 searches and 76,567 arrests. It, too, is available on the Attorney General's site at <http://www.ago.state.mo.us/rpexecsummary2001.htm>.

⁶² Minnesota Legislature, "Minnesota Statutes 2002, Table of Chapters," <http://www.revisor.leg.state.mn.us/stats/626/951.html>.

⁶³ Heron Marquez Estrada. "Groups criticize plan on racial profiling." Star Tribune, 7 June 2001, 1 (B).

⁶⁴ "These statistics don't lie," St. Louis Post-Dispatch, 3 June 2002, 6 (B).

MONTANA

- **Pending Legislation** - House Bill 189, to “Require collection of data from traffic stops— racial profiling,” was introduced in the 2001 session of the **Montana** legislature. On February 23, 2001, the deadline for general bill transmittal was missed and the bill is “probably” dead.⁶⁵

Billings

- **Lawsuit Settlement** - The **Billings** Police Department reached a \$50,000 settlement with a Hispanic couple who alleged they were repeatedly stopped because of racial profiling. The settlement also mandated a number of revisions to the department’s internal procedures for traffic stops and deployment of police canine units.⁶⁶

NEBRASKA

- **Report on Data Collection** - Blacks and Hispanics are more likely to be searched than white drivers, according to data released by the **Nebraska** State Patrol in July 2002. The data revealed that 7 percent of black motorists stopped by state troopers during the first three months of the year were searched compared to 1 percent of white motorists and 6 percent of Hispanics.⁶⁷
- **Enacted Legislation** - Police in Lincoln unveiled “Stop Tracker,” a new way to determine if **Nebraska** police are engaging in racial profiling. According to the new procedure, any time an officer makes a traffic stop, he or she will record the race of the driver on a computer in a patrol car. The system then compiles statistics about the officer’s stops. “Stop Tracker” complies with LB 593, a law passed by the 2001 State Legislature that outlaws racial profiling. The bill also calls for detailed reporting of traffic stop statistics to the State Crime Commission to determine how law enforcement is complying with the ban and what else might need to be done to improve matters.⁶⁸

⁶⁵ Montana Legislature. “Detailed Bill Information, HB 189.”

[http://laws.leg.state.mt.us:8000/laws01/plsql/LAW0203W\\$BSRV.ActionQuery?P_BLTP_BILL_TYP_CD=&P_BILL_NO=&P_BILL_DFT_NO=LC1274&Z_ACTION=Find&P_SBJ_DESCR=&P_SBJT_SBJ_CD=&P_LST_NMI=&P_ENTY_ID_SEQ=](http://laws.leg.state.mt.us:8000/laws01/plsql/LAW0203W$BSRV.ActionQuery?P_BLTP_BILL_TYP_CD=&P_BILL_NO=&P_BILL_DFT_NO=LC1274&Z_ACTION=Find&P_SBJ_DESCR=&P_SBJT_SBJ_CD=&P_LST_NMI=&P_ENTY_ID_SEQ=)

⁶⁶ “Montana: Billings police settle race profiling case,” Crime Control Digest, 11 January 2002, 7.

⁶⁷ “University of Nebraska, State Patrol team up to study racial profiling,” Black Issues in Higher Education, 15 August 2002, 17.

⁶⁸ The Omaha Channel. “Lincoln police combat racial profiling,” September 6, 2001, www.theomahachannel.com/oma/news/stories/news-94884220010906-160914.html. John Barrette, “Racial profiling readied for passage but AG leasing oversight stalled.” State Paper.com, December 13, 2001, http://nebraska.statepaper.com/vnews/display.v/ART/2001/05/30/3b14137042079?in_archive=1.

Omaha

- **Focus Groups** - On January 18, 2002, the Police Foundation began holding periodic meetings to bring **Omaha** police and the minority community together on issues of mutual concern. The foundation's project in "Collaborative Problem-Solving" used focus groups to flush out major problems, including racial profiling, which create tension between police and minority citizens. The nominal group technique served as a means for the foundation to help the groups in jointly identifying issues and concerns, in prioritizing problems, and in agreeing on an appropriate course of action. The foundation has undertaken the project under a grant from the Office of Community Oriented Policing Services, U.S. Department of Justice, and will report on its endeavors later in 2003.

NEVADA

- **Enacted Legislation** - The 71st Session of the **Nevada** State Legislature enacted AB500, an amendment to Chapter 289 of the NRS, otherwise known as the "Racial Profiling" Bill of 2001. AB500 requires the **Nevada** Highway Patrol, metropolitan police departments, sheriffs departments, and city police departments in counties with populations greater than 100,000 to collect specified information concerning traffic stops. The legislation also required the Attorney General to conduct a study of these traffic stops and to compile the resulting data for transmission to the 72nd Legislature by February 1, 2003. The Attorney General has the further duty of prescribing the form and manner of collecting and transmitting traffic stop data, based upon the recommendations of the chief administrators of the participating agencies.⁶⁹

NEW JERSEY

- **Enacted Legislation** - On March 14, 2003, **New Jersey** Governor James McGreevy signed a new law that makes racial profiling by police a felony. The law states that racial discrimination against any individual is a violation of civil rights and is punishable by fines and imprisonment. The Office of Public Integrity, an arm of the Attorney General's Office, will review complaints against police officers or other public officials and have the authority to prosecute or dismiss cases after an investigation.⁷⁰
- **Report on Data Collection** - In March 2002, **New Jersey** State Police complied with a federal consent decree by releasing data on traffic stops for the six-month period that

⁶⁹ State of Nevada, Office of the Attorney General. "AB500 Traffic Stop Data Collection Form and Guidelines (Proposed)," September 19, 2001, ag.state.nv.us/agpress/2001/01_0919Form.pdf.

⁷⁰ "New Jersey: New law makes race profiling a felony," Crime Control Digest, 15 March 2003, 7. David Kocienski, "Amid pomp, McGreevy signs racial-profiling bill," New York Times, 15 March 2003, 5 (B). Michael Booth, "Governor signs law criminalizing racial profiling by public officials," New Jersey Law Journal, 17 March 2003, 5.

ended October 31, 2001. The data showed that **New Jersey** state troopers made more than 36,000 traffic stops on the **New Jersey** Turnpike during the specified time frame but asked to conduct searches only 11 times. This constituted a striking, and welcome, drop from the previous six-month period in which troopers asked 83 drivers for permission to search their cars. In the past, as state officials acknowledged, troopers had conducted many unjustifiable searches in an attempt to unfairly single out black and Hispanic drivers.⁷¹

- **State Court Decision** - On March 4, 2002, the **New Jersey** Supreme Court imposed strict limits on the consensual auto searches that have been at the heart of the furor over racial profiling by state police. The ruling came after repeated calls from civil rights advocates and legislators to abolish “consent searches” in which officers are free to search the cars of motorists they stop as long as the driver agrees. According to the court’s ruling an officer must now have “reasonable and articulable suspicion” of criminal activity before asking a driver’s permission to search his car—a standard adopted by only one other state, Hawaii⁷²
- **Lawsuit Settlement** - On January 14, 2002, nearly four years after they shot three unarmed men during a traffic stop on the **New Jersey** Turnpike, two state troopers were allowed to plead guilty to reduced charges and were spared both jail time and probation. Troopers John Hogan and James Kenna, who are both white, pleaded guilty to obstructing police investigation by lying about the incident to internal police investigators in the days following the shooting. They also acknowledged intentionally misrepresenting the race of drivers they had stopped on other occasions to conceal their intention to single out blacks and Latinos. Both officers agreed to resign from the state police after being charged with aggravated assault.⁷³
- **Previous Legislation** - Among the major items still awaiting action by **New Jersey** lawmakers in June 2001 was a package of legislation on racial profiling. The State Senate had passed part of the package, and the Assembly had voted to criminalize the destruction of videotape in trooper cars. But other bills had stalled, including one that would have made racial profiling a crime and another that would have established a civilian state police monitoring board.⁷⁴
- **DOJ Consent Decree** - As of December 30, 1999, the **New Jersey** State Police was subject to a consent decree that required significant police management changes.⁷⁵

⁷¹ David Kocieniewski, “Officials say figures show that profiling is decreasing,” *New York Times*, 9 March 2002, 5 (B).

⁷² Laura Mansnerus, “High court in New Jersey strictly limits auto searches,” *New York Times*, 5 March 2002, 1 (B).

⁷³ David Kocieniewski, “New Jersey troopers avoid jail in case that highlighted profiling,” *New York Times*, 15 January 2002, 1 (A).

⁷⁴ Hinnant, Lori. “Bills remain unsettled.” *The Record* (Bergen County), 30 June 2001, 3 (A).

⁷⁵ U.S. Department of Justice, Civil Rights Division, Special Litigation Section. “United States v. State of New Jersey,” <http://www.usdoj.gov/crt/split/documents/jerseysa.htm>.

NEW YORK

- **Pending Legislation** - There is currently no **New York** state legislation dealing with racial profiling. Both the House and Senate, however, have drafted proposals relating to data collection of traffic stops.⁷⁶ NY A. 2392, 7633, and 8897 contain provisions that require state and local jurisdictions to collect data on traffic and pedestrian stops and outline procedures for investigating complaints and compiling statistics.⁷⁷

New York City

- **DOJ Investigation** - The Department of Justice launched two investigations of the **New York City** Police Department in 2001.⁷⁸ Though Justice did not release its findings, the department itself had made the investigations public by December 2001.⁷⁹ Since then, moreover, Police Commissioner Raymond W. Kelly has issued an order prohibiting racial profiling.⁸⁰
- **Enacted Legislation** - In August 2001, the **New York City** Council easily passed a bill requiring the NYPD to release information on the race and gender of those who are stopped and frisked. The bill requires police to issue quarterly reports detailing, by precinct, the number of stop-and-frisks, broken down by race and gender, as well as the number of suspects arrested or issued a summons for each stop, and a list of the factors leading to the stop. The legislation also requires the release of detailed information on staffing levels, overtime statistics, crime complaints, domestic violence, radio runs, and other categories. Notwithstanding widespread support for the bill, there was some dissent within the council. On the very day the bill was passed, a group of council members introduced an alternative bill to define and ban racial profiling, arguing that the new law was inadequate because it failed to address stops that do not result in a summons or arrest or provide enough information relating to domestic violence.⁸¹

⁷⁶ Bass, Marian. "Impartial law enforcement serves everyone's interests." Buffalo News, 7 October 2001, 2 (H).

⁷⁷ Racial Profiling Data Collection Resource Center at Northeastern University, "Legislation and Case Law: New York," <http://www.racialprofilinganalysis.neu.edu/jurisdictions.php?state=NY>.

⁷⁸ U.S. Department of Justice, Civil Rights Division, Special Litigation Section. "Frequently Asked Questions," <http://www.usdoj.gov/crt/split/faq.htm>. This link no longer exists, but we will continue to monitor developments arising from the federal probes of New York City.

⁷⁹ "Pattern or practice cases: The civil prosecution of police misconduct," http://www.geocities.com/sccjus/scope_page3.html.

⁸⁰ William Van Auken, "Kelly issues orders on racial profiling," Patrolmen's Benevolent Association of the City of New York, Incorporated, <http://www.nycpba.org/press-ch/02/ch-020322-profiling.html>.

⁸¹ Cardwell, Diane. "Statistics will be required on police's stop-and-frisks." New York Times, 23 August 2001, 2 (B).

Schenectady

- **DOJ Investigation** - As of March 19, 2003, the **Schenectady** Police Department was under investigation by the U.S. Department of Justice. The goal of the investigation, which began in April 2001, is to determine whether **Schenectady** police have engaged in a pattern of civil rights abuse. After approximately two years of investigation, Justice has expressed concerns about several issues, including the failure of department policy to specifically define “harassment” or “discrimination” or to provide officers with concrete examples of the unconstitutional use of race or ethnicity as a basis for police action.⁸²

Westchester County

- **Pending Legislation** - Vowing to keep **Westchester County** from experiencing a problem that has troubled New Jersey, Andrew J. Spano, the county executive, proposed legislation that would require stricter monitoring of traffic stops by county police. Mr. Spano denied that the legislation was spurred by complaints, since Westchester had only three complaints about racial profiling between 1998 and 2000. The ongoing furor over profiling, however, had convinced him that it was more prudent to anticipate than to react.⁸³

NORTH CAROLINA

- **Pending Legislation** - Legislation introduced during the 2001 session would encompass sheriffs’ departments and many of **North Carolina’s** police agencies within the state’s existing racial profiling law. Senate Bill 147 would require data collection in sheriffs’ departments and police departments serving towns with populations greater than 10,000, as well as departments that employ five or more officers per 1,000 residents. The Senate budget includes \$260,000 to help collect and analyze the data.⁸⁴
- **Enacted Legislation** - **North Carolina** lawmakers have required statewide law enforcement agencies to collect data on the race of people pulled over during traffic stops since the passage of Senate Bill 76 in April 1999.⁸⁵ They have also made the data

⁸² Kim Martineau, “Police face Justice review.” Times Union (Albany, N.Y.), 27 April 2001, 1 (A). U.S. Department of Justice, Civil Rights Division, Special Litigation Section, “Investigation of the Schenectady Police Department,” http://www.usdoj.gov/crt/split/documents/schenectady_ta.pdf.

⁸³ David W. Chen, “Westchester executive urges law banning racial profiling.” New York Times, 10 May 2001, 6 (B).

⁸⁴ Mooneyham, Scott. “Local agencies may join racial profiling analysis.” Morning Star (Wilmington, N.C.), 5 June 2001. North Carolina General Assembly, “Senate Bill 147,” <http://www.ncga.state.nc.us/html2001/bills/AllVersions/Senate/S147v2.html>.

⁸⁵ North Carolina General Assembly, “Senate Bill 76,” <http://www.ncga.state.nc.us/html1999/bills/AllVersions/Senate/s76v1.html>.

generated by the statute available to the public at http://sbi.jus.state.nc.us/cgi-bin/HAHT/hsrun.hse/TSS_Reports/TSS/TSS.htx;start=HS_Information.

OHIO

- **Pending Legislation** - In February 2001, State Representative Peter Lawson Jones introduced legislation in the **Ohio** General Assembly to make racial profiling illegal and require state and local law enforcement agencies to keep data on the practice. The bill has been held up in the House Criminal Justice Committee because Republican legislators refuse to support it.⁸⁶

Cincinnati

- **DOJ Settlement** - On April 12, 2002, the **Cincinnati** Police Department and the U.S. Department of Justice entered into a memorandum of agreement that requires significant reforms in the department's policies and practices.⁸⁷ The agreement resolved a federal lawsuit filed against the city in March 2001 by the ACLU and black activists. The suit accused **Cincinnati** of decades of discrimination against African Americans.⁸⁸

Cleveland

- **DOJ Investigation** - The U.S. Department of Justice conducted an investigation of the **Cleveland** Police Department in 2001.⁸⁹ Though Justice did not release its findings, the department itself had made the investigation public by December 2001.⁹⁰

Columbus

- **Pending Legislation** - On September 10, 2001, Councilman Kevin L. Boyce introduced legislation to the **Columbus** City Council clarifying **Columbus'** anti-discrimination law. The legislation would add the term "racial profiling" to a list of specifically prohibited actions. Racial profiling is a crime in **Columbus** and has been one for seven years. This legislation would further clarify that point.⁹¹

⁸⁶ Gilbert Price, "The battle against profiling continues." Call and Post (Cleveland, Ohio), 7 June 2001, 8 (A).

⁸⁷ U.S. Department of Justice, Civil Rights Division, Special Litigation Section, "Memorandum of Agreement between the United States and the City of Cincinnati, Ohio, and the Cincinnati Police Department," <http://www.usdoj.gov/crt/split/Cincmoafinal.htm>.

⁸⁸ Kristina Goetz, "Profiling lawsuit could play key role," Cincinnati Enquirer, 27 October 2001.

⁸⁹ U.S. Department of Justice, Civil Rights Division, Special Litigation Section, "Frequently Asked Questions," <http://www.usdoj.gov/crt/split/faq.htm>. This link no longer exists, but we will continue to monitor developments arising from the federal probe of Cleveland.

⁹⁰ "Pattern or practice cases: The civil prosecution of police misconduct," http://www.geocities.com/sccjus/scope_page3.html.

⁹¹ Columbus City Council: News: Press Releases. "Racial Profiling Legislation, August 24, 2001," http://council.ci.columbus.oh.us/news/press/pr_profiling.htm.

- **DOJ Settlement** - In September 2002, the **Columbus** Division of Police promised the Justice Department to make significant reforms in its policies and procedures. As part of the settlement, police management took steps to address allegations of racially discriminatory policing by explicitly prohibiting bias-based profiling, providing additional training to officers on equitable policing, committing to the collection and analysis of data on traffic stops, and taking the initiative to install video and audio cameras in police vehicles. The settlement put an end to ongoing litigation stemming from a complaint alleging excessive force, false arrest, and improper search and seizure in 1999.⁹²

Steubenville

- **DOJ Consent Decree** - As of September 3, 1997, the **Steubenville** Police Department was subject to a consent decree that required significant police management changes.⁹³

OKLAHOMA

- **Pending Legislation** - In May 2001, **Oklahoma** State Representative Opio Toure said he would request an interim study to see whether **Oklahoma's** racial profiling law needed to be amended to include data on the race of people stopped by law officers throughout the state. He observed that an earlier version of **Oklahoma's** law, which became effective in 2000, had contained requirements for data collection. Those requirements had been dropped, however, in the final legislation after meeting with opposition from some sectors of the law enforcement community.⁹⁴

Tulsa

- **DOJ Investigation** – The Department of Justice launched an investigation of the **Tulsa** Police Department in April 2001.⁹⁵ Since then **Tulsa** has adopted a written policy that prohibits officers from stopping, searching, on detaining individuals solely on the basis of race or ethnicity.⁹⁶

⁹² U.S. Department of Justice, Civil Rights Division, Special Litigation Section, “Resolution of Pattern or Practice Litigation, Columbus Police,” http://www.usdoj.gov/crt/split/documents/columbus_cole_boyd_letters.htm.

⁹³ U.S. Department of Justice, Civil Rights Division, Special Litigation Section, “United States v. City of Steubenville,” <http://www.usdoj.gov/crt/split/documents/steubensa.htm>.

⁹⁴ “Lawmaker to request racial profiling study,” Journal Record, 17 May 2001. State of Oklahoma, 1st Session of the 48th Legislature (2001), “Senate Bill 726.” http://www4.lsb.state.ok.us/lsb/sb_short_titles_2001-02.asp (scroll down to SB726 INT).

⁹⁵ John Jay College of Criminal Justice, “Who’s looking over policing’s shoulders?” Law Enforcement News 27 (December 15-31, 2001), <http://www.lib.jjay.cuny.edu/len/2001/12.31/looking.html>.

⁹⁶ Tulsa Police Department, “Racial Profiling Policy,” http://www.tulsapolice.org/racial_profiling_policy.html.

OREGON

- **Enacted Legislation** - In June 2001, the **Oregon** Legislature adopted Senate Bill 415, which encourages the collection of data on traffic stops by law enforcement agencies. It also establishes a Law Enforcement Contacts Policy and Data Review Committee to provide assistance to agencies in data collection and analysis and to publicize procedures and policies of communities that have made significant progress toward eliminating racial profiling.⁹⁷

PENNSYLVANIA

- **Pending Legislation** - On March 14, 2001, House Bill 99 was introduced in the **Pennsylvania** General Assembly. The bill would provide for detailed records of all traffic stops, prohibit traffic stops solely on the basis of racial profiling, and authorize the Attorney General to investigate complaints of racial profiling.⁹⁸
- **Data Collection** - In April 2002, **Pennsylvania** State Troopers began reporting the race and ethnicity of motorists they pull over as part of a study on racial profiling. Data collected by troopers goes to Penn State's Population Research Institute, which is responsible for determining whether troopers are actually profiling motorists. By participating in the study, **Pennsylvania** officials hope to disprove several allegations of profiling that have been lodged against troopers in recent years.⁹⁹
- **State Investigation** - **Pennsylvania** State Representative Harold James (D-Philadelphia) launched a series of hearings during 2001 into allegations that some police departments were using racial profiling when deciding whom to question, pull over, or search. As part of the hearings, police officers from Pittsburgh and Philadelphia, ACLU representatives, and a Temple University professor testified before a subcommittee of the House Judiciary Committee.¹⁰⁰
- **Pending Legislation** - Representative James has introduced bills for years to either ban or investigate racial profiling, which he suspects happens all around **Pennsylvania**. Those bills have gone nowhere.¹⁰¹ James, however, has persisted in his crusade against racial profiling by reintroducing legislation that would require police training and studies to end the practice. With the support of the state ACLU, James has reintroduced a total of five bills toward this objective.¹⁰²

⁹⁷ "The Law Enforcement Contacts Policy and Data Review Committee,
http://www.ocjc.state.or.us/Racial_Profiling/LECPDRC.HTM.

⁹⁸ The General Assembly of Pennsylvania, "House bill No. 999,"
<http://www.legis.state.pa.us/WU01/LI/BI/BT/2001/0/HB0999P1139.HTM>.

⁹⁹ "Race profiling is re-emerging as a post 9-11 issue for police," Crime Control Digest, 29 March 2002, 1.

¹⁰⁰ Bull, John M.R. "Legislature to tackle racial profiling." Pittsburgh Post-Gazette, 22 October 2001, 12 (A).

¹⁰¹ Ibid.

¹⁰² Pennsylvania State Legislature. "James pushes for end to racial profiling; Introduces legislation."
<http://www.pahouse.net/pr/James/189031401.htm>.

Pittsburgh

- **DOJ Consent Decree** - As of April 16, 1997, the **Pittsburgh** Bureau of Police and Department of Public Safety were under a consent decree that required significant changes in policies and practices, including the manner in which officers and command reported, reviewed, and analyzed searches and seizures and traffic stops.¹⁰³ By September 2002, a federal auditor found that **Pittsburgh** police were in substantial compliance with provisions of the consent decree relating to both stops and searches and traffic stops, though they had not achieved operational compliance with other federal requirements.¹⁰⁴

RHODE ISLAND

- **Report on Data Collection** - On June 29, 2001, the **Rhode Island** Attorney General released the first quarterly report on traffic stop data, as required by the **Rhode Island** “Traffic Stop Statistics Act” of 2000. According to the act, state and municipal police departments must collect information on all traffic stops and the **Rhode Island** Attorney General must issue quarterly reports that compile the ensuing data. Data collection, which began on January 15, 2001, has thus far resulted in the publication of six quarterly reports on <http://www.riag.state.ri.us/> (click on Reports and Publications, then on Traffic Stops Statistics Study).

Providence

- **Lawsuit** - Two suits against the **Providence**, Rhode Island, Police Department—one by the ACLU, the other by the State Attorney General—were filed November 6, 2001, in State Superior Court after city police were found to be illegally under-reporting traffic-stop data regarding race. The suits were prompted by the ACLU’s discovery that traffic-stop data submitted by **Providence** police totaled at best one-sixth of any other single city’s records. Since **Providence** is by the far the largest city in **Rhode Island**, this discrepancy was a red flag signaling attempts to hide an ongoing policy of racism.¹⁰⁵

¹⁰³¹⁰³ U.S. Department of Justice, Civil Rights Division, Special Litigation Section, United States v. City of Pittsburgh,” <http://www.usdoj.gov/crt/split/documents/pittssa.htm>.

¹⁰⁴ U.S. Department of Justice, Civil Rights Division, Special Litigation Section, “Stipulated Order Regarding Consent Decree Between the United States and the City of Pittsburgh and the Pittsburgh Police Department,” http://www.usdoj.gov/crt/split/documents/pitts_stipulated_order.htm.

¹⁰⁵ Shaw, Michael. “Cops sued over racial profiling,” November 22, 2001, <http://www.workers.org/ww/2001/risuit1122.php>.

SOUTH CAROLINA

- **Pending Legislation** - General Bill 3963, “Race-Based Traffic and Pedestrian Stops” was introduced in the **South Carolina** State House in April 2001 and subsequently referred to the Judiciary Committee.¹⁰⁶

SOUTH DAKOTA

- **Pending Legislation** - The fourth and final meeting of **South Dakota**’s interim State-Tribal Relations Committee took place on October 17, 2001. At the request of Senator Volesky, staff member Tom Magedanz presented the committee with a copy of Senate Bill 70, a proposed measure to require data collection by law enforcement. The bill encountered opposition from a number of law enforcement officers present at the meeting who believed it would only lead to inaccurate data collection. Senate Bill 70, as they pointed out, requires officers to guess the ethnicity of the motorists they stop, a difficult undertaking with the potential for confrontation in some instances.¹⁰⁷

TENNESSEE

- **Enacted Legislation** - In February 2001, **Tennessee**’s legislature approved a pilot project in which several cities would keep records on the race of people stopped by the police.¹⁰⁸ **Tennessee**’s existing racial profiling law, passed in 1999, mandates data collection by state police only.¹⁰⁹

TEXAS

- **Report on Data Collection** - Racial profiling reports submitted by Harris County law enforcement agencies in March 2003 lacked some of the data civil rights advocates say is necessary to identify and prevent police bias. The Sheriff’s Department and constable reports included the requisite racial data on traffic stops leading to citations or arrests. They omitted information about other stops, however, unlike the many other law enforcement agencies in **Texas** that collect data on all traffic stops. Notwithstanding its limitations, the Harris County report complied with **Texas**’s racial profiling law because the state exempts agencies from more stringent reporting requirements if they have video cameras in their patrol cars or have requested money to buy them as Harris County

¹⁰⁶ State House Networks. “Race-based traffic, pedestrian stops.” <http://www.lpittr.state.sc.us/bills/3963.htm>.

¹⁰⁷ South Dakota Legislative Research Council. “State-Tribal Relations Committee Minutes,” October 17, 2001, <http://legis.state.sd.us/interim/2001/minutes/MSTR1017.htm>.

¹⁰⁸ Jefferson, James. “Legislation to measure racial profiling withers again.” *The Commercial Appeal* (Memphis, Tenn.), 14 February 2001, 14 (A).

¹⁰⁹ Berglin, Linda and Jane Ranum. “Components of racial profiling legislation,” March 5, 2001. <http://www1.umn.edu/irp/publications/racialprofiling.html>.

agencies have done. Experts on profiling said, however, that racial and ethnic information is of questionable value if it is not provided for every stop and criticized **Texas's** racial profiling statute for authorizing this type of incomplete documentation.¹¹⁰

- **Enacted Legislation - Texas** Governor Rick Perry signed racial profiling legislation into law on June 14, 2001. The new racial profiling bill prohibits police from stopping motorists or pedestrians solely on the basis of their race and requires agencies to issue yearly reports on data collection. It also sets aside \$18.5 million for grants to equip police vehicles with video cameras. By January 1, 2002, law enforcement agencies were required to have a written policy that strictly prohibits racial profiling and to create a grievance policy for those who believe they were subject to the practice.¹¹¹

Houston

- **Report on Data Collection** - Blacks and Hispanics stopped by police are much more likely to be searched than whites, according to statistics collected by **Houston** Police in accordance with state law. The report released by the **Houston** Police Department in March 2003 showed that blacks accounted for 35.3 percent of stops while Hispanics accounted for 29.4 percent of stops and whites for 31.9 percent. Once stopped, blacks were more than three times as likely to be searched as whites, while Hispanics were nearly twice as likely to be searched as whites. The **Houston** Police Department contends the figures may show officers have a greater presence in “economically deprived communities” with high rates of police calls. Some civil rights advocates and community leaders said, however, the numbers confirm their fear that **Houston** police target minorities.¹¹²
- **Statewide Survey** - In February 2002, nearly half of the **Houston**-area law enforcement agencies that responded to a statewide survey were out of compliance with the state’s racial profiling law. The study by the ACLU and the Texas Criminal Justice Reform Coalition found that eight of the nineteen local agencies that returned surveys had defined racial profiling differently than the statute. Harris County, for example, changed racial profiling to “bias-based profiling,” which includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, and cultural group.¹¹³

¹¹⁰ Mike Snyder, “Criticism hits reports of profiling; Sheriff’s Department, constables omitted data,” *Houston Chronicle*, 22 March 2003, 35 (A).

¹¹¹ Elliott, Janet. “Perry signs bill banning profiling; Setting standards for legal defense.” *Houston Chronicle*, 15 June 2001, 37 (A).

¹¹² Dale Lezon, “Minorities searched most; Critics say HPD traffic stop data show racial profiling,” *Houston Chronicle*, 5 March 2003, 1 (A).

¹¹³ Janette Rodrigues, “Area agencies afoul of racial profiling la; Misunderstanding, bad sample blamed,” *Houston Chronicle*, 2 February 2002, 34 (A).

UTAH

- **Enacted Legislation** - On March 26, 2002, the **Utah** legislature passed House Bill 0101, which requires race information to be included on the state's driver license application and its identification application. The act also requires law enforcement agencies to establish written policies prohibiting unconstitutional traffic enforcement and mandates the creation of a central database for monitoring traffic and pedestrian stops by peace officers.¹¹⁴

VERMONT

- **Pending Legislation** - House Bill 0407, "The Establishment of a Racial Profiling Task Force," was introduced in the 2001-2002 **Vermont** legislative session. As of March 1, 2001, it had been referred to the Government Operations Committee.¹¹⁵

VIRGINIA

- **Pending Legislation** - Senate Bill 280, introduced during **Virginia's** 2002 legislative session, requires local and state police to collect data on all traffic stops and relay it to the Superintendent of Police, who is responsible for reporting annually on the findings to the Governor, General Assembly, and Attorney General. The bill also requires the development of a statewide database for collecting, correlating, analyzing, interpreting, and reporting data and information generated through traffic stop reports.¹¹⁶
- **Previous Legislation** - During **Virginia's** 2001 legislative session, the House unanimously passed House Bill 2672, a bill to require the Department of State Police to prepare a report on racial profiling for the General Assembly. The Senate Committee on General Laws also passed the measure, but it died in the Senate Finance Committee. At the request of Representative Roger McClure, sponsor of the bill, the State Police, **Virginia** Association of Chiefs of Police, and **Virginia** Sheriffs Association all agreed to conduct a study.¹¹⁷

WASHINGTON, D.C.

- **DOJ Settlement** - In June 2001, the U.S. Department of Justice and **District of Columbia** Metropolitan Police Department entered into a memorandum of agreement to end a pattern and practice investigation of the department. The settlement agreement

¹¹⁴ Office of Legislative Research and General Counsel, "Selected Highlights of the 2002 General Session," <http://www.le.state.ut.us/session/2002/selectedhighlights.pdf>.

¹¹⁵ Vermont State Legislature. "The Vermont Legislative Bill Tracking System. Current Status of a Specific Bill or Resolution 2001-2002 Legislative Session." <http://www.leg.state.vt.us/database/status/summary.cfm?Bill=H%2E0407&Session=2002>.

¹¹⁶ Division of Legislative Services, "Police, State," <http://dls.state.va.us/pubs/summary/2002/sessum45.htm>.

¹¹⁷ International Association of Chiefs of Police. "Virginia (Racial Profiling)," http://www.theiacp.org/leg_policy/legupdate/virginia.pdf.

provided model practices that law enforcement agencies can adopt to prevent discriminatory misconduct.¹¹⁸

WASHINGTON

- **Report on Data Collection** - The 2000 session of the **Washington** State Legislature resulted in the enactment of SSSB6683, which requires the state patrol to collect traffic stop data and encourages local agencies to do so voluntarily. Pursuant to the legislation, the **Washington** State Patrol and Criminal Justice Training Commission issued a “Report to the Legislature on Routine Traffic Stop Data” in January 2001. The report is available on the state patrol’s web site at <http://www.wa.gov/wsp/reports/demogra2.doc>.
- **Pending Legislation** - The **Washington** Association of Sheriffs and Police Chiefs, asked by the 2000 State Legislature to assess the extent of racial profiling, approved a resolution asking state lawmakers for money to encourage cities to participate in voluntary data collection. An association spokesman said police are willing to do it if the legislature will foot the bills.¹¹⁹

WEST VIRGINIA

- **Enacted Legislation** - On March 7, 2002, the **West Virginia** legislature enacted House Bill 4289 prohibiting law enforcement officers from relying on race, ethnicity, or national origin in deciding whom to subject to traffic stops, stops and frisks, questioning, or searches, and seizures. The legislation also requires all state and local agencies to establish formal policies prohibiting racial profiling and to develop individual procedures for receiving, investigating, and responding to complaints about racial profiling by law enforcement officers.¹²⁰

Charleston

- **DOJ Investigation** – The U.S. Department of Justice conducted an investigation of the **Charleston** Police Department in 2001.¹²¹ Though Justice did release its findings, the department itself had made the investigation public by December 2001.¹²²

¹¹⁸ U.S. Department of Justice, Civil Rights Division, Special Litigation Section. “Memorandum of Agreement Between the United States Department of Justice and the District of Columbia and the District of Columbia Metropolitan Police Department,” <http://www.usdoj.gov/crt/split/documents/dcmoa.htm>.

¹¹⁹ Kline, Adam. “Racial profiling legislation gets mixed reviews from police.” News Tribune (Tacoma, Washington), 24 December 2000, 8 (B).

¹²⁰ AELE Law Enforcement Legal Center, “West Virginia statute on racial profiling,” <http://www.aele.org/wvprofile.html>

¹²¹ U.S. Department of Justice, Civil Rights Division, Special Litigation Section. “Frequently Asked Questions.” <http://www.usdoj.gov/crt/split/faq.htm>. This link no longer exists, but we will continue to monitor developments arising from the federal probe of Charleston.

¹²² “Pattern or practice cases: The civil prosecution of police misconduct,” http://www.geocities.com/sccjus/scope_page3.html.

WISCONSIN

- **Pending Legislation - Wisconsin** State Senator Gwendolynne Moore (D-Milwaukee) and State Representative Leon Young (D-Milwaukee) planned to introduce joint legislation to combat racial profiling and promote highway safety during the 2001 legislative session. The proposed bill required Wisconsin law enforcement agencies to collect data regarding local traffic stops and searches and send it to the Departments of Justice and Transportation for analysis. Senator Moore originally placed this item in the State Senate's version of the 2001-2003 biennial budget. The Conference Committee removed the provision, however, and therefore excluded it from the final budget passed by the legislature in July 2001.¹²³

WYOMING

- **Executive Order** - On July 13, 2001, **Wyoming** Governor Jim Geringer signed a resolution opposing the practice of racial profiling in his state. The resolution encourages law enforcement agencies to examine, to refine, or to adopt, if needed, specific policies prohibiting the practice; to ensure that agencies examine their internal response to citizen complaints; and to require officers to treat citizens with the utmost courtesy, respect, and fairness as they carry out their mandate of law enforcement and crime prevention.¹²⁴

¹²³ State Senator Gwendolynne Moore. "Moore and Young to introduce racial profiling, highway safety legislation." <http://www.legis.state.wi.us/senate/sen04/news/PR2001-45.htm>.

¹²⁴ State of Wyoming. Office of the Governor. "Governor signs resolution against racial profiling." July 13, 2001. See http://www.state.wy.us/governor/press_releases/2001/july_2001/racial.html.