

Report for Congress

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Racial Profiling and Traffic Stops in the States: Selected Issues and Legislative Approaches

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Summary

“Racial profiling” has been described as the inappropriate use of race or ethnicity by some police officers when they make traffic stops or conduct searches, airport detentions, and other investigative procedures. It is an issue that continues to generate debate. Several state legislatures have enacted laws and a number of state and local law enforcement agencies have promulgated policies that forbid racial profiling. Some political observers argue, however, that those laws and policies are unnecessary because the U.S. Constitution, state constitutions, and statutes already protect citizens against racial profiling and other discriminatory practices. The legislative approaches that have been considered at the state level may be of particular interest as Congress considers proposals to prohibit racial profiling or to provide for collecting data on traffic stops. One proposal — S. 16 — a bill to protect the civil rights of all Americans, and for other purposes, would include a provision expressing the sense of the Senate that Congress should enact legislation to ban the practice of racial profiling and require law enforcement agencies to take steps to prevent it. Another bill — H.R. 86 — would provide for the collection and analysis of data on traffic stops, including complaints alleging stops motivated by race or other bias.

At least 25 state legislatures have enacted legislation that deals specifically with racial profiling. The scope of the laws ranges from measures that provide for a study examining the issue to measures that define it, prohibit it, prescribe specific actions to eliminate or prevent it, and set forth penalties for noncompliance. In an effort to measure the extent to which racial profiling occurs, law enforcement agencies in some jurisdictions have begun collecting data on traffic stops, either voluntarily or as required by state or local governing bodies or officials.

State lawmakers have considered several legislative options. Among these, the collection and analysis of data on traffic stops has been a focal issue. Other options considered for inclusion in state legislation include anti-bias training for law enforcement personnel, public awareness campaigns on what to do if stopped by police, changes in certain law enforcement procedures and policies, modification of police officers’ equipment, use of technology, and funding.

This report will be updated as changes in state laws or legislative approaches warrant. Other CRS reports provide citations to selected articles and reports (CRS Report RS20954, *Racial Profiling: Bibliography-in-Brief*, by Tangel G. Roe) as well as information on related legal and constitutional issues (CRS Report RL31130, *Racial Profiling: Legal Issues and Legislative Options*, by Charles V. Dale).

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Racial Profiling and Traffic Stops in the States: Selected Issues and Legislative Approaches

Racial profiling, defined as “the practice of targeting individuals for police or security detention based on their race or ethnicity in the belief that certain minority groups are more likely to engage in unlawful behavior,”¹ has been the focus of debate in Congress and around the nation.² During the 108th Congress, S. 16 — a bill to protect the civil rights of all Americans, and for other purposes — includes a provision expressing the sense of the Senate that Congress should enact legislation to ban the practice of racial profiling and require law enforcement agencies to take steps to prevent it. Another bill — H.R. 86 — provides for the collection and analysis of data on traffic stops, including complaints alleging stops motivated by race or other bias. The proposals have been referred to the Senate Committee on Finance and the House Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, respectively.

Allegations of racial profiling are sometimes associated with motor vehicle traffic stops during which police officers are said to have inappropriately stopped, detained, or searched African-Americans, Latinos, and members of other minority groups based upon their race, ethnicity, or national origin. Although the practice is alleged to occur in other situations as well (e.g., airport and airplane detentions, border checks, and shopping), this report addresses state policy issues and state legislative approaches to racial profiling only with regard to motor vehicle traffic stops. Other CRS reports discuss legal and constitutional issues and resources.³

¹CRS Report RL31130, *Racial Profiling: Legal Issues and Legislative Options*, by Charles V. Dale, p. 1.

²During the 107th Congress, two proposals — H.R. 965 and H.R. 1907 — would have required states to “adopt and enforce standards that prohibit the use of racial profiling.” Another bill — S. 2114 — would have authorized the Attorney General “to carry out a racial profiling educating and awareness program within the Department of Justice and to assist state and local law enforcement agencies in implementing such programs.” Four other proposals — H.R. 1996, H.R. 2074, S. 799 and S. 989 — would have prohibited racial profiling. Hearings were held in the House and Senate but no further action was taken. U.S. Congress, House Committee on Government Reform, *The Benefits of Audio-Visual Technology in Addressing Racial Profiling*, hearing, 107th Cong., 1st sess., July 19, 2001 (Washington: GPO, 2002); and U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Constitution, Federalism and Property Rights, *S. 989, The End Racial Profiling Act of 2001*, hearing on S. 989, 107th Cong., 1st sess., Aug. 1, 2001 (Washington: GPO, 2002).

³For analysis of legal and constitutional issues related to racial profiling, see CRS Report (continued...)

State Laws Enacted, 1997-2003

Officials in some states assert that both the federal and state constitutions or existing laws already prohibit racial profiling; since 1997, however, at least 25 state legislatures have enacted laws specifically to deal with racial profiling: Arkansas, California, Colorado, Connecticut, Florida, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, North Carolina, Oklahoma, Oregon, Rhode Island, Tennessee, Texas, Utah, Washington, and West Virginia.⁴

In 1997, the Oregon legislature passed House Bill 2433. Among other things, it requires law enforcement agencies to adopt written policies that prohibit stops and searches “motivated by the officer’s perception of the person’s race, color, sex, or national origin...”; facilitate the complaint process for alleged violations of the agency’s policy; and establish that violation of the policy is cause for “corrective action.”⁵ At the same time, the measure broadens law enforcement officers’ authority to make crime prevention stops and conduct searches. Thus, it contains both anti-racial profiling language and provisions that expand certain law enforcement authority. Consequently, some may question whether it effectively prevents detentions and searches that are inappropriately motivated by race, ethnicity, national origin or gender.⁶

The Oregon law also provides that each agency’s written policy require implementation of a process to “collect data.” The measure does not, however, specify what data are to be collected. The data reportedly relate more to the complaints than to the traffic stops themselves.⁷ Four years later, in 2001, the Oregon state legislature passed a measure that “encouraged” the collection of data on

³(...continued)

RL31130, *Racial Profiling: Legal Issues and Legislative Options*, by Charles V. Dale. For citations to selected articles and reports, see CRS Report RS20954, *Racial Profiling: Bibliography-in-Brief*, by Tangel G. Roe.

⁴ Source of information for this report: Data were obtained from a *Westlaw* bill tracking file of the summaries and status of state legislation, supplemented by consultations with the National Conference of State Legislatures. Because the computerized database search is based upon summaries and status (rather than full text) of bills, some omnibus bills with racial profiling provisions that were not included in the summary of the measure may have been omitted. Accordingly, the use of a different search strategy or sources may produce different results.

⁵Oregon Legislative Assembly, 1997 Summary of Major Legislation, “Crime and Corrections: House Bill 2433,” at [<http://www.leg.state.or.us/comm/summary/summary.html>], visited March 6, 2003; and Oregon House Bill 2433 [1997], enrolled version. Enacted as Or. Rev. Stat. §131.605, 131.615, 131.625 and 810.410 (1997).

⁶Oregon State Police, “LEND Resolution (Law Enforcement Non-Discrimination Resolution),” at [http://www.osp.state.or.us/html/lend_resolution.html], visited Mar. 19, 2003.

⁷Meredith (Bud) Bliss, Oregon Criminal Justice Commission, Law Enforcement Contacts Data Review Committee, telephone conversation with the author, March 7, 2003.

traffic stops and provided limited assistance for data analysis. The act also created a Law Enforcement Contacts Policy and Data Review Committee to help law enforcement agencies evaluate the traffic-stop data they collect.

In 1999, the first laws *requiring* the collection of data specifically on the circumstances and characteristics of people involved in traffic stops were enacted in Connecticut and North Carolina. In the year 2000, lawmakers in eight states — California, Kansas, Massachusetts, Missouri, Oklahoma, Rhode Island, Tennessee, and Washington — passed racial profiling legislation. The following year, laws were enacted in nine more states — Colorado, Florida, Kentucky, Louisiana, Maryland, Minnesota, Nebraska, Nevada, and Texas. In 2001, as noted above, Oregon added data collection provisions to its state statutes. During 2002 state legislative sessions, lawmakers in Utah and West Virginia passed racial profiling measures, and Washington expanded the provisions of its racial profiling law. So far during the 2003 state legislative sessions, laws pertaining to various aspects of racial profiling have been introduced in more than a dozen states. In three states — Arkansas, Montana, and New Jersey — the bills have been enacted into law.⁸

Selected State Legislative Approaches

The laws that have been passed in the states reflect a variety of approaches to address concerns about racial profiling.⁹ In an effort to clearly identify racial profiling, some laws include a definition of the term (see **Table 1**). In addition, some of the measures provide for adopting policies and protocols aimed at preventing or eliminating racial profiling; training law enforcement line officers and supervisors in cultural diversity and anti-bias policing; collecting and analyzing certain data on the people stopped, circumstances involved in the stop, and the outcome of the stop;¹⁰ implementing or revising complaint procedures for those who believe they have been subjected to racial profiling; funding for the law (e.g., implementation or compliance); and modifying police officers' equipment and use of technology in order to record and analyze relevant data on traffic stops and searches.

⁸The states and bills introduced are as follows: Arizona (H.B. 2516), Arkansas (S.B. 96), Georgia (S.B. 95), Illinois (H.B. 196, H.B. 353, H.B. 559, H.B. 1472), Indiana (H.B. 1917), Michigan (S.B. 87), Mississippi (H.B. 219, H.B. 1242, H.B. 1250), Montana (H.B. 293), Nevada (S.B. 20), New Jersey (S.B. 429), Oklahoma (824), Pennsylvania (H.B. 691), South Carolina (424), Utah (H.B. 191), Virginia (S.B. 828), and West Virginia (S.B. 572, H.B. 3129). See **Table 2** and **Table 3** for further detail on provisions' full text and citations to newly enacted law.

⁹The information provided pertains to the 25 states that have enacted racial profiling legislation. It does not include states that may be undergoing any actions as a result of court settlements, executive branch directives, or other means.

¹⁰For further information see the summary of key provisions in **Table 2** of this report.

Definition of Racial Profiling

The definition of racial profiling is an important element in analyzing its nature and scope. There is, however, no precise and universally accepted meaning for the term. Part of the challenge lies in reconciling different views on issues that affect how the term may be defined. For example, for some political observers, a key distinction among definitions appears to be whether race or ethnicity is the *only* factor, or *one among other factors* in a police officer's decision to stop, question, detain, search, or arrest someone.¹¹ Others discount the distinction, arguing that absent reason for individual suspicion, use of race is "problematic."¹²

Definitions have been offered from political and legal experts, scholars, government officials, law enforcement personnel, journalists, and others. Several state legislatures have defined racial profiling, some more broadly than others, in the laws they have enacted (see **Table 1**, below). Perhaps because of difficulties associated with defining racial profiling, other states have avoided use of such a term, and thus the need to provide a definition.

Table 1. Definitions of Racial Profiling in State Laws

State	Definition
Arkansas	"... the practice of a law enforcement officer relying, to any degree, on race, ethnicity, national origin, or religion in selecting which individuals to subject to routine investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity, except that racial profiling does not include reliance on the criteria in combination with other identifying factors when the law enforcement officer is seeking to apprehend a specific suspect whose race ethnicity, or national origin is part of the description of the suspect, and the description is thought to be reliable and locally relevant."
California Massachusetts	"... the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped."
Colorado	"... the practice of detaining a suspect based on race, ethnicity, age or gender without the existence of any individualized suspicion of the particular person being stopped."
Connecticut Oklahoma Rhode Island	"... the detention, interdiction or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual."

¹¹For example, see "Competing Definitions of 'Racial Profiling,'" in Minnesota House of Representatives, Research Department, *Racial Profiling Studies in Law Enforcement: Issues and Methodology*, information brief, by Jim Cleary (St. Paul, MN: June 2000), pp. 5-6, at [<http://www.house.leg.state.mn.us/hrd/pubs/raceprof.pdf>], visited Jan. 22, 2003.

¹²See for example, digest of statement by David Cole, in Wisconsin Office of the Governor (McCallum), Task Force on Racial Profiling, *Governor's Task Force on Racial Profiling Report* (Madison, WI: Nov. 2000), p. 28.

State	Definition
Minnesota	"... any action initiated by law enforcement that relies upon the race, ethnicity, or national origin of an individual rather than: 1) the behavior of that individual; or 2) information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity. Racial profiling includes the use of racial or ethnic stereotypes as factors in selecting whom to stop and search"
Montana	"... the detention, official restraint, or other disparate treatment of an individual solely on the basis of the racial or ethnic status of the individual."
Nebraska	"... detaining an individual or conducting a motor vehicle stop based upon disparate treatment of an individual." Defines disparate treatment as "differential treatment of persons on the basis of race, color, or national origin."
Nevada	"... reliance by a peace officer upon the race, ethnicity, or national origin of a person as a factor in initiating action when the race, ethnicity or national origin of the person is not part of an identifying description of a specific suspect for a specific crime."
Texas	"... a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on an individual's behavior or on information identifying the individual as having engaged in criminal activity."
Washington	"... the illegal use of race or ethnicity as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without a legal basis under the United States Constitution or Washington State Constitution."
West Virginia	"... the practice of a law-enforcement officer relying, to any degree, on race, ethnicity, or national origin in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of law-enforcement activity following the initial routine investigatory activity."

In a number of states, the definition of the term has been left to local law enforcement agencies, which are required to include a definition of the term in their agency's policies and procedures. For example, the Florida law does not provide an expressed definition of the racial profiling. It does however, specify "definitions" as one of several elements local law enforcement agencies must include in antiracial or other antidiscriminatory policies each local law enforcement agency must develop and adopt. Permitting local law enforcement agencies to define the term may expedite passage of the law in states where there is difficulty in reaching agreement on the definition. It also allows for resolving different perspectives on the issues that may exist among local jurisdictions. At the same time, however, local jurisdictions may establish different definitions, resulting in numerous meanings for the term within the same state and among the states.

Kentucky's law is an example of another approach. Without specifically using the term "racial profiling," the law provides that, "[n]o state law enforcement agency or official shall stop, detain, or search any person when such action is solely motivated by consideration of race, color, or ethnicity, and the action would constitute a violation of the civil rights of the person." Thus, the expressed prohibition could also be viewed as including a definition for "racial profiling."

Some other terms have also been used in association with racial profiling or instead of it. For example, the Police Executive Research Foundation (PERF) avoids

the term “racial profiling,” and prefers to use the term “racially biased policing.”¹³ Among some community-based organizations, civil rights groups, and others, the vernacular is “DWB” (for driving while black or brown). Other terms used in press reports and public policy literature include “race-based profiling,” and “race-based traffic stops.”

Express Prohibition

In at least 11 states (including Colorado, which prohibits “profiling”) there is an explicit prohibition against racial profiling in the text of the law.¹⁴ Several other states require law enforcement agencies to adopt written policies that include a prohibition against racial profiling (see **Table 2**, column 2). Some political observers argue that the prohibition is unnecessary because citizens are already protected under the 4th (unreasonable searches and seizures) and 14th (equal protection of the laws) Amendments of the U.S. Constitution and other provisions in state constitutions and statutes.¹⁵ Similarly, some law enforcement agencies have not developed specific policies against racial profiling because they see it as already covered under their existing antidiscrimination and equal justice policies. Still other law enforcement agencies have not developed specific policies against racial profiling, asserting that it does not exist in their jurisdictions — at least not as an institutionalized practice.

Data Collection, Analysis, and Reporting

In an effort to measure the extent of racial profiling, some academicians, law enforcement agencies, and government officials have begun to collect and analyze data on traffic stops and characteristics of drivers. The collection and analysis of data, however, have raised as many questions as they seek to answer. For example, what are the arguments for and against data collection and analysis? Which data should be collected? How should data be recorded — on paper, electronically, or using computer software? What mechanisms should be part of the process to ensure that officers accurately report data? Should data be collected indefinitely or for a limited duration? Who should analyze data — an interagency designee or an outside expert?

¹³Police Executive Research Forum (PERF), “Chapter 1: Critical Issues in Racially Biased Policing,” in *Racially Biased Policing: A Principled Response*, at [<http://www.policeforum.org/racial.html>], visited Jan. 22, 2003.

¹⁴ See column 4 of **Table 2** in this report.

¹⁵ For example, see the testimony of Steve Young during recent Senate hearings in: U.S. Congress, Senate Committee on the Judiciary, Subcommittee on the Constitution, Federalism and Property Rights, *S. 989, The End Racial Profiling Act of 2001*, hearings on S. 989, 107th Cong., 1st sess., Aug. 1, 2001 (Washington: GPO, 2002), p. 33. (Mr. Young is the National Vice President of the Fraternal Order of Police, one of the largest law enforcement labor organizations in the country.)

For a more detailed analysis of the legal and constitutional issues and arguments involved, see CRS report RL31130, *Racial Profiling: Legal Issues and legislative Options*, by Charles V. Dale.

Opponents of data collection question the necessity and effectiveness of collecting and analyzing data on traffic stops and characteristics (including race or ethnicity) of persons stopped. They believe collecting data could place an undue burden on the agencies' budgets and on the officers' and agencies' workload. It might also cause officers to decrease some policing activities that may prevent or reduce crime. Furthermore, requiring officers to record the race or ethnicity of persons stopped could result in even more focus on race and ethnicity, contrary to the goals of unbiased policing. In addition, the appropriate means of accurately determining a driver's race or ethnicity could be problematic. For example, according to the Florida Police Chiefs Association:

Should mandatory data collection ever be implemented it should be preceded by revamping the current Florida driver license so that race is indicated on the face of the license. To implement such a system with the current driver license would require the officer to ask or guess the driver's race. The former may be offensive to the driver and the latter can lead to inaccuracies which will negate the value of data analysis."¹⁶

While anecdotal accounts of racial profiling exist, authorities in some states have decided that empirical data are needed to help determine whether racial profiling is an institutionalized policing practice. Data collection could also be an important part of efforts to assess the effectiveness of efforts to eliminate or prevent racial profiling.

Data and conclusions in recent studies of traffic stops by certain state and local police vary. Some studies have concluded that "officers do not employ race/ethnicity as a basis for enforcement stops,"¹⁷ but others appear to support the contention that a disproportionate number of black and Hispanic motorists have been stopped or searched.¹⁸ In addition, the validity of some studies has been questioned. For

¹⁶The Florida Police Chiefs Association, "Racial Profiling," [April 2001], at [<http://www.fPCA.com/profiling.htm>], visited Jan. 23, 2003. According to a U.S. Department of Justice report, "[a]bout a third of all States have a driver's racial category on or linked to drivers' licenses" (U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Traffic Stop Data Collection Policies for State Police, 1999*, by Kevin J. Strom and Matthew R. Durose, BJS fact sheet (Washington: February 2000), p. 1, at [<http://www.ojp.usdoj.gov/bjs/abstract/tsdcp99.htm>], visited Jan. 22, 2003).

¹⁷California, Highway Patrol, *Public Contact Demographic Summary; Report to Governor Gray Davis*, "Executive Summary," July 2000, p. v, at [<http://www.chp.ca.gov/html/publiccontact.html>], visited Jan. 22, 2003. See also Texas Department of Public Safety, *Traffic Stop Data Report*, "Executive Summary," October 2000, at [http://www.txdps.state.tx.us/director_information/reports.htm], visited Jan. 22, 2003, which found that the percentage of white, black, and Hispanic drivers stopped for traffic stops "closely relate[s]" to their estimated population in Texas.

¹⁸ See, for example, American Civil Liberties Union, "Report of John Lamberth, Ph. D.," a "study and analysis of the incidence and significance of police searches along the I-95 Corridor in Cecil, Harford, and Baltimore Counties," *ACLU in the Courts*, at [<http://www.archive.aclu.org/court/lamberth.html>], visited Jan. 22, 2003; Missouri Office of the Attorney General, *2000 Annual Report on Missouri Traffic Stops*, , at (continued...)

example, a number of studies have been criticized because they were based upon a correlation between a jurisdiction's demographics (e.g., black population or female population) and the persons stopped, searched or ticketed by the police, rather than the race or ethnicity of drivers operating vehicles on the roads that were being studied. Other issues that have prompted questions about some studies include problems with definitions used for certain terms, the short duration of some studies, inconsistencies in data collection, and flaws in methodological design that may have yielded inaccurate results.¹⁹

Data Collection. The issue of data collection has fostered a variety of data collection processes in the states where legislation has been enacted. Some laws provide for voluntary data collection; others require it. Some provide for collecting more than a dozen data elements; others have half that number. The duration for data collection ranges from one year, to six years, to indefinitely. In most instances, the laws provide for the collection of data on all traffic stops, but a number limit it to instances when a citation or warning was issued or an arrest was made.

Of the 25 states that have enacted legislation, Connecticut, Missouri, Rhode Island, Maryland,²⁰ and Nebraska require data collection on all traffic stops made by state police and all stops made by local police. North Carolina, Tennessee, Washington, and Colorado require data collection on all traffic stops made by state police *only*. Louisiana, Massachusetts and Texas provide for data collection but on specified police actions (e.g., citations, arrests, or warnings) rather than on all traffic stops. Further, the Texas law exempts a police officer from the reporting requirements and a law enforcement agency from the compilation, analysis, and reporting requirements if 1) the motor vehicle regularly used by the officer employed by the agency is equipped with video and audio equipment; or 2) the law enforcement agency certifies the need for funds and audio video equipment but does not receive from the state funds or video and audio equipment sufficient for the agency to accomplish that purpose.²¹

¹⁸(...continued)

[<http://www.ago.state.mo.us/rpexecsummary.htm>], visited Jan. 16, 2003; David Harris, "The Stories, the Statistics, and the Law: Why 'Driving While Black' Matters," *Minnesota Law Review*, Dec. 1999, vol. 84, pp. 277-288; University of Illinois, Institute of Government and Public Affairs, "Racial Profiling and Illinois Policy: Legislators Can Force an End to Racist Stops," *Policy Forum*, vol. 14, 2000.

¹⁹See for example, Janette Rodrigues, "Area Agencies Afoul of Race Profiling Law/Misunderstanding, Bad Sample Blamed," *Houston Chronicle*, Feb. 2, 2002, p. 34; Mathew Hay Brown, "Racial Profiling Study Called Flawed; Experts Criticize Approach, Methodology of State Report," *Hartford Courant*, Jan. 26, 2001, p.A1; and "Racial Profiling Studies Are Flawed, Report Says Not Enough Data Exist to Prove That Police Target Minority Drivers for Traffic Stops, Says a Federal Agency," *The Oregonian*, Apr. 21, 2000, p. A7.

²⁰The Maryland legislation phases in covered law enforcement agencies over a three-year period, so that, effective January 2004, all agencies are covered.

²¹Texas Senate Bill 1074 (enrolled version), Texas Code of Criminal Procedure, Chapter 2, Section 1, Article 2.135.

Data collection is not *required* as part of racial profiling laws passed in California, Kansas, Kentucky, Oregon, and Minnesota, but some law enforcement agencies in those states collect data voluntarily.

Data Elements. For the most part, the data collected fall into one or more of four categories:

- (1) *identifying characteristics of person(s)* detained during the traffic stop, including race, ethnicity, or national origin, and gender;
- (2) *circumstances surrounding the stop* e.g., reason for the stop or the nature of the alleged traffic violation, along with the date, time and location of stop;
- (3) *search data* e.g., whether person(s), their personal effects or the vehicle were searched and the legal basis or reason for the search; and
- (4) *outcome of the stop or search* e.g., whether contraband was recovered, property was seized, or an arrest was made.

Fifteen of the 25 states that have enacted racial profiling laws specify data elements to be collected (see **Table 2**). The data collected vary in scope and detail. Some states require less than the elements listed above; others considerably more. For example, among other things, Nevada's data collection requirement includes a statement of whether the immigration status of the driver was questioned, whether immigration documents were requested, and whether inquiry was made to the U.S. Immigration and Naturalization Service (INS) regarding any person in the vehicle. (Immigration status is provided in driver's license files in Florida, Indiana, and Wyoming.)²² North Carolina's data collection includes indication of whether the officers making the stop encountered any physical resistance from the driver or passengers; whether officers making the stop engaged in the use of force against the driver or passengers; and whether any injuries resulted from the stop. Maryland, Missouri, and Rhode Island have several data elements including information on the approximate duration of either the stop or the search.

Search and Seizure Data Elements. A number of groups, including the Institute on Race and Poverty,²³ have recommended that certain data pertaining to searches be collected (e.g., whether there was a search, the authority for the search, and whether any contraband was discovered).²⁴ All states that require data collection include data pertaining to searches; some require more comprehensive data than others. For example, the Colorado law requires considerable detail with regard to search data:

²² U.S. Dept. of Justice, Bureau of Statistics, "Traffic Stop Data Collection," fact sheet, 1999. p. 1.

²³ Founded in 1993, the Institute on Race and Poverty (IRP) is a strategic research center located at the University of Minnesota. The IRP focuses on research, education and advocacy on issues relating to racial and economically discriminatory practices. (Institute on Race and Poverty, "About the IRP," at [<http://www.instituteonraceandpoverty.org/aboutirp.html>], visited Jan. 16, 2003).

²⁴ Institute on Race and Poverty, Research, Education and Advocacy; Strategic Research, "Components of Racial Profiling Legislation," March 5, 2001, at [<http://www.instituteonraceandpoverty.org/zstratres.html>], visited Jan. 16, 2003.

(e) whether a search of the person occurred as a result of the traffic stop; (f) whether, as a result of the traffic stop, the person's vehicle or personal effects or the vehicle's driver or passengers were searched and the race or ethnicity, age, and gender of any person searched; (g) whether the search was conducted pursuant to consent, probable cause, or reasonable suspicion to suspect a crime; (h) whether any contraband was found as a result of the traffic stop; (i) whether an arrest was made as a result of the traffic stop; and (j) whether any property was seized as a result of the traffic stop.

Similarly, laws in Maryland, Missouri, North Carolina, and Rhode Island provide for the collection of several data elements related to searches. States requiring fewer search data elements include Connecticut, Nebraska, and Washington.

Data Analysis. The responsibility for conducting data analysis varies among the states. It may rest with persons in one or more specified state offices, an outside expert or organization, the law enforcement agency itself, or some combination of these. Often, the state officers conducting analysis are executive branch officials or employees of entities created by the executive branch. Pursuant to Missouri's law, for example, the attorney general analyzes annual reports of the data collected. North Carolina's law directs the Division of Criminal Statistics "to make scientific study, analysis and comparison from the information so collected and correlated with similar information gathered by federal agencies...." Maryland's law requires the Maryland Justice Analysis Center (MJAC) — a state statistical analysis center established by executive order of the Governor as part of the Department of Criminology and Criminal Justice at the University of Maryland — to analyze data based upon a methodology developed in conjunction with the Police Training Commission.

The legislative branch may also have a direct role in data analysis. In California, for example, data analysis is conducted by a legislative office that provides non-partisan fiscal and policy analysis to the legislature — the Legislative Analyst's Office (LAO).

In addition, some states require an outside expert with specific expertise in methodology design, statistics, or other fields of study. For example, in Massachusetts, the law directs the Secretary of Public Safety to transmit the data collected to a university in Massachusetts "with experience in analysis of such data for annual preparation of an analysis and report of its findings." Minnesota law requires that an outside expert be retained to analyze the data collected there. Further, the organization or individual must 1) design and oversee the data collection process; 2) develop baseline measures to analyze the data collected; 3) "develop and implement a data compliance auditing process that ensures the accuracy of data collected through, among other things, periodic spot checks;" and 4) analyze the data.

Rhode Island uses a collaborative approach. The law authorizes the attorney general with the advice of the Traffic Stop Advisory Committee to procure the services of an entity or person with sufficient expertise in the field of statistics to

assist with conducting a statistical analysis to determine the extent to which racial profiling exists in Rhode Island.²⁵

Texas law requires law enforcement agencies to compile and analyze the data in their reports. The reports must include a comparative analysis to determine the prevalence of racial profiling by peace officers; examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and provide information relating to each complaint filed with the agency alleging that a peace officer has engaged in racial profiling.

Reporting Requirements. Several state laws require that the data collected (whether voluntarily or mandatorily) and analyzed must be reported to some state authority (usually the state legislature, the Governor, or both). In California, the Legislative Analyst's Office was directed to submit a report and recommendations regarding racial profiling to the legislature by July 1, 2002. An online version of the report dated August 27, 2002, included recommendations that the definition of racial profiling be revisited, additional data analysis be conducted, additional reports be prepared, and that all participating agencies be required to use the same format and definitions.²⁶ In Colorado, the law provides that certain information collected be compiled annually and made available to the public. In Connecticut, the chief state's attorney must report information on racial profiling to the Governor and the General Assembly. In Louisiana the report is transmitted from the Secretary of the Department of Public Safety and Corrections to the Governor, the Legislature and law enforcement agencies. In Missouri, the attorney general must submit a report of the findings to the Governor, the General Assembly and each law enforcement agency. In North Carolina, the Division of Criminal Statistics provides the Governor and the General Assembly with the information collected biennially, or more often if required by the Governor.

Training

At least 10 states — Arkansas, California, Colorado, Florida, Louisiana, Massachusetts, Minnesota, Missouri, Texas and Washington — make specific provision for training aimed at eliminating or preventing racial profiling. The format and extent of training offered or required varies among the states. For example, California law requires all law enforcement officers in the state to take basic training which concentrates on patterns, practices, and protocols that prevent racial profiling. The training is followed by refresher courses every five years — or more often, if deemed necessary. Arkansas law provides for annual training which emphasizes the prohibition against racial profiling; stresses understanding and respect for racial, ethnic, national, religious, and cultural differences; and includes, if possible, foreign language instruction to ensure adequate communication with residents of a community. Louisiana law provides for law enforcement officers to view a video on

²⁵ In addition, the person or organization assists the attorney general and the committee with designing the methodology for gathering statistics and monitoring compliance with the act.

²⁶ See [California] Legislative Analyst's Office, *An Evaluation of: Racial Profiling Data Collection and Training*, August 27, 2002, at [http://www.lao.ca.gov/2002/racial_profiling/8-02_racial_profiling.pdf], visited Jan. 16, 2003.

racial profiling produced by the Department of Public Safety and Corrections. Colorado law requires training on patterns, practices, and protocols that result in profiling and that prevent it. Massachusetts law directs that policies and procedures on identifying and preventing racial and gender profiling be included in the basic training curriculum for new recruits, any in-service training for veterans, any supervisory training for all superior officers, and any dispatcher and communication officer training. Minnesota law requires pre-service training and in-service training on avoiding racial profiling when making stops of citizens for line officers. Managing officers are also provided training on how to detect and respond to racial profiling by peace officers under their command.

Public Education/Awareness

Training is not limited to members of law enforcement. A number of states have included provisions aimed at educating the public about policies and procedures relating to racial profiling. For example, Massachusetts's law requires the implementation of a public awareness campaign on racial and gender profiling. Further, the Registry of Motor Vehicles was directed to incorporate in any driver education manual it prepares a section on how motorists should respond if they are stopped by police officers, including what they can do if they believe there were stopped as a result of racial or gender profiling.

Changes in Law Enforcement Policies and Procedures

A number of law enforcement agencies have sought to address racial profiling by revising some of their policies and procedures. These changes range from revising department policies so that they include language specifically prohibiting racial profiling, to modifying the format of forms and traffic tickets, and improving complaint processes. For example, Connecticut law requires that police departments adopt a written policy that "prohibits the stopping, detention or search of any person when such action is solely motivated by considerations of race, color, ethnicity, age, gender or sexual orientation, and the action would constitute a violation of the civil rights of the person."²⁷ Massachusetts law requires changes in the traffic ticket issued by police officers. Fields on the ticket now enable officers to record the race of a driver issued a citation (based upon the officer's judgment) and whether a search of a vehicle occurred at the time a citation was issued.

Some state laws provide for developing forms that peace officers can use when making traffic stops. Typically, the forms must be available in printed and electronic format. The officer uses the forms to record personal identifying information about the operator of the motor vehicle, the location of the stop, the reason for the stop, and other required information. States that have made provision for forms of this type include Connecticut, Nebraska, Rhode Island, and Tennessee.

²⁷Connecticut Public Act No. 99-198 (SB1282, 1999 session), at [<http://www.cga.state.ct.us/>], visited Jan. 16, 2003. For other states that have adopted such policies, see **Table 2**.

Technology and Equipment

In states where traffic-stop and demographic data are being collected, either voluntarily or as a requirement, the technology and equipment used can have a significant effect on the collection process. Laptop computers, hand-held computers, wireless mobile software, off-the-shelf software systems, specialized software programs, and audio and video equipment are increasingly being sought by the law enforcement community as tools that may save time, facilitate information transfer, and enhance the safety of officers and motorists.²⁸

Laptop computers installed in patrol cars enable officers to process reports and access state and local databases, while still at the traffic stop site. They can also reduce paperwork and increase the speed of responses to officers' inquiries on motor vehicle registration and drivers' licenses information. Hand-held computers are examples of how technology can be used to assess racial profiling and evaluate police performance.²⁹ The compact devices can be used to collect and report data on each traffic stop, including the race, ethnicity, age, gender of the driver, reason of the stop, outcome of the stop, and whether a search was conducted. They can also make the data collection process faster and easier. According to press reports, in one county where 1,200 hand-held computers of this type were purchased for \$372,863, approximately three minutes were needed to record the information on each stop.³⁰

In-car video cameras can provide an on-the-scene record of the conduct of the officer and the person(s) stopped. Consequently, the cameras can be a valuable source of information in helping to prove or disprove allegations of racial profiling. Video cameras also help law enforcement supervisors evaluate the job performance of the police officers under their supervision.

In a document setting forth a series of recommendations on racial profiling, the Florida Police Chief's Association recommended that "whenever practical ... video cameras be installed in patrol vehicles."³¹ Recognizing the expense this would entail,

²⁸ For congressional hearings see: U.S. Congress, House Committee on Government Reform, *The Benefit of Audio-Visual Technology in Addressing Racial Profiling*, hearings, 107th Cong., 1st sess., July 19, 2001 (Washington: GPO, 2001), 186pp.

²⁹ See, for example, Dina ElBoghdady, "'Profiling' Issue a Boon to Reston Firm: Police Forces Use Mobile Commerce's Devices to Collect Traffic-Stop Data.," *Washington Post*, Nov. 28, 2000, p. E5; "Cerulean Wireless Mobile Software Seen as Potential Solution to Problem of Racial Profiling," *Business Wire*, Sept. 27, 2000, p. 1; Heather B. Hayes, "Breaking Down Racial Profiling," *Federal Computer Week*, May 7, 2001, at [http://www.pscommllc.com/news/fcw_racial_profiling.pdf], visited Jan. 15, 2003; and Jennifer Freer, "Company Hopes to Make Small Dent in Big Problem," *Washington Technology*, at [http://www.washingtontechnology.com/news/15_12/cover/1751-1.html], visited May 20, 2003.

³⁰ Jennifer Freer, "Company Hopes to Make Small Dent in Big Problem," *Washington Technology*, [http://www.washingtontechnology.com/news/15_12/cover/1751-1.html], visited May 20, 2003.

³¹ Florida Police Chiefs Association, "In-Car Video," *Racial Profiling* [April 2001], at (continued...)

the Association added, “while cost may be prohibitive for some agencies at the present time we recommend that we move toward such installation as soon as possible.”³² During a meeting with the Wisconsin Task Force on Racial Profiling, the executive director of the National Organization of Black Law Enforcement Executives (NOBLE) identified ‘video monitoring’ as one of the first solutions to monitoring law enforcement activities.”³³ As noted earlier, in Texas, the use of video and audio equipment can be the basis for exempting law enforcement officers and agencies from the data collection and reporting requirements of that state’s racial profiling law.

The use of in-car video cameras has raised several issues — notably cost, security, and quality. Some law enforcement agencies have noted that the average cost of a video camera is \$5000.³⁴ This alone could limit use of the cameras in many jurisdictions. Some have suggested using a system similar to Maryland’s, which provided for phased-in funding so that video cameras could be purchased over time. Missouri law allows the use of federal funds from community-oriented policing services grants or any other federal sources to equip each vehicle used for traffic stops with a video camera and voice-activated microphone.³⁵ Provision must also be made to ensure the tapes’ safety, proper storage, and integrity. In addition, tape quality must be sufficient to satisfy record keeping needs.

Proponents of video cameras contend that most of the procedure-related concerns about the cameras could be addressed in guidelines, standards or rules for operating, storing and discarding video and audiotapes. For example, Minnesota, Missouri and Texas have specific provisions regarding in-car video equipment. Minnesota’s law requires storage of tapes for 60 days after use, after which they may be reused.³⁶ Texas law requires each law enforcement agency (unless stipulated otherwise) to keep the video and audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop, unless a complaint alleging racial profiling is filed, in which case the law enforcement agency must retain the video and audio record of the stop until final disposition of the complaint is made.³⁷ In addition, the law enacted in Arkansas requires law enforcement agencies to adopt policies which include standards for the use of in-car audio and visual equipment.

³¹(...continued)

[<http://www.fpca.com/profiling.htm>], visited Jan. 16, 2003, p. 2.

³² Ibid.

³³State of Wisconsin, Governor’s Task Force on Racial Profiling, *Task Force on Racial Profiling Report*, Nov. 2000, p. 103.

³⁴ *Wisconsin Governor’s Task Force on Racial Profiling*, p. 103.

³⁵Missouri Revised Statutes, Chapter 590, Section 590.650.

³⁶Minnesota SF386, “Video Cameras in Vehicles, Subd.3, Storage of Video.”

³⁷Texas Senate Bill 1074, Article 2.137, “Provision of Funding or Equipment.”

Complaint Procedures

Some state legislatures have enacted laws requiring procedural changes in order to facilitate a process for filing complaints by persons who believe they have been subjected to racial profiling. Revised or expanded complaint forms, business cards, and toll-free telephone numbers for registering complaints are among the required or recommended changes. For example, Connecticut law requires the development and promulgation of a form, in both printed and electronic format, to be used to report complaints by persons who believe they have been subjected to a motor vehicle stop solely on the basis of their race, color ethnicity, age, gender or sexual orientation.³⁸

Colorado law requires all state troopers and police making traffic stops in the city and county of Denver to provide their business card to any person detained in a traffic stop, but not cited or arrested. The business card must provide the officer's name, division, precinct, and badge or other identification number and a telephone number that may be used to report any negative or positive comments about the traffic stop. Law enforcement agencies must compile reports annually (or more frequently) that provide information derived from telephone calls received as a result of the distribution of business cards and racial profiling allegations. The agencies must make the information available to the public but must not include the name of police officers or the names of persons alleging profiling.

Massachusetts law requires the creation of a phone-in complaint process. Motorists who allege that an incident of racial or gender profiling has occurred may register a complaint by calling a toll-free number. The Executive Office of Public Safety must periodically analyze the complaints and share resultant data with the appropriate state and local police departments.

Nebraska law provides that the Nebraska Commission on Law Enforcement and Criminal Justice may develop a uniform system for receiving allegations of racial profiling. Further, it requires that all law enforcement agencies provide the Commission a copy of each allegation of racial profiling received, written notification of the review, and disposition of each allegation.

Penalties for Noncompliance

A number of the states have established penalties for law enforcement agencies and law enforcement officers who engage in racial profiling (see **Table 2**, column 11). Penalties for officers range from administrative action to criminal prosecution of the officer (Oklahoma and New Jersey).³⁹ Penalties for agencies that fail to comply with the law range from reporting the agency to the governor and the appropriate oversight committee of the state legislature (Maryland) to withholding state funds from the agency (Connecticut, Kentucky and Missouri).

³⁸The author accessed Connecticut's complaint forms via the Internet; see Connecticut Division of Criminal Justice, What's News, "Traffic Stops and Racial Profiling — How to File a Complaint," at [<http://www.state.ct.us/csao/traffic.html>], visited Jan. 22, 2003.

³⁹ Under Oklahoma law, racial profiling by a police officer is a misdemeanor.

Funding

Racial profiling laws in some states include provisions that pertain to funding. Here again, the scope of the provisions varies. For example, some of the more general provisions simply state that “appropriate funding” be made available to implement the law (e.g., Rhode Island) or that data be will be collected “within fiscal constraints” (e.g., Washington). Other laws direct that specific amounts be made available for certain purposes over specified periods of time.

For example, Maryland law required that the Governor expend certain funding in the state budget for FY2003-FY2006 to assist local law enforcement agencies in implementing the data collection and reporting provisions of that state’s law. Colorado law directed that \$21,448, or so much thereof as may be necessary from the Highway Users Tax Fund, be appropriated for the implementation of the act for the fiscal year beginning July 1, 2001.

In addition, some laws have provisions which identify federal and state funding sources. For example, Missouri law allows for the use of federal funds from Community-Oriented Policing Services (COPS) grants or any other federal sources to equip each vehicle used for traffic stops with a video camera and voice-activated microphone. As noted earlier, the law also allows the governor to withhold any state funds appropriated from law enforcement agencies that fail to comply with it.

Kentucky law requires law enforcement agencies that receive state funding from the Kentucky Law Enforcement Foundation Program (KLEFP) to develop and adopt polices prohibiting racial profiling, or adopt the model policy developed by the Kentucky Law Enforcement Council. Local law enforcement agencies that fail to adopt a policy as specified in that act are not to receive KLEFP funding until the Secretary of the Justice Cabinet approves a policy submitted by the agency.

The following table provides a summary of key provisions in the state laws that are discussed in this report.

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State	Bill number (year enacted)	Defines ²	Prohibits ³	Requires training	Requires agencies to adopt specific policies	Requires data collection	Specifies data elements	Provides for data analysis	Provides for complaint process	Sets penalty for non-compliance	Specifies funding level or amount ⁴
NC	SB 76					■ ¹⁹	■	■			
OK	SB 1444 (2000)	■	■ ²⁰		■				■	■ ²⁰	
OR	HB 2433 (1997) SB 415 (2001)		²¹		■	²¹ ²¹	²¹	²¹	■	■	■
RI	HB 7164 (2000) ²¹	■	²²		■	■	■	■	■	■	
TN	SB 2415 (2000) ²³					■	■	■			
TX	SB 1074 (2001)	■	■	■	■	■ ²⁴	■ ²⁴	■ ²⁴	■	■	■
UT	HB 101 (2002)		²⁴		■	■ ²⁵	■ ²⁵	■ ²⁵			
WA	SB 6683 (2000) SB5852 (2002) ²⁴	■	²⁶	■ ²⁶ ■	■	■ ■ ²⁶	■ ²⁶	²⁶ ■ ²⁶	■	■	
WV	HB 4289 (2002)	■	■		■				■	■	

¹ This table summarizes information on the provisions of each law. For further details, see the corresponding section of this report and the full text of each measure. Citations to the laws are provided in table 3 of this report.

² For the purposes of this table, “defines” refers to the expressed meaning given for the term “racial profiling” (except for the state of Colorado which uses the term “profiling”) in the law and set forth in the law under the definitions section or by language specifying that “the term racial profiling means” The author has distinguished laws that provide definitions directly in the text from laws that require agencies to adopt policies which include definitions of racial profiling. (The latter are noted.)

³ For the purposes of this table, prohibition of racial profiling refers to laws that expressly state that it is unlawful, or illegal to engage in racial profiling, or that no officer shall engage in racial profiling. It does not include characterizations of “racial profiling” or “profiling” (e.g., “an abhorrent practice that is not to be tolerated”).

⁴ Funding refers to specific language in the measure that pertains to funding (e.g., specific funding levels or reimbursements of costs mandated by the state).

- ⁵ **Arkansas** — requires each law enforcement agency to adopt a written policy that provides for a systematic review process for investigating allegations of racial profiling and for “timely, assistance, remediation, or discipline for individual law enforcement officers who have been found to be profiling by race, ethnicity, national origin, or religion.”
- ⁶ **California** — does not *require* data collection but provides for *voluntary* data collection; also requires that the Legislative Analyst’s Office conduct a study of data.
- ⁷ **Colorado** — does not specify that data be analyzed but does require that certain law enforcement agencies *compile* the information collected and make it available to the public.
- ⁸ **Connecticut** — requires annual *summary report* of the information collected.
- ⁹ **Florida** — includes provisions requiring all municipal law enforcement agencies to incorporate anti-racial or other anti-discriminatory profiling policy, definitions, traffic stop procedures, and policies for handling complaints from the public into their policies and practices .
- ¹⁰ **Kansas** — directs the Governor, with the assistance of the Attorney General and the Kansas Law Enforcement Training Commission, to develop a request for a proposal for a system to collect and report statistics relating to the race, ethnicity, gender, age and residency by county and state of a statistically significant sample of persons who come in contact with law enforcement; sets forth minimum elements submitted proposals must include (e.g., specified data elements, complaint provisions, schedule and plan of implementation, including training) and other provisions relating to proposal selected for the study, evaluation of resulting data, and recommendations.
- ¹¹ **Kentucky** — without expressly defining the term “racial profiling,” provides that “No state law enforcement agency or official shall stop, detain, or search any person when such action is solely motivated by consideration of race, color, or ethnicity, and the action would constitute a violation of the civil rights of the person;” requires all local law enforcement agencies that receive state funding from the Kentucky Law Enforcement Foundation Program (KLEFP) to develop and adopt policies prohibiting racial profiling or adopt the model policy developed by the Kentucky Law Enforcement Council; allows for withholding KLEFP funds (which supplement police salary funds) until policies have been approved; requires local law enforcement agencies to adopt penalties for officers found to be in violation of the agency’s policy.
- ¹² **Louisiana** — requires that law enforcement officers view the video on racial profiling produced by the Department of Public Safety and Corrections, Public Safety Services. Provides that the provisions of this measure “shall be inapplicable to any law enforcement agency or department that has adopted a written policy against racial profiling.” (Inapplicability confirmed by the author in a telephone conversation with the chief of staff, Louisiana Senate Research Services on Aug. 9, 2001.)
- ¹³ **Maryland** — requires law enforcement agencies to adopt a policy against race-based traffic stops and specifies that the policy prohibit the practice of using an individual’s race or ethnicity as the sole justification to initiate a traffic stop; agencies must develop policies defining racial profiling and identifying conduct that violates the law; requires that public safety grants be made available to law enforcement agencies participating in the racial profiling study for the purchase, installation, and maintenance of video cameras on police vehicles designed to record traffic stops.
- ¹⁴ **Minnesota** — the racial profiling bill (SF386) was subsequently incorporated into a comprehensive transportation bill (SF2340) that went to conference committee during special legislative session and was passed as part of SF7.
- ¹⁵ **Missouri** — requires each law enforcement agency to adopt a policy on race-based traffic stops that prohibits “the practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law; provides for appropriate counseling and training of any peace officer found to have

engaged in race-based traffic stops” Additional language that provided for “annual sensitivity training for any employees who may conduct stops of motor vehicles regarding the prohibition against racial profiling,” was subsequently stricken from the text after passage, as amended by L. 2002, H.B. No. 80, § A.

- ¹⁶ **Montana** — prohibits racial profiling; requires law enforcement agencies to adopt written policies that: define the elements constituting racial profiling, prohibit racial profiling, and set forth a procedure for complaints concerning racial profiling; requires law enforcement agencies to take “appropriate action” for violations of the policies.
- ¹⁷ **Nevada** — data collected includes the number of persons who were in the motor vehicle when it was stopped and whether the immigration status of the driver was questioned.
- ¹⁸ **New Jersey** — includes finding and declaration of the legislature that: “it is important to ensure that law enforcement officers are prohibited from using racial characteristics or color, either along or in conjunction with other composite characteristics such as a generalized vehicle description or the age of the driver or passengers, as the basis for initiating an investigative stop;” sets forth the description and penalties for the crime of “official deprivation of civil rights by public officials” and “pattern of official misconduct” within the context of racial profiling.
- ¹⁹ **North Carolina** — information collected includes data on whether officers making the stop engaged in the use of force against the driver, passenger, or passengers for any reason and whether any injuries resulted from the stop.
- ²⁰ **Oklahoma** — requires every law enforcement agency to adopt a detailed policy prohibiting racial profiling to make the policy available for public inspection. Among other things, it also provides that violation of this law is a misdemeanor.
- ²¹ **Oregon** — Without expressly defining the term “racial profiling,” the law passed in 1997 requires law enforcement agencies to adopt written policies that prohibit “stopping, detaining and searching persons when the action is motivated by the officer’s perception of the person’s race, color, sex or national origin when the action would constitute a violation of the person’s civil rights;” expands certain police authority to make crime prevention stops, conduct searches, and seek consent to search; requires agencies to implement agency processes to facilitate reporting and review of complaints. Also requires agencies to implement process to “collect data” but does not specify data to be collected. Among other things, the law enacted in 2001, provides that the state shall “foster, encourage and support the collection and analysis of demographic data by state and local law enforcement agencies;” creates a policy and data review committee to receive and analyze demographic data and report the results of analyses of data; and sets for minimum data elements that must be submitted to committee in order for committee to analyze data. In addition, the Oregon Justice Commission must provide \$300,000 to the committee charged with analyzing data from “moneys allocated to the Oregon Criminal Justice Commission by the legislature for the biennium beginning July 1, 2001.
- ²² **Rhode Island** — requires agencies to adopt written policies that “prohibit the use of racial profiling as the sole reason for stopping or searching motorists for routine traffic stops.”
- ²³ **Tennessee** — Provisions of this act served as a “permissive pilot project” and were in effect until July 1, 2002.
- ²⁴ **Texas** — requires that law enforcement agencies adopt written policies which “clearly define acts constituting racial profiling and strictly prohibit peace officers . . . from engaging in racial profiling;” requires “appropriate corrective action “ against a peace officer , who after an investigation is shown to have engaged in racial profiling; requires collection of data as specified. The measure also sets forth the conditions under which a peace officer may be exempt from the reporting requirement and a law enforcement agency may be exempt the compilation, analysis, and reporting requirements. (The exemptions relate to the use of audio/video cameras and equipment in the vehicles regularly used to make traffic stops).

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- ²⁵ **Utah** — requires that information on race be provided on the driver license application and the state identification card application; further requires the Department of Public Safety to establish a database to monitor traffic stops by law enforcement officers; Commission on Criminal and Juvenile Justice is to have access to the information for evaluation; requires law enforcement agencies (at state and local levels) to establish written policies prohibiting “the stopping, detention, or search of any person when the action is solely motivated by considerations of race, color, ethnicity, age, or gender.”
- ²⁶ **Washington** — The second law adds a new section to existing law and requires local law enforcement agencies to “review and audit their existing procedures, practices, and training to ensure that they do not enable or foster the practice of racial profiling;” also requires local law enforcement agencies to “collect demographic data on traffic stops and analyze that data to ensure that racial profiling is not occurring.”

Table 3. Selected Laws on Racial Profiling: Bill Number, Session Law, and Statutes

State	Bill and year enacted	Session Law	Statutory Citation
Arkansas	SB 96 (2003)	2003 Ark. Acts 1207	
California	SB 1102 (2000)	2000 Cal. Stat. 684	Cal. Penal Code § 13519.4 (2001)
Colorado	HB1114 (2001)	2001 Colo. Sess. Laws 260	Colo. Rev. Stat. §24-31-309; 42-4-115 (2001)
Connecticut	SB 1282 (1999)	1999 Conn. Acts. 959	Conn. Gen. Stat. § 54-17-1m (2001) ¹
Florida	SB 84 (2001)	2001 Fla. Laws ch. 264	Fla. Stat. ch. 30.15; 166.0493; 943.1758 (2002)
Kansas	HB 2683 (2000)	2000 Kan. Sess. Laws 180	Kan. Stat. Ann. § 22-4604 (2000)
Kentucky	SB 76 (2002)	2001 Ky. Acts 158	Ky. Rev. Stat. § 15A.195 (2001)
Louisiana	HB 1855 (2001)	2001 La. Acts 645	La. Rev. Stat. § 32:398.10 (2002)
Maryland	HB 303 (2001)	2001 Md. Laws 0343	Md. Code Ann., Transp. § 25-113 (2002)
Massachusetts	SB 2238 (2000)	2000 Mass. Acts 228	Mass. Gen. Laws ch. 6, § 116A
Minnesota	SF 7 (2002)	2001 Minn. Laws 626	Minn. Stat. § 626.8471; 626.9513 (2002)
Missouri	SB 1053 (2000)	2000 Mo. Laws 304	Mo. Rev. Stat. § 590.650 (2001) ²
Montana	HB 293 (2003)	2003 Mont. Laws	
Nebraska	LB 593 (2001)	2001 Neb. Laws 593	Neb. Rev. Stat. § 20-501 — 20-505 (2002)
Nevada	AB 500 (2001)	2001 Nev. Stat. 568	Nev. Rev. Stat. 289.820 (2001)
New Jersey	SB 429 (2003)	2003 N.J. Laws 31	
North Carolina	SB 76 (1999)	1999 N.C. Sess. Laws 26	N.C. Gen. Stat. § 114-10

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State	Bill and year enacted	Session Law	Statutory Citation
Oklahoma	HB 2433 (2000)	2000 Okla. Sess. 325	Okla. Stat. tit. 22 § 34.3-34.5 (2002)
Oregon	HB 2433 (1997) SB 415 (2001)	1997 Or. Laws 866 2001 Or. Laws 687	Or. Rev. Stat. § 131.605 — 131.625; 810.410 Or. Rev. Stat. § 181.644, 181.653, 181.665, and 181.860
Rhode Island	HB 7164 (2000)	2000 R.I. Pub. Laws 251	R.I. Gen. Laws § 31-21.1 — 31-21.1-7
Tennessee	SB 2415 (2000)	2000 Tenn. Pub. Acts 910	
Texas	SB 1074 (2001)	2001 Tex. Gen. Laws 947	Tex. Code Crim. Proc. art. 2.131 — 2.135 (2001)
Utah	HB 101 (2002)	2002 Utah Laws 219	Utah Code Ann. § 53-1-106; 53-1-108; 53-3-804; 53-8-104 (2002)
Washington	SB 6683 (2000) SB 5852 (2002)	2000 Wash. Laws 118 2002 Wash. Laws 14	Wash. Rev. Code § 43.43.480; 43.43.490 Wash. Rev. Code § 43.101.410; 43.101.415; 43.101.900;
West Virginia	HB 4289 (2002)	2002 W. Va. Acts 194	W. VA. Code § 30-29-10 (2002)

¹ Connecticut — 2001 Special Session, Public Act 01-9 § 128 substituted “2003” for “2002” in subsection (h).

² Missouri — Amended by HB 80 (2001).