**26-239 DEPARTMENT OF ATTORNEY GENERAL - General**

**Chapter 500: RULES FOR LAW ENFORCEMENT COLLECTION OF TRAFFIC STOP DATA TO ELIMINATE PROFILING**

SUMMARY: These rules for traffic stop data collection to eliminate profiling in Maine are promulgated pursuant to 5 MRSA c. 337 D sec. 4753. They establish the categories of data that all law enforcement agencies’ officers shall collect for all motor vehicle stops for alleged traffic infractions in the State, the deadlines for quarterly reports of that data to the Office of the Attorney General, and the retention period for the data.

1. **DEFINITIONS**
2. **“American Indian or Alaska Native”** refers to origins in any of the original peoples of North and South America (including Central America).
3. “Asian” refers to origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
4. **“Black or African American”** refers to origins in any of the Black racial groups of Africa.
5. “Hispanic” or “Latino(a)” refers to origins in Spain, Mexico, Puerto Rico, Cuba, Central and South America, and other Latin American or Spanish-speaking countries.
6. “Law enforcement agency” means an agency in the State charged with enforcement of state, county, municipal or federal laws or laws of a federally recognized Indian tribe, with the prevention, detection or investigation of criminal, immigration or customs laws or with managing custody of detained persons in the State and includes, but is not limited to, a municipal police department, a sheriff's office, the State Police, tribal police departments, a university or college police department and the Department of Public Safety. “Law enforcement agency” does not include any law enforcement agency established pursuant to federal law.
7. “Law enforcement officer” means a state, county or municipal official or an official of a federally recognized Indian tribe responsible for enforcing criminal, immigration or customs laws, including, but not limited to, a law enforcement officer who possesses a current and valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy pursuant to [25 MRSA c. 341 sec. 2803‑A](https://legislature.maine.gov/statutes/25/title25sec2803-A.html).
8. “Motor vehicle” is defined pursuant to 29-A MRSA c. 1 sec. 101 (42).
9. **“Native Hawaiian or Other Pacific Islander” refers to** origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
10. “Non-binary” refers to gender identity and/or gender expression outside of the gender categories of “male” and “female”.
11. “Stop” or “Traffic stop” means any detention by a law enforcement officer of a motor vehicle for an alleged traffic infraction.
12. **“White”** in section II (3) below only refers to origins in any of the original peoples of Europe, the Middle East, or North Africa.
13. **DATA ELEMENTS TO BE COLLECTED**

Each law enforcement agency shall collect the following information in the manner described and per the timeline set forth in section III of these rules for submission to the Attorney General. The information shall pertain to the total number of times law enforcement officers employed by the law enforcement agency stopped drivers of motor vehicles for any alleged traffic infraction and shall include:

1. Law enforcement agency name and location.
2. Location, date and time of stop.
3. Perceived Race of Person Stopped. When reporting this data element, the officer shall select from:

* White
* Black or African American
* American Indian or Alaska Native
* Asian
* Native Hawaiian or Other Pacific Islander

1. Perceived Color of Person Stopped**.** When reporting this data element, the officer shall select from:

* White
* Brown
* Black
* Other non-White

1. Perceived Ethnicity of Person Stopped. When reporting this data element, the officer shall select from:

* Hispanic or Latino(a)
* Non- Hispanic or Latino(a)

1. Perceived Genderof Person Stopped. When reporting thisdata element, the law enforcement officer shall select from:

* Male
* Female
* Non-binary or Other Gender

1. Perceived Ageof Person Stopped. When reporting thisdata element, the law enforcement officer shall record their perception of the age in years of the person stopped in numeric format (e.g. 53).
2. Reason for Stop/Nature of Alleged Infraction. When reporting this data element, the law enforcement officer shall record the relevant Maine Revised Statute number(s) that formed the basis of any alleged infraction(s) or violation(s) leading to the stop.
3. Result of Stop.When reporting this data element, the law enforcement officer shall indicate any of the following that apply

* Arrest
* Citation
* Search
* Warning
* No Action Taken

1. Any additional information the law enforcement agency determines appropriate. The additional information may not include any other personally identifiable information about a person stopped for a traffic infraction such as the person's driver's license number, name or address.
2. When reporting the data elements of perceived race, color, ethnicity, gender and age, the law enforcement officer shall make their determination of the person’s race, color, ethnicity, gender and age based only on personal observation and perception made during the course of the traffic stop. The officer shall not ask the person stopped their race, color, ethnicity, gender or age, or ask questions or make comments or statements designed to elicit this information.
3. **REPORT OF DATA**

Each law enforcement agency shall submit the data described in these rules to the Office of the Attorney General quarterly via report generated from the Maine eCitation system maintained by the State of Maine Department of Public Safety, or in compliance with protocol established and approved by the Office of the Attorney General. The first quarterly data report shall be due on October 31, 2024, and shall contain data covering July 1, 2024, through September 30, 2024. Thereafter quarterly reports will be due to the Office of the Attorney General on the following dates for the corresponding data collection periods:

January 31st for data from October 1st through December 31st

April 30th for data from January 1st through March 30th

July 31st for data from April 1st through June 30th

October 31st for data from July 1st through September 30th

1. **DATA RETENTION**

Law enforcement agencies shall retain data collected pursuant to these rules for a period of five (5) years.

STATUTORY AUTHORITY: 5 MRSA § 4753

EFFECTIVE:

December 31, 2023 – filing 2023-255