Maine Office of the Attorney General Report Pursuant to 5 MRS §4751–§4755: Profiling & Traffic Stop Data Collection January 15, 2025

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Introduction

On June 30, 2023, P.L. 2023 Ch. 368 was enacted, requiring the Office of the Attorney General ("OAG") to adopt rules in furtherance of Title 5, Chapter 337-D (§4751–§4755): *Profiling and Data Collection*, which requires and governs collection and reporting of traffic stop data statewide for the purpose of identifying and eliminating any profiling by law enforcement. Those rules, found at C.M.R. 26, 239, ch. 500 (attached)**,** set forth how law enforcement officers are to report traffic stop information based on an officer's observation and perception of the stopped person's race, color, ethnicity, gender, and age (collectively referred to as "perceived characteristic data" throughout this report), as well as whether the stop resulted in a warning, citation, search, and/or arrest. Specifically, the rules define the perceived characteristic data points for collection, set quarterly deadlines for collected data submission to the OAG, and establish how long law enforcement agencies must retain the data.

The profiling and data collection statute further directs that by January 15th of each year beginning in 2025, "the Attorney General shall provide to the joint standing committees of the Legislature having jurisdiction over judiciary matters and criminal justice and public safety matters and make available to the public a report of the information collected pursuant to this chapter. The report must include an analysis of the information and may include recommendations for changes in laws, rules and practices." (5 MRS §4754)

This submission is the OAG's first annual report to the Legislature and contains a status update of the work conducted to date to create an integrated data reporting system, along with summary statistics for the available July 1, 2024 through September 30, 2024 quarterly reports that agencies have submitted to the OAG.[1] It also addresses ongoing challenges regarding implementation of a statewide uniform reporting platform, and offers recommendations and expectations for future data collection and analysis.

Implementation

Data Parameters

The following list outlines the data points that law enforcement officers must collect for each traffic stop per the OAG's adopted rules. Subcategories of data points are included where applicable.

- Stop Location
- Stop Date
- Stop Time
- Perceived race of person stopped for traffic infraction
    - *White*
    - *Black or African American*
    - *American Indian or Alaskan Native*

[1] Law enforcement agencies began collecting traffic stop data on July 1, 2024 (5 MRS §4752). Agencies must submit reports quarterly, with the due dates being April 30th (January 1st –March 30th data), July 31st (April 1st–June 30th data), October 31st (July 1st–September 30th data), and January 31st (October 1st–December 31st data) (C.M.R. 26, 239, ch. 500, III).

    - *Asian*
    - *Native Hawaiian or Other Pacific Islander*
- Perceived color of person stopped for traffic infraction
    - *White*
    - *Brown*
    - *Black*
    - *Other non-White*
- Perceived ethnicity of person stopped for traffic infraction
    - *Hispanic or Latino(a)*
    - *non-Hispanic or Latino(a)*
- Perceived gender of person stopped for traffic infraction
    - *Male*
    - *Female*
    - *Non-binary or Other Gender*
- Perceived age of person stopped for traffic infraction (*whole number*)
- Reason for stop/Nature of alleged infraction
- Was an arrest made? (*yes/no*)
- Was a criminal summons issued? (*yes/no*)
- Was a citation issued? (*yes/no*)
- Was a search conducted? (*yes/no*)
- Was a warning issued? (*yes/no*)
- Was no action taken? (*yes/no*)
- Additional information (*text field)*

Creation of Data Submission Processes

While proceeding with the rulemaking process regarding the foregoing data collection parameters, the OAG also worked with the State of Maine Office of Information Technology ("OIT") to explore design options for the submission of law enforcement agencies' collected data. An early step in determining how profiling traffic stop data should be managed was to examine how agencies currently collect data in general and what volume of data is involved. The OAG conducted a survey of all law enforcement agencies to discern this information, which generated approximately 30% participation. The survey process and additional collaboration with numerous law enforcement agencies indicated that there are three systems in use across the state: LexisNexis' eCitation (offered by the State of Maine Department of Public Safety ("DPS")), Tritech's IMC Solutions, and Motorola Solutions' Spillman. That work also confirmed that some agencies issue paper citations without the use of any electronic system. LexisNexis's eCitation, which is available to all law enforcement agencies in the state through DPS, is the most widely and increasingly used citation system. The OAG and OIT worked directly with LexisNexis and DPS to create an automated process to extract and report the required profiling traffic data directly from eCitation, without requiring any additional steps by eCitation users.

To facilitate data reporting by those agencies not using eCitation, the OAG and OIT explored options for building a web-based portal for the upload of that data. For agencies using IMC Solutions and Motorola-based systems, OAG and OIT worked with these vendors on an acceptable file for submission through an eventual web-based portal. For those agencies not using any of these standardized systems, OIT

created a template with required fields and enforced data standards aligned with the reporting requirements for uploading to a web-based portal.

After working with the OAG to establish uniform standards for the various agency data collection mechanisms, OIT recommended approaching InforME to develop a reporting portal, based on previous similar successful efforts. Initial discussions were positive, and the Maine Department of Labor's Center for Workforce Research and Information ("CWRI") online platform was identified as a model that met many of the OAG's requirements. InforME indicated it was able to take on the project and requested that OAG and OIT provide system requirements by modifying existing CWRI documentation. OIT and OAG did so and worked to become familiar with the functionality of the existing CWRI site. During that investigation of system requirements and operations, several bugs and discrepancies became evident that made CWRI no longer viable as a model upon which to base a profiling data reporting portal. InforMe then offered a different solution, which OIT, after examination, recommended against adopting due to numerous technical and user experience issues and stability concerns.

Following the unsuccessful InforME options, OIT began to investigate other approaches to building a workable solution for a web portal. OIT and OAG have considered multiple solutions, and a web-based portal that meets basic requirements for security, stability, and ease of user experience is still in process. Currently, the OAG is accepting directly from law enforcement agencies not using eCitation emailed data submissions per the provided interim template while OIT works on providing a more automated solution. While many law enforcement agencies have submitted data directly to the OAG, compliance has not been uniform and a significant portion of data that has been submitted does not conform consistently with the provided template. An automated system is expected to address many of these concerns so that non-eCitation agencies' data is suitable for analysis in the future.

Data Analysis

The Office of the Attorney General contracted with the Maine Statistical Analysis Center at the University of Southern Maine's Catherine Cutler Institute ("USM") to support the OAG's implementation of a traffic stop data collection, extraction and analysis process. USM prepared and provided the following summary statistics, findings and recommendations for this initial annual report.[2]

Methods & Limitations

This report offers a summary of the perceived characteristic data collected between July 1 and September 30, 2024. Due to the data collection issues described above, the figures below are limited to only those agencies that use eCitation. In total, 77 of 139 law enforcement agencies reported a total of 37,572 traffic stops, all of which are included in USM's analysis. No duplicate records were identified.

While the intended purpose of this legislatively mandated report is to assess the extent to which racial profiling occurs in traffic stops, for various reasons it will take additional time before deeper data analysis can be performed. First, as previously detailed, data submission systems are still being developed and, at the time of this report, data from about half of the law enforcement agencies was not yet available. Consequently, nearly half of all agencies' perceived characteristics data are missing from

[2] The contract between USM and the OAG covers USM's services from June 2024 through December 31, 2026, for a total of $129, 914, which is funded by the OAG.

these findings and, thus, the data are not representative of all traffic stops in Maine (see Findings, below, for further discussion of this limitation).

Second, this initial report only contains data for the first-ever quarter of mandated reporting (July 1, 2024 through September 30, 2024). Even if 100% of agency data were available, this initial short timeframe would limit the conclusions that could be drawn. Therefore, this report contains only summary statistics. In future years, when multiple quarters of data are analyzed and a greater proportion of agencies are included, report findings will include other types of analysis, such as traffic stops by time-of-day, traffic stop outcomes by perceived demographics, and mapping traffic stop locations.

Findings

The eCitation dataset accounted for 55% of the 139 local law enforcements agencies in the state.[3] To better understand the impact of missing agency data, Table 1 shows the number of local law enforcement agencies reporting eCitation traffic stop data compared to the total number of agencies, by county.[4] The percentage of agencies reporting by county ranged from a low of 0% (in Piscataquis and Washington counties) to a high of 80% (Knox County).

Table 1. Local law enforcement agencies using eCitation compared to total number of agencies, by county

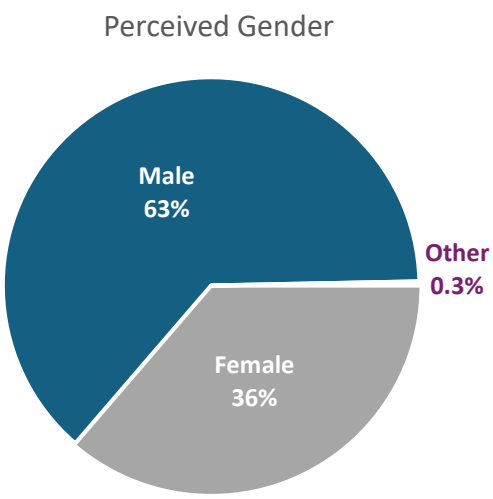
County	Number Reporting	Total Agencies	% Reporting
Androscoggin	3	7	43%
Aroostook	5	9	56%
Cumberland	11	15	73%
Franklin	4	7	57%
Hancock	5	7	71%
Kennebec	5	10	50%
Knox	4	5	80%
Lincoln	2	5	40%
Oxford	2	7	29%
Penobscot	7	14	50%
Piscataquis	0	4	0%
Sagadahoc	3	5	60%
Somerset	2	4	50%
Waldo	2	5	40%
Washington	0	8	0%
York	11	16	69%

While Maine's two most populous and racially diverse counties—Cumberland and York—had relatively high proportions of agencies using eCitation (73% and 69%, respectively), the third most populous county (Androscoggin) had only 43% of agencies using eCitation. Further analysis showed two of the missing agencies in Androscoggin County were the Auburn and Lewiston police departments, which represent some of the most racially diverse communities in Maine. Therefore, **while a comparison of traffic stops to population-level characteristics is included in the findings, it imperative to keep the above limitations in mind when interpreting that data.**

Perceived Gender

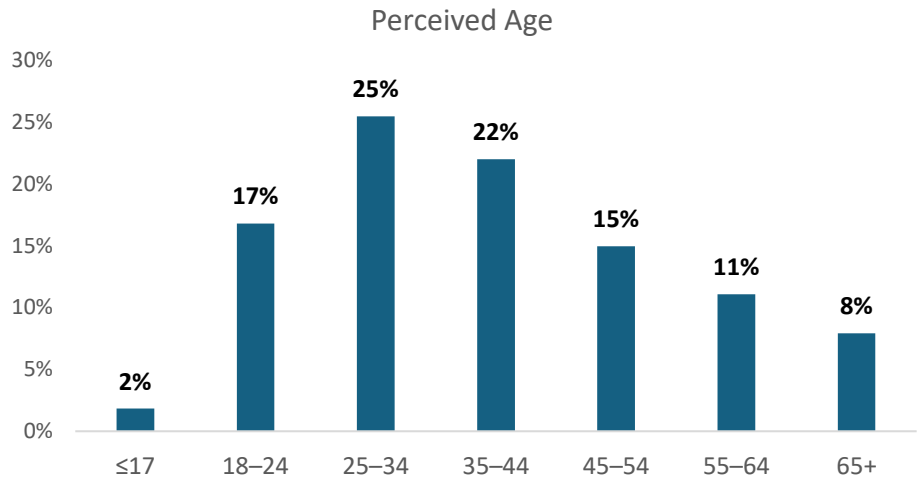
When entering perceived characteristics data, law enforcement officers are given three gender categories to choose from: *male*, *female*, and *non-binary or other gender*. In nearly two-thirds of traffic stops (63%), the driver's perceived gender was male. This is markedly higher than the Maine average, where 49% of the population is male, yet is similar to the national trend that men are more likely to be pulled over than women. Only 0.3% of traffic stops included a driver perceived as non-binary or other gender.

[3] The 139 law enforcement agencies exclude state agencies that do not typically conduct traffic stops: the Bureau of Capitol Police, the State Fire Marshall, and the Maine Drug Enforcement Agency.
[4] State agencies, who operate in all counties, are not included in Table 1.


Perceived Gender
Male
63%
Other
0.3%
Female
36%

Perceived Age

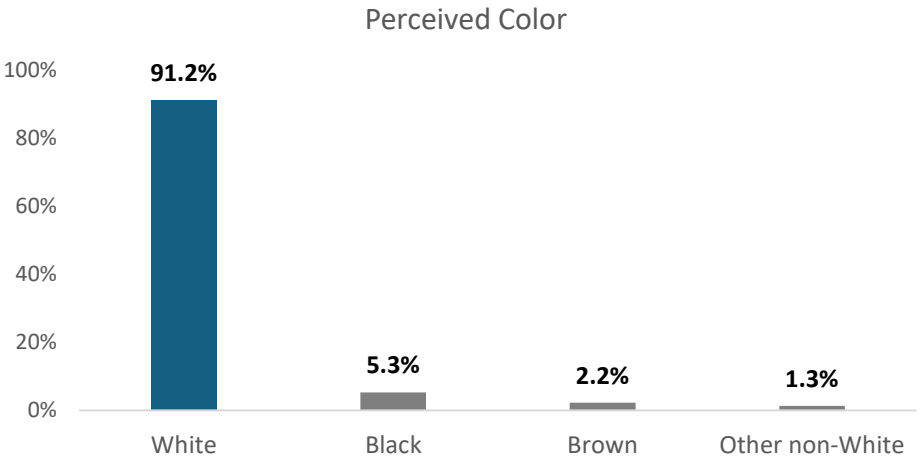
Law enforcement officers are asked to enter, in years and as a whole number, the perceived age of a person stopped for a traffic infraction. The median age of drivers stopped between July 1 and September 30, 2024, was 35 years old. When the ages were grouped into categories, the age ranges followed a normal distribution with the middle ranges (25–34 and 35–44) representing the highest proportions and the outer ranges (≤17 and 65+) representing the lowest proportions.



Perceived Racial Characteristics

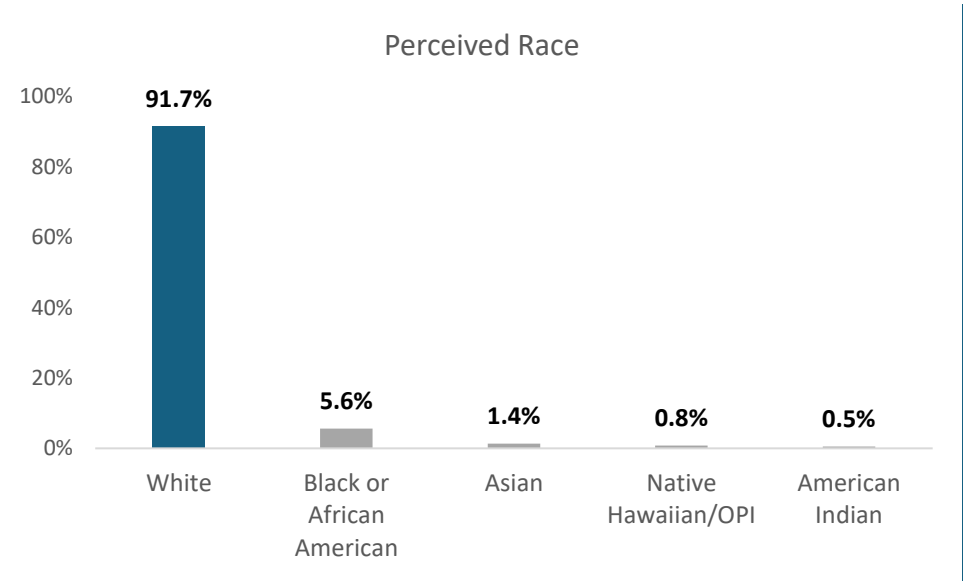
In eCitation, law enforcement officers are asked three questions about the driver's race/ethnicity: the driver's perceived color, perceived race, and perceived ethnicity. For each of these questions, officers can only select one category.

In regard to perceived color, law enforcement officers are given four categories to choose from: *Black*, *Brown*, *White*, and *Other non-White*. As shown below, approximately 91.2% of drivers were perceived as being White, 5.3% Black, and the remaining 3.5% as Brown or other non-White.

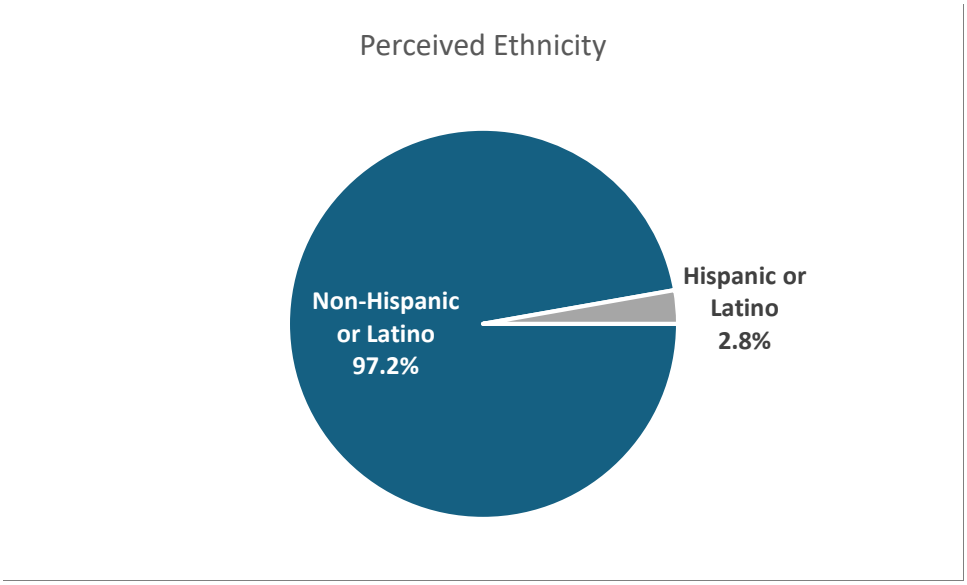


Perceived race offers five categories: *American Indian or Alaska Native*, *Asian*, *Black or African American*, *Native Hawaiian or Other Pacific Islander*, and *White*. The perceived race data closely aligned

with the perceived color data with 91.7% of drivers being perceived as White and 5.6% as Black or African American. Perceived Asian, Native Hawaiians or Other Pacific Islander, and American Indian or Alaska Native only accounted for 2.7% of drivers.

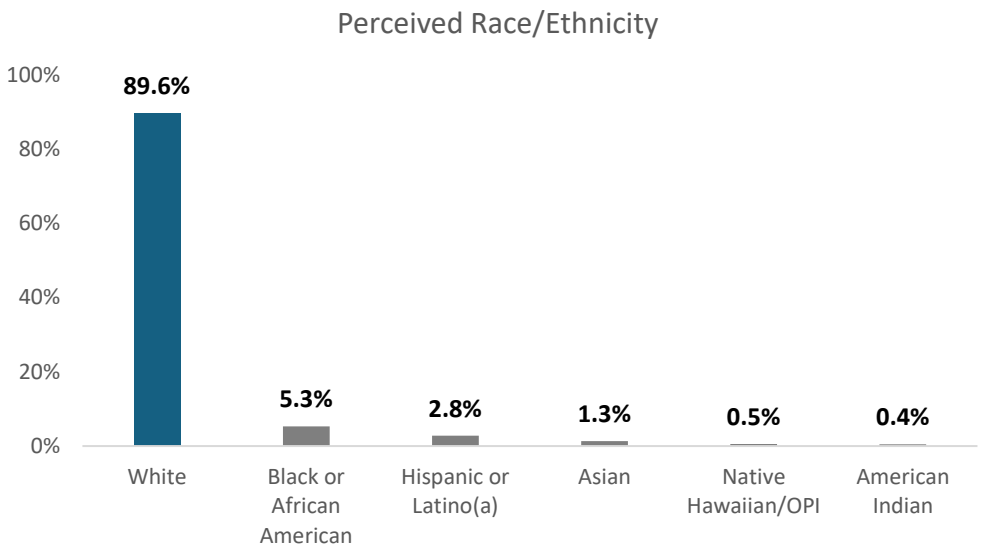


The perceived ethnicity of persons stopped for traffic infractions could be recorded as either *Hispanic or Latino(a)* or *non-Hispanic or Latino(a)*. The perceived ethnicity data showed that almost all drivers (97.2%) were perceived to be Non-Hispanic or Latino(a) whereas Hispanic or Latino(a) accounted for only 2.8% of stopped persons.

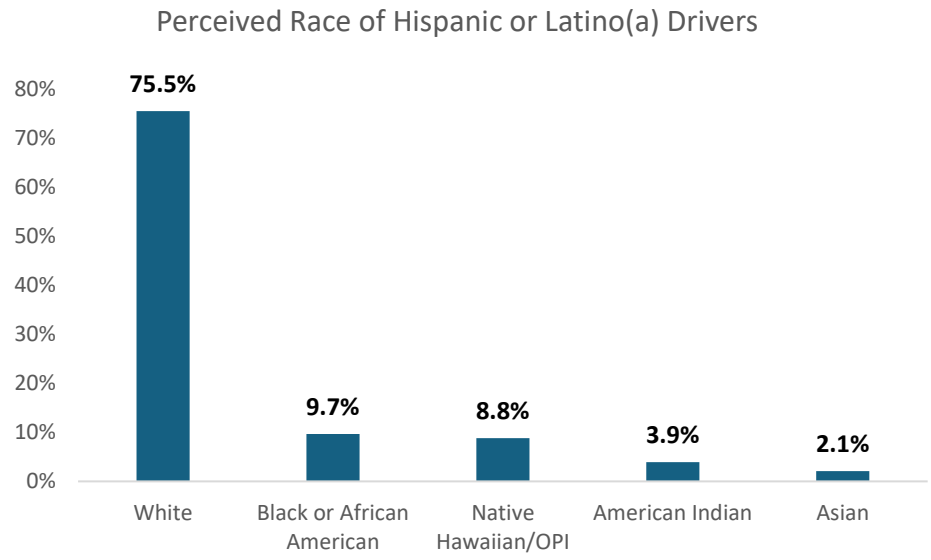


Perceived Race/Ethnicity

To better understand the interaction between perceived race and perceived ethnicity, a new measure was computed that combined the two characteristics. The figure below shows that adding the Hispanic or Latino(a) to perceived racial characteristics reduced the proportion of drivers who were identified as White from 91.7% to 89.6%. This indicates that most drivers perceived as Hispanic or Latino(a) were also identified as White.



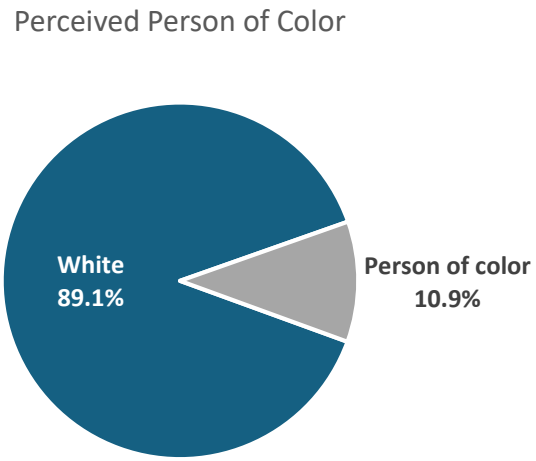
Further analysis showed this to be true, as 76% of drivers perceived as Hispanic or Latino(a) were reported as White. The next highest race category for Hispanic or Latino(a) drivers was Black or African American at 9.7% followed closely by Native Hawaiian/OPI at 8.8%. The Native Hawaiian/OPI finding is noteworthy because (as shown in the *perceived race* chart) the category accounts for only 0.8% of perceived races. Further investigation found that nearly half (47%) of drivers perceived as being Native Hawaiian/OPI were also perceived as being Hispanic or Latino(a).



To further examine perceived Hispanic or Latino(a) ethnicity by race, the perceived color of Hispanic or Latino(a) drivers was analyzed. Results found that even though 76% of perceived Hispanic or Latino(a) drivers had a perceived *race* of White, only 44% of these drivers had a perceived *color* of White. Altogether, the discrepancies found in Native Hawaiian/OPI and White suggest confusion when determining, and subsequently reporting, perceived ethnicity separate from perceived race.

Perceived Person of Color

A new variable was created to capture whether the driver was perceived as a person of color, meaning identified as non-White in any of the color, race, and ethnicity questions. When combined this way, the data showed that 10.9% of drivers were perceived as being a person of color. This combined data showed a larger percent of people being perceived as something non-White compared to when looking at race and color alone, which accounted for 8.3% and 8.8% respectively. However, the proportion of drivers who are a person of color is very similar to the computed perceived race/ethnicity findings (10.4%).



Comparison to State-Level Racial Characteristics

To determine whether a racial/ethnic group was disproportionally represented among traffic stops, the study population needs to be compared to the overall state population.[5] Unfortunately, because Maine is the least racially diverse state in the country, finding disparities amongst specific racial identities (e.g., comparing the study's proportion of perceived Black or African American drivers to the state's proportion of Black or African Americans) is challenging.

This challenge is illustrated in Table 2, which contains the American Community Survey's 2023 estimates for race and ethnicity characteristics in Maine.[6] As shown, the two or more races category is nearly three times the amount of the next highest non-White category, Black or African American. Consequently, the non-White races presented in Table 2 are being subsumed into two or more races. Therefore, when researchers analyzed unduplicated race data (i.e., study population is limited to one race), specific races were not comparable to the general population.

Table 2. Maine race/ethnicity characteristics for 2023

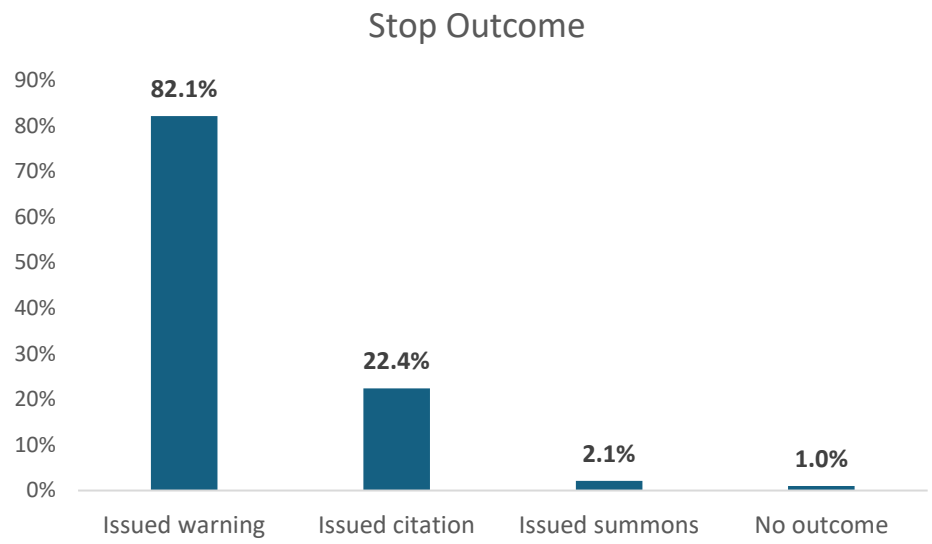
	Number	Percent
Total Race	**1,395,722**	**100.0%**
White alone	1,260,330	90.3%
Black or African American alone	26,678	1.9%
American Indian alone	6,451	0.5%
Asian alone	15,052	1.1%
Native Hawaiian/OPI alone	1,022	0.1%
Some other race alone	8,152	0.6%
Two or More Races	78,037	5.6%
Ethnicity	**1,395,722**	**100.0%**
Not Hispanic/Latino	1,364,301	97.7%
Hispanic/Latino	31,421	2.3%

To identify disparities, it is standard practice within the Maine Statistical Analysis Center to instead compare the persons of color rates. In this instance, which means comparing the study populations rate of 10.9% persons of color in traffic stops to the state average of 9.7%, a binomial test determined the difference was statistically significant ($p<.001$). However, due to the limitations previously described, a more comprehensive dataset is needed before conclusions can be drawn regarding this finding.

[5] In future reports, the traffic stop data will be compared at the county and/or city level. However, due to the number of agencies not included in this dataset, county and city level comparisons are not featured in this report.
[6] U.S. Census Bureau. 2023 American Community Survey 1-Year Estimates. Retrieved from https://data.census.gov/.

Traffic Stop Outcomes

For each traffic stop, law enforcement officers using eCitation are asked to enter information for each warning, civil citation, or criminal summons issued at the time of the traffic stop.[7] Because a traffic stop can have multiple violations, a driver can be counted in more than one of these categories. As shown in the table below, 82% of stops resulted in a warning, 22% resulted in a civil citation (i.e., a traffic ticket), and only 2.1% were issued a criminal citation. Approximately 1.0% percent of traffic stops had no associated warning, citation, or summons issued.



Additionally, the eCitation form includes checkboxes where officers can report whether the stop resulted in an arrest or a search. During the current reporting period, only 0.8% of stops resulted in an arrest and 1.3% resulted in a search of the vehicle or driver.[8]

Due to this dataset not being representative of all Maine traffic, analysis of traffic stop outcomes by perceived racial characteristics is not included in this report. However, such analyses will be included in future reports once the data are more robust.

[7] Due to constraints in processing and categorizing data regarding the statutory reason for the stop, that data could not be included in this report; however, it will appear in future reports.

[8] Due to the limitations surrounding the July 1, 2024 to September 30, 2024, dataset, outcome data were not analyzed by perceived racial characteristics; however, this will be examined in future reports.

Recommendations

This initial report to the Legislature offers the first glimpse of statewide traffic stop data based on the observation and perception of officers conducting traffic stops between July 1 and September 30, 2024. As previously noted, data findings in this report are limited because half of the law enforcement agency data is not yet available and because the report only contains data for a single three-month period. These limitations, among others, also affect what recommendations can be made, and there are caveats that must be explored before looking ahead.

Data Quality

For this report, researchers only had access to usable data from LexisNexis' eCitation, which is an exceptionally comprehensive dataset because it requires the user to fully complete the perceived characteristics fields (i.e., not leave any fields blank). The data entry requirements used by the eCitation system, however, are not feasible for spreadsheets uploaded into the portal (Spillman, IMC Solutions, and manual citations) and thus it will be possible for individual traffic stop records to be missing pertinent datapoints, which could then impact findings. Therefore, once data is submitted via the portal, a review will be conducted to determine record eligibility criteria (i.e., which records should be removed from analysis) and identify other potential data quality issues. This review will also inform technical assistance strategies aimed at improving data quality.

Second, while eCitation is a thoughtfully designed and well-built data entry system, the traffic stop longitude and latitude data will likely not be featured in future analysis. In eCitation, where the latitude and longitude data are auto populated, this information was missing for approximately 75% of records, most likely due to the inability of mobile computing devices to connect to the internet. Looking ahead, for agencies submitting data on the portal template document, manually entering longitude and latitude will be an onerous task and may contribute to high rates of missing or inaccurate data. Knowing this, analysts are considering an alternative approach of using county and city designations to analyze traffic stops geographically.

Data Reporting Timeline

The statute designates that an annual report be submitted to the Legislature by January 15th each year. While this timing aligns closely with the start of the legislative session, it does not allow future reports to include a full calendar year of data (i.e., January 1st to December 31st), because the final quarter of traffic stop data is submitted on December 31st and the data extractions and analyses are lengthy processes. If the Legislature seeks a report that reflects the full 12-month period of the previous calendar year, the report due date should be moved to March 15th in order to allow for complete and meaningful analysis.

Additional Considerations & Expectations

In future years, when multiple quarters of data become available and a greater proportion of agencies are included, researchers will continue and expand the analysis of the traffic stop data covered by this first report. This will include examining statutory reasons for traffic stops, traffic stops by time-of-day, traffic stop outcomes by perceived demographics, and mapping traffic stop locations at the county and/or city level. Furthermore, given the preliminary finding of inconsistencies in how law enforcement officers classify Hispanic or Latino(a) drivers, researchers will further analyze perceived characteristics of race, color, and ethnicity data using combined new variables to better understand these discrepancies.

These continued and new analyses, along with a quality control review of the four citation datasets, will enable researchers to more accurately assess the extent to which there are racial and ethnic disparities in traffic stops across Maine.