
HOUSE BILL No. 1267

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-14.

Synopsis: Racially based traffic stops. Requires the compilation of data concerning traffic stops, including the race of a driver stopped by a law enforcement officer. Provides that the data may not be used in a legal proceeding to establish an inference of discrimination. Requires a law enforcement agency to prohibit racial profiling and to provide sensitivity training. Authorizes the establishment of local civilian review boards to investigate allegations of misconduct by law enforcement officers.

Effective: July 1, 2002.

Smith V, Young D, Brown C

January 14, 2002, read first time and referred to Committee on Judiciary.

C
o
p
y



Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

C
o
p
y

HOUSE BILL No. 1267



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-14 IS ADDED TO THE INDIANA CODE AS
 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2002]:
 4 **Chapter 14. Racially Based Traffic Stops**
 5 **Sec. 1. As used in this chapter, "agency" means the following**
 6 **law enforcement agencies:**
 7 (1) **The state police department.**
 8 (2) **A city or town police department.**
 9 (3) **A town marshal system.**
 10 (4) **A county sheriff's department.**
 11 **Sec. 2. As used in this chapter, "contraband" has the meaning**
 12 **set forth in IC 11-11-2-1.**
 13 **Sec. 3. As used in this chapter, "minority group" means**
 14 **individuals of African, Hispanic, Native American, or Asian**
 15 **descent.**
 16 **Sec. 4. As used in this chapter, "motor vehicle" has the meaning**
 17 **set forth in IC 9-13-2-105.**



1 **Sec. 5.** As used in this chapter, "officer" means a law
2 enforcement officer of a law enforcement agency.

3 **Sec. 6.** When an officer stops a driver of a motor vehicle after
4 June 30, 2003, for a violation of a motor vehicle statute or
5 ordinance, the officer shall report the following information to the
6 agency that employs the officer:

7 (1) The age, gender, and race or minority group of the
8 individual stopped.

9 (2) The traffic violation alleged to have been committed that
10 led to the stop.

11 (3) Whether a search was conducted as a result of the stop.

12 (4) If a search was conducted, the following information:

13 (A) Whether the individual consented to the search.

14 (B) The probable cause for the search.

15 (C) Whether the person was searched.

16 (D) Whether the person's property was searched.

17 (E) The duration of the search.

18 (F) If contraband was discovered in the course of the
19 search, the type of contraband discovered.

20 (5) Whether a warning or citation was issued as a result of the
21 stop.

22 (6) If a warning or citation was issued, the violation charged
23 or warning provided.

24 (7) Whether an arrest was made as a result of the stop or the
25 search.

26 (8) If an arrest was made, the crime charged.

27 (9) The location of the stop.

28 **Sec. 7.** (a) Not later than March 1, 2005, and each year
29 thereafter, an agency shall submit a report to the attorney general
30 of the data compiled under section 6 of this chapter for the
31 previous calendar year.

32 (b) The attorney general shall determine the format that an
33 agency shall use to submit the report.

34 **Sec. 8.** The attorney general shall analyze the annual reports of
35 agencies and prepare a report setting forth the attorney general's
36 findings. Not later than June 1, 2005, and each year thereafter, the
37 attorney general shall submit the report to the following:

38 (1) The governor.

39 (2) The executive director of the legislative services agency.

40 (3) Each agency.

41 **Sec. 9.** The report of the attorney general required by section 8
42 of this chapter must include at least the following information

C
o
p
y



1 concerning each agency:

2 (1) The total number of motor vehicles stopped by officers
3 during the previous calendar year.

4 (2) The number and percentage of stopped motor vehicles that
5 were driven by members of a minority group.

6 (3) A comparison of the percentage of stopped motor vehicles
7 driven by a minority group with the percentage of the state's
8 population comprised by that minority group.

9 (4) The compilation of the information reported by an agency
10 under section 7 of this chapter.

11 **Sec. 10. Data compiled under section 7 of this chapter:**

12 (1) may be used only for research or statistical purposes and
13 may not contain information that may reveal the identity of
14 an individual who is:

15 (A) stopped; or

16 (B) an officer; and

17 (2) may not be used in a legal or administrative proceeding to
18 establish an inference of discrimination on the basis of
19 particular identifying characteristics.

20 **Sec. 11. Before July 1, 2003, each agency shall adopt a policy on**
21 **racially based traffic stops that includes the following:**

22 (1) A prohibition against a practice of routinely stopping
23 members of minority groups for violations of motor vehicle
24 laws as a pretext for investigating other violations of criminal
25 law.

26 (2) A requirement that the agency must periodically review
27 the annual report of the attorney general to determine
28 whether any officers of the agency have a pattern of stopping
29 members of minority groups for violations of motor vehicle
30 laws in a number disproportionate to the population of
31 minority groups residing or traveling within the jurisdiction
32 of the agency.

33 (3) If a review under subdivision (2) indicates a pattern of
34 racially based traffic stops, a requirement that the agency
35 must conduct an investigation to determine whether any
36 officers of the agency routinely stop members of minority
37 groups for violations of motor vehicle laws as a pretext for
38 investigating other violations of criminal law.

39 (4) A requirement of appropriate counseling and training for
40 an officer if the officer is determined under subdivision (3) to
41 have engaged in racially based traffic stops.

42 (5) A requirement of annual sensitivity training of officers

C
O
P
Y



1 who conduct traffic stops concerning the prohibition in
2 subdivision (1).

3 **Sec. 12. The guidelines of the agency regarding racially based**
4 **traffic stops and the training described in section 11(4) and 11(5)**
5 **of this chapter must stress:**

6 (1) understanding and respect for racial and cultural
7 differences; and

8 (2) the development of effective, noncombative methods of
9 carrying out law enforcement duties in a racially and
10 culturally diverse environment.

11 **Sec. 13. (a) A county, city, or town may:**

12 (1) establish a civilian review board; or

13 (2) use an existing civilian review board;

14 that is appointed by the county, city, or town to investigate
15 allegations of misconduct by the local unit's officers toward
16 members of the public.

17 (b) The members of the civilian review board shall serve without
18 compensation but shall receive reimbursement from the local
19 governing body for all reasonable and necessary expenses.

20 **Sec. 14. A civilian review board established under section 13 of**
21 **this chapter has the power to:**

22 (1) receive;

23 (2) investigate;

24 (3) make findings regarding; and

25 (4) recommend disciplinary action upon;

26 complaints by members of the public against the local unit's
27 officers.

28 **Sec. 15. A complaint filed by the public with a civilian review**
29 **board may allege misconduct involving:**

30 (1) excessive use of force;

31 (2) abuse of authority;

32 (3) discourtesy; or

33 (4) use of offensive language, including comments relating to
34 race, ethnicity, religion, gender, sexual orientation, or
35 disability.

36 **Sec. 16. (a) The civilian review board shall submit:**

37 (1) the findings and recommendations of the board concerning
38 a complaint; and

39 (2) the basis for the findings and recommendations;

40 to the chief law enforcement official of the agency.

41 (b) The board's findings or recommendations may not be based:

42 (1) solely upon an unsworn complaint or statement; or

C
O
P
Y



1
2

(2) upon a prior unsubstantiated, unfounded, or withdrawn complaint.

C
o
p
y

