



American Civil Liberties Union
Freedom Network

ACLU MOVES TO HAVE MARYLAND STATE POLICE HELD IN CONTEMPT

FOR IMMEDIATE RELEASE [related documents]
Thursday, November 14, 1996

The American Civil Liberties Union of Maryland is asking a federal district court in Baltimore to hold the Maryland State Police agency in contempt of court and to impose a \$250,000 "conditional civil contempt monetary penalty," based upon a showing that state police are violating a 1995 court decree by continuing a pattern of race discrimination in drug interdiction activities carried out along the Interstate 95 corridor. The ACLU motion also seeks identification by name, address and telephone number of all motorists detained on I-95 since the start of 1995; extension by one year of court monitoring in the case; production of MSP investigative and disciplinary files; a year's extension on MSP record-keeping requirements and expansion of record keeping to include all motorist stops, in addition to detentions and searches.

"This is not an action we relish, and not one we take lightly," said ACLU Executive Director Susan Goering. "But the evidence is disturbing, and undeniable. A situation this serious demands serious action."

The court decree alleged to be violated was entered in settlement of a 1993 class-action lawsuit brought by the ACLU on behalf of Robert L. Wilkins and his family. Wilkins, an African-American attorney who was stopped, detained, and searched by state police for no apparent reason, claimed he and his family had been targeted on the basis of a "racial profile" used by police in drug interdiction efforts. MSP steadfastly denied the allegation, but ultimately agreed to settle the case and to maintain computer records of motorist searches so as to permit monitoring for any patterns of discrimination. Now, relying on computer records generated under the *Wilkins* settlement, the ACLU asserts that state police stop and search African-American and other minority motorists travelling I-95 in numbers grossly disproportionate to their numbers among motorists.

Evidence compiled and included in the ACLU papers, covering the period from January 1995 through September 1996, shows:

- Three of every four I-95 motorists detained and searched by state police are black, even though blacks make up only 17.5% of motorists committing traffic violations on I-95;
- Only one in every five I-95 motorists detained and searched by state police is white, even though three-quarters of I-95 motorists committing traffic violations are white;
- Troopers patrolling Interstate 95 detain and search black motorists at more than twice the rate as troopers patrolling other Maryland roadways;
- More than 70 percent of motorist searches conducted by MSP are fruitless;
- Statewide, black and white motorists are found with drugs at equal rates: 28.4% of blacks searched were found with drugs, as compared to 28.8% of whites searched.

Temple University Professor John Lamberth, who provided the ACLU with expert analysis in support of the motion, said in his written report that by statistical measures the data compiled by the ACLU is so "wildly significant" that its statistical significance "is literally off the charts." Although MSP officials previously have claimed the racial skewing in the search numbers is mere "coincidence," Lamberth and the ACLU strongly dispute that.

Wilkins v. Maryland State Police



PP-MD-002-005

According to Lamberth's report, the "probability that black drivers are subjected to searches at so high a rate by *chance* is less than one in one quintillion."

"The contention that this egregious pattern of race discrimination is all just a big coincidence insults the intelligence of African Americans and of all Americans," said plaintiff Robert Wilkins, a Harvard Law School graduate who works as a public defender with the Public Defender Service of the District of Columbia. "It is time for Maryland State Police to take a long, hard look at the way they treat black citizens."

Lawyers representing Mr. Wilkins and the ACLU in the case are William J. Mertens and Jonathan P. Guy, of the Washington, D.C. law firm Swidler & Berlin, and ACLU staff counsel Deborah A. Jeon.

Memorandum in Support of Plaintiff's Motion in Wilkins v. Maryland State Police

Statistical Report of Dr. John Lamberth

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