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Racial profiling reporting ends

LINCOLN (AP) - A law requiring Nebraska police agencies to collect racial profiling data expired quietly on Jan. 1, surprising lawmakers and others who supported it.

"I'm shocked," said Jose Soto, a member of the state's Minority and Justice Task Force. "It's unfortunate that we weren't even aware that that was a possibility."

The law's expiration also got past Sen. Matt Connealy of Decatur, who first introduced the legislation requiring the reporting.

"I missed that," Connealy said.

So what happened?

Connealy's bill requiring the collection of the police data was passed 47-0 in 2001 and signed into law by then-Gov. Mike Johanns.

It banned racial profiling by police officers and required that data be collected for two years, starting in 2002, on all stops made by officers involving a minority. Each report must include the number of stops, the race or ethnicity of the person stopped, the nature of the alleged violation, and whether a warning or citation was issued. For the first time in state law, it also defined racial profiling.

A bill extending the collection of the data until April 2007 was introduced by Sen. Kermit Brashear of Omaha, then chairman of the Judiciary Committee and now speaker of the Legislature.

But that measure was amended into another omnibus bill and the expiration date was changed to January 2006. It passed 45-0.

It then, apparently, dropped off the radar screen.

Brashear was traveling Friday and could not be reached for comment.

But legislative staffers and Sen. Pat Bourne of Omaha, who then served on and now is chairman of the Judiciary Committee, could not recall why the date was changed.

Connealy, Bourne and Omaha Sen. Ernie Chambers all said Friday they would try to get the law renewed this session.

Although no more new bills can be introduced this session, they said it might be possible to amend an existing bill and renew the racial profiling reporting requirement.

"It ought to be done . . . and I will work with Senators Brashear, Bourne and Connealy to extend it," Chambers said.

Supreme Court Judge John Gerrard, who led the Minority and Justice Task Force, said he also favored extending the law.

Aaron Sanderford, spokesman for Gov. Dave Heineman, said: "We've always been supportive of the collection and sharing of this data. We'll gladly take a closer look at the proposal once we see the form it takes."

Meanwhile, the annual report from the Nebraska Crime Commission required under the racial profiling law and issued to lawmakers before the session recommended that the collection of such data not be renewed.

"The collection of mandated summary data does not allow for the detailed analysis necessary to establish bias," the report said. "For a complete analysis within Nebraska, there would need to be a much more detailed mandated data collection as well as resources provided for analysis."

Soto said the data should be collected.

"It really sets a framework for a discussion about how race may intersect with law enforcement," he said. "And it's important for that conversation to be part of the public discourse.

"It should be an active consideration," he said. "It's not about assigning guilt as much as it is about creating awareness and sensitivity that race matters."