

# 5 REASONS WHY NEW DRIVING LAWS SHOULD ADDRESS OLD RACIAL DISPARITIES

## 1. SERIOUS TRAFFIC ENFORCEMENT REFORM SHOULD ADDRESS KNOWN PROBLEMS, INCLUDING EQUITY.

- Proposals to improve road safety in Massachusetts must include provisions to ensure equitable traffic enforcement.
- Motor vehicle offenses are already the single most common category of criminal charges in Massachusetts.<sup>1</sup> Increased traffic stop powers would affect many, many people.
- New tools to pull people over will lead to more Black and brown motorists being stopped. Without accountability measures, racial disparities will not only persist, they will increase.

## 2. UNEQUAL TRAFFIC ENFORCEMENT IS A PUBLIC SAFETY PROBLEM. FIXING IT MAKES OUR ROADS SAFER.

- Pretextual stops allow officers to pull over a driver so long as they can point to *any* motor vehicle infraction.
- But not all traffic stops are equal. Black and Latinx motorists are significantly more likely to be stopped by police and have their vehicle searched, but **less** likely to be issued a citation or have contraband discovered in their vehicle.
- As pretextual stops unfold, they can have other harmful consequences as well. In numerous well-documented cases, individuals have been injured or even killed in police encounters that began as lawful motor vehicle stops.
- We have an opportunity to make Massachusetts roads and highways safer by collecting race data for all motor vehicle stops and ensuring equity in enforcement.

## 3. MASSACHUSETTS HAS DOCUMENTED RACIAL DISPARITIES AGAIN AND AGAIN.

- In 2004, a comprehensive statewide report showed 2/3 of police departments disproportionately cited Black and Latinx drivers.<sup>2</sup>

- But the 2004 data collection law contained a sunset provision, so the state stopped collecting such data.
- In 2018, an independent analysis also showed racial disparities in citations issued.<sup>3</sup> And recent Boston court data revealed that **Black motorists are nearly 15 times more likely to be charged with a motor vehicle offense** in certain parts of the city.<sup>4</sup>

## 4. WE CAN'T MANAGE WHAT WE DON'T MEASURE.

- Disparities did not disappear between 2004 and 2018, and they will not disappear moving forward unless we know more about who is being stopped, where, and why.
- Unless we have good data on *all* traffic stops, we cannot diagnose and fix the problem.
- Failure to track data that proves nondiscriminatory policing could open law enforcement to discrimination claims under state or federal law.

## 5. IN THE 21ST CENTURY, COLLECTING AND ANALYZING DATA IS STANDARD OPERATING PROCEDURE.

- Criminal justice reform in 2018 included several provisions requiring the collection of race data from arrests through incarceration and post-release supervision.
- Nearly 20 other states routinely collect and analyze traffic stop data – including our neighbors in Connecticut, Rhode Island, and Vermont.<sup>5</sup>
- A Massachusetts law briefly required all police departments to collect race data twenty years ago. We can -- and must -- do it again.
- In 2018, when the Senate passed a distracted driving bill, it included language to require the collection of race data for traffic stops. Similar legislation in the future should do the same.

Massachusetts residents entrust law enforcement officers with a great responsibility to keep us safe on the Commonwealth's roads. There is an expectation that they enforce the laws and keep us safe in a fair and equitable manner. The Commonwealth should not give law enforcement additional tools without including measures for transparency, accountability, and fairness.

---

1 *Annual Report on the State of the Massachusetts Court System* (2018). See p.33, "FY2018 Criminal Charges by Offense Category". <https://t.co/CXTcOzS74t?amp=1>

2 *Massachusetts Racial and Gender Profiling Final Report*, Northeastern University Institute on Race and Justice (2004). <https://repository.library.northeastern.edu/files/neu:344627/fulltext.pdf>

3 Stanford Open Policing Project. <https://openpolicing.stanford.edu/findings/>

4 *Facts Over Fear*, ACLU of Massachusetts (2019). <https://www.aclum.org/en/news/facts-over-fear-benefits-declining-prosecute-misdemeanor-low-level-felonies>

5 Collecting Data to Drive Policy, National Conference of State Legislatures. <http://www.ncsl.org/research/civil-and-criminal-justice/state-trends-in-law-enforcement-legislation-2014-2017.aspx#collecting>