

Testimony of Citizens for Juvenile Justice in response to the EOPSS 2020 Massachusetts Uniform Citation Data Analysis Report

Citizens for Juvenile Justice (CfJJ) submits this written testimony in response to the 2020 Massachusetts Uniform Citation Data Analysis Report [hereinafter “MUC Report”]. While we are supportive and appreciative of the collection of this type of data from all police departments in the Commonwealth, we have several serious concerns about the conclusions drawn in the MUC Report, in particular how those conclusions are framed. The MUC Report did show several troubling trends in traffic violations, namely a greater tendency of officers to arrest and cite Black and Hispanic drivers. Beyond this fact, there are a number of other significant, problematic elements of the report and the manner in which its findings were shared:

Problem 1: The MUC Report is ahistorical, and fails to recognize the lengthy history of disparate police treatment of communities of color in both the US and Massachusetts. The historical and social context of policing is absent from this report. There is substantial literature on this subject that could have been shared to put this data into context. This omission is especially glaring in light of the widespread public demand for police reform that took place in recent years, which reflected the long history of frustration from communities of color regarding how they are policed.

Problem 2: The MUC Report prioritized certain types of analysis, to the exclusion of others. The MUC Report Prioritized a Veil of Darkness analysis, claiming that this is the most reliable to determine whether racial profiling is occurring. As the MUC Report states, “The underlying assumption is that if law enforcement officers are profiling motorists, they are better able to do so during the daylight hours when race/ethnicity is more easily observed.” However, if departments are enacting policies to heavily police in neighborhoods of color, the underlying assumption noted above simply is not true. Further, the Veil of Darkness is only one type of analysis, and the report cited to no authority in calling it the most ‘robust’ in the field.

There are many other types of analysis that could have been applied here with the data, including: Relative Risk Index, Risk Analysis, and Racial Equity Gap Analysis. Also, there was no attempt at trying to determine the overall driving population in a municipality.

Problem 3: The MUC Report overlooks key points in the data that show gross racial disparities. One example is found in the press release which states that “White drivers accounted for 65% of traffic stops, while Black motorists accounted for 16%,” while failing to go on to say that this is in contrast to only 9% of the state population being Black.¹ In other words, **Black motorists are roughly 77% more likely to be stopped than White motorists**, which should be a central and important finding given that the purpose of the study is “to learn more about potential patterns of racial disparities in traffic stops...” However, it is egregious and an affront to

¹ <https://www.census.gov/quickfacts/MA>

that purpose that these disparities are not highlighted as a problem. It is difficult not to see the absence of this analysis as a willful overlooking of the data for political ends, namely a report that points out that there is no bias overall in traffic stops, and for prosecutors to have the ability to cite this report in response to motions to suppress after *Long v. Commonwealth*.

During 2021, CfJJ documented the racialized nature of policing in Boston² and New Bedford.³ We heard stories of police targeting young people of color and their families. Sadly, young drivers are rendered invisible by the political framing of the MUC Report findings.

Problem 4: The comparison of a municipality’s stops by race to a state average does not query whether that average itself is a reasonable benchmark. Since the state average is that 15.7% of all stops are of Black, but only 9% of the state population is Black, this average does not provide a meaningful benchmark that all departments should aim for.

Problem 5: The MUC Report downplays racial bias, and does not seriously query profiling. Even when the Veil of Darkness analysis pointed to three municipalities, the Report states that, “We caution that this does NOT prove that any of these departments are engaging in racial profiling; there are many explanations for racial disparities in traffic enforcement other than officer bias. These findings simply serve as a starting point for further discussion and reflection.” However, no meaningful effort was made in the report to look into the cause of these clearly evident disparities.

Problem 6: Finally, the MUC Report makes no mention of mental health impacts of over-policing and traffic stops on communities of color. Data on the mental health impact of intrusive stops⁴ – in addition to the higher levels of trauma black youth have based upon viewing police abuse online and in their personal lives⁵ drives home the human element of why the patterns of biased policing revealed by the data are harmful.

² See *Too Blue: A Vision for Non-Police Responses to Community Incidents in Boston*, available at <https://www.cfjj.org/too-blue-report>. See especially Figure 8 on possible pretextual traffic stop analysis on page 19.

³ See *We Are the Prey: Racial Profiling and Policing of Youth in New Bedford*, available at <https://www.cfjj.org/we-are-the-prey>.

⁴ Geller, Fagen et al. *Aggressive Policing and the Mental Health of Young Urban Men*, *Am J Public Health*. 104(12): 2321–2327 (2014). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4232139/>

⁵ Tynes, Willis, Stewart and Hamilton, *Race-Related Traumatic Events Online and Mental Health Among Adolescents of Color*, *65 Journal of Adolescent Health*. 371 (2019)