

State on hunt for racial profiling - police report adds context to road stops

By Michael Levenson, Globe Correspondent | July 5, 2005

After a statewide review showed racial disparities in traffic citations issued by police in nearly 250 communities, the state has launched an initiative to determine whether racial bias is to blame for the disproportionate number of minority drivers stopped on the state's roadways.

Two hundred forty-seven police departments -- from Boston and Lowell to tiny Spencer and Upton -- have been urged to participate in the program, featuring a more extensive report that officers are being asked to fill out every time they make a stop.

While police were previously required only to record the race and gender of drivers, now officers are being asked to note the duration and reason for the stop, what type of road it happened on, whether the car was searched, and what was found. In addition, instead of recording the data only when they issue warnings or tickets, police are now being asked to provide the information every time they stop a car.

The state says the move will shed light on whether stops of minority drivers are warranted or the result of racial profiling. The form has proven controversial among police departments, and while most communities have agreed to take part, 57 have chosen not to use it, opting instead to record only the race and gender of the drivers and the reason for the stop, the minimum required by law.

Katie Ford, spokeswoman for the Executive Office of Public Safety, said the expanded form takes 30 to 50 seconds to complete and could help departments build confidence in the fairness of their policing.

"Our goal here was to turn something that's a very painful and loaded subject for police departments and their communities into an opportunity for police chiefs to really seize control of their own traffic data . . . and explain whatever discrepancies there may be," Ford said.

For example, she said, if police in a community were accused of stopping a high number of Hispanic women, they could turn to the data to show how the stops might have been justifiable.

"You could have a spike in stops of Hispanic females, in a given

time frame, that could be connected to a car theft with a prime suspect of a Hispanic female seen driving a certain car," Ford said. "These forms were designed to provide that kind of context."

In 2000, a bill written by Senator Dianne Wilkerson, the state's highest-ranking African-American elected official, cleared the Legislature, with support from local police departments. The law required officers to record the race and gender of every driver issued a ticket or warning and for the state to compile that data.

The state initially undertook its first attempt to analyze traffic stops in 2001, after years in which minorities had complained that they were singled out on the roads.

Last year, after reviewing 1.6 million traffic citations issued between April 1, 2001, and June 30, 2003, the state released its findings. The results showed that in three-fourths of 341 departments, the percent of citations issued to minorities was significantly higher than the percent of minorities living in the community and estimated to be driving on the roads.

The list included the State Police, the Boston police, and most of the state's larger cities and towns.

Milton, just south of Boston, had the widest gap in ticketing. The study found that minorities received 58 percent of the traffic tickets in Milton while an estimated 16 percent of the drivers are minorities. In Boston, minorities received 50 percent of the tickets, but make up an estimated 33 percent of the drivers.

The findings were the subject of heated debate. Police chiefs faulted some of the study's methodology, and also said the stops might suggest a positive trend: They were responding to requests for more policing in minority neighborhoods. Mostly, police felt they had been "thrown under the bus," said Chief Edward M. Merrick Jr. of Plainville, past president of the Massachusetts Chiefs of Police Association.

Though state officials hope all departments will eventually use the longer, more detailed form, some police chiefs call it a hassle, especially when police departments are struggling with budget cuts.

"I think it puts an undue burden on the patrol officers," said Paul Nolan, deputy police chief in Milton, which is using its own shorter form. "It can be counterproductive to enforcing motor-vehicle laws. But the forms we will be filling out are 100 percent in compliance

with the state mandate."

Police in Marblehead, which also had a racial gap in its citations, are still deciding whether to record traffic stops using their own reports or with the forms provided by the state, Chief James R. Carney said. "There's only so much paperwork you can do in a day," Carney said.

Other departments have chosen to embrace the new approach. Plainville, near the Rhode Island border, will give its officers the form, even though it can legally ignore the entire program. Plainville is exempt because it is among the communities in 2004 that was found to have not disproportionately cited minority drivers.

"I don't want my community thinking that racial profiling is an acceptable practice," Merrick said. "We have to clean up that perception."

State officials are pleased that 190 communities agreed to use the form, after months of negotiations and training. Massachusetts has a long history of local control, with communities and their police departments generally allowed to operate independently of the state.

"Getting a voluntary consensus among that number of police departments was actually pretty extraordinary," said Susan Prosnitz, general counsel at the Executive Office of Public Safety.

But some activists who helped push to establish the program are not as pleased.

"If departments choose not to use the form, they're going to be shortsighted, and they're going to reduce their ability to understand whether racial profiling actually exists in their community," said Carol Rose, executive director of the American Civil Liberties of Massachusetts. "They should want to measure what's going on in their departments."

The Plainville police chief agrees. "The benefit is going to be able to look the ACLU in the eye and say, 'It ain't happening, kids,'" Merrick said.

The Rev. William E. Dickerson III, pastor of Greater Love Tabernacle in Dorchester, praised the new initiative. He said he had spoken with members of his church who felt police had stopped them because of their race.

"Racial profiling is an issue that exists throughout the country and it's not just any one geographic area," Dickerson said. "We can't sweep it under the rug and act like it doesn't exist."