Testimony of
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Before the
U.S. House of Representatives
Committee on Transportation and Infrastructure
Subcommittee on Highways and Transit
"Examining Equity in Transportation Safety Enforcement"

February 24, 2021

Chair Norton, Ranking Member Davis, and members of the Subcommittee, thank you for the opportunity to appear before you today as the committee examines equity in transportation safety and considers reauthorization of the section 1906 Racial Profiling Prohibition grants. My name is Ken Barone, and I am the manager of the State of Connecticut's Racial Profiling Prohibition Project. My testimony today will focus on the benefits that the section 1906 program has had on Connecticut's ability to address both equity and safety in traffic enforcement, its efficacy for use in other jurisdictions, and the value of expanding the funding to allow for even greater progress in eliminating racial profiling in traffic enforcement nationwide.

Disparities in the criminal justice system, particularly police enforcement, have been a major source of political protest and social unrest in the United States. Motor vehicle enforcement is a common focus of these conversations since it is the public's most frequent interaction with law enforcement. There is broad consensus in the value of addressing these concerns, however there is often difficulty in moving concerns to achievable and measurable action. Understanding these interactions between law enforcement and the public requires states to move beyond anecdotal conversations and develop robust data collection and analysis programs. When married with dialogues centered around the data, real and measured reform is possible.

Since 2006, at least 24 states have received funding through the section 1906 program to develop data collection and analysis systems. Connecticut's novel approach to collecting and analyzing traffic stop data for evidence of discrimination is widely considered to be a national model and has only been possible because of federal funds available to our state through the section 1906 program. In recent years, Connecticut's model has been replicated in at least three other states including California, Oregon, and Rhode Island. Our goal is to eliminate racial profiling, use data to improve roadway safety, and increase trust between law enforcement and the communities they serve. In light on the continued social unrest in the United States, the section 1906 program is more vital than ever. Reauthorization and expansion of the program will allow states like Connecticut to build upon our success and continue to work towards a more fair and just society.

The Connecticut Model

Connecticut first enacted an anti-racial profiling law in 1999. After developing a system for paper-based reporting, the state invested in two data analysis reports produced under the purview of the Office of the Chief State's Attorney. Shortly after the publication of the second report, the state moved oversight to the legislative African American Affairs Commission. No reports were subsequently produced, and as of 2011 only 27 of the approximately 92 law enforcement agencies were still collecting and submitting the required data.

A well-publicized 2011 case of police profiling in East Haven, CT renewed public and legislative attention to the efficacy of the state's existing racial profiling law. Legislators responded by strengthening the state law, which had largely been ignored since a few years after its initial passage in 1999. The new law allowed for the creation of a robust system for evaluating and addressing concerns about racial profiling. Another important element was the statutory establishment of a 20-member advisory board to help with the development, implementation, and oversight of the new law. Advisory board members consist of advocates, law enforcement administrators, academics, policymakers, and community members. The board has continually worked to create an efficient data collection system, centralized traffic stop repository, and a rigorous analytical process. In the midst of these changes, the state applied for 1906 funds to bring the necessary resources to fully implement the new law.

The first phase of the process involved development of an electronic data collection system. The task was to design an electronic system that was both not overly burdensome to police and yet capable of providing critical information to the public on an annual basis. Connecticut was able to develop a system to collect universal traffic stop data that could be submitted electronically on a monthly basis. The system currently captures 26 data points from Connecticut's roughly 600,000 annual traffic stops. To date, the system contains approximately 91 million data points from 3.5 million traffic stops. Electronically collecting meaningful data from more than 100 police agencies in a timely manner was a major first step towards achieving our goals.

Once the data collection system was established, we quickly turned our attention to the second phase of the process, which involved the development of a thoughtful analytical system. Unique to Connecticut's approach is the application of multiple statistical tests for ascertaining the presence of racial and ethnic disparities. The idea behind using more than one test to identify discrimination was an insight made by members of the advisory board after observing that most other states typically choose a single method for evaluating disparities. The board observed that this choice often divided stakeholders when one group did not agree with the results or assumptions of a particular test, therefor sowing doubt as to whether racial disparities exist or not. Such an approach to analyzing traffic stop records only served to further fracture the distrust between law enforcement and communities of color. The use of multiple tests in Connecticut is designed to serve as a screening tool by which stakeholders could then focus attention to those departments displaying the greatest level of disparity. Colloquially, we refer to this as the "preponderance of the evidence" approach since disparities are identified across a number of different dimensions including the decision to stop a motorist, the outcome of the stop, and the decision to search a motorist/vehicle.

The next stage in the Connecticut model is also unique to statewide traffic stop data analysis and requires a detailed exploration of jurisdiction specific information to better understand an identified department's disparities. In my experience, municipal police agencies are limited in their capacity to

comprehensively analyze the factors that contribute to their racial and ethnic disparities. Researchers that simply point out racial and ethnic disparities can unintentionally contribute to a further divide between law enforcement and the communities they serve. Rather than treating our statistical analysis as evidence of wrongdoing, researchers and policymakers utilized the annual report as an early warning system that begins, rather than ends, an ongoing and data-driven conversation. Departments identified in the annual report partner with researchers for a comprehensive follow-up intervention, which involves a deeper dive into their data in an effort to identify specific policies and enforcement activities driving the disparities. This phase of the process includes a quantitative and qualitative analysis at the department and individual officer level. In Connecticut, the goal is to collaborate with police and the advocacy community to develop practical solutions.

As the final phase of the analytical process, stakeholders and community members are invited into the process and encouraged to engage in a dialogue with policing administrators and local elected officials. In cases when there has been a particular stakeholder or advocacy group with concerns about an identified department, they have been invited to participate in the process at an earlier stage. Following the conclusion of the in-depth analysis, researchers and the advisory board will host a community forum in the identified communities. The forums include a presentation of the research team's findings, a discussion with policing administrators and a period for public comment/question. Upon request, the research team has also made presentations to city or town councils. By the time the research team hosts these community forums, we have already identified the factors believed to be contributing to the disparity. These factors typically fall into two categories: 1) specific enforcement patterns or 2) (infrequently) individualized actions by subsets of officers. During the forum, the research team outlines an independent set of recommendations for reforms and allows the public and stakeholders to provide input as to their efficacy. Ultimately, the decision to enact the recommended reforms is left to the community and policing administrators. However, the value added of this approach is that it allows for a transparent data-driven dialogue between stakeholders and policing administrators about how specific enforcement policies contribute to observed patterns of disparity.

The *Connecticut model* provides a streamlined framework for identifying disparities and then using this information to hold data-driven conversation between stakeholders in an effort to enact interventions to mitigate future disparities. All or part of the *Connecticut model* has recently been adopted by the States of Rhode Island, Oregon, and California. Continued federal funding would not only allow Connecticut to maintain its state-of-the-art program, but also to expand upon its success. Additionally, as has been shown, the *Connecticut model* provides a proven framework for developing a streamlined state-level system to mitigate disparities in policing that can be easily replicated in other states.

Highlights from Connecticut's Annual Analysis

Since 2015, Connecticut has produced five annual reports which analyze racial disparities in traffic stops submitted by 107 law enforcement agencies. The analysis has consistently identified these trends in the data:

1. There are statistically significant racial and ethnic disparities in traffic stops.
2. Black and Hispanic drivers are disproportionately stopped and disproportionately searched compared to White drivers.
3. Police are significantly less likely to find contraband resulting from a search involving a Black or Hispanic driver.

4. Black and Hispanic drivers are stopped at a greater rate for equipment violations and administrative offenses compared to White drivers. However, there is little evidence to support a claim that Black and Hispanic drivers more frequently commit these offenses.
5. Racial and ethnic disparities are significantly decreased when traffic enforcement is primarily focused on hazardous driving behaviors, such as speed related, distracted driving, stop sign, traffic control signal, or other types of moving violations.

Although the primary motivation behind our work has been to identify and address racial and ethnic disparities in traffic enforcement, an added benefit to the program has been the accumulation of a rich dataset that can inform researchers, practitioners, and transportation and law enforcement administrators about the enforcement techniques that are most effective in improving roadway safety. Our research has been able to substantially contribute to the ongoing conversation about traffic safety in Connecticut.

In Connecticut we have found that racial and ethnic disparities in traffic enforcement have largely been driven by police enforcement of lower level equipment and administrative violations. As part of the Connecticut law, police are required to report the reason for stopping a motor vehicle. There are hundreds of individual motor vehicle statutes but stops can generally be aggregated into one of three broad categories: (1) safety related, (2) equipment related, or (3) administrative related offenses. As previously noted, our annual traffic stop assessment has consistently found that racial and ethnic disparities are significantly decreased when law enforcement primarily focuses on safety-related violations. We also know that safety-related motor vehicle violations are significantly more likely to be a contributing factor in motor vehicle crashes. On the other hand, racial and ethnic disparities are greatest when law enforcement focuses more on equipment and administrative offenses. Although legitimate reasons may exist for the enforcement of these violations, we cannot ignore that on balance they disproportionately impact Black and Hispanic drivers. Additionally, when police spend their time pulling over drivers for relatively minor traffic violations, they are committing resources that then cannot be used for other activities that may have a greater impact on public safety.

There is a commonly held belief that disparities in equipment and administrative offenses occur more frequently in the Black and Hispanic community due to socioeconomic factors rather than police enforcement decisions. Although socioeconomic factors may play a role in such violations, there is evidence that police officers are more likely to enforce equipment and administrative violations in areas with higher Black and Hispanic populations or where Black and Hispanic drivers are more likely to be traveling. This is taken in combination with the fact that police presence is also greater in these areas due to resource allocation decisions that follow factors such as crime, calls for service and accidents. In Connecticut, when testing this theory, we have found that when police enforce these laws in areas with greater White populations, the racial composition of violators reflects that.

While Connecticut data shows that Black and Hispanic drivers are proportionally stopped at a higher rate for all types of traffic violations than White drivers, the disparity is most significant for equipment and administrative offenses. Within their respective demographic groups, Black drivers are almost twice as likely and Hispanic drivers are 1.5 times more likely to be stopped for an equipment-related violation compared to White drivers. The disparity is slightly less pronounced for administrative offenses. Within their respective demographic groups, Black drivers are 1.2 times and Hispanic drivers are 1.3 times more likely to be stopped for an administrative offense compared to White drivers.

Examples of Successful Interventions

Continuous statewide analysis is important for understanding trends; equally, if not more, significant is recognizing how targeted departmental interventions drive those trends. Since 2015, Connecticut has conducted interventions for 28 municipal police departments identified as having a disparity in the annual report. The in-depth analysis allows researchers to focus on the unique attributes of specific subsection of a community where enforcement is targeted. Some of the factors identified in Connecticut as contributing to potential disparities for specific towns include locations of accidents, high calls for service, DUI enforcement, crime rates, and retail and entertainment. Researchers also conduct a more comprehensive post-stop data review to examine disparities in stop outcomes, searches and hit rates, and reasons for stops. The final piece of the in-depth analysis moves beyond examining disparities at the department level and examines individual officer information. The officer-level results are only shared with law enforcement administrators who review the findings in conjunction with additional officer information not available to researchers. These interventions have produced important actionable findings that departments have used to enact positive change.

The first example I would like to share is about disparities found in a predominantly White suburban community outside of the city of New Haven, CT, with a police department of approximately 106 officers. In that particular department, Police enforcement was largely focused in the one neighborhood with a high percentage of Black residents. The data showed that this neighborhood had more calls for service and a higher crime rate relative to the rest of the community. The department's crime reduction strategy involved an elevated level of traffic enforcement in this area in an attempt to address these issues. Officers would primarily stop cars for low-level equipment and administrative offenses and request consent to search the vehicle. In particular, 22% of drivers were stopped for equipment violations and 18% for administrative offenses relative to 12% and 9% statewide, respectively. Notably, this strategy was not implemented elsewhere in the community. Based on the traffic stop data, illegal contraband was rarely found in these searches (less than 7% of the time) and drivers were frequently given warnings rather than tickets for the motivating infractions. In addition, there was little empirical evidence that these enforcement measures were having any effect on the areas elevated crime rate.

Researchers and community stakeholders engaged the police administration in dialogue about alternative crime reduction tools. Following these conversations, the Chief enacted the following policies: (1) traffic enforcement should be narrowly focused on hazardous driving behaviors, (2) officers should cease consent searches, and (3) officers should implement alternative methods for interacting with the community. A year after implementing these changes, equipment and administrative offenses fell considerably (6% and 9%, respectively) as did consent searches. The department reported that these changes coincided with a falling crime rate (5%) and decreased rate of accidents (10%). Police searches were more successful at finding contraband, that is, a 63-percentage point increase, and the department ceased to be identified as having a disparity in subsequent annual analyses.

Another success story comes from a small urban police department that had been attempting to address a statewide increase in unregistered motor vehicles. The department began deploying license plate reader technology to identify and target drivers of such vehicles. During the follow-up intervention, researchers identified this specific enforcement activity as being the largest contributor to the department's observed disparity. The underlying belief from police administrators was that poverty was the true culprit of this disparity due to increases in the state's registration fees. Thus, most of this

enforcement activity was concentrated in lowest income neighborhoods where residents were largely Hispanic. Researchers used the department's geographically mapped traffic stop data to demonstrate that this enforcement activity was the driver of their disparity and that registration violations were actually being found at similar rates in many other areas of their community. As a result of the intervention, the department employed a more broad-based and equitable deployment of their license plate readers that helped to mitigate the disparity in the proceeding years. This department's high search rate and observed disparities in stop outcomes were significantly reduced and this department was not identified in any subsequent reports following the intervention.

A third success story comes from a suburban community located outside of Connecticut's capital city of Hartford. During the intervention, researchers identified that defective lighting violations were a primary driver of the department's disparity. In fact, nearly 40% of the traffic stops in this department were for a defective lighting violation. In discussions with the department, police administrators attributed the lighting violations to a roving DUI patrol largely enacted based on concerns about college students from a local university. Researchers presented these administrators with data suggesting only one of the 1,608 traffic stops made for defective lighting violations that year had actually resulted in the driver being charged with a DUI. In fact, drivers had been significantly more likely to be charged with a DUI offense when stopped for speeding violations. As a result of the intervention, the department altered their DUI strategy and reduced the use of defective lighting violations as a reason to stop cars, specifically to look for drunk drivers. The department went from 1,608 defective lighting stops during the study period to 671 in the year following the intervention. This new approach resulted in both more effective enforcement and mitigated the disparity in subsequent years. Since the disparity was largely driven by a disproportionate number of minorities stopped for defective lighting, the observed disparity was significantly reduced, and they were not identified in subsequent reports following the intervention.

These examples highlight the benefits of Connecticut's hands-on approach for identifying the underlying drivers of disparities and finding strategies to help mitigate it. Engaging stakeholders throughout the intervention process has allowed racial and ethnic minority advocates, law enforcement, academics, and government officials to come together in ways unimaginable even a decade ago. What previously had been a war of anecdotes has been transformed into a constructive data-driven conversation about policy. Stakeholders and policing administrators now regularly attend panel conversations around the state and speak in similar tones about the statewide effort. The vitriol is gone from most conversations and has been replaced by a focus on what more can be done.

Conclusion

The section 1906 program has been critical to the success of the *Connecticut model*. It has allowed our state to dive headfirst into an emotional, and often traumatic, conversation and create meaningful and measurable reform by positively addressing both equity and safety in traffic enforcement – all with the stakeholders at the helm. We are eager to share our experience in Connecticut with other states looking to best utilize future program funds and stand prepared to assist any other state looking to develop similar programs.

We urge the reauthorization of the section 1906 program so that Connecticut can continue to make progress on racial equity in traffic enforcement while also improving traffic safety. I would also ask that you consider providing additional baseline resources to both ensure that any new state considering adoption of this program can meet today's challenges and to allow current states utilizing the program

to advance the progress made in recent years. Additionally, I ask that you consider expanding the use of program funds beyond data collection and analysis efforts – much in the spirit of the original 1906 funding parameters. States would benefit from the ability to provide relevant police training, community engagement/ outreach initiatives, and the collection and analysis of other state specific data, such as pedestrian stops, bicycle stops, and community satisfaction surveys.

Thank you for the opportunity to share our experience and I look forward to working with the committee as it considers the reauthorization of this program.