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ACLU Applauds SJC Decision Requiring Police to Identify Themselves on Racial Profiling Data Collection Forms

BOSTON, February 8 – Lawyers for the American Civil Liberties Union of Massachusetts today applauded a decision by the Supreme Judicial Court of Massachusetts upholding the requirement that police officers include their identification numbers when filling out a form developed to detect patterns of illegal racial profiling in traffic stops and citations.

The ACLU of Massachusetts, the Lawyers Committee for Civil Rights Under Law of the Boston Bar Association, and other groups filed a friend of the court brief in the case.

“Collection of officer identification is necessary to ensure that individual officers complete the racial profiling forms as required and enter accurate information,” said John Reinstein, Legal Director for the ACLU of Massachusetts. “This information is essential to the remedial scheme that the legislature has established. If police departments are going to address the issue of racial profiling, they need to know which officers are engaging in the practice. Without this information, the collection of the information would become a pointless exercise.”

The Boston Police Patrolmen’s Association had sought to enjoin the city of Boston and its police department from including officer identification numbers as part of a data collection required under the state racial profiling statute, but the high court denied this request.

State law mandates that 247 Massachusetts law enforcement agencies and departments collect data for one year on the race and gender of drivers in traffic stops, based on preliminary analysis of traffic citations that showed a seeming appearance of racial disparities in traffic enforcement. In response, the Executive Office of Public Safety (EOPS) developed a form for all departments to use, which takes less than one minute to complete and requires individual officers to include their identification number on the form.

“To the extent that the problem of racial disparities is caused by ‘problem officers,’ knowing the identity of the officer serves as an early warning system alerting management to problems and allowing them to investigate for possible extenuating circumstances, and if necessary, to intervene early with counseling, training or some other intervention,” said Carol Rose, Executive Director of the ACLU of Massachusetts.

“Concerns around privacy of individual officers can be addressed by the use of identification codes so that data can be matched to specific officers without publicly identifying them by name,” she added.

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