

State police arrest, charge more Black, Hispanic drivers than white

COLLEEN O'DEA, SENIOR WRITER AND PROJECTS EDITOR | JULY 9, 2021 | [MORE ISSUES, SOCIAL](#)

Analysis of new data shows that when Black and Hispanic drivers are stopped, they get more tickets. And police report more use of force than they do with white drivers

More than two decades after New Jersey instituted reforms meant to end racial profiling of motorists by the state police, new data shows that troopers are more likely to search, cite and arrest Black and Hispanic drivers than white drivers.

And state police officers are more likely to use physical force against Blacks and Hispanics after traffic stops than they are with white drivers, according to an analysis of new data by NJ Spotlight News.

Over the past three years, officers wrote summonses in a greater percentage of traffic stops for Black or Hispanic motorists than they did after stopping white drivers, the analysis of state police traffic-stop data for 2018, 2019 and 2020 found. Even though the number of white motorists stopped by officers was nearly triple that of Blacks during that time, more Blacks were physically searched, more had their vehicles searched and more were arrested than whites.

Use of force by state police in traffic stops was rare, but officers reported using force roughly twice as often in stops involving Hispanics than whites and four times more often in stops of Black motorists.

Targeting Black, Hispanic drivers

“The numbers confirm what advocates have been saying all along — that Black and brown communities continue to be disproportionately targeted by police through initial car stops, escalating to searches and arrests,” said Yannick Wood, director of the criminal justice reform program at the New Jersey Institute for Social Justice.

Karen Thompson, an ACLU-NJ senior staff attorney, said the pattern has been the same for more than 30 years, when the first reports of Blacks being profiled for traffic stops on the New Jersey Turnpike made headlines. This ongoing situation is despite changes the state implemented as part of a consent decree with the U.S. Department of Justice.

“Despite a lot of talk about it, there’s been absolutely nothing done to change the practices,” she said. “There have been attempts to put speed bumps in the way of this, but nothing has actually worked.”

The best potential reform — the five-week-old requirement that all police wear body-cameras — is in danger of being watered down by legislation sitting on Gov. Murphy’s desk, Thompson said. That bill ([A-5864](#)) would allow officers to review body-camera footage before writing up their initial report of most incidents, which social justice activists say would allow those officers who do something wrong to justify their actions by checking what was caught on video first.

New ‘dashboard’ offers more data

The state attorney general’s office on Thursday released data on more than 6 million traffic stops over the past 12 years on its new New Jersey [State Police Traffic Stop Dashboard](#). The data, which includes only stops by the state police and not by county, local or other officers, includes the race of the driver, summonses issued, vehicle searches and other details. The dashboard replaces written reports the state Office of Law Enforcement Professional

Standards (OLEPS) is required to publish as a result of a 2009 state law. The [most recent report](#) available on its website is from 2018 and covers data from 2016.

Attorney General Gurbir Grewal called the dashboard “another powerful tool to promote transparency and accountability in policing in New Jersey” in a press release announcing its launch. “It presents more than a decade of data in a format that will facilitate analysis and encourage public dialogue about this critical area of policing ... This new dashboard will give stakeholders an unprecedented look at how and why the state police conduct traffic stops.”

The professional standards office and the required reporting of traffic-stop data were put in place to continue monitoring how race factored into state police enforcement of motor vehicle laws at the end of a decade of federal monitoring over racial profiling. In 1999, the Department of Justice sued the state for “intentional racial discrimination” involving stops, searches and other post-stop actions of Blacks. The state and the Justice Department agreed to a consent decree that included a policy limiting the use of race in stops, supervisory reviews, training and federal monitoring. After years of compliance by the state under the terms of the decree, a federal judge dissolved it in September 2009.

Racial profiling remains unproven

The data released Thursday does not provide an answer to one of the initial complaints raised decades ago about racial profiling: that state police were stopping Blacks disproportionately. There is no measurement of the percentage of drivers of color against which to measure the percentage of Blacks and Hispanics who are stopped.

The state comptroller’s office [issued a report](#) in May 2020 in which it noted that the professional standards office has recommended the state police use

an “external benchmark.” The comptroller at the time indicated the police acknowledged that it would be better to use such a benchmark but the agency “has taken no steps to do so.” That report concluded, “The absence of an external benchmark may undermine the integrity and reliability of the entire enterprise.”

The percentage of all motorists stopped who were Black over the past three years (20.3%) is larger than the percent of the state population that is Black (12.7%). But that’s not a valid comparison, given some of the drivers stopped likely were from out of state and it’s unknown what proportion of drivers on the highways and communities patrolled by the state police were Black.

More valid are comparisons of what happens after a stop. According to the analysis of three years of data:

- Police wrote citations for non-moving violations in about 18% of stops of white motorists compared with almost 25% of the stops of Blacks. About 26% of whites received a moving violation, while close to 37% of Hispanics were similarly cited.
- Just 2.6% of whites had a “post-stop interaction,” such as being asked to get out of the vehicle, being frisked or having the vehicle searched, while 4.9% of Hispanics and 6.9% of Blacks had these interactions.
- State police used force in nearly six of every 100,000 stops of whites, more than 11 of 100,000 stops of Hispanics and close to 25 of 100,000 stops of Blacks.
- Black motorists make up about 20% of all those stopped by the state police, but 41% of those arrested during traffic stops were Black. About 37% of those arrested were white, while whites accounted for 57% of those stopped.

Thompson said more Blacks are arrested at least in part because they have more existing charges pending against them. And that's because they are stopped by police so frequently and are more likely to receive a summons when they are stopped, which may lead to a warrant being issued, she said.

Systemic racism

"This is what systemic racism is," she said. "These stops are not innocent interactions. They cause trauma to people. They cause fear."

Neither Grewal's office nor the state police responded to requests to comment on the findings of the analysis.

"The New Jersey state police is committed to providing professional and compassionate service to the public in partnership with our communities, and we are committed to promoting transparency and accountability," commented Col. Patrick J. Callahan, state police superintendent, in the statement announcing the new dashboard. "We hold New Jersey State Troopers to the highest standards, which is why we have implemented multiple layers of oversight over the last two decades to identify potentially deficient patrol practices or behaviors before they become a problem. The Dashboard will be a window through which the public can view the data that we utilize to enhance and improve our training for both enlisted members and for recruits in training, and we welcome the opportunity to engage in meaningful dialogue about how we conduct traffic stops."

Both Thompson and Wood said the state needs to do more to improve policing and prevent people of color from being targeted.

"Legislators must act now to make police misconduct records publicly available and to create independent civilian complaint review boards with strong investigatory powers to curtail these abuses," Wood said.

Legislation that would allow municipalities and counties to create civilian review boards to investigate complaints against the police has languished in Trenton. After clearing two committee hurdles in the past 10 months, the bill ([A-4656](#)) was referred to a third Assembly committee, despite advocates' calls for Speaker Craig Coughlin (D-Middlesex) to post it for a vote before the Assembly recessed for the summer. The Senate version of the bill has not received a hearing.

Under a [recent directive](#) from Grewal, all law enforcement agencies beginning next month will have to publish reports identifying officers who committed serious disciplinary violations within the past year. Advocates want even more details.

Thompson said the body-camera law has potential, but Murphy needs to veto the bill lawmakers sent him last month because it “weakens those protections” the camera footage promises to all those who interact with the police.

“Having eyes on police behavior, if it doesn’t change behavior, can at least serve as an important accountability tool,” she said, referring to the backlash from last year’s death of George Floyd and the conviction earlier this year of the Minneapolis police officer who knelt on Floyd’s neck until he was dead. “We need to have stronger and more accountability tools.”