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# **Traffic stops statistics act is long overdue, especially in Brookline**

**By MARTY ROSENTHAL  
GUEST COMMENTARY**

Brookline PAX joins groups like the National Association for the Advancement of Colored People, the Ant-Defamation League and American Civil Liberties Union in supporting State Senate Resolution No. 1180, the most significant civil rights proposal in many decades. Concerns about racial profiling are longstanding in Brookline; and we are chagrined to hear criticism of the bill from Brookline's otherwise progressive police chief, Daniel O'Leary.

O'Leary's objections to the bill are very narrow and if his comments are construed as "opposition," he does not speak for the Brookline community. It has been bad enough for Brookline to be perceived as hostile to minorities, but we should not be perceived as hostile to this important piece of legislation.

Brookline residents are surrounded on three sides by Boston and we value vigorous traffic enforcement. We are also painfully aware of widespread perceptions of Brookline traffic stops for "Driving While Black." All the heart-wrenching anecdotes cannot be discounted. I have been a criminal defense lawyer and civil liberties activist for 25 years and an ex officio Brookline Police Commissioner as a member of the town's Board of Selectmen from 1985 to 1988. In 1987 after some highly publicized incidents, selectman Jeffrey Allen and I wrote a Report On Police And Community Relations, with over 50 proposals adopting the premise that the perception of a serious civil rights problem is, in and of itself, a problem. The selectmen unanimously voted on, and approved, every proposal.

A few proposals, such as civilian review, were immediately implemented. Many, however, including the racial data, were not. Finally after O'Leary was appointed as chief in 1995, the department began to compile traffic stop statistics.

Yet now the chief says, in essence, we can go no further. We disagree. The entire nation has experienced some kind of recent epiphany; suddenly we are all shocked that racial profiling is happening. It is finally clear to everyone that routine, half-hearted measures will not, and cannot, solve this problem, which is rooted in fundamental human nature, unconscious bias, and the best of police motives. This is a moment that must be seized.

The first step to a cure is diagnosis. Senate Resolution 1180 improves upon Brookline's 1987 votes primarily by adding the tracking and analysis of individuals who get searched, but not charged. Clearly, these totally innocent persons represent the worst of the anecdotal horror stories. Clearly, such statistics are more important to study than those cited or arrested. Otherwise, the rest of the bill's required statistics (arrests, citations, and warnings) are now being

kept in Brookline. Brookline also already keeps "field interrogation" reports for stops of "suspicious" persons and activities. At most then, the bill would add the searches and a minuscule number of cases with a stop, but no field interrogation report.

Nonetheless O'Leary complains it would create an administrative burden for his department. But how big is this burden? When contraband is seized, there is always an incident report covering the mandated information. As for traffic stops and searches, this could be done with a standard form, like state citation books, with a multiple-choice checklist.

Aside from these surmountable details, we must focus on remembering the issue as a whole. Racial profiling is not only a thorny national problem but also one involving basic human and civil rights. It is deep-seated, complex, and thus far intractable. It requires bold action and then eternal vigilance. In spite of Brookline's welcome recent efforts, we cannot rest on our laurels.

As President Ronald Reagan once said about arms control, "Trust but verify." Without important facts, we cannot verify. And, without a will, there will be no way to solve this quagmire.

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