

THE PRICE OF A TICKET

RACIAL PROFILING AND HIGHWAY DEATHS IN NEW JERSEY

A RIGHT OF WAY REPORT

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Racial Profiling
and
Highway Deaths
in
New Jersey

by
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a
Right Of Way
Report

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It is a terrible, an inexorable, law that one cannot deny the humanity of another without diminishing one's own: in the face of one's victim, one sees oneself. — James Baldwin

from the essay, "Fifth Avenue, Uptown," which appeared in the July 1960 *Esquire* and is included in *The Price of the Ticket: Collected Nonfiction, 1948-1985*, by James Baldwin, St. Martins Press, 1985.

Introduction and Summary

New Jersey Governor Christine Todd Whitman and Attorney General Peter G. Verniero finally admitted in April 1999 that the New Jersey State Police have long practiced “racial profiling.” That is, state troopers have consistently stopped and searched black and Hispanic drivers on the New Jersey Turnpike in circumstances where they would not have stopped white drivers. This acknowledgment came after years of denials by state officials, and only after strenuous efforts to expose this practice by the Black Ministers Council of New Jersey, the National Association for the Advancement of Colored People (NAACP) and other activists.

Such abuse of power is clearly unconscionable and unjust. And the harm done goes beyond both the immediate victims and communities of color. In this report, we analyze a secondary effect of “racial profiling” which affects the people of New Jersey generally, white and nonwhite alike: **by misplacing police attention from dangerous driving *per se* onto racially-motivated harassment of minority drivers, even when they were not driving dangerously, racial profiling made New Jersey highways less safe than they would have been if the police had concentrated their efforts on dangerous drivers without respect to skin color.**

Through a statistical analysis of official state data, we have calculated that on average, **between one and two “additional” road deaths per month resulted from racial profiling by New Jersey state troopers** — “additional” meaning that these deaths would not have occurred if the troopers had been available to stop and ticket dangerous drivers, instead of occupying their time with “profiling” stops of individuals who were not driving dangerously. Applying this rate over the 1994-98 period in which targeting of minority drivers was at its peak, we estimate that **the waste and misuse of police resources in racial profiling led to between 65 and 110 additional road deaths in New Jersey in those five years.**

Outline of the Analysis

We derived our result of 65 to 110 additional traffic deaths due to racial profiling from two sets of data obtained from the New Jersey Attorney General's office. One set indicates the disproportionately low rate at which police stopped white motorists; as we explain below, this constitutes a "shortfall" in the rate of police stops for dangerous driving. The other data set shows that, as a general rule, *more* ticketing of motorists for dangerous driving leads to *fewer* traffic fatalities; thus, *less* ticketing for dangerous driving will lead to *more* fatalities.

We found, first, that racial profiling of minority drivers caused state troopers to make between 900 and 1,600 fewer traffic stops of dangerous drivers each month. This figure represents the rate at which individuals who were driving dangerously were not pulled over, because troopers were instead devoting their time to stopping minority drivers, without regard to how they were driving. The figure is derived from the *Interim Report on Allegations of Racial Profiling* issued by the Attorney General's office on April 20, 1999.

Second, we found that each "shortfall" of 875 traffic stops of dangerous drivers was statistically associated with at least one additional traffic fatality. In another words, for every 875 additional stops for dangerous driving, accident rates fall in New Jersey to the degree that that at least one fewer road user is killed in a traffic crash. Conversely, for every 875 stops that could have been made of dangerous drivers, but were not, accident rates rise to the degree that at least one more road user dies in a crash. The association of 875 traffic stops with one fewer fatality is calculated from data reported in 1998 by the "Aggressive Driver / Aggressive Enforcement Program" (AD/AEP) begun by the State Police in early 1997.

Combining the two sets of figures, we conservatively calculate that racial profiling in New Jersey led to an average of between 1.1 and 1.8 additional road deaths in the state each month. Thus, over the 60-month period, 1994-98, during which racial profiling is believed to have been most extensively practiced, we calculate

that there were between 65 and 110 excess road deaths in New Jersey — fatalities that would have been averted if police who were stopping drivers because of the color of their skin had been stopping drivers for dangerous driving instead.

Details of the Analysis

Estimating The Shortfall in Traffic Stops of White Drivers

According to the Attorney General's *Interim Report on Racial Profiling*, New Jersey state troopers made approximately 4,600 traffic stops per month during the 19-month period from April 1997 to November 1998.¹ This figure subsumes two of the three state police barracks, at Moorestown and Cranbury, that cover the New Jersey Turnpike. (No reason was given for excluding data from the third barracks, Newark, or for excluding data prior to April 1997.²)

Table 1 in the *Interim Report* indicates that in approximately 60% (59.4%) of traffic stops made by troopers from the two barracks, the stopped drivers were white, and an additional 7% (6.9%) were Hispanic. In 27% (27.0%) of stops, the drivers were black, 4% (3.9%) were Asian, and 3% (2.8%) were classified as "other," according to the report. Since some Hispanics are sufficiently light-skinned to be considered "white" by a state trooper, some portion of their 7% must be allocated to the "white" category, and the 60% figure in the *Interim Report* somewhat understates the share of drivers white enough to have been stopped for some reason other than skin color. Accordingly, **the percent of motorist stops that involved white drivers is between 60% and 67%.**

However, 80% (80.3%) of New Jersey residents are white, according to U.S. Census figures for 1996. (Another 15% [14.5%] are

1 Data for February 1998 were said to be missing and were not included in the figures in the *Interim Report*.

2 By letter dated May 5, 1999, the authors asked the Attorney General to rectify these omissions. No reply was received as of May 25, when we went to press.

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black and 5% are Asian; in this breakdown; Hispanics are not listed as a separate category and assign themselves to either black or white.) Moreover, whites' share of drivers on the turnpike is almost certainly higher than their 80% share of the state's population; as compared to non-whites, whites in New Jersey are less urban, more affluent, more likely to be of driving age, and less likely to be incarcerated. We posit that whites, including Hispanics classified as white, account for approximately 85% of drivers on New Jersey roads, including on the New Jersey Turnpike.³

Since no one has seriously suggested that whites as a group drive less dangerously than blacks, we conclude that white drivers were under-represented in traffic stops at a rate equal to around 20% of the total number of traffic stops (since the difference between 85% and 60-67% is roughly 20 percentage points). As noted, the number of traffic stops by troopers from the Moorestown and Cranbury barracks combined averaged 4,600 per month; thus the shortfall of traffic stops of white motorists due to racial profiling was around 20% of that figure, or 920 per month.⁴

This figure excludes traffic stops by troopers stationed at the Newark barracks. The Attorney General's *Interim Report* did not address traffic stops by troopers operating out of Newark barracks, and his office was unable to explain that omission. However, the *Interim Report* did indicate that the number of searches of drivers

³ The Attorney General's *Interim Report* ducks the issue of excess traffic stops of black motorists (and of a shortfall in stops of white motorists), saying "There is no way to interpret ... the data ... in the absence of a reliable study of the racial and ethnic characteristics of the persons who travel on the Turnpike to serve as a benchmark." (p. 34) Yet as indicated above, troopers stopped cars driven by blacks at roughly double their share of the state's population, and, likely, at triple their share of the state's drivers.

⁴ We assume that the time required to pull over and ticket a dangerous driver is no greater than the time to pull over and interrogate a minority driver who was stopped for reasons other than driving behavior; in fact there is reason to believe that bona fide stops take less time than "profiling" stops. Moreover, racially motivated stops were more likely than safety-motivated stops to involve more than one police vehicle, further diverting police resources from highway safety.

Shortfall in Tickets for Dangerous Driving on NJTP

Whites' Share of NJ Turnpike Drivers	85%
Whites' Share of Traffic Stops on NJTP	60-67%
Whites' Shortfall of NJTP Traffic Stops, %	20%
Total NJTP Traffic Stops/Month	4,600
Whites' Shortfall of NJTP Stops/Month	920
Whites' Shortfall of Stops over 5 Years	55,000
Add: Stops/Month by Newark Troopers	3,360
Add: Whites' Shortfall in Those Stops	670
Possible Grand Total Shortfall/Month	1,590
Possible Grand Total Shortfall in 5 Years	95,000

Note: entries referring to white drivers denote cases in which white drivers who were driving dangerously enough to have been stopped if troopers were applying a consistent standard, were not stopped because troopers were instead stopping black motorists who were not driving dangerously. Last four rows pertain to possible shortfall in ticketing dangerous drivers by troopers assigned to Newark barracks, a statistic omitted from NJ AG report.

stopped by state police from the Newark barracks was almost three-fourths (73%) as great as the number of searches by police from the Moorestown and Cranbury barracks combined during 1996-98 (p. 29). If Newark-based troopers performed traffic stops in the same proportion to searches as did troopers based at Moorestown and Cranbury, and if those stops involved racial profiling to the same extent as was documented for Moorestown and Cranbury in the *Interim Report*, then the shortfall in stops of white motorists by Newark troopers was 73% of 920, or an additional 670. That is, adding the extrapolated figure for Newark to the documented figure for Moorestown and Cranbury increases the shortfall in traffic stops of white drivers on the Turnpike, from 920 per month to 1,590.

Effects of the Shortfall in Traffic Stops of White Motorists

The level of highway safety is very closely linked to the enforcement of traffic laws prohibiting dangerous driving. The knowledge that one may be stopped and ticketed for dangerous driving — speeding,

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weaving, tailgating, etc. — is a potent deterrent of aggressive and risky motorist behavior. The more that motorists can expect to be pulled over and ticketed if they drive dangerously, the more likely they are to observe traffic laws. Conversely, if some class of motorists experiences a lower level of enforcement directed against dangerous driving, then as a class they are more likely to drive dangerously.

The effectiveness of police targeting of dangerous driving in New Jersey may be gauged from a major enforcement program against so-called “road rage” conducted in six New Jersey counties (Atlantic, Bergen, Burlington, Essex, Middlesex, and Monmouth) since April 1997. During its first 18 months, the “Aggressive Driver / Aggressive Enforcement Program” (AD/AEP) administered by the State Police and other state and municipal agencies issued 76,118 summonses for aggressive driving-related violations on highways in those six counties, or 4,229 summonses per month. During that period, the annualized traffic fatality rate in the six-county area fell from 405 to 347, a drop of 58 per year, or 4.83 fewer fatalities per month.⁵ Dividing the summonses figure by the reduction in fatalities, one fewer fatality has been associated with every 875 additional summonses for aggressive driving. That is, for every 875 more summonses given to motorists for dangerous driving, motorist behavior has changed to the extent that, statistically, one fewer road user has been killed in road accidents in the six New Jersey counties.

It should be noted that this figure is extremely conservative and almost certainly understates the number of lives saved by increased ticketing for dangerous driving. Unless zero tickets were previously being issued for dangerous driving in the six counties, the monthly summons rate (4,229) includes both some baseline rate of ticketing, before the AD/AEP began, and an increase in ticketing due to the AD/AEP. In order to arrive at a more accurate measure of the

⁵ The summonses rate is from a Nov. 24, 1998 news release from the Office of the Attorney General, “State Officials Announce Expansion of Aggressive Driver Enforcement Program.” The release reported a 15% decrease in highway fatalities in the six counties; before-and-after fatality figures were provided to the authors by the NJ Division of Highway Traffic Safety (telecom, May 4, 1999).

Police Stops of Dangerous Drivers Save Lives

Details from AD/AEP in 6 New Jersey Counties

AD/AEP Summonses/month	4,229
Previous rate of summonses/month	≥ 0
Net increase in summonses/month	$\leq 4,229$
AD/AEP Fatalities/year	347
Previous Fatalities/year	405
Net decrease in fatalities/year	58
Net decrease in fatalities/month	4.83
Summonses to eliminate 1 fatality	$\leq 4,229/4.83$, or ≤ 875

AD/AEP = Aggressive Driver / Aggressive Enforcement Program. Data pertain to April 1997-September 1998. "Greater than" and "less than" signs denote possibility that previous rate of ticketing was greater than zero, which would reduce number of summonses needed to eliminate one fatality.

relationship between increased ticketing and decreased fatalities, it would be necessary to use only the increase in ticketing, rather than the sum of baseline plus increase, and compare that with the decrease in fatalities. The AD/AEP report, unfortunately, does not provide this breakdown, so we have elected to err on the side of caution by treating the entire number as an increase.

Conclusion

Over the five-year period 1994-98, New Jersey state troopers stopped black motorists on 55,000 to 95,000 occasions because of the color of the driver's skin rather than the unsafe operation of his or her vehicle. This numerical range is not the total number of stops of black motorists, but the *excess* number of stops relative to the estimated share of blacks among motorists on New Jersey highways.

Police resources are finite; if, over the past five years, the state troopers who were spending their time on racial profiling of black drivers had instead been doing their job and pulling over motorists for dangerous driving, without regard to race, they would have been able to issue 55,000 to 95,000 more tickets for tailgating, speeding,

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Lives Lost Due to Racial Profiling in New Jersey (because of shortfall in ticketing dangerous drivers)

5-yr ticket shortfall, low estimate	55,000
5-yr shortfall, full estimate (w/ Newark)	95,000
Traffic stops to eliminate 1 fatality	≤875
5-yr additional fatalities, low estimate	63
5-yr additional fatalities, full estimate	109

Note: Since the figure of 875 stops to eliminate one fatality is an upper bound, the final two figures probably understate the additional fatalities due to racial profiling.

weaving, and other risky practices. Based on a very conservative estimate of the efficacy of ticketing in the ongoing state police initiative against “road rage,” we calculate that the deterrent effect of these tickets would have translated into between 65 and 110 fewer traffic deaths in New Jersey in those five years — as well as significantly fewer road injuries and crashes in general.

It is surely unnecessary to state that racial profiling is incompatible with the idea of equality before the law. As practiced in New Jersey, racial profiling has caused appalling pain and humiliation to thousands of motorists who were stopped, and all too frequently, searched, harassed and abused, solely for the “crime” of Driving While Black. It has engendered anger and dread throughout communities of color, contributed to a deep mistrust of law enforcement institutions and personnel, and exacerbated racial division.

To these “costs” must now be added another: the lives of 65 to 110 citizens traveling on New Jersey’s roadways.

Right Of Way

Right Of Way, based in New York City, is a grassroots organization dedicated to opposing the culture of car violence and car dominance which kills tens of thousands of Americans each year. Improper and inadequate police practice constitutes an important component of this culture; hence our interest in the topic of this report.

Our debut publication, **KILLED BY AUTOMOBILE**, published in March 1999, documents, analyzes and protests the deaths of one thousand pedestrians and bicyclists in New York City during 1994-1997. For a copy of the 64-page report, send \$7.50 to our office. **KILLED BY AUTOMOBILE** may also be viewed at our Web site.

We invite activists from New York and elsewhere to participate in our work. To learn about our actions and programs, please visit our Web site. You may contact us through the Web site or by mail.

Our work depends on financial support from individuals. Checks or money orders made out to ***Right Of Way*** should be sent to the address below. Contributions of \$100 or more are tax-deductible provided they are written to the A.J. Muste Foundation, with ***Right Of Way*** written in the memo line of the check or money order. These too should be sent to the address below.

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