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Walking while Black or Brown is Not a Crime

By SAMUEL RIVERA

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The state's racial profiling law should be expanded so that police must collect race data on stops of pedestrians as well as drivers, the author writes.

My client was walking home when he came to a patch with no sidewalk, just grass, so he walked on the grass closest to the street. This wouldn't be a life-changing decision for most people, but it could have been for this dark-skinned Hispanic young man. A police officer stopped him and asked for identification. He explained that he was apprehensive about walking close to traffic but understood that he perhaps was trespassing on another's property. After a long stop, he was given a warning and told he was free to leave.

The same week, again on his way back home, he was stopped by a different officer on the same street, asked for identification and told to sit down on a grass area. This officer questioned him about walking on the street. My client respectfully explained that he was stopped a few days ago and told not to walk on the grass. Confused, he asked the officer what he should do. After being detained for a considerable length of time, the officer let him go with a warning but with no clear answer on where he should walk. My client went home distressed, confused and victimized. But he was also lucky that this situation did not escalate.

For more than 20 years, I have heard the same story from the youths I represent, particularly youths of color. "He stopped me for no reason — I was just walking and talking with my friends on the street. I wasn't doing anything wrong!" I am asked repeatedly, "Why are the police always harassing us for no reason?" Good question.

Certainly, there are circumstances in which the police have an obligation or duty to investigate, but not in the cases of many young people. My client was harassed by the police because of the color of his skin. It is this kind of police misconduct that confuses young people because they see police officers as their protectors in some circumstances but as persecutors in others.

Racial profiling of Black and brown people is a common problem in Connecticut and across the country. In 2012, Connecticut passed the Alvin Penn Law, an anti-racial profiling law, which requires collection of specific data, like a driver's race, color, ethnicity, age and gender, on traffic stops made by police. The collection of this data informs if racial profiling is in fact occurring and to what extent. The passage of this law was a good first step, but it is not enough.

Unfortunately, the current law does not require data collection of pedestrian stops, and so municipal police departments in Connecticut do not collect or report on such data. This law must be amended to more accurately reflect the reality of all police encounters, not just traffic stops — a view that the current Connecticut legislature's Police Accountability Task Force set forth as one of its priorities for the legislative special session planned in July. Collecting data only on traffic stops creates an incomplete picture of potential racial profiling because it omits crucial data of encounters between police and youth under 16 or youth who do not drive.

Jurisdictions like Boston, New York City, Denver, Illinois and Washington, D.C., are already collecting and analyzing traffic and pedestrian data. The data inform and drive policies and training that will help eliminate biased police practices. They also provide a full and complete picture of the day-to-day contact between citizens and law enforcement, which in the end promotes transparency and accountability and improves public trust. National studies have also shown the damaging impact that repeated stops by law enforcement can have on the self-esteem and mental health of youth.

The time to act is now. Simply amending the law to include pedestrian stops could have a significant impact and create lasting change. By gathering this type of data, Connecticut can identify and combat racial disparities by providing a full and complete picture of police stops. This in turn will create transparency and better police accountability.

Knowing where the problems exist can promote the necessary police training to avoid implicit bias and unconstitutional stops. In effect, the reform would improve public trust for law enforcement.

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