



Feb. 3, 2010

Sen. Richard Mazza  
Chair, Senate Transportation Committee  
The Statehouse  
Montpelier, VT 05602

Dear Sen. Mazza:

The ACLU wanted to weigh in on the issue of a primary seatbelt enforcement law. We know there is pressure on the Senate to approve such a provision, through passage of H. 147 or some other means.

The ACLU opposed the primary seatbelt enforcement provision of H. 147 last spring in the House. While everyone may agree that seatbelt use is a good idea, we worry that primary enforcement may result in discriminatory stops. Police may use suspicion of someone not wearing a seatbelt as a pretext for stopping drivers who often are subjected to profiling -- African-Americans, Hispanics, members of other ethnic groups, young drivers, and sometimes women.

We suggested to the House Judiciary Committee that language be added to H. 147 to require police to collect racial/ethnic/gender/age data for traffic stops involving seatbelts. The committee rejected the suggestion. Committee chair Rep. Bill Lippert said he was interested in the issue of profiling, but he didn't want to weigh the bill down.

Two events this past summer highlighted the challenge Vermont faces regarding profiling:

- The Vermont Advisory Committee to the U.S. Commission on Civil Rights issued a report that said there is a strong perception among the state's minorities that profiling by police is a substantial problem in the state. The committee said that the perception alone of profiling is reason to tackle the issue. Without data, profiling can't be proved -- or disproved. It was noted that Vermont is one of only two states that don't collect so-called "stop" data (Mississippi is the other).
- The Vermont State Police announced they would begin collecting profile data during traffic stops. This followed a pilot project by four local departments in Chittenden County to collect data, after numerous allegations of profiling by minorities in the Burlington area.

So, two important things have changed since the House passed H. 147 in April. The state was told by a federally created commission that profiling may indeed exist in Vermont, and the state's largest police force decided it would do its part to address the issue. Essentially, Vermont is now halfway to doing what 48 other states already do.

By requiring that data be collected during stops when a seatbelt violation is suspected, we can ensure that Vermont's remaining law enforcement officers, on the local level, follow the lead of other police professionals. Without such a requirement, the ACLU is concerned that a primary enforcement provision could be misused.

I would be happy to speak with the committee about primary seatbelt enforcement and collection of "stop" data.

Sincerely,

Allen Gilbert  
Executive director

Cc: Sens. Hartwell, Kitchel, Scott, Shumlin