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Drivers of color more likely to be ticketed by N.J. State Police, data shows

By Riley Yates and Blake Nelson

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Many drivers have experienced the moment.

You're on the New Jersey Turnpike. Lights flash in the mirror. You pull over, hoping the state trooper will only give a warning.

But if you are a driver of color, you are more likely to be written a ticket than if you are white, according to an NJ Advance Media analysis of state data that covers millions of stops over the last 12 years.

The vast majority of those encounters — nearly 5.76 million stops — did not escalate to include searches, arrests or physical force.

Among those more routine stops, white drivers were ticketed a little more than 40% of the time, while most were only given warnings. By comparison, Black drivers were ticketed nearly 44% of the time, Hispanic drivers almost 51% and Asians nearly 56%.

Police have wide discretion over who they cite in many, but not all cases. Civil rights advocates called the results disheartening and said the numbers may stem from hidden racial bias.

“This should not feel acceptable or good for anyone,” said Karen Thompson, an attorney at the American Civil Liberties Union of New Jersey.

The State Police acknowledged the disparity but attributed it to other factors, saying that some groups were more likely to be cited for offenses that automatically carry tickets. Officials noted that there are several layers of oversight to flag any trooper who is disproportionately targeting one group.

“The process we have in place works,” Lt. Jeff Flynn said. Starting at the academy, troopers receive “the best training possible — whether it’s implicit bias, cultural diversity — to ensure that they’re treating all members of the public equally and impartially,” he said.

The disparities were the same in each of the last 12 years, with Asians consistently the most likely to be ticketed, followed by Hispanics, Blacks and then whites.

The discrepancies also held across an array of traffic offenses. In all five of the State Police’s most common reasons for stops — including speeding, careless driving or unsafe lane changes — white drivers were the least likely to be punished. (A driver’s race in the statistics is determined by the trooper.)

The results spanned three governors, seven attorneys general and two State Police superintendents.

Experts disagreed about what influenced the numbers.

Robert May, the founder of the New Jersey Asian American Law Enforcement Officers Association, said he has fielded calls from fellow Asian Americans who complained they were pulled over and ticketed.

Although people of Asian descent and immigrants are sometimes stereotyped as poor drivers, studies out of the United States, Canada and Australia have not found those groups to be involved in disproportionate shares of crashes.

Officers are sometimes more likely to cut breaks to drivers who look and speak like them, even if they aren't consciously setting out to be unfair, said May, a retired Port Authority police officer.

"There is implicit bias: 'Oh Asians, they just can't fricking drive, so they get the ticket,'" May said.

Furthermore, May speculated that some may be less likely to challenge troopers by offering excuses or trying to talk their way out.

The head of one union disputed that racial bias influenced citations.

"Since 2001 we've been monitored like nobody else in the country," said Frank Serratore, president of the New Jersey State Troopers Superior Officers Association. "Most times, the tickets write themselves."

The federal government monitored the State Police for racial profiling for a decade, and outside oversight ended in 2009 on the condition that New Jersey keep a closer watch on how troopers do their jobs.

The State Police and retired troopers said staff are closely tracked, and troopers have been punished for acting inappropriately during stops.

Supervisors review reams of statistics on a computer program similar to the one made available to the public. Leaders watch dashboard and body camera footage. The department is further monitored by a division of the state attorney general's office, which in turn is audited by another agency, the New Jersey Office of the State Comptroller.

Nonetheless, the comptroller has raised concerns that the way the State Police look for racial bias is flawed.

Police leaders may miss systematic problems by focusing on individual troopers, investigators wrote in a report released last year. Checking for discrimination by

comparing one trooper to another “could permit discriminatory conduct to go undetected system-wide as long as that conduct occurs consistently,” according to the report.

The State Police defended their methods and said some racial disparities were less severe than they looked.

For example, officials said Black and Hispanic drivers were more frequently cited for unregistered vehicles, suspended licenses or driving without licenses — all offenses that require troopers to write tickets, regardless of the circumstances.

Factoring in those citations reduces the disparities, although they do not eliminate them entirely, said Flynn, the department spokesman. (NJ Advance Media could not run a separate analysis on those offenses because the public data does not include that level of detail.)

The State Police were less certain why Asian drivers were ticketed at higher rates.

Officials noted that Asian drivers are stopped more than any other group for “moving violations” like speeding, which are generally more serious than “non-moving violations,” such as broken taillights.

Yet racial disparities still existed even when looking at moving violations alone.

Over the past 12 years, the five most common stops were for careless driving, unsafe lane changes, using a hand-held cellphone and two types of speeding violations.

White drivers were consistently the least likely to be ticketed, followed in all but one case by Blacks, Hispanics and Asians, mirroring the overall trends. The lone exception was for unsafe lane changes, where Hispanic drivers had the highest rates of ticketing, surpassing Asians.

The gaps existed even for a violation dominated by white drivers.

Of 291,000 people pulled over for a cellphone offense, whites made up more than two-thirds of the total. Yet once stopped, white drivers were ticketed a little less than half the time.

Blacks, by contrast, received tickets in 53% of their cellphone stops, while Hispanics were cited 60% of the time and Asians 63%.

Policing experts and retired troopers said many factors can influence whether someone is cited, including how dangerously they were driving, the driver’s demeanor and whether they’ve been ticketed in the past.

There certainly can be pressure to regularly issue tickets, said Dennis Kenney, a former Florida officer and professor at the John Jay College of Criminal Justice in New York.

“From my experience I have seen that cute drivers who are friendly get more slack,” Kenney wrote in an email.

The data available to the public does not contain information about specific troopers, making it impossible to say whether some officers are writing more tickets than others, or to gauge the interplay between a trooper’s race and who they chose to ticket.

The department overall is about 77% white, according to state’s most recent statistics, and its top brass is overwhelming white.

Critics said the differences reflected that reality.

“When you are talking about why these numbers exist the way they are, it is just the culture of the organization,” said Richard Rivera, co-founder of the National Coalition of Latino Officers and a former chair of the New Jersey State Human Relations Council.

“It goes to implicit biases and subconscious biases, but it goes beyond that, to institutional biases,” Rivera said.

The statistics show that more accountability and transparency is necessary, said Brooke Lewis, an attorney at the New Jersey Institute for Criminal Justice, an advocacy group that supports policing reforms.

“The data is definitely confirming what the advocacy community has been saying all along,” Lewis said.

Cuqui Rivera, the criminal justice reform chair for the Latino Action Network, said she suspects many local police departments — which have not been under the same scrutiny as the State Police — may have even greater discrepancies.

“You hear all about Black Lives Matter but you don’t really see the directives or the culture shift yet,” she said.

Officials promised to keep improving oversight.

New Jersey “can and must always strive to do better,” said Steven Barnes, a spokesman for the Office of Law Enforcement Professional Standards, the division of the attorney general’s office that monitors the State Police.

“One of the ways we improve our practices is by subjecting our work to public scrutiny, which is exactly why we launched the State Police traffic stop dashboard earlier this year,” Barnes said in a statement. “We have and will continue to investigate any disparities we uncover and then work with a broad range of stakeholders to develop solutions.”

Residents can review and download the data by visiting www.njoag.gov/trafficstops.

NJ Advance Media staff writer Payton Guion contributed to this report.