

AMERICAN CIVIL LIBERTIES UNION
OF FLORIDA
4500 BISCAYNE BLVD
SUITE 340
MIAMI, FL 33137-3227
T 786.363.2700
F 305.576.7864
aclufl@aclufl.org
www.aclufl.org



January 28, 2016

Transmitted by U.S.P.S. Priority Mail and Email

Danille Carroll
Civil Rights Director
Office of Attorney General
State of Florida
The Capitol PL-01
Tallahassee, FL 32399-1050

Dear Director Carroll,

We write on behalf of the American Civil Liberties Union of Florida and the American Civil Liberties Union's Racial Justice Project to express concerns about the findings of the investigation we have conducted that are contained in the enclosed report documenting racial disparities in the enforcement of Florida seat belt law, *Racial Disparities in Florida Safety Belt Law Enforcement*.

Since 2005, the Florida Safety Belt Law has required that every law enforcement agency in the state collect and annually report the race and ethnicity of all people issued citations for violating the seatbelt requirements. These reports are to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. *See* Fla. Stat. Ann. § 316.614(9). The Florida Legislature enacted this data collection and reporting requirement in order to help inform public debate about racial profiling in traffic enforcement. Since that year, the Florida Department of Highway Safety and Motor Vehicles (FDHSMV) has published seatbelt citation data received pursuant to the Florida Safety Belt Law in annual reports available on its website.¹

Our analysis of the most recent seatbelt citation data reveals that in 2014, law enforcement officers across Florida stopped and cited Black people for seatbelt offenses far out of proportion to their estimated representation in the Florida resident driver population. The 2014 seatbelt citation rate for Black motorists was **nearly double** the rate for white motorists.² This dramatic racial disparity in seatbelt enforcement raises serious concerns about whether officers engage in racial profiling when enforcing the Florida Safety Belt Law because it is not explained by any differences in seatbelt use behavior documented by state or national studies.³ Rather, a 2014 Department of

¹ Florida Department of Highway Safety and Motor Vehicles, Seat Belt Violation Data Collection 316.614(9), F. S. Annual Reports 2005-2014, <http://www.flhsmv.gov/resources/cabinet-and-legislature-reports/>.

² *See* Exhibit A, American Civil Liberties Union, *Racial Disparities in Florida Safety Belt Law Enforcement* at 9.

³ Fla. Dep't of Transp., June 2014 Seat Belt Use in Florida: Final Report 8 (2014), <http://www.floridaopr.ce.ufl.edu/Document.asp?DocID=465> (last visited Jan. 16, 2016).

Transportation study found that white and Black people in Florida use seatbelts at comparable rates.⁴

We respectfully request that, in order to promote fair and impartial policing, your office investigate (a) the racial disparity in ticketing for safety belt violations that the data compiled and reported in our study reveals, and (b) the practices of those law enforcement agencies (such as Escambia County Sheriff's Office, the Palm Beach County Sheriff's Office and the Orange County Sheriff's Office) whose implementation of the Safety Belt Law has led to racial disparities even larger than the statewide racial disparity.

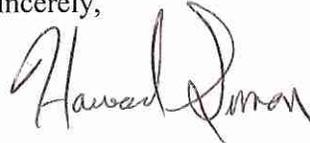
Further, we ask you to investigate the dramatic reduction in the number of Florida law enforcement agencies that have complied with the law's reporting requirements. Our research indicates that in 2005, 255 agencies filed their annual report on the race and ethnicity of those who were stopped and ticketed for failure to wear a safety belt; that 2007 saw the greatest degree of compliance, with 293 agencies reporting, but that in 2014, only 147 law enforcement agencies complied with the law's reporting requirements – about half as many as had reported 7 years prior.

We thank you for your attention to this matter, and look forward to working with you, to assist in, as we indicated above, in promoting fair and impartial policing in Florida.

You may reach Howard Simon at HSimon@aclufl.org or (786) 363-2706 concerning this request.

We look forward to discussing this matter further with you.

Sincerely,



Howard Simon
Executive Director
American Civil Liberties Union of Florida

Nusrat Choudhury
Racial Justice Program
American Civil Liberties Union

cc: Florida Attorney General Pam Bondi

⁴ Seat Belt Violation Data Collection 316.614(9) F.S. Annual Reports 2005-2014, *supra* note 1.