



LivableStreets
Connecting People + Places



June 9, 2020

Mayor Martin J. Walsh
1 City Hall Square, Suite 500
Boston, MA

Dear Mayor Walsh,

As members of the Boston Vision Zero Task Force, we urge you to reform the way the Boston Police Department engages with the City's Vision Zero program and to remove Captain Danilecki from the Vision Zero Task Force.

In your comments to the press on Thursday, June 4, you committed to making Boston a leader when it comes to battling racism, saying: *"We are listening — I am listening — to the voices and the messages of our black neighbors who are harmed by systemic racism every single day. As elected officials, it's time to listen and learn and keep those voices at the center of the conversation."* As many have noted already, listening isn't enough. Our Black and brown communities need concrete actions from our elected officials. Central to these conversations is the role of our transportation system in perpetuating racism.

Boston has a legacy of destroying vibrant Black communities to make space for highways, creating barriers between certain neighborhoods and critical resources. Many streets in Black and brown communities act as conduits for cars to pass through quickly, without regard for the effect this has on people who live there. BIPOC communities often don't have sufficient walking or biking infrastructure and lack access to high quality public transit, which in turn leads to well-documented public health disparities. Layered on top of these injustices is the violent reality of policing on our streets.

We have long been concerned by the attitude and role that the various Boston Police Department representatives demonstrate at monthly Vision Zero Task Force meetings. When reporting on the details of fatal car crashes, officers have consistently engaged in victim-blaming, either suggesting or outright attributing a person's death to their own fault. This attitude runs counter to the very concept of street safety and Vision Zero that the Boston Police Department is supposed to uphold. On top of this, it is clear that not all officers at Task Force meetings are trained or even aware of the Vision Zero program.

Any conversation about moving away from enforcement as a community must include moving away from enforcement in transportation as well -- and we should start with fundamentally rethinking the role of police and enforcement in Vision Zero.

- **Remove police enforcement as a tenet of Vision Zero effective immediately.** Law enforcement nationwide often make race-based stops and searches which further inflict harm, violence, and trauma in communities of color.
- **Instead of relying on police, use automated enforcement to address speeding, which is the cause of most fatal crashes.** We are calling on you to champion state legislation that would allow automated enforcement explicitly built on equity principles (see attached FAQ for more details).
- **Work with the City Council to pass an [ordinance banning facial recognition technology](#) in Boston communities.** This would also establish necessary civil liberty protections for the use of automated enforcement in the future.
- **Ensure adequate long term funds for crash data collection and analysis.** It is shameful that it took two years of advocacy from our organizations and several City Councilors to secure funding for a single civilian research and crash data analyst position within BPD after grant funding for the position ran out.
- **Reduce the BPD budget and reallocate resources for social programs designed to strengthen communities.** Follow the calls from organizations such as the Muslim Justice League, Families for Justice as Healing, Youth Justice and Power Union, and others.
- **Create a diversion program for any nonviolent traffic- and transportation-related infractions.** For example, the City can provide front and rear lights to cyclists who may be traveling without them after dark or offer educational opportunities in lieu of fines for other similar minor and non-violent offenses.

And lastly, in addition to changing the relationship between streets, enforcement, and Vision Zero, we are calling on you to condemn the actions of Captain Danilecki, who currently serves as the BPD designee on the City's Vision Zero Task Force.

Captain Danilecki's violent actions against protestors exercising their right to gather peacefully at a white supremacist rally in Boston on August 31, 2019 are well-documented. More recently, Captain Danilecki was filmed acting in an aggressive, escalatory, and unacceptable manner towards peaceful protestors on May 31, 2020.

We understand there has been at least one formal complaint filed with the BPD internal affairs division based on a video of Captain Danilecki's behavior from that recent demonstration, and we hope that he is held accountable through that process. In the meantime, we are calling for the immediate removal of Captain Danilecki from the Vision Zero Task Force. It is unacceptable for an officer who engages in brutal tactics against civilians to be the liaison between BPD and those of us who are fighting to make our streets safer.

We believe Boston is capable of achieving zero traffic fatalities and serious injuries on our streets. However, we will not have achieved our goal of safe streets if officer-initiated enforcement remains a tenet of Boston's Vision Zero Action Plan, and furthermore, if Boston

police officers are not held accountable for engaging in racist and aggressive tactics. We hope you agree and will take immediate action.

Sincerely,

Becca Wolfson, Boston Cyclists Union
Stacy Thompson, LivableStreets Alliance
Stacey Beuttell, WalkBoston

Cc: Chief of Streets Chris Osgood, Transportation Commissioner Greg Rooney, Chief of Police William Gross, Boston City Council

Traffic Enforcement + Automated Enforcement

LivableStreets Alliance | April 2019

Background

When employed properly, automated enforcement has been shown to effectively reduce unsafe driving behavior, the number of crashes, and the severity of crash injuries. This approach also de-emphasizes officer-initiated traffic stops that cause concern about racial profiling. Automated enforcement can be a key tool in the City of Boston's Vision Zero strategy, however, as state legislation currently stands, the City of Boston is not able to employ this technology. There is interest and momentum on this issue at the community level and from elected officials in Boston. There is also active movement in the State House to pass legislation that would allow cities and towns to opt into an automated enforcement program.

In the US:

- Red light camera programs exist in 388 municipalities in the US and speed camera programs exist in 137 municipalities in the US as of February 2019 ([IIHS](#))
- Black drivers are up to five times as likely as white drivers to be stopped and searched while driving in the US, even though police find illegal items less often in black drivers' vehicles ([New York Times](#))

Locally:

- There has been a drop in the number of traffic violation citations in MA over the last few years, including in Boston -- as well as across the country (Mass EOPSS)
- There is evidence of black drivers being stopped and searched more often than white drivers under the MA State Police, and evidence of racial profiling via traffic stops in 68% of law enforcement agencies in MA ([WCVB](#))

Advantages of automated enforcement

- Photo enforcement is effective at reducing dangerous behavior, the number of crashes, and severity of injuries (Various, [MassDOT Lit Review](#))
 - Speed cameras have been found to significantly reduce speeding and the number of crashes resulting in death or serious injury
 - Red light cameras have been found to reduce crash severity (many reports attribute a decrease in right-angle crashes, which are more likely to result in death or serious injury -- but an increase in rear-end crashes, which are less severe)
- Allow for increased safety for law enforcement officers by implementing cameras in areas where traditional traffic stops are dangerous or infeasible due to roadway design
- Ability to continuously enforce the speed limit and stopping at red lights
- Can reduce traffic congestion sometimes caused by driver distraction around traffic stops
- Alternatively to law enforcement officers conducting traffic stops, cameras are not subject to implicit bias or racial profiling

Concerns around automated enforcement

- **Contract issues** -- corruption around the contract with the camera company; concern that camera programs are being implemented just to bring in revenue; lack of oversight of camera equipment and functionality
 - Ex. Bribery scandals in Chicago ([Chicago Tribune](#)) and Florida ([Tampa Bay Times](#))
- **Privacy / surveillance** -- concern that this is another way for the government to monitor citizens; concern that camera data can be subpoenaed to prove someone's location at a certain time
- **Constitutionality** -- concern about due process and how hearings are administered
 - Ex. Red light camera program was rolled back in New Miami, OH ([Dayton Daily News](#))
- **Equity**
 - Concern about where cameras will be placed i.e. that communities of color or low-income communities could be targeted
 - Ex. DC's camera placement in majority communities of color and low-income communities, though unclear if the ticketed drivers live in those communities ([DC Policy Center](#)) ([WAMU](#))
 - Note: this is an important issue because many communities of color/ low-income neighborhoods suffer from higher crash and fatality rates ([Streetsblog](#))
 - Fines
 - Fines can be an undue burden on low-income people
 - For people who have unstable housing, they may never get the notice in the mail

Best practices for automated enforcement

- We have incorporated best practices into the legislation sponsored by Senator Brownsberger (S.1376), that address many of the concerns above. To learn more about that legislation, please review our **An Act relative to automated enforcement FAQ/Summary (attached)**
 - Note: Mayor Walsh has also put forth automated enforcement legislation via Senator Nick Collins (S.2045/H.2971). We believe this bill is too incremental, as it would only allow implementation on school buses and for 'blocking the box' violations.

Further Reading/ Resources:

- Preliminary [Literature Review](#) from MassDOT's Research Team in the Office of Transportation Planning conducted about automated speed enforcement per their Draft Statewide Pedestrian Plan Initiative 3-3. "Initiate a research project that examines the benefits and impacts of automated speed enforcement."
- FAQ/Summary of automated enforcement legislation (S.1376 Brownsberger) supported by the Massachusetts Vision Zero Coalition (PDF -- attached)
- Good overview of racial equity issues associated with Vision Zero/ traffic enforcement ([CityLab](#))
- Good overview of some 'equitable solutions' to racial inequity in traffic enforcement ([Streetsblog NYC](#))
- [The Policy of Enforcement: Red Light Cameras and Racial Profiling](#) - Study showing that although citations from the red light cameras are issued to a disproportionate number of minorities, based on the racial composition of the surrounding location the racial composition of the violator is consistent with the racial composition of the block group in which they reside. ([Chicago Tribune](#))

Automated Enforcement in MA: FAQ and Summary of Legislation ([S.1376 Brownsberger](#))

Frequently Asked Questions

1. What counts as a violation?

- Failure to stop at a red light (no violation issued if any part of the vehicle was in the intersection when the light is yellow)
- Driving at least 5 mph above posted maximum speed
- Failure to stop for a school bus (violation issued only if vehicle crosses the plane of the stop sign on bus)
- Illegal turn on red (violation issued only if entire vehicle has crossed the stop line)

2. What are the penalties?

The maximum penalty is \$25 for each violation. A written warning may be issued in lieu of enforcement for the purpose of education.

The penalty will not be counted as criminal conviction and will not be made part of the operating record of the vehicle owner. The penalty will not affect insurance premiums, add points to the owner's license, or result in license revocation. It will not increase after the first offense.

3. Who is liable?

Like a parking ticket, the owner of the vehicle is liable, not the driver. There is no way to determine who was driving at the time the violation occurred, since the photographs only capture the license plate.

4. How will the public be educated and the program rolled out?

The city/town must install a sign notifying that a camera is in use at each location (including on school buses). In addition, they must make a public announcement and conduct a public awareness campaign, beginning at least 30 days before the enforcement program is in use. The city/town may install but not activate cameras during said time period, in order to issue warnings.

5. What do the photographs capture?

Photographs shall only be captured when a violation occurs. Photographs capture the license plate of the vehicle, and do not capture a frontal view of the vehicle or driver/passenger.

6. What happens to the photographs, and who are they accessible to?

Photographs shall be destroyed within 48 hours of final disposition of a violation. No photographs will be discoverable or admissible in any judicial or administrative proceeding without a court order. Photographs and other personally identifying information collected are not public record.

7. What are the revenues used for?

Net revenues collected shall be deposited in the Massachusetts Transportation Trust Fund.