



Legislative Testimony  
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## **Written Testimony Opposing House Bill 6066, An Act Increasing the Penalties for Street Racing**

Representative Lemar, Ranking Members Carney and Somers, and distinguished members of the Transportation Committee:

My name is Kelly McConney Moore, and I am the interim senior policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in opposition to House Bill 6066, An Act Increasing the Penalties for Street Racing.

The ACLU-CT believes that the answers to community safety lie in building safer communities, not in increasing policing or incarceration. While no one wants to see street racing occurring unchecked in any part of the state, increasing the criminal penalties for street racing is not the answer. Mass incarceration over the past four decades has been driven in large part by increasing the lengths of prison sentences.<sup>1</sup> Longer prison sentences have persisted, despite strong evidence that “lengthy prison terms are counterproductive for public safety as they result in incarceration of individuals long past the time that they have ‘aged out’ of the high crime years, thereby diverting resources from more promising crime reduction initiatives.”<sup>2</sup> Moreover, longer sentences do not appear to have any significant deterrent effect.<sup>3</sup> Systems that have reduced sentences – notably, the federal criminal system – have not noticed any effect on public safety.<sup>4</sup> In short, there is no empirical evidence to

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<sup>1</sup> Jeremy Travis, Bruce Western & Steve Redburn, *The Growth of Incarceration in the United States* at 70. National Academies Press (2014), available at <https://www.nap.edu/read/18613/chapter/5>.

<sup>2</sup> Marc Mauer, “Long-term sentences: time to reconsider the scale of punishment.” Sentencing Project, Nov. 5, 2018, available at <https://www.sentencingproject.org/publications/long-term-sentences-time-reconsider-scale-punishment/>.

<sup>3</sup> See *id.*

<sup>4</sup> See *id.*

suggest that increasing the penalties for street racing will deter the behavior or make the public safer.

Increasing criminalization – whether by creating new offenses or creating harsher penalties for existing offenses – does not affect the people of Connecticut equally. To the contrary, creating new pathways for police to use discretion in who to police and how allows myriad opportunities for bias to creep into those decisions. Nationwide, police stop Black drivers more often than white drivers – until night falls, and police cannot so easily discern the race of the driver.<sup>5</sup> In 2018, data showed that police in Connecticut were more likely to stop Hispanic drivers during daylight hours than during dark hours, indicating the presence of bias against Hispanic drivers in stops.<sup>6</sup> Police subjected Black and Hispanic Connecticut drivers to searches more frequently than white drivers, even though their searches of drivers of color were less likely to uncover contraband.<sup>7</sup> In other words, ample evidence exists that police in the U.S. and Connecticut stop drivers of color because of bias; the enforcement of this law would likely lead to the same kind of disparate enforcement.

Connecticut is making strides toward reducing mass incarceration, but to achieve this goal, the state cannot continue to impose harsher penalties or create new offenses. House Bill 6066, unfortunately, does just that. We urge the General Assembly, and this Committee, to keep at the good work of ending mass incarceration and creating a more just society for all people in Connecticut. Doing so will require the thoughtful creation of innovative policies that curb unsafe behaviors while bypassing the criminal legal system. We look forward to supporting efforts by this Committee to curtail street racing that do not involve harsher criminal penalties. Unfortunately, because that is the exact effect of House Bill 6066, we must oppose this bill and urge the Committee to oppose it as well.

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<sup>5</sup> Emma Pierson et al., “A large-scale analysis of racial disparities in police stops across the United States.” *Nature Human Behavior* 4, 736-745, May 4, 2020, *available at* <https://www.nature.com/articles/s41562-020-0858-1>.

<sup>6</sup> Ken Barone et al., “State of Connecticut: Traffic stop data analysis and findings, 2018.” Connecticut Racial Profiling Prohibition Project, May 20, 2020, *available at* <http://www.ctpr3.org/wp-content/uploads/2020/05/2018-Connecticut-Racial-Profiles-Report.pdf>.

<sup>7</sup> *Id.*