

## Hands Free Conference Report as filed

While EOPSS supports the intent of the Hands Free legislation to make our roads safer and cut down on distracted driving, EOPSS has been carefully monitoring the data collection sections included in the underlying legislation due to implementation concerns and issues with inaccurate data. The conference report as filed adopts an effective approach to data collection, which is consistent with the 2000 data collection effort conducted by EOPSS and the office believes the changes allow for effective enforcement without burdening local police.

Below is a summary of key issues identified and their underlying draft:

Issue	Comments
Which stops trigger data collection	Requires data collection for citations and written warnings, eliminating requirement to collect data at every stop including verbal warnings (formal and informal), which are not currently collected by all municipal police; requiring collection on all stops would be burdensome for municipal police and may result in more citations and written warnings and fewer verbal warnings.
Method of collection	Ties collection to information on the Massachusetts Uniform Citation used by state police and municipal departments already; eliminates requirement to have each law enforcement agency submit information to the RMV through a new, duplicative process.
What race data is collected	Requires the RMV and EOPSS to revise the Massachusetts Uniform Citation to include the required data collection points; eliminates language requiring that race data collected be the perception of the officer which could result in inaccurate data.
Preservation of underlying stop	Stipulates that failure to collect data on any stop does not impact the validity of the underlying stop.
Escalation if racial profiling is identified in an individual barracks/departments	If EOPSS with the AG determines that a particular barracks has been racial or gender profiling, that barracks will be required to collect data on all stops; eliminates an appeal to the AG of a decision on profiling.
Requirement to post/disclose stop data online	Eliminates requirement to publicly post stop data online, and instead allows for data sharing with a third party for analysis purposes, upon signing of an NDA. Public posting of data without context like community composition or existence of a throughway in that community will lead to inaccurate conclusions.
Analysis of data	Requires EOPSS to share data with a university, nonprofit, or other organization for data analysis upon signing of an NDA; that entity will share their analysis with EOPSS; then EOPSS will provide the data to the AG, and Joint Committees on Judiciary and Public Safety.

Data retention	Requires data to be kept in secure databases upon signing of an NDA; and requires that all stop data be destroyed by both EOPSS and any entity that has analyzed the data after 6 years.
Study of alternative methods for collecting accurate data	Requires EOPSS to report on alternative methods to collect data on all stops due by 12/31/19; this study will take a year from passage of this law to incorporate lessons learned in implementation in order to accommodate expanded data collection.