



For Immediate Release
Friday, Sept. 18, 2020

LDF Media
212-965-2200 / media@naacpldf.org

**Massachusetts' Highest Court Issues Mixed Ruling on Police Seizure of Black Teenager,
Setting New Standards for State Court Review of Cases Involving Youth and Black
Individuals**

Yesterday, the Massachusetts Supreme Judicial Court issued a ruling in *Commonwealth v. Evelyn* recognizing that an individual's age should be considered when determining whether they feel free to leave an encounter with police. The court declined to make a similar categorical rule about whether race should be considered, though race may be considered in some circumstances. The court further instructed courts to be cognizant of the ways in which race impacts Black people's behaviors around police when determining whether there is reasonable suspicion to justify a seizure.

The NAACP Legal Defense and Educational Fund, Inc. (LDF), along with the Charles Hamilton Houston Institute for Race and Justice (CHHIRJ) at Harvard Law School, filed an amicus brief in this case in December 2019. The brief asked that the court recognize that Black teenagers' age and race impact when they feel free to leave an encounter with police, which has important implications for when they have been "seized" for constitutional purposes.

"The Massachusetts Supreme Judicial Court's decision in *Commonwealth v. Evelyn* is a step in the right direction, but, ultimately, does not go far enough. While we are pleased that the court recognized that an individual's age must be considered when determining whether they would feel free to leave an encounter with police, we are disappointed that it did not make the same categorical determination about race," said Ashok Chandran, Assistant Counsel at LDF. "Amid the national movement for police accountability, the country is more aware than ever that people of color — especially Black youth — repeatedly and disproportionately endure discrimination and violence from police, which unquestionably impacts how they view all police interactions."

In the amicus brief, LDF argued that a Black teenager is much less likely to feel free to leave encounters with police, given the extensive history of police abusing Black communities — both in Boston and across the country. Black youth are routinely forced to manage the risks of false arrest or bodily harm when interacting with police officers, and these lived experiences inevitably shape how Black youth perceive police interactions. This question of perception is critical, because an individual's rights under the United States Constitution and Massachusetts Declaration of Rights are triggered when a person is "seized" by police — the point at which a reasonable person would not feel free to leave.

While it ultimately did not acknowledge that race should be a categorical factor in determining whether an individual feels free to leave a police encounter, the court noted that its opinion was "attempt[ing] to focus attention on the issue of race." Indeed, the court affirmed that "African Americans, particularly males, may believe that they have been seized in situations where other members of society would not" and that a Black teenager's

"nervous or evasive behavior" must be treated with skepticism in determining reasonable suspicion because of the history of police abuse of Black communities. It also rejected the idea that being in a "high-crime" area alone can support reasonable suspicion, because of the ways in which that marker has been deployed along racial lines.

###

Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).