

TMI | BRIEF

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SAFE ROADS FOR ALL

A community-centered
public health approach
to traffic safety

LDF THURGOOD
MARSHALL
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TABLE OF CONTENTS

INTRODUCTION	2
THE NEED FOR SAFE ROADS	3
THE PROBLEMS WITH THE POLICING OF ROADS	4
Police traffic enforcement does not lead to safer roads	4
Police traffic enforcement also has harmful, racialized consequences	6
AN AFFIRMATIVE VISION FOR TRAFFIC SAFETY WITHOUT POLICE	10
Front-end prevention	10
Back-end response	12
CONCLUSION	18

INTRODUCTION

“[My father] told me that, because I was Black and male, I could be shot or killed just for climbing behind the wheel. It was sobering. If I was pulled over, my father told me, I shouldn’t make any sudden moves and I should keep my hands on the steering wheel; he said that I should have my driver’s license and insurance card easily available and that I should answer questions respectfully.

As time passed, my worst fears as a teenager were realized: I saw the flashing lights of a police squad car in the rearview mirror, and I was pulled over. Two white police officers stood on either side of my mother’s car with their hands on their hips, inches from their guns. Neighbors looked on; I felt like a criminal.

Luckily for me, they realized quickly that I wasn’t the Black male they were looking for, and they drove off as fast as they had arrived—no explanation and no apologies, but also no ticket. I was a rattled victim of racial profiling, but I was lucky: I drove away unharmed.

It wasn’t the first time, and it wouldn’t be the last.”—Michael H. Cottman¹

In the above quote, journalist Michael H. Cottman describes “The Talk” his father gave him about trying to stay safe from police as a Black man on the roads, and the fear and indignity associated with being racially targeted and pulled over by police.¹ This distressing account is an all-too-familiar experience for Black people across the United States.

The Legal Defense Fund envisions a future for equitable travel on roads in which the safety of all people is paramount.ⁱⁱ Safety includes freedom from traffic injury and death as well as freedom from police violence and harassment. There is significant work to do to achieve this vision.

Traffic safety poses a major challenge in the United States. Despite advancements in vehicle technology,

traffic safety continues to worsen, resulting in an increasing number of injuries and deaths.² Black people are particularly vulnerable to unsafe roads, facing a higher rate of traffic-related fatalities than their white counterparts.³ The United States has persistently relied on law enforcement to achieve traffic safety, and public safety more generally, through traffic enforcement by armed officers. However, existing evidence does not support the notion that police traffic enforcement reduces traffic fatalities or improves road safety. And, in fact, **police traffic enforcement has serious adverse consequences for community health and well-being, which disproportionately impact Black communities.** In this Brief, the Thurgood Marshall Institute reviews the existing evidence on the effectiveness and consequences of police traffic enforcement and presents an affirmative vision for equitable traffic safety that does not rely on police. Traffic safety is a critical public health problem and a leading cause of morbidity and mortality in the United States.

ⁱ This Brief uses “police” to refer to law enforcement generally, including local police departments as well as state patrols and sheriff departments.

ⁱⁱ For more on the Legal Defense Fund’s Framework for Public Safety, see *Framework for Public Safety*, Just. in Pub. Safety Project, Legal Def. Fund, <https://www.naacpldf.org/framework-for-public-safety/>.



A Black individual sits in the driver seat of a car. Despite advancements in vehicle technology, traffic safety continues to worsen.
Photo by Shutterstock

THE NEED FOR SAFE ROADS

Contrary to expectations, the nation’s roads continue to get more and more deadly.⁴ Since its nadir in 2011, the number of fatal traffic crashes in the United States has increased by about thirty-two percent.⁵ In 2022 alone, nearly 43,000 people died from a traffic crash nationwide.⁶ Traffic crashes remain one of the leading causes of death for Americans under the age of fifty-five.⁷ Such crashes are responsible for more years of life lost than other major public health dangers like diabetes, liver disease, and homicide.⁸ And for every traffic fatality, there are thousands more traffic-related injuries that impact people’s quality of life, strain the health care system, and lead to lost productivity. Every year, about 2.5 million to three million people are injured from traffic crashes.⁹ Evidently, getting in

a vehicle or simply crossing the street are among the most dangerous daily activities in the United States.¹⁰

Additionally, Black communities are disproportionately impacted by unsafe roads and traffic injuries. A recent study in the *American Journal of Preventive Medicine* found that Black people face higher rates of traffic fatalities per mile traveled than white people.¹¹ Compared to white people, the fatality rate per mile traveled for Black people was 4.5 times higher while cycling, 2.2 times higher while walking, and 1.8 times higher while occupying a vehicle.¹² The authors of the study posited that these findings provide evidence of structural racism in the transportation

safety sector and could be explained by systemic underinvestment in pedestrian and cycling infrastructure (e.g., wide and well-maintained sidewalks and bike lanes) in majority-Black neighborhoods, as well as racial discrimination in health care and emergency response.¹³ Similar racial disparities have also been observed for pedestrian-related traffic injuries. A 2020 study demonstrated that hospital admission rates for pedestrian injuries were 1.2 times higher for Black people compared to white people.¹⁴ The proportion of traffic injuries that led to extreme and major loss of function was highest among Black people (34.5%) and lowest among white people (30.2%).¹⁵

There is a dire need to improve the safety of roads to protect drivers, passengers, cyclists, and pedestrians. Traffic safety is particularly urgent in Black communities because unsafe roads disproportionately threaten the health and safety of Black people.

THE PROBLEMS WITH THE POLICING OF ROADS

As traffic fatalities and injuries continue to increase, the United States has steadfastly relied on the policing of roads as a primary strategy for traffic safety. The apparent logic underlying this policing approach is that the threat of punishment deters drivers from engaging in dangerous driving behaviors and non-traffic-related crimes.¹⁶ However, the existing evidence does not support the theory that the policing of roads improves public safety. Moreover, police traffic enforcement has harmful consequences that disproportionately impact Black communities, including widening the net of the criminal legal system and increasing police violence

and other negative impacts on community health and well-being. This section reviews the evidence concerning the consequences of police traffic enforcement.

Police traffic enforcement does not lead to safer roads.

First, existing evidence suggests that police traffic stops are not effective in improving traffic safety through the reduction of crashes, which is ostensibly the primary goal of police traffic enforcement. One of the most comprehensive analyses of police traffic enforcement to date is a 2021 Case Western Reserve University study of data regarding traffic stops and motor vehicle crash deaths in thirty-three states from 2004 to 2016.¹⁷ The researchers found no association between the rate of police stops and the rate of motor vehicle crash deaths, suggesting that increased police enforcement of traffic laws does not reduce traffic fatalities.¹⁸ Given that this was the first nationwide assessment of how police traffic stops impact traffic safety, additional research would be beneficial. Still, the current lack of compelling evidence that police traffic enforcement is effective in improving traffic safety raises the question of why the United States so heavily relies upon it.

The policing of roads also has a secondary purpose: the investigation of offenses unrelated to traffic violations. During pretextual traffic stops, officers pull over drivers for minor traffic violations (e.g., having tinted windows or hanging an air freshener from the rearview mirror) as a “pretext” to investigate other potential crimes.¹⁹ The 1996 Supreme Court decision in *Whren v. United States* held that pretextual stops do not violate the Fourth Amendment to the U.S. Constitution, which prohibits unreasonable searches and seizures, as long as the police officer has reasonable suspicion that a traffic law has been violated.²⁰ However, these

stops may still be racially discriminatory and violate the Fourteenth Amendment.²¹

Because minor traffic violations occur on a regular basis—people may change lanes without using their turn signal, or their speed may fluctuate below and above the speed limit—officers generally need only follow a car for a short period before they can identify a violation by any driver.²² As a result, police have wide discretion in determining whether and when to escalate any minor traffic violation into a stop.²³ This discretion increases the risk that racial bias and discrimination will produce racial disparities in police stops. Indeed, data show that racial disparities in pretextual stops are larger than disparities in stops related to traffic safety.²⁴

The apparent rationale for pretextual stops is to identify and recover contraband and deter future crime.²⁵ However, counter to these purported purposes, available evidence suggests that pretextual stops are not associated with reductions in crime rates and that the large majority of stops do not result in the discovery of contraband or weapons.²⁶ For example, a 2023 analysis found that the eight largest police departments in California confiscate firearms in just 0.5% of traffic stop searches on average.²⁷ Similarly, just 0.3% of the eleven million traffic stops made by Washington State Patrol from 2009 to 2019 resulted in the discovery of contraband, while the Tacoma Police Department had an even lower rate of 0.1%.²⁸ Additionally, studies of various other jurisdictions (such as New York, New York; Fayetteville, North Carolina; and Nashville, Tennessee) have consistently found that traffic stops do not have a significant impact on crime rates, including homicide, violent crime, and a combined measure of major property and violentⁱⁱⁱ crime.²⁹

Compared to white people, the fatality rate per mile traveled for Black people was

4.5x



HIGHER WHILE CYCLING

2.2x



HIGHER WHILE WALKING

1.8x



HIGHER WHILE OCCUPYING A VEHICLE

ⁱⁱⁱ The combined measure of major property and violent crime refers to the common metric of Part I offenses, which are murder, rape, robbery, assault, burglary, larceny, and motor vehicle theft, as defined by the Federal Bureau of Investigation (FBI).

Police traffic enforcement also has harmful, racialized consequences.

Police traffic enforcement fails to achieve the goals of traffic safety and crime prevention, and additionally has adverse consequences that disproportionately impact Black communities.

Traffic enforcement is the primary driver of police encounters: each year, police across the country make about twenty million traffic stops (about 50,000 stops per day), making these stops the most common type of police interaction.³⁰ As reviewed below, data on traffic stops consistently show that Black drivers face more frequent police stops than white drivers.³¹ Police traffic enforcement poses an ever-present threat of indignity, harassment, and danger for many Black people, captured through the phrase “driving while Black” and evidenced in the opening quote of this Brief.

Additionally, racial disparities in police traffic stops contribute to racial disparities in the criminal legal system more broadly. Furthermore, each of the twenty million traffic stops per year has the potential to escalate into a violent encounter, and Black drivers face a greater risk of police use of force than white drivers.³² Even when police traffic stops do not escalate into violence, multiple studies have documented how these stops cause stress and trauma, with potentially negative effects for community health and well-being.³³ The evidence on these consequences is presented below.

Police traffic enforcement drives racial disparities in the criminal legal system.

Data from nearly every U.S. jurisdiction with sufficient traffic stop data demonstrate that police officers stop Black drivers at higher rates than white drivers.³⁴ Researchers have consistently documented these disparities in individual jurisdictions ranging from big cities to small towns

and rural areas. For example, data demonstrate that the New York City Police Department (NYPD) stops Black and Latinx drivers nearly three times more often than white drivers.³⁵ Similarly, a study of traffic stops in Douglas County, Kansas, showed that Black drivers were stopped about three times more than would have been expected given the racial breakdown of the residential driving population.³⁶ A recent study of traffic stops in Ann Arbor, Michigan, produced similar results.³⁷

Studies of large datasets across multiple states have also documented racial disparities in traffic stops. In the most recent and comprehensive such study, Stanford University researchers analyzed nearly 100 million traffic stops across twenty-one state police agencies and thirty-five municipal police departments from 2011 to 2018.³⁸ They found that per-capita stop rates for Black drivers were forty-three percent higher than for white drivers.³⁹

To isolate the potential effect of racial bias in police traffic enforcement, researchers employ multiple strategies to try to control for differences in driving behaviors, including using vehicle collision data by race as a measure of dangerous driving and the “veil-of-darkness” test. The “veil-of-darkness” test, introduced by Jeffrey Grogger and Greg Ridgeway, posits that police are less likely to be able to discern a driver’s race after dark compared to daylight hours.⁴⁰ Therefore, if racial disparities in traffic stops decrease after dark, that would provide evidence that the racial disparities are the result of racial bias and not differences in driving behaviors.⁴¹ In the Stanford University study of nearly 100 million traffic stops, the researchers applied the “veil-of-darkness” test and found that Black drivers were a smaller portion of drivers stopped after dark compared to during daylight, suggesting discrimination against Black drivers.⁴²

The stark racial disparities in the rates of police traffic stops also lead to racial disparities in the

rates of searches and arrests during these stops, which in turn contribute to additional downstream racial disparities at each stage of the criminal legal system. Several large-scale studies of police stops and searches have replicated the finding that Black drivers are consistently searched more often than white drivers.⁴³ Multiple studies have also documented that Black drivers are less likely to be found with contraband than white drivers, suggesting that police are searching Black drivers with less justification or evidence.⁴⁴ For example, an analysis of traffic stops in Chicago, Illinois, found that Black drivers were searched four times as often as white drivers, but contraband was found on white drivers twice as often as on Black drivers.⁴⁵ Finally, research suggests that Black drivers face a higher rate of arrest than white drivers, even when the presence of contraband is equal.⁴⁶

Available evidence from across the country indicates that Black drivers frequently experience racial discrimination from law enforcement during traffic stops. This widens the net of criminalization, trapping more Black people in the criminal legal system and fueling mass incarceration. In this way, police traffic enforcement contributes to downstream racial disparities in the criminal legal system, like higher arrest and incarceration rates for Black people.

Police traffic enforcement can lead to police violence, including police killings, often against Black people. Tasking armed police officers with traffic enforcement means that a stop for a common traffic violation like speeding or failing to use a turn signal can escalate into violence, and in some cases turn deadly. Tragically, it is not difficult to recount many high-profile examples of police killing Black people during encounters that began with traffic stops. Police fatally shot Philando Castile in 2016 during a traffic stop near Minneapolis, Minnesota, when officers pulled him over because he reportedly resembled a robbery suspect due to

his “wide-set nose.”⁴⁷ Not far from Minneapolis, police fatally shot Daunte Wright in the chest in 2021 during a pretextual traffic stop for allegedly having air fresheners hanging from the rearview mirror and expired registration tags.⁴⁸ The officer used her gun, stating she thought it was her Taser.⁴⁹ In 2018, a police officer in Elgin, Illinois, pulled over DeCynthia Clements, reporting she was in a “suspicious vehicle.” Shortly after, the officer found Ms. Clements parked on the side of the highway and called for other officers, who then ordered Ms. Clements to get out of the car, reported that she was acting erratically, and fatally shot her.⁵⁰ In 2022, a police officer in Grand Rapids, Michigan, fatally shot Patrick Lyoya in the back of the head while he was face down on the ground.⁵¹ The shooting occurred after Mr. Lyoya was pulled over for allegedly having an unregistered license plate.⁵² In 2023, five Memphis, Tennessee, police officers beat Tyre Nichols to death after pulling him over for reckless driving.⁵³ The Memphis Police Chief later reviewed camera footage and did not find evidence of probable cause for the traffic stop.⁵⁴

In addition to these appalling police killings of Black drivers that garnered national media attention and outrage, there are many more instances of traffic stops escalating into fatal police violence that do not make the news cycle. Since 2017, more than 800 people have been killed by police during traffic stops—an average of more than 100 deaths per year.⁵⁵ And more than one in four of those police killings were of Black drivers, even though Black people make up only fourteen percent of the U.S. population.⁵⁶

There are also thousands of traffic stops that involve non-fatal police violence. According to the National Use-of-Force Data Collection, traffic stops are the second-most common reason for initial contact for use-of-force incidents, representing about twelve percent of all instances of police using force against civilians.⁵⁷ And again, Black drivers often face a

disproportionate risk of police force and violence.⁵⁸ For example, in New York City, NYPD officers are ten times more likely to use force against Black drivers they have stopped compared to white drivers.⁵⁹ In Chicago, eighty-seven percent of traffic stops that involve police use of force are against Black people, while Black people represent just thirty percent of Chicago's population.⁶⁰

An insidious form of police violence that often occurs in the context of traffic stops is police sexual violence against women.⁶¹ Sexual violence and harassment are among the most common forms of reported police misconduct.⁶² Black women are particularly vulnerable to police sexual violence due to explicit and implicit racism within policing systems.⁶³ Yet, because of a lack of data on police sexual violence, this problem remains mostly invisible.⁶⁴ The limited available data suggest that traffic stops are common sites for police sexual violence: a 2003 study of police sexual assault cases found that thirty-four percent of cases occurred in the context of a traffic stop.⁶⁵

Police traffic enforcement leads to wealth extraction and other unjustified economic consequences for communities. State and local governments rely heavily on police traffic stops as a source of revenue through fines and fees, and maximizing revenue is often cited as a law enforcement priority.⁶⁶ This results in the extraction of wealth from communities.⁶⁷ One traffic ticket can snowball into insurmountable debt, driver's license suspensions, and even incarceration for those unable to afford bail.⁶⁸ A survey of Alabama residents found that eighty-three percent of people who owed court debt sacrificed money for rent, food, medical bills, car payments, or child support to pay court fines and fees.⁶⁹ Because police disproportionately target Black drivers with discretionary traffic stops, Black communities also bear a disproportionate burden of court fines and fees.⁷⁰

Police traffic enforcement can produce negative health effects.

Several local and national studies have documented that direct police contact (being stopped by police) and vicarious police contact (witnessing a police stop or knowing someone who was stopped) are associated with adverse mental health effects, including psychotic experiences, psychological distress, depression and depressive symptoms, post-traumatic stress disorder (PTSD), anxiety, and suicidality.⁷¹ According to research, these associations are particularly pronounced among Black people.⁷² The threat of police stops can also have detrimental mental health effects at the community level.⁷³ Living in a neighborhood with high rates of police stops and police use of force can increase neighborhood levels of psychological distress and poor physical health.⁷⁴ Moreover, researchers found that even showing Black study participants photos depicting police traffic stops triggered a physiological stress response.⁷⁵

Police traffic enforcement can decrease trust in public institutions and civic participation.

Exposure to police traffic stops is also associated with decreased trust in law enforcement and a decreased likelihood of contacting police for assistance in the future.⁷⁶ Researchers observed this association among white, Hispanic, and Black study participants.⁷⁷ Furthermore, living in a place with higher racial disparities in traffic stops is associated with lower confidence in police, even without direct exposure to police stops.⁷⁸

Finally, there is a growing body of research demonstrating that exposure to police stops and other criminal legal contact leads to depressed political participation.⁷⁹ One recent study assessed the effect of police traffic stops on voter turnout in Hillsborough County, Florida, and found that traffic stops decreased political participation for voters of all races.⁸⁰

A police officer stands at the driver side window of a car. The United States has persistently relied on law enforcement to achieve traffic safety, and public safety more generally, through traffic enforcement by armed officers. Photo by Shutterstock



AN AFFIRMATIVE VISION FOR TRAFFIC SAFETY WITHOUT POLICE

Given the urgent need to reduce traffic injuries and fatalities, coupled with the evidence that police traffic enforcement has adverse, racialized consequences and does not reduce injury, violence, or harm, it is critical that policymakers reimagine the approach to traffic safety. This section presents an affirmative vision for traffic safety that does not rely on enforcement by armed officers. It begins with strategies for front-end prevention to design safer roads on which traffic violations and injuries are less likely to occur in the first place, followed by strategies for back-end responses to traffic violations that prioritize public safety and public health without relying on police enforcement.

Front-end prevention

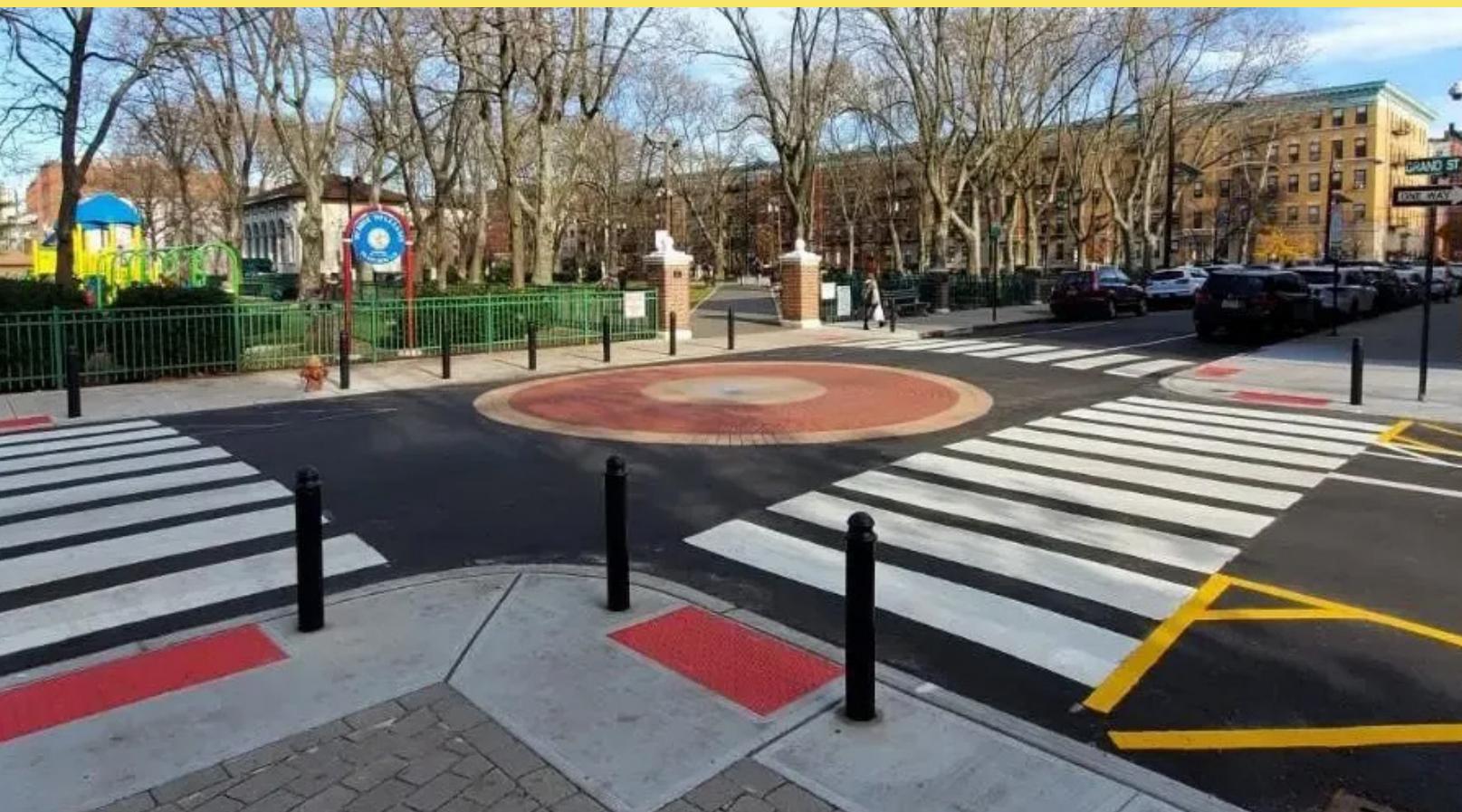
The goal of investing in front-end prevention is to preemptively reduce the risk of traffic violations and injuries by physically making roads safer through design, infrastructure, and policy implementation, rather than using the threat of punishment to try to influence behavior.

Safer road design: Redesigning roads to reprioritize traffic and pedestrian safety is an efficient and effective strategy to reduce traffic injuries.⁸¹ Several changes to road design, many of which are common in other countries, are proven to improve road safety.⁸² Some require longer-term infrastructure investments, such as traffic circles, wider sidewalks, protected bike lanes, and narrower roads. Other design changes can be implemented immediately, like speed humps, raised crosswalks, and longer yellow light lengths.⁸³

CASE STUDY

Hoboken, New Jersey

Hoboken, New Jersey, one of the most population-dense cities in the country, implemented basic, low-cost changes to road design and dramatically improved traffic safety. Between 2014 and 2018, there were 376 traffic-related injuries and three fatalities on Hoboken's roads.⁸⁴ Since the implementation of the city's Vision Zero traffic safety plan in 2018, Hoboken has had zero traffic fatalities.⁸⁵ One of Hoboken's simple and successful strategies is called "daylighting," which increases visibility at street corners by preventing cars from parking within twenty-five feet of crosswalks through the use of planters, bollards, or other physical objects.⁸⁶ The city also adopted a leading pedestrian interval, which gives pedestrians a few-second head start to establish their presence in crosswalks before vehicles can begin turning.⁸⁷ Hoboken serves as a model that all U.S. cities can learn from.



Top: Streetscape of Adams Street in Hoboken, New Jersey, featuring a bumpout curb extension greenscape. Curb extensions are part of the "daylighting" strategy to increase visibility. Photo by Shutterstock

Middle: Washington Street in Hoboken, New Jersey, after Vision Zero implementation. Photo by Shutterstock

Bottom: A raised intersection and a new crosswalk with wide stripes and reflective paint at Ninth and Grand streets in Hoboken, New Jersey. Photo by City of Hoboken

Racially equitable investments in road safety and public transit infrastructure: Due to historical and ongoing residential segregation, systematic disinvestment, and racist transportation policies, Black people are more likely to live in neighborhoods that lack road safety infrastructure and adequate access to public transportation.⁸⁸ For example, a study of San Diego, California; Seattle, Washington; and Baltimore, Maryland, found that neighborhoods with a greater percentage of non-white residents were less likely to have sufficiently wide sidewalks,^{iv} crosswalk amenities (e.g., marked crosswalks and high-visibility striping), or intersection control features and signage (e.g., stop signs, countdown signals, and audible walk signals).⁸⁹ Another study found that majority-Black and majority-Latinx Chicago neighborhoods had larger shares of arterial streets (high-capacity urban roads that typically have higher speeds and are more heavily trafficked and patrolled than local streets) and streets without bike lanes than majority-Asian and majority-white neighborhoods.⁹⁰ Additionally, multiple studies have documented that Black people are more likely to live in neighborhoods with lower access to public transit.⁹¹ This inequitable distribution of road safety and public transit infrastructure drives racial disparities in traffic enforcement as well as racial disparities in traffic injuries and fatalities, as discussed above. Policymakers should prioritize historically disadvantaged neighborhoods for infrastructure investments.

Safer road policies: In addition to design changes and infrastructure investments, policy changes such as lowering speed limits can also efficiently improve road safety. For example, when New York City lowered the citywide speed limit from thirty to twenty-five miles per hour in 2014, traffic fatalities

iv Researchers considered sidewalks sufficiently wide if they were greater than five feet wide.

declined by twenty-two percent and pedestrian fatalities declined by twenty-five percent within a year.⁹² Researchers have documented similar results of lowered speed limits in Boston, Massachusetts, and Portland, Oregon.⁹³ Additionally, policymakers could assist in mandating that all newly manufactured vehicles at all price levels have evidence-based car safety advances (e.g., blind spot warnings, intelligent speed assistance, and lane departure prevention systems).⁹⁴

Back-end response

Even with policy changes and investments in safer road design and infrastructure, road safety policies like speed limits must be enforced, and there will still be traffic violations that require a response. However, traffic enforcement and response to traffic violations could be implemented without relying on armed law enforcement. This section proposes strategies to effectively enforce traffic laws and respond to traffic violations with the goal of improving driving behaviors and reducing traffic injuries without the racialized harm caused by police traffic enforcement.

Removal of traffic enforcement authority from police: Ultimately, given the ineffectiveness of armed enforcement of traffic laws in producing safety and the serious threats the practice poses, especially to Black lives, it is critical to remove traffic enforcement authority from police. This would involve eliminating the practice of pretextual stops, decriminalizing traffic violations, and transferring traffic stop authority to a non-policing public safety agency. A small number of jurisdictions have made efforts to create and transfer traffic stop authority to new agencies staffed by civilian traffic monitors.⁹⁵ However, these efforts have not yet materialized into concrete changes due to a lack of funding and political will.

In 2020, the Berkeley City Council in California made national headlines when it approved a proposal to develop the nation's first civilian traffic agency.⁹⁶ As of this writing, the city has been unable to move forward with implementing the intervention because California state law authorizes only law enforcement agencies to conduct traffic stops.⁹⁷ Last year, the California Senate introduced a bill (Senate Bill 50) to prohibit police officers from making traffic stops for low-level infractions and to authorize non-police government employees to enforce non-moving and equipment violations.⁹⁸ This bill passed in the Senate, but it did not pass in the state Assembly and is currently inactive.⁹⁹ Berkeley's proposal for civilian traffic enforcement is a work in progress and will require collaboration from the California State Legislature to successfully move forward.¹⁰⁰

Following the above-referenced 2021 police killing of Daunte Wright in Brooklyn Center, Minnesota, the city passed a resolution to create a new unarmed, civilian Traffic Enforcement Department, among other public safety measures and police reforms.¹⁰¹ However, the plan has faced significant opposition and has not been implemented, due in part to a lack of funding.¹⁰²

The federal government can also play a role in supporting local implementation of civilian traffic enforcement. In 2023, in the wake of the police killing of Tyre Nichols, U.S. Rep. Ritchie Torres (representing the Bronx in New York) introduced federal legislation to establish a grant program for civilian traffic enforcement. If passed, the law would award cities \$100 million annually to ensure that traffic enforcement is carried out by civilians or traffic-monitoring technology.¹⁰³ Although there are important risks to using traffic-monitoring technology, discussed below, this bill signals an opportunity for other federal legislators to propose additional strategies to support local implementation of civilian traffic enforcement.¹⁰⁴

There is a pressing need for increased political mobilization and funding to support interventions that eliminate the practice of pretextual stops, end armed enforcement of traffic laws, and authorize unarmed civilians to monitor traffic and keep streets safe.

Elimination of all pretextual stops: As an initial step toward ceasing police traffic enforcement, jurisdictions should eliminate the practice of pretextual stops. In several jurisdictions that have implemented policies in recent years to reduce pretextual stops, the emerging evidence suggests that a reduction in police pretextual stops is associated with decreased racial disparities in traffic stops and possibly increased traffic safety.¹⁰⁵ Additionally, most studies found no discernable negative impact on non-traffic public safety.¹⁰⁶ Notably, existing interventions are limited in scope and do not involve the elimination of all pretextual stops (for example, these interventions deprioritize rather than forbid pretextual stops and focus on only a narrow list of offenses rather than all bases for pretextual stops).

Policies to limit pretextual stops or decline to prosecute cases stemming from pretextual stops

In several jurisdictions, police departments and district attorney's offices have implemented policy changes to limit or eliminate the use of certain pretextual stops. One of the first jurisdictions to take this step was Fayetteville, North Carolina, where, in response to a high vehicle crash rate and extreme racial disparities in police stops and searches, the police chief in 2013 directed officers to deprioritize and minimize stops unrelated to moving violations (i.e., investigatory stops and equipment violations).¹⁰⁷ A study of the intervention found it was associated with a twenty-eight percent reduction in traffic fatalities, a thirteen percent reduction in crashes, and a twenty-one percent reduction in the Black-white ratio of traffic stop rates (see Figure 1).¹⁰⁸ Notably, deprioritizing non-safety-related stops was not associated with an increase in broader crime outcomes, suggesting that these stops do not contribute to crime prevention.¹⁰⁹

FIGURE 1. Percent change in traffic outcomes after Fayetteville, N.C., intervention to deprioritize pretextual stops

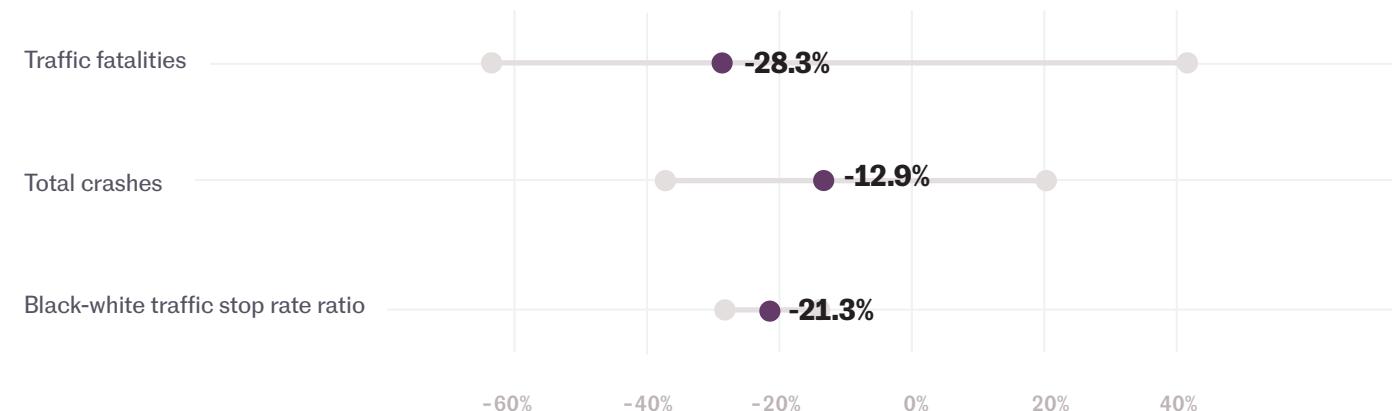


Figure shows average percent change (and corresponding 95% confidence intervals) over the intervention period as compared to synthetic controls Chart: Dr. Sandhya Kajeeepeta • Source: M. D. Fliss et al. (2020) Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities, *Injury Epidemiology* (see Table 1)

In Ramsey County, Minnesota, where police shot and killed Philando Castile during a pretextual stop, County Attorney John Choi announced in 2021 that his office would no longer prosecute cases stemming from pretextual traffic stops as part of the Vera Institute of Justice's Reshaping Prosecution initiative.¹¹⁰ A 2023 evaluation of the intervention found that there was a forty-three percent decline in Saint Paul Police Department traffic stops in the year following the policy change.¹¹¹ Vehicle equipment violation stops, specifically, declined by more than ninety percent.¹¹² The intervention also led to a narrowing of racial disparities in traffic stops and searches, with Black people experiencing the largest decline.¹¹³ The researchers found no relationship between the policy and crime-related or contraband-related 911 calls, suggesting that the policy was not responsible for any adverse changes in public safety.¹¹⁴

In Lansing, Michigan, the police department enacted a policy in 2020 to stop initiating traffic stops for equipment violations.¹¹⁵ Then, in 2021, the local prosecutor announced that her office would decline to prosecute cases resulting from pretextual traffic stops.¹¹⁶ The outcomes of these interventions have not been formally evaluated.

Legislative changes to curb pretextual stops

In addition to programmatic and policy changes to restrict pretextual stops, some cities and states are enacting legislation to curtail the practice. For example, in February 2022, Philadelphia's Achieving Driving Equality Act went into effect.¹¹⁷ The law limits certain pretextual stops by reclassifying eight minor traffic violations and prohibiting law enforcement officers from initiating stops solely for the enumerated violations.¹¹⁸

In January 2023, a new law went into effect in California that requires police officers to tell drivers why they are being pulled over before questioning them, in an effort to reduce pretextual stops.¹¹⁹ This law mirrors a similar rule instituted by the Los Angeles Police Department (LAPD) in March 2022, which requires officers to record the reason for a traffic stop on their body-worn cameras before making the stop.¹²⁰ That rule has resulted in a significant drop in pretextual stops by the LAPD and a modest drop in the share of Black drivers stopped.¹²¹ Early evidence suggests that this LAPD policy resulted in no change in violent crime rates, but may have been associated with an increase in property crime rates.¹²² A formal evaluation of the policy, including analysis of body-worn camera footage, is forthcoming.¹²³

In April 2023, three months after the police killing of Tyre Nichols in Memphis, Tennessee, the Memphis City Council passed its version of Philadelphia's Achieving Driving Equality Act to restrict certain enumerated pretextual stops.¹²⁴

These legislative changes are modest, incremental steps toward eliminating pretextual stops and ending armed enforcement of traffic laws altogether. Still, even these moderate steps have been met with extreme political opposition.¹²⁵ Conservative state leaders and police unions are among the most vocal opponents of these laws, arguing that pretextual stops are necessary for crime prevention, despite the preponderance of evidence suggesting that pretextual stops are ineffective at preventing crime.¹²⁶ In March 2024, Tennessee Governor Bill Lee signed legislation that prohibits local governments from passing laws that limit law enforcement's ability to conduct traffic stops, with the goal of blocking Memphis' recently passed Driving Equality Act.¹²⁷ In Philadelphia, the city's police union filed a lawsuit challenging the Achieving Driving Equality Act, claiming it was preempted by state law.¹²⁸ The court ultimately

dismissed the lawsuit, finding that the law was not preempted and was within the city's discretion over local law enforcement.¹²⁹

Voucher and subsidy programs for road safety:

Unaffordable fines and fees for traffic violations can ensnare people in the criminal legal system and create cycles of poverty and incarceration. All states should require courts to factor a person's ability to pay into decisions on fine and fee amounts. Additionally, some jurisdictions have piloted replacing tickets for minor offenses like broken car lights with vouchers to help drivers fix the lights or other issues.¹³⁰ This approach is likely more responsive to the underlying causes of unsafe driving. However, these voucher programs have been piloted by police departments, and the use of armed officers to provide vouchers does not adequately reduce the safety threats of police traffic enforcement. Jurisdictions should aim to pilot voucher programs with trained, unarmed civilian responders.

Elimination of debt-based driver's license suspensions:

Available data suggest that at least eleven million people have their driver's licenses suspended per year due to outstanding court debt, often for issues unrelated to unsafe driving.¹³¹ Debt-based driver's license suspensions disproportionately harm drivers of color.¹³² These license suspensions can force people who are struggling financially to make choices between driving with a suspended license or losing their job. In this way, driver's license suspensions can exacerbate economic insecurity, which has broader consequences for community stability and public safety.¹³³ Although several states have enacted legislative reforms to curb the use of debt-based driver's license suspensions, including ten states in 2021 alone, such suspensions still remain common practice across most of the United States.¹³⁴ Until

the practice is eliminated, driver's license clinics can help provide people with clear information about how to get their driver's licenses reinstated.¹³⁵

Evaluations of driver accountability programs:

For serious traffic violations, such as driving under the influence, driver accountability programs may offer a promising restorative justice-based alternative response. These programs consist of interactive courses designed to encourage reckless drivers to understand the consequences of their actions, examine the causes of their risky behavior, and identify steps to address it.¹³⁶ Courses may include motivational counseling and testimonials from victims of unsafe driving.¹³⁷ While criminal legal punishment (such as fines and fees, arrest, and incarceration) fails to address the root causes of unsafe driving, these restorative programs emphasize taking accountability and identifying strategies to improve driving behavior.¹³⁸ Because driver accountability programs are relatively new interventions, robust evaluations of their effectiveness on behavior change and road safety are lacking. New York City implemented a driver accountability program as an alternative to incarceration and fines.¹³⁹ An evaluation of the program involving participant surveys and interviews identified positive changes in driving beliefs (e.g., recognizing that driving five to ten miles per hour over the speed limit is not acceptable) and driving habits (e.g., being less likely to multitask while driving or to drink and drive) following program participation.¹⁴⁰ However, more research is needed to understand whether driver accountability programs can produce long-lasting, measurable improvements in safe driving behaviors.

A note on automated traffic enforcement and the potential harms of heightened surveillance

Automated traffic enforcement using cameras is a commonly proposed solution that can reduce police interactions. There is promising evidence that red light cameras and speed cameras can effectively reduce red light violations, speeding violations, and crashes.¹⁴¹ However, given its reliance on heightened surveillance, the potential racialized harms of automated enforcement threaten its promise, including negative economic impacts that would most harm low-income communities.

Racial discrimination

While automated enforcement may have the appearance of eliminating racial discrimination in traffic enforcement because it removes police discretion about which drivers to stop and ticket, decisions about where to place cameras can still lead to inequities in traffic enforcement. Additionally, a lack of road safety infrastructure (such as a dearth of sidewalks and marked crosswalks) can contribute to disparities in automated traffic ticketing in majority-Black neighborhoods and low-income neighborhoods. For example, in Chicago, majority-Black and majority-Latinx ZIP codes received about twice the rate of tickets as majority-white neighborhoods after the city installed traffic cameras.¹⁴² Similarly, an analysis of automated traffic cameras in Washington, D.C., showed that census tracts with higher proportions of Black residents also had higher rates of traffic citations, and specifically, drivers in predominantly Black neighborhoods were more than seventeen times more likely to receive a ticket than drivers in

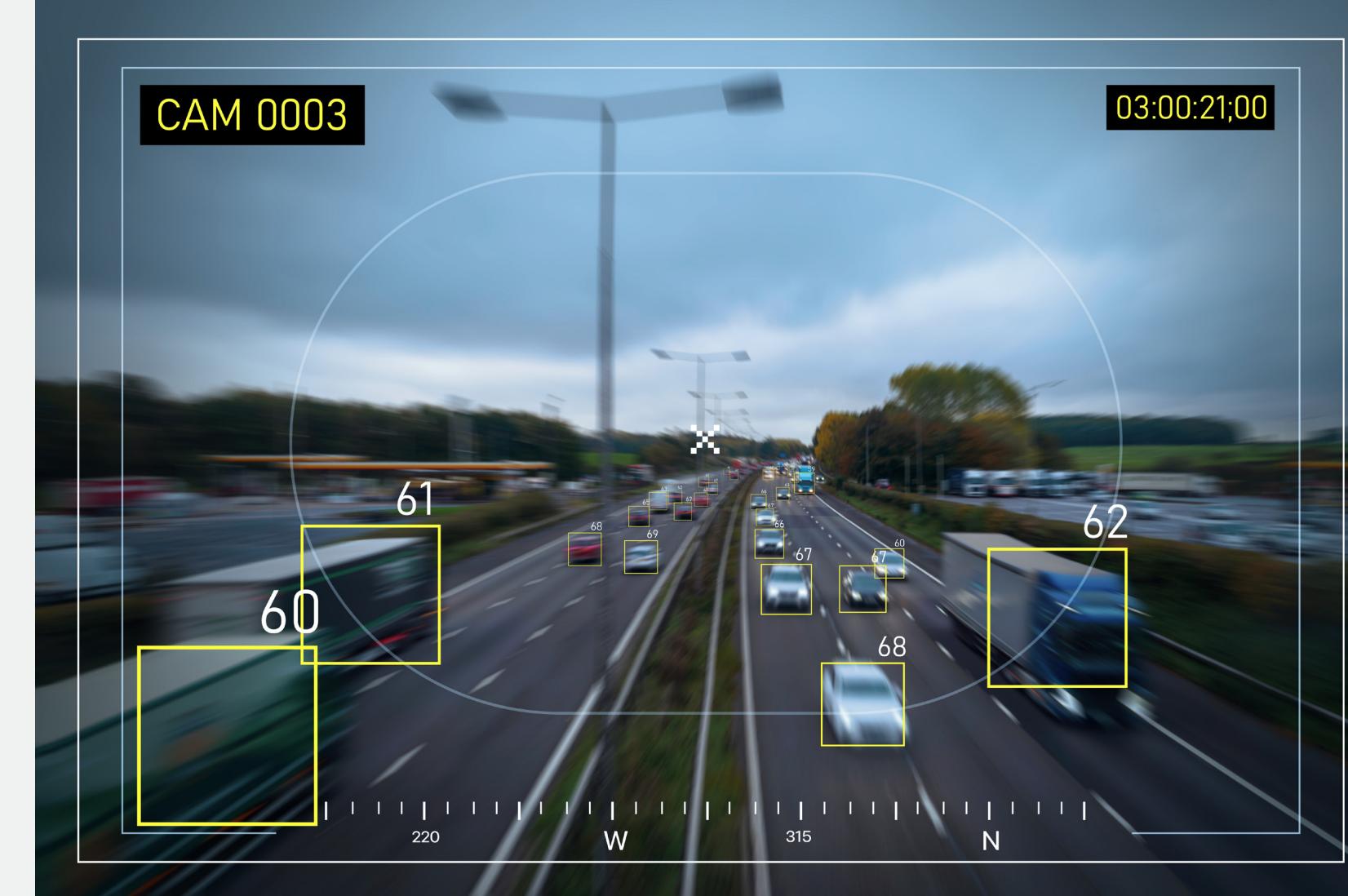
predominantly white neighborhoods.¹⁴³ This stark disparity was present even though predominantly Black and white neighborhoods had about the same number of traffic crashes per capita. Researchers have observed similar racial disparities in other jurisdictions.¹⁴⁴

Threats to privacy

Some law enforcement agencies have used cameras and automatic license plate readers to surveil communities of color.¹⁴⁵ For example, police agencies used automatic license plate readers to monitor activists participating in racial justice and anti-police violence protests during the summer of 2020.¹⁴⁶ In addition, many local police agencies have shared surveillance data obtained from automatic license plate reader technology with other law enforcement agencies, such as U.S. Immigration and Customs Enforcement (ICE), which can use the data to facilitate deportations or other law enforcement actions.¹⁴⁷

Potential for errors

There have been numerous instances of automated traffic enforcement technology malfunctioning, resulting in incorrect tickets.¹⁴⁸ Relying on automated technology to ticket and fine drivers shifts the burden of proof from the government to the car owner, who faces the difficult task of providing evidence that the ticket was generated incorrectly or that they were not driving the car at the time of the incident.



Depiction of an artificial intelligence-based traffic monitoring and surveillance technology. Photo by Shutterstock

Wealth extraction via fines

Automated traffic enforcement creates a new mechanism for governments to extract significant wealth from communities through increased ticketing and fines. For example, Washington, D.C., issued more than 580,000 tickets using automated enforcement in 2013, compared to about 80,000 tickets issued by police officers that

year.¹⁴⁹ Wealth extraction through traffic fines often disproportionately burdens low-income communities.¹⁵⁰

Despite the promise of automated enforcement in reducing police interactions and improving traffic safety, it is not a panacea for equitable traffic safety given the ways in which surveillance may disproportionately impact communities of color.

CONCLUSION

There is an urgent need for improved traffic safety on America's streets. Traffic fatalities and injuries are significantly higher than they were ten years ago,¹⁵¹ and Black people face disproportionately high rates of death due to traffic crashes.¹⁵² Meanwhile, the nation has heavily invested in and relied upon armed officers to enforce traffic laws with the goal of promoting public safety. However, as reviewed in this Brief, existing evidence suggests that police traffic enforcement does not effectively reduce traffic fatalities or crime. Even more strikingly, police enforcement of traffic laws has had devastating consequences for Black communities for decades, including fueling racial disparities in the criminal legal system, increasing the risk of exposure to police violence and police killings, and stoking feelings of indignity, stress, and fear. As reflected in the common phrase “driving while Black” and as experienced by Philando Castile, Daunte Wright, DeCynthia Clements, Patrick Lyoya, Tyre Nichols, and so many others, traffic stops of Black drivers by police pose a constant threat of humiliation, violence, and even death.

It is well past time for the United States to reimagine its approach to traffic safety in a way that prioritizes public health and eliminates the reliance on policing. In this Brief, the Thurgood Marshall Institute proposes an affirmative vision for traffic safety that does not rely on armed officers:

FRONT-END PREVENTION

- Safer road design
- Racially equitable investments in road safety and public transit infrastructure
- Safer road policies

BACK-END RESPONSE

- Removal of traffic enforcement authority from police
- Elimination of all pretextual stops (which would follow from the removal of traffic enforcement authority from police)
- Voucher and subsidy programs for road safety
- Elimination of debt-based driver's license suspensions
- Evaluations of driver accountability programs

Through this vision, jurisdictions can move toward equitable traffic policies and safer roads for all people.

(right) The Legal Defense Fund envisions a future for equitable travel on roads in which the safety of all people is paramount.
Photos by Shutterstock



End notes

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