

LIMITING TRAFFIC STOPS FOR MINOR OFFENSES

A Research Brief by

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Pretextual stops—using minor traffic violations as a pretext for unrelated investigations—raise concerns about racial profiling and unequal enforcement. Black drivers are disproportionately targeted, increasing fear, distrust, and tension in communities.

OVERVIEW

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This research brief addresses pretextual stops disproportionately affecting marginalized communities and highlights the implications of these stops on public safety, trust in law enforcement, and civil rights. The brief presents key policy reforms and initiatives aimed at addressing disparities and improving traffic safety for all communities.

PROBLEM

Pretextual stops—using minor traffic violations as a pretext for unrelated investigations—raise concerns about racial profiling and unequal enforcement. Black drivers are disproportionately targeted, increasing fear, distrust, and tension in communities. This brief emphasizes the need to understand the implications of pretextual stops in 21st century policing.

BACKGROUND

Discriminatory practices result in the disproportionate impact of pretextual stops on marginalized communities. Black drivers are stopped and searched at higher rates, despite fewer illegal items found. According to recent studies:

- Black drivers have an annual per-capita stop rate of 20, while White and Hispanic drivers have stop rates of 14 and 9, respectively, resulting in Black drivers being stopped 33% and 50% more often than White and Hispanic drivers.
- Despite higher search rates, Black drivers have lower instances of drug possession, firearms, or other illegal items compared to White drivers.

THE NEED

Disparities in traffic stops undermine trust, increase tension, and risk police misconduct, while fair and equitable traffic enforcement promotes public safety and community relations. This brief highlights the importance of addressing these disparities and promoting equal treatment.

POLICY RESPONSE

Initiatives in various jurisdictions aim to address disparities and improve traffic safety. Cities like Los Angeles, Seattle, and Berkeley limit low-level stops or prioritize high-risk violations, improving community relations. Noteworthy data points include:

- Traffic stops unrelated to traffic safety accounted for 25% of all stops before policy changes in Minnesota County but sharply decreased to just 5% after implementation.
- After the Los Angeles Police Department's (LAPD) new pretextual stop policy, minor infractions (e.g., broken taillights and expired registrations) dropped by over 40%.

CONCLUSION

Addressing racial disparities in traffic stops is crucial for justice and equality. Transparent data collection, bias training, community engagement, and restorative justice are steps toward fair enforcement. By prioritizing these measures, we foster trust, strengthen partnerships, and ensure safety for all.

■ INTRODUCTION


Pretextual or investigatory stops shroud our streets in a chilling atmosphere, where law enforcement officers exploit minor traffic violations as a pretext to delve into the shadows of more severe, unrelated crimes. In the United States, the insidious grasp of the police reaches far and wide, as they make over 10 million arrests yearly (Neusteter & O’Toole, 2019). Data reveal a haunting disparity: Black individuals are ensnared in the clutches of the law at a staggering rate—3.7 times higher than their White counterparts—even for offenses of comparable magnitude (Baumgartner et al., 2021; Haynes, 2020; Hinton et al., 2018). This reality ignites controversy, as pretextual stops become a battleground for grave concerns. With accusations of racial profiling continuously staining the very fabric of justice, the erosion of public trust in law enforcement and the ripe environment for civil liberties violations resonates deeply.

Recognizing the insidious repercussions of pretextual stops on marginalized communities— particularly, communities of color—is an imperative step toward understanding the depths of this critical issue. The weight of these practices bears heavily upon these communities, wreaking havoc through over-policing, the scourge of racial profiling, and an increased likelihood of arrests for seemingly trivial offenses, such as loitering and disorderly conduct (Woods, 2021). Black Americans find themselves subjected to a fate over three times more fatal than their White counterparts at the hands of the police (Bor et al., 2018; Edwards et al., 2019). This disheartening reality serves as an indelible reminder of the persistent systemic injustices within the criminal justice system.



The disproportionate use of pretextual stops reinforces systemic inequalities and undermines the trust between law enforcement and the communities they serve. These facts are alarming because they suggest that pretextual stops are being used to target minority drivers (National Highway Traffic Safety Administration, 2023). This practice has a number of negative consequences, including increased fear and distrust of the police among minority communities, heightened police-community tensions, diminished community cooperation with law enforcement, an increased risk of police brutality and misconduct, and violations of civil rights. Addressing the issues surrounding pretextual policing is of the utmost importance, as it can potentially improve law enforcement and community relations and ensure that people are treated equally under the law. This research brief examines previous research on traffic and pretextual stops, highlighting disparities, their implications, and suggestions for overall improvement.

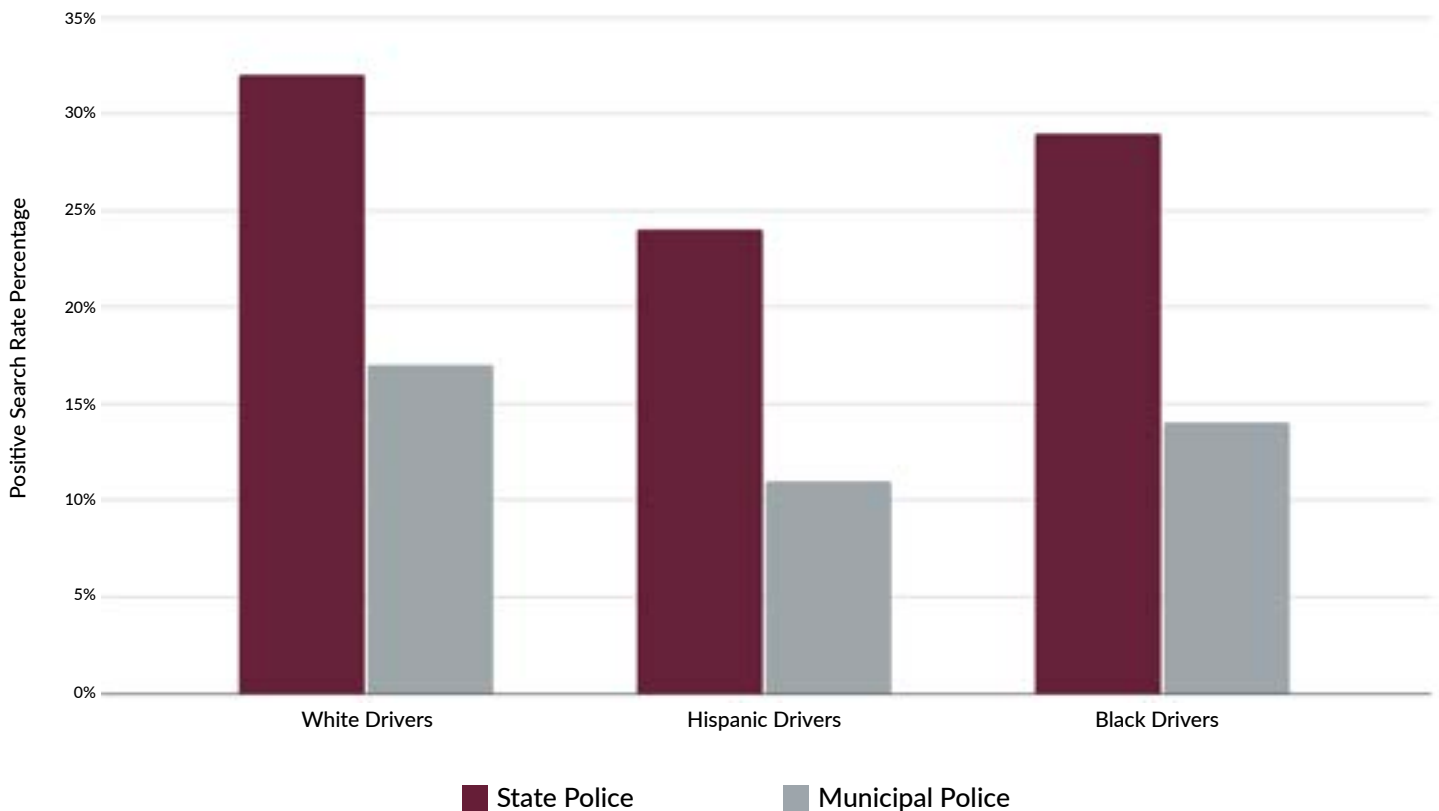
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■ BACKGROUND

Pretextual stops are rooted in discriminatory practices and have disproportionately impacted marginalized communities. Understanding the historical and social contexts of pretextual stops is essential for analyzing their impact on marginalized groups and the need for reform. In 2022, at least 86 traffic stops turned deadly nationwide (Mapping Police Violence, 2023). Disparities persist, as Black drivers are 1.5 times more likely to be stopped than White drivers and 3 times more likely to be searched (Baumgartner et al., 2018; Ross et al., 2020). These disparities primarily stem from traffic stops based on administrative and equipment violations, which have been shown to be ineffective in preventing hazardous driving. Advocates argue that these low-level violations are often used as a pretext for searches, despite the limited success in finding contraband (Pierson et al., 2020). Notably, Figure 1 demonstrates that Black drivers have lower instances of drug possession, firearms, or other illegal items compared to White drivers. These findings reveal the unjust targeting of drivers of color, despite no increased likelihood of carrying illegal items.

FIGURE 1: *State and Municipal Police Department Positive Search Rates for Illegal Items by Race*



*Adapted from [Pierson et al. \(2020\)](#).

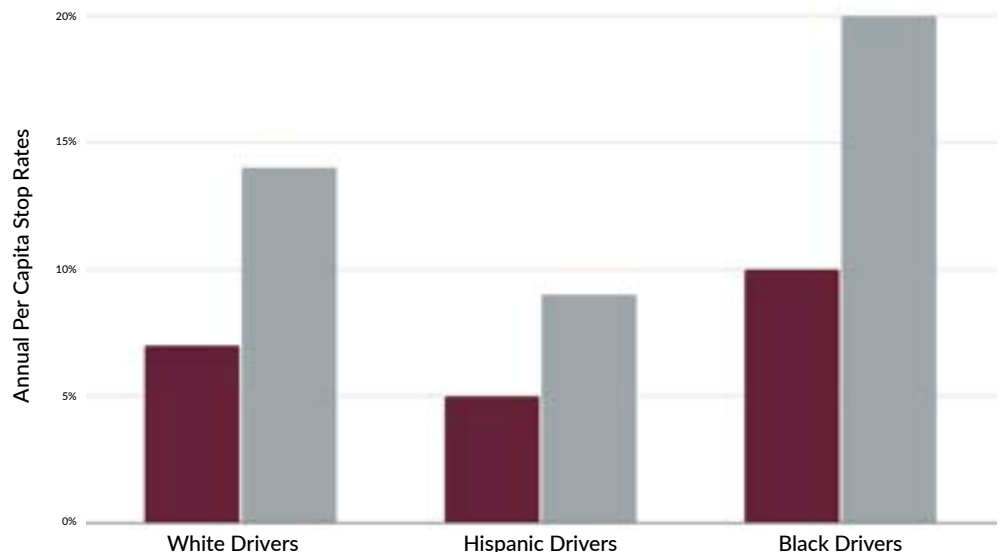
The disparity in traffic stops between Black, White, and Hispanic drivers at the state level is significant and raises concerns about law enforcement’s disproportionate targeting of Black drivers. According to Figure 2, Black drivers have an annual per-capita stop rate of 20, while White and Hispanic drivers have stop rates of 14 and 9, respectively, resulting in Black drivers being stopped 33% and 50% more often than White and Hispanic drivers. These disparities are complex and likely influenced by factors such as implicit bias, racial profiling, and the differential enforcement of traffic laws. The over-policing of Black communities perpetuates a cycle of distrust, fear, and marginalization, further exacerbating existing racial inequalities (Pierson et al., 2020). The negative impact of these disproportionate traffic stops extends beyond individual experiences to the broader community. It erodes trust in law enforcement and discourages cooperation, hindering efforts to build effective partnerships between the police and the communities they serve.

Interactions with the police during traffic stops have been found to have a detrimental effect on political engagement. A study conducted by Ben-Menachem (2023)

revealed that individuals who had experienced being pulled over were significantly less likely to participate in the next voting cycle. In Philadelphia, data from the local public defender’s office showed that out of over 300,000 traffic stops conducted from October 2018 to September 2019, less than 1% resulted in the discovery of drugs or a firearm. Despite Black drivers accounting for 72% of those stopped, they were 34% less likely than White drivers to be found possessing any illegal items (Holder, 2023). Similarly, in Mecklenburg, North Carolina, there is a significant disparity in traffic stops involving Black drivers, who are 95% more likely to be pulled over, primarily for regulatory violations. Black people make up 22% of the population but account for 30% of traffic stops, while White people represent 69% of the population but make up 60% of the stops (White, 2022). Collectively, these data points underscore the importance of addressing disparities in traffic stops and examining the impact of pretextual policing on communities, civil rights, and public trust in law enforcement. It is crucial to promote fair and equitable traffic enforcement practices that prioritize enhancing safety for all rather than disproportionately targeting specific racial or ethnic groups.

FIGURE 2: State and Municipal Police Department Annual Per Capita Stop Rates by Race

■ State Police
■ Municipal Police



**Adapted from Pierson et al. (2020).



■ POLICY RESPONSE

Various initiatives and policy changes have been implemented in different jurisdictions to address these disparities and improve traffic safety for all communities. Some cities, such as Los Angeles, Seattle, and Berkeley, have taken steps to limit low-level traffic stops or prioritize high-risk violations, aiming to reduce disparities and enhance community relations (Capitol Hill Seattle, 2022; Lofstrom et al., 2022; Raguso, 2022). These efforts have been made in response to the observed significant changes in police departments after implementing new policies in Minnesota County. Additionally, the policies resulted in a significant reduction in the time spent by police on traffic stops unrelated to traffic safety. Before Choi's policy change, these interactions accounted for 25% of all traffic stops, but following the implementation, they sharply decreased to just 5% (McCann, 2023).

Furthermore, advocacy organizations prioritize fair and equitable traffic safety enforcement to foster public trust and ensure effective road safety measures (Crabtree, 2020). Additionally, adopting evidence-based strategies to reduce racial disparities, such as prioritizing dangerous driving behaviors, can improve community relations without compromising safety (Fliss et al., 2020). By actively working towards fair and unbiased traffic enforcement, law enforcement agencies can foster trust, strengthen community partnerships, and ensure the safety and well-being of all individuals on the road. It is through these collaborative efforts that a more inclusive and equitable approach to traffic safety can be achieved, benefiting the entire community.

■ POLICY REFORMS AND INITIATIVES

There is growing acknowledgment of the need for police reform and advocacy for fair and equitable traffic safety enforcement (Crabtree, 2020). Numerous reforms and initiatives have been proposed and implemented to combat the issues surrounding pretextual stops. Recent developments include:

INCREASED TRANSPARENCY

Cities and jurisdictions have implemented greater levels of transparency in data collection and reporting of traffic stops (Elbashir, 2022; Harris County Office of Justice and Safety, 2021). This includes collecting demographic information of stopped drivers, tracking outcomes of stops (e.g., citations, searches, arrests), and regularly publishing the data for public review. For instance, in 2021, Johnny Olszewski, the Baltimore County Executive, announced the launch of the Baltimore County police traffic stop dashboard (Butler, 2021). This collaborative effort between the County's BCSTAT team and the Baltimore County Police has increased transparency and accountability within the police department, identified racial disparities, and prompted necessary changes (Amara, 2019; Baltimore County, 2021). The dashboard provides a comprehensive display of information concerning police traffic stops in Baltimore County, including statistics on the number of stops by race, reasons for stops, and traffic stop outcomes. The Los Angeles Police Department (LAPD) has also taken measures to enhance transparency by implementing data collection and reporting of traffic stops (Levin, 2019). Through analyzing this traffic stop

data, LAPD has uncovered a concerning racial disparity in the frequency of police officers' stops and searches.

BIAS TRAINING AND EDUCATION

Police departments are implementing comprehensive training programs to address implicit bias and racial profiling (Stark, 2021). These programs aim to educate officers on recognizing and mitigating unconscious biases, promoting fair and respectful interactions with motorists, and fostering better community relations, irrespective of race or ethnicity (Feigenberg et al., 2021). For instance, in 2018, the New York City Police Department (NYPD) introduced in-service training specifically focused on implicit bias (Worden et al., 2020). The outcomes demonstrated that 70% of the officers gained a better understanding of implicit bias and learned new strategies and skills that could be applied in their work.

COMMUNITY ENGAGEMENT

Community-based policing models are gaining traction as an alternative approach to traffic enforcement (Lanni, 2022). By actively involving community members and leaders in shaping enforcement strategies, these models aim to address community concerns, build trust, and foster collaboration between law enforcement and the communities they serve (Offices of Community Oriented Policing Services, 2009). In Florence, Oregon, the Florence Police Department has increased "neighborhood policing" by introducing resources and information about neighborhood watch programs (City of Florence, n.d.).

This collaborative approach encourages residents and law enforcement to work together to watch out for suspicious activity within their neighborhood, including traffic violations.

RESTORATIVE JUSTICE PRACTICES

Jurisdictions are exploring restorative justice practices as an alternative to punitive measures for traffic offenses (Lanni, 2022). For example, in Seattle, the municipal court recognizes restorative justice practices as a means to foster officer accountability and facilitate healing for victims (Davis, 2022). These practices prioritize repairing the harm caused by the offense and engaging the offender and affected community in a dialogue to reach mutually agreeable resolutions. Restorative justice practices hold police departments and officers accountable for their behavior while restoring and repairing the affected communities (Bergseth & Bouffard, 2013; Pavlacic et al., 2021). As a result, restorative justice practices are increasingly considered viable options for addressing traffic offenses.

There is growing acknowledgment of the need for police reform and advocacy for fair and equitable traffic safety enforcement.



■ CONCLUSION

In conclusion, we must prioritize allocating resources to address racial disparities in traffic stops and combating the practice of pretextual policing. These issues are fundamental to creating a just and equitable society. Transparent data collection, bias training for officers, community engagement, and alternative approaches like restorative justice are crucial steps toward achieving fair and unbiased traffic enforcement practices. By implementing these measures, we not only promote public trust but also prioritize community safety and well-being. It is essential that law enforcement agencies serve all individuals equally, upholding the principles of justice and equality.

To ensure the effective implementation and maintenance of these measures, independent oversight mechanisms should be established to promote accountability within law enforcement agencies. Engaging community members, organizations, and experts in ongoing conversations and decision-making processes is vital for fostering a collective effort to reform and improve the systems governing traffic enforcement. Through continuous evaluation, adjustment of policies, and responsiveness to community feedback, we can build a society where equal opportunity is afforded to all individuals, irrespective of their race. We must remain steadfast in our commitment to dismantling racial disparities in traffic stops and policing practices. By doing so, we move closer to a future where justice is served and equality prevails for every member of society.



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ABOUT THE CENTER FOR JUSTICE RESEARCH

The Center for Justice Research (CJR), housed in Texas Southern University's Barbara Jordan - Mickey Leland School of Public Affairs, provides culturally-responsive solutions to mass incarceration. The Center's initiatives are situated on four pillars: Research and Data, Policy Advocacy, Researcher Development, and Strategic Engagement. CJR's efforts move theory to practice, advise key stakeholders, and diversifies the justice research space. Founded in 2018, CJR was initially funded as a research initiative born out of a partnership between the Thurgood Marshall College Fund, Charles Koch Foundation, and Koch Industries to explore the removal of barriers to opportunities in historically under-resourced communities. From the beginning, CJR has worked on projects supported by the Department of Justice, National Science Foundation, National Hockey League, National Collaborative on Gun Violence Research, Chevron, and the Houston Endowment. The supporters of CJR all share a deeply rooted interest in dismantling mass incarceration, maintaining public safety, and creating a procedurally just criminal justice system. Because of our partnerships, CJR has the unique opportunity to investigate problems and provide solutions for the complexities of the criminal justice system. Through these relationships, the Center's researchers turn data into culturally-sensitive solutions for professionals, policymakers, and advocates. Sources of the Center's funding and our projects are outlined in greater detail on the website.

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