Frequently Asked Questions on Policies to Limit Non-Safety-Related Traffic Stops

General FAQs

What is meant by policies to limit "non-safety-related stops"?

These policies cover traffic stops for low-risk infractions that do not create a safety risk to anyone inside or outside the vehicle. Some examples are driving with expired registration, expired inspection/emission stickers, items hanging from the rearview mirror, or one missing headlight or taillight.

What's wrong with calling them "pretext stops" or "pretextual stops"?

Many non-safety-related stops are pretextual, meaning the stop is just an excuse for police to search the car. But some may be truly intended to enforce vehicle code violations, and painting these stops with too broad a brush risks diluting the conversation over their harms. Further, by not calling them "pretextual stops," we call attention to the fact that policies to limit searches alone are insufficient, because negative consequences can result from non-safety-related stops even if they are intended only to enforce vehicle code violations.

What's so bad about these non-safety-related traffic stops?

Traffic, pedestrian, and cyclist fatalities are all soaring in the United States (with alarming racial disparities). And yet in most jurisdictions, police spend massive amounts of time and money enforcing regulations that do not make our roads safer. One study found that, in 2019, California's 15 largest law enforcement agencies spent more than 80,000 hours making traffic stops that did not even end in a warning (and more than half those hours were spent on non-moving violations). Another study found that more than two-thirds of the time the Sacramento County Sheriff's Office spent enforcing traffic infractions went to equipment and non-moving violations (compared to one third for moving violations). Meanwhile, a Connecticut study found that the types of equipment regulations enforced in non-safety-related traffic stops do not contribute to accidents. found that the types of equipment regulations enforced in non-safety-related traffic stops do not contribute to accidents.

Further, these stops increase the risk of physical, psychological, and economic harm, especially in Black communities—in addition to the social costs inherent in any interaction with the police. The frequency of these stops and their disparate impact on communities of color also compound distrust in government institutions such as police departments and prosecutors' offices, which depend on the public's cooperation to address crime.

While all drivers may face the indignity and potential danger of a police encounter, people of color undoubtedly are at greater risk. A study of nearly 100 million traffic stops across the country found that Black drivers were stopped more often than white drivers, relative to their share of the population. Further, Black and Hispanic drivers were searched approximately twice as often during a traffic stop as white drivers, despite white drivers being just as likely as Black drivers (and more likely than Hispanic drivers) to be found with drugs or weapons. Non-safety-related stops exacerbate the problem: multiple studies have found more racial disparities in these stops than in safety-related stops.

Thus, while these non-safety-related traffic stops do not directly boost public safety or road safety, enforcing them may negatively impact safety by undermining community trust, destabilizing communities, and taking up policing resources that could otherwise go toward serious crimes or dangerous driving.

What are the demonstrated benefits of policies to limit these stops?

These policies allow police to improve both road safety and overall public safety by preserving resources (of time and money) and redirecting enforcement toward dangerous driving and serious crime. These policies may also improve public safety by improving community trust in the police and prosecutors. These safety claims are bolstered by robust evidence: researchers found that when police in Fayetteville, North Carolina, stopped making non-safety-related stops, car accidents went down and non-traffic-related crime was unaffected. Similarly, when an anti-drunk driving unit of the Newington, Connecticut police shifted from using minor lighting infractions to violations to find intoxicated drivers, they achieved a 250 percent increase in DUI arrests along with a significant decrease in racial disparities. Results from Nashville and Ramsey County, Minnesota, also provide evidence that such policies do not lead to increased crime. Finally, evidence from places like Philadelphia and Connecticut shows police who no longer have the distraction of these non-safety-related stops have been able to get more guns off the street and catch more drunk drivers.

By eliminating the traffic stops where racial disparities are most concentrated, these policies can reduce overall racial disparities in traffic stops. This has been demonstrated in Fayetteville, North Carolina and Ramsey County, Minnesota. Even in places where racial disparities persist after the implementation of such a policy, as in Philadelphia or Berkeley, reducing the number of non-safety-related stops overall nevertheless reduces the potential for harm, particularly to Black drivers. For example, in Philadelphia, non-safety-related traffic stops for the infractions included in the Driving Equality Act dropped by 54 percent for Black drivers.

In contrast to these immense benefits, there is little downside to limiting non-safety-related traffic stops, as these infractions pose virtually no danger to road safety and jurisdictions may find other ways to enforce them (see below). Importantly, under these policies, police can continue stopping drivers for dangerous driving and where there is reasonable suspicion the driver may have committed a crime.

How can jurisdictions eliminate or limit non-safety-related stops?

There are generally four ways. 1) Police departments can issue their own policies; 2) prosecutors can decline to prosecute charges stemming from non-safety-related stops; 3) a mayor (or equivalent figure) can issue an executive order; and 4) local/state governments can pass legislation. While all these options can be effective, legislation is the best option, as it is most durable and does not face the risk of being discarded by a new police chief, executive, or prosecutor.

Where have policies to limit non-safety-related stops been enacted?

By Vera's count as of August 2023, at least 12 state or local governments nationwide have passed policies to limit at least one category of non-safety related stop: California; Illinois; New York; Oregon; Virginia; Ann Arbor, Michigan; Chapel Hill, North Carolina; Memphis, Tennessee; Philadelphia; Pittsburgh; Shaker Heights, Ohio; and West Hollywood, California.

At least 18 jurisdictions have limited these stops by police order: Alliance, Nebraska*; Berkeley, California; Culver City, California*; Duluth, MN*; Fayetteville, North Carolina*; Hamden, Connecticut*; Lansing, Michigan; Los Angeles, California; Mecklenburg County, North Carolina; Minneapolis, Minnesota; Nashville, Tennessee; New Haven, Connecticut*; Newington, Connecticut*; Oakland, California*; Portland, Oregon*; Ramsey County, Minnesota (Maplewood, New Brighton, Roseville, Saint Anthony Village, and Saint Paul)*; San Francisco; and Seattle, Washington.

At least six jurisdictions have limited these stops by prosecutorial policy: Chittenden County, Vermont; Ingham County, Michigan; Ramsey County, Minnesota; San Francisco County, California; Suffolk County, Massachusetts; and Washtenaw County, Michigan.

Note that some of these policies are not currently active, either because they are still under negotiation, no longer being enforced, or tied to an official who is no longer in office. The asterisk indicates policies for which Vera has not been able to obtain a copy of the departmental policy.

Are policies to limit non-safety-related stops popular with voters?

These policies have strong bipartisan voter support. Polling from Safer Cities and Data for Progress indicates that 69 percent of all voters support a policy to reclassify minor traffic infractions so that they no longer warrant a traffic stop, with support from 81 percent of Democrats and 59 percent of Republicans. When asked the best approach to dealing with a driver with a single burned-out brake or taillight, for example, only 21 percent of voters selected a stop by an armed police officer as opposed to no enforcement (29 percent), a traffic camera or license plate reader (29 percent), or a stop by an unarmed civilian (20 percent). Voters clearly understand there are better ways to handle these issues.

Policing/Safety FAQs

I've heard that these non-safety-related traffic stops result in the police catching lots of impaired drivers. Won't this make it harder for them to keep the road safe?

These policies do not prevent police from stopping impaired drivers and from searching those vehicles under existing laws. In fact, research shows that shifting to enforcement from non-safety-related infractions to dangerous driving can reduce traffic fatalities without any increase in crime. AAA has endorsed this viewpoint, noting that "available research suggests these kinds of stops are very poor DUI prevention strategies, especially when compared to other more effective countermeasures like high-visibility saturation patrols and checkpoints." When police in Newington, Connecticut, shifted their enforcement priorities to focus on safety-related stops after learning that nearly 40 percent of their traffic stops were for defective lighting, stops that led to DUI arrests increased by 250 percent.

Critics of these policies say that these traffic stops are pivotal for catching criminals. Wasn't Ted Bundy caught in a traffic stop?

Ted Bundy was pulled over for reckless driving, not a non-safety-related stop. There are also famous examples of traffic stops failing to catch criminals, like the DC Beltway sniper, who was stopped for running a stop sign and released. Even with the very rare exception of when a traffic stop does result in a major arrest, these stops don't build public safety. A major study in Fayetteville, North Carolina, found that police were able to eliminate these low-level traffic stops with no impact on non-traffic related crime, and a study in Nashville found similar results. Findings from other countries also confirm that traffic stops are not an effective crime fighting tool. Finally, even without non-safety-related stops, police can still pull someone over when there is reasonable suspicion that they have committed a crime (i.e., a Terry stop).

I've also heard that kidnapping victims will kick out a taillight to signal the police they're trapped in a trunk. If the police can't make these stops anymore, won't it harm kidnapping victims?

This has happened in a few isolated incidents, but luckily, it's no longer an issue. Thanks to a ruling by the U.S. National Highway Traffic Safety Administration, every car built since September 2002 has an emergency release mechanism in the trunk.

People say these stops are unrelated to safety, but what about something like a missing headlight? Wouldn't that result in more dangerous driving?

Policies limiting stops for non-safety-related traffic infractions do not prohibit police from making traffic stops due to more serious equipment violations, like two missing headlights or anything causing visibly reckless

driving. Research shows that the low-level equipment violations addressed by these policies are not the ones affecting road safety. A Connecticut analysis looked at five years of crash data and found that while equipment issues were a contributing factor in 12 percent of accidents, the equipment issues identified—"i.e. brakes, tires, power train, suspension, lights, windows, mirrors, etc."—did not align with the equipment issues typically enforced by police (like taillights being out). For example, defective lighting accounted for 9.4 percent of all Connecticut traffic stops, but only 0.1 percent of accidents between 2015 and 2019.

Don't police get a lot of guns off the street using these stops?

No. In fact, the year after passing a policy to limit non-safety-related stops, Philadelphia police actually recovered guns in more traffic stops than in 2019, despite making 70 percent fewer stops between those two time points.

These non-safety-related stops very rarely result in the recovery of guns or other contraband. A 2018 study of nonmoving violation traffic stops in Nashville found that less than one-tenth of one percent (0.8 out of every 1,000) resulted in police charging someone with possessing a weapon. It also found that when traffic stops went down, crime did not go up. A California analysis found that in the types of non-safety-related stops that would be eliminated by a proposed law, just .4 percent resulted in recovery of a firearm, while 1.7 percent resulted in the recovery of drugs, and over 97 percent resulted in the recovery of no contraband at all. Vera's own analyses have found similarly low rates of firearm recovery in non-safety-related stops in Suffolk County, Massachusetts, and in Washington State.

Looking at all traffic stops more broadly (not just non-safety-related stops), a study of the eight largest California police departments revealed that they confiscate firearms in only about .5 percent of stops. Traffic and pedestrian stops in the Washington, DC, had similar results; police recovered a gun in .6 percent of these encounters in the first half of 2019. Overall, studies from around the world confirm that traffic stops in countries outside the United State are also not effective at fighting crime.

Even if non-safety-related traffic stops recover only a small amount of guns or drugs, isn't that worth it to keep our community safe?

A rigorous study by a Florida criminal justice researcher comparing different street-level drug enforcement tactics concluded on traffic stops: "The benefits do not outweigh the negative consequences."

The same can be said for guns: the harms of non-safety-related traffic stops outweigh the benefits of recovering guns in so few of these stops (as outlined above). While addressing gun violence is an important goal, police should use methods far more precise than the needle in a haystack approach of searching vehicles for firearms during tens of thousands of unrelated traffic stops, given the grave risk to drivers' safety and community trust caused by these stops.

Some police say that non-safety-related traffic stops are their best opportunities to have a safe, civil encounter with community members and are thus necessary for police to establish good community rapport. Do we really want to take that opportunity away from them?

Decades of evidence shows that the experience of the public—specifically Black, Latinx, Indigenous, and other marginalized communities—does not mirror the perception some police officers hold of non-safety-related traffic stops as helpful community outreach. Instead, this permitted discretion has led to significant racial disparities in who the police stop, as well as in ensuing consequences like searches and arrests. For many people, the physical, psychological, and economic harms of non-safety-related traffic stops far outweigh any benefits to police. Indeed, the community distrust resulting from traffic stops may make it *harder* for the police to do their jobs. There are many ways for police to improve relationships with residents that do not involve the potential for harm found in traffic stops.

Even if the data says my jurisdiction has racial disparities in traffic stops, couldn't those be caused by non-residents driving dangerously through my jurisdiction? Why should we have to change our laws to let them make our roads unsafe?

First, non-safety-related traffic stops are administrative and nonmoving infractions; they do not have anything to do with whether someone is driving dangerously. Second, a good data collection policy can measure whether the driving population truly differs in a significant way from the local residential population. Collected data that includes the residence of the drivers stopped can be analyzed against data on the driving population to accurately calculate racial disparities. For example, Montgomery County, Maryland, collects the residence of every driver stopped by the police. As such, researchers were able to determine that while non-residents accounted for about a quarter of all traffic stops, racial disparities in stops for county residents were consistent with racial disparities for all stops made by county police, thus eliminating the possibility that non-residents were causing racial disparities in stops.

Some of these traffic stop policies also legalize jaywalking. Doesn't enforcing jaywalking laws save lives?

Jaywalking laws were invented to deflect blame from automakers and drivers, not to protect pedestrians. Enforcement of these laws primarily targets people of color, a double burden when considering that Black pedestrians are considerably more likely to be struck by cars. Further, pedestrians are equally likely to be struck by a car whether in a crosswalk (with no stop sign or traffic signals) or crossing midblock. California, Nevada, Virginia, and Kansas City, Missouri, have already reformed their jaywalking laws. To address pedestrian deaths, policymakers should prioritize enforcing existing laws against dangerous driving, setting appropriate speed limits, and making changes to the built environment that support safer driving.

Crafting Legislation/Policy FAQs

Why do many bills, like Philadelphia's, include a separate data collection bill? Is it worth passing a data collection bill on its own?

Data collection mandates are necessary for measuring the impact of policies to limit non-safety-related traffic stops, particularly racial disparities in stops (and resulting searches). If there isn't yet support for a policy limiting stops, a data collection mandate is a great start. Many jurisdictions, like Fayetteville, North Carolina, have been able to implement larger policies because good traffic stop data made the necessity so clear.

Can municipalities pass traffic laws like this, or does it require change to state law?

In many places, municipalities can pass these policies, as evidenced by jurisdictions ranging from Philadelphia to West Hollywood, California. However, the answer may be different in each state and likely requires legal research into the interaction between state law and an individual locality's laws.

If police aren't stopping vehicles for these offenses, how can jurisdictions enforce them?

Jurisdictions are developing other ways to ensure that equipment issues get fixed and registrations are up to date. For equipment, community groups and government offices can issue vouchers for fixing taillights or mufflers. DMVs can follow up by mail for expired registrations, inspections, and license plates. A pilot program in Nebraska and Texas has officers text drivers to issue warnings for low-risk infractions instead of pulling them over for a stop.

Jurisdictions can also encourage regulatory compliance without relying on punishment. Some possibilities include making it easier to renew registration documents online, providing additional notices ahead of deadlines, and providing financial support to help people bring their vehicles into compliance.

Some jurisdictions—including Philadelphia, Memphis, and Ann Arbor—have also modified the law so that certain non-safety-related infractions can be enforced if the car has already been stopped for a moving violation. For example, a police officer could pull someone over for speeding, and then they would be able to issue a citation for expired registration.

Why aren't racial profiling bans sufficient to eliminate racial disparities in traffic stops?

The national research on racial disparities in traffic stops suggests that disparities do not necessarily stem from intentional or conscious choices by police. Racially inequitable outcomes can continue without any conscious targeting by police officers. Racial disparities arise when police operate with a great deal of discretion, as they do in non-safety-related traffic stops. A number of jurisdictions (such as California, Texas, and Connecticut) have passed statutes outlawing racial profiling, yet Black people in those places remain more likely to be stopped by police and searched when they are stopped, but are less likely to have contraband when searched (see results from California and Texas).

Racial Disparities FAQs

How can you analyze the results of traffic stop data without an exact measurement of the driving demographic?

Research has shown that using Census data is a statistically valid approach to measuring racial disparities in a wide variety of settings, including traffic stops. Census records are widely available and have been shown to correspond to other population benchmarks, like the driving population. Furthermore, census population records are already the most common benchmark used by police departments and law enforcement agencies themselves to monitor activities like enforcement trends and levels of community trust.

How can you ask the police to reduce racial disparities when we don't even know for sure that they're the ones causing those disparate outcomes?

Numerous studies provide causal evidence that policing practices contribute to racial disparities in traffic stops. These studies can identify the types of policing behaviors (what types of stops, for what violations, etc.) that drive disparities and isolate the role of police discretion and decision-making through various approaches. Further, these studies demonstrate that racial disparities remain after controlling for a variety of factors including the racial breakdown of the population, local crime patterns, number of crashes in an area, or by using analytic approaches that attempt to isolate biased stops, like the veil of darkness (which excludes stops at night, when darkness is proven to reduce racial disparities). Even if there is not sufficient data in a particular jurisdiction to prove a causal link, data from that area indicating substantial population-level racial disparities in stops combined with the causal evidence available in other jurisdictions across the nation (see above) strongly suggests a likely causal link.

Isn't the built environment also to blame for racial disparities? For example, if lower income communities of color are situated on more dangerous streets, and that prompts additional traffic enforcement in those areas?

To isolate the role of policing, studies can and do adjust for the role that the built environment can play in driving racial disparities in traffic stops. Limiting non-safety-related stops is a solution to part of the problem, not all of it: while the built environment is also a driver of disparities, the goal of this policy is to reduce human-created disparities, not the environmental-based disparities that are layered underneath and should be addressed via additional policies.

Doesn't driving performance and the frequency with which someone is observed by police play a role in driving racial disparities?

Several studies using data from across the country have demonstrated that there aren't significant racial disparities in driving performance. A detailed analysis of Florida rideshare drivers shows that Asian and Pacific Islander, Hispanic, and Black drivers were significantly more likely than white drivers to be stopped and receive greater fines for the same exact speeding behavior, despite a lack of significant differences in speeding behavior, accidents, or repeat traffic infractions between white and nonwhite drivers.

Why do so many of these studies use Fayetteville, North Carolina? How does that have anything to do with my jurisdiction?

Most North Carolina agencies have been required to report traffic stop data since 2002, making it "one of the oldest and most complete traffic stop databases in the nation," according to one group of researchers. Because North Carolina had excellent data on traffic stops, motor vehicle crashes, and crime *before and after* the Fayetteville Police Department instituted its policy to eliminate non-safety-related stops, researchers had ample evidence to rigorously study the effects of the policy. Further, Fayetteville instituted its policy 10 years ago, much earlier than most jurisdictions, giving sufficient time to study the effects.