The Role of Administrative Traffic Offenses in the North Carolina Criminal Justice System

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This briefing paper explores the large role that administrative traffic offenses play in the state's criminal justice system. The Lab's Measuring Justice Dashboard shows that non-violent misdemeanor charges make up the bulk of the state system.
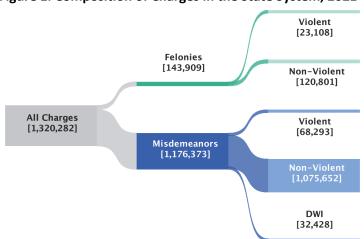
Figure 1. Composition of Charges in the State System, 2021

Figure Note: DWI refers to impaired driving offenses.

The Dashboard also shows that non-impaired driving traffic offenses make up the greatest share of these non-violent misdemeanor offenses and that seven of the top ten most commonly charged offenses in the entire system are administrative traffic offenses.

This isn't just a North Carolina issue. As noted in a recent Lab briefing paper, the most common contact the public has with police is traffic stops. That paper notes that every day in the U.S., police pull over more than 50,000 drivers. Some stops are for roadway safety issues, but many are for minor violations. As seen in the national news, stops for minor violations can turn deadly, and research has found racial differences in traffic stops. Against this background, we wanted to know more about the role of misdemeanor administrative traffic violations in the state system. Here's what we found.

In 2021, misdemeanor administrative traffic offenses accounted for nearly forty percent (39.7%) of all criminal charges statewide. In that year, North Carolina issued over 1.3 million charges; over 524,000 were for misdemeanor administrative traffic violations. That's a big share of overall charges. We further explored the issue by looking at how things played out at the incident level. Specifically, we wanted to

know: For what percent of *incidents* was a misdemeanor administrative traffic offense the highest charged offense? The answer at the incident level was similar to what we found at the charge level: In over one-third of all 2021 incidents (36.4%), a misdemeanor administrative traffic charge was the highest charged offense. Specifically, in 2021 those 1.3 million charges occurred in over 800,000 incidents; for nearly 300,000 of those incidents, a misdemeanor administrative traffic charge was the most serious offense charged.

In over one-third of incidents, a misdemeanor administrative traffic charge was the highest offense.

Figure 2 presents a list of the ten most commonly charged misdemeanor administrative traffic offenses in North Carolina.

Figure 2. Ten Most Commonly Charged Misdemeanor Administrative Traffic Offenses with Charge Counts, 2021

EXPIRED REGISTRATION CARD/TAG	136,726
DRIVING WHILE LICENSE REVOKED, NON-IMPAIRED REVOCATION	120,487
NO OPERATORS LICENSE	93,837
OPERATE VEHICLE NO INSURANCE	36,609
FICTITIOUS/ALTERED TITLE/REGISTRATION CARD/TAG	30,276
DRIVE/ALLOW MOTOR VEHICLE NO REGISTRATION	22,254
CANCELLED/REVOKED/SUSPENDED CERTIFICATE/TAG	16,752
DRIVING WHILE LICENSE REVOKED, IMPAIRED REVOCATION	13,261
NO LIABILITY INSURANCE	12,355
WINDOW TINTING VIOLATION	11,141

As shown in Figure 2, three misdemeanor administrative traffic offenses make up the lion's share of charges: Expired registration card or tag; Driving while license revoked, non-impaired revocation; and No operator's license. After these top ten, charge counts drop precipitously. In spot eleven, for example, is driving a vehicle that is not registered or does not have a current registration plate, with 5,551 charges.

With other criminal justice data points, we've found that state numbers hide county-level variation. That's true here as well. At the county level, the percent of incidents involving a misdemeanor administrative traffic offense as the highest charge ranges from a low of 18.2% for Gates County to a high of 60.1% for Mitchell County.

What does this mean for criminal justice policy? We're non-advocacy, so we don't push policy options. We do, however, help leaders understand the range of available legal and evidence-based policy options. Leaders across the state have been telling us that their primary public safety concern is solving and preventing violent and serious crime. They also have been telling us that law enforcement units are

experiencing severe staffing challenges. As a result, they are asking for help understanding a range of options for policing and responding that promote public safety and a fair and effective system. Those concerns have driven our work in the Alternative Responder space. That work holds potential to remove or reduce law enforcement involvement in responding to people in crisis, freeing them up to focus on serious threats to safety by using alternative responses that can better connect people to needed community services. Likewise, these data points, showing heavy use of law enforcement and court resources for misdemeanor administrative traffic violations, may point to other solutions. One option already is being explored in North Carolina and across the country: policies to limit law enforcement involvement in non-roadway safety traffic issues. Again, we're not advocating for that solution. Rather, we're simply presenting it as a policy option. If you're interested to learn more about jurisdictions that have made those changes, check out a new Lab briefing paper here. Among other things, it lists jurisdictions that have adopted municipal bans on certain traffic stops and policy changes implemented by Sheriffs and Police Chiefs to do the same.

We'll end with a few clarifying points about our research:

What do you mean by an "incident" and why collapse charges to the incident level? We consider an incident to be all charges against a person on the same date and in the same county. Some counties charge all offenses that occur at the same time in the same case. Others charge across two or more cases. By collapsing to the incident level, we can compare county-level data. Also, collapsing charges down to the incident level lets us zero in on the most serious charge involved in the encounter.

What's your hierarchy for determining the highest charge? In our hierarchy, felonies are at the top and administrative traffic offense are at the bottom. Here's the full hierarchy: Any felony offense > Any non-traffic misdemeanor charge (like, misdemeanor larceny or misdemeanor possession of marijuana) > Any non-administrative traffic offense (like speeding or impaired driving) > Any administrative traffic offense.

What's an administrative traffic offense? We categorized every single traffic offense in the state Administrative Office of the Courts Offense Code Spreadsheet as administrative or non-administrative. Administrative offenses include, for example, offenses pertaining to licenses, permits, titles, plates, weigh stations, inspections, and insurance. Other types of administrative offenses include parking violations and driving with license revoked. Non-administrative offenses include, for example, any type of impaired driving; moving violations like speeding and driving left of center; fleeing to elude offenses; racing; reckless driving; vehicle theft; hit and run; false reports; and vehicle tampering offenses.

We'll be loading all of this information onto the Dashboard in coming months. If you're interested in this data for your county, please reach out.