

Policing Traffic Violations

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March 2023

In 2018, the police had contact with 7.9 million drivers because of traffic collisions alone.¹ The most common contact the public has with police, however, is traffic stops.² Nationwide, police daily pull over more than 50,000 drivers.³ Some stops are safety focused, such as those for speeding, reckless driving, racing, and impaired driving. However, most stops are for minor driving and equipment violations.⁴ In some cases, officers initiate a stop for minor violations, aiming to discover evidence of a more serious offense. Such a stop is referred to as *pretextual*, and so long as the officer had a valid reason for the stop, it is permissible.⁵ Some government officials have expressed concerns about pretextual stops, asserting that they present opportunities for abuse of discretion.⁶ Perhaps more significantly, researchers have found that “traffic stops rarely produce arrests of any kind, when they do, the arrests rarely lead to convictions, and those convictions are rarely on serious charges.”⁷

Also, racial differences have been documented in traffic stops. Hispanic and Black drivers are more likely than White drivers to be pulled over for low-level traffic violations.⁸ Young men, in particular, are more likely to be stopped for pretextual and minor traffic violations.⁹ And, killings of minority motorists by officers after stops for minor traffic violations have made national

¹ Bob Harrison, *Stop, Start, or Continue? A National Survey of the Police About Traffic Stops*, RAND CORPORATION, THE RAND BLOG, June 30, 2021, <https://www.rand.org/blog/2021/06/stop-start-or-continue-a-national-survey-of-the-police.html>.

² CHRISTINE EITH & MATTHEW R. DUROSE, U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE STATISTICS, CONTACTS BETWEEN POLICE AND THE PUBLIC, 2008, NCJ 234599 (October 2011), <https://bjs.ojp.gov/content/pub/pdf/cpp08.pdf>.

³ According to findings from the [Stanford University Open Policing Project](#).

⁴ Libby Doyle & Susan Nembhard, *Police Traffic Stops Have Little to Do with Public Safety*, URBAN INSTITUTE, April 26, 2021, <https://www.urban.org/urban-wire/police-traffic-stops-have-little-do-public-safety>.

⁵ SHEA RIGGSBEE DENNING, CHRISTOPHER TYNER, & JEFFREY B. WELTY, PULLED OVER: THE LAW OF TRAFFIC STOPS AND OFFENCES IN NORTH CAROLINA, UNC SCHOOL OF GOVERNMENT 9 (2017) (“If an officer has reasonable suspicion that a driver has committed a crime or an infraction, the officer may stop the driver’s vehicle. This is so even if the officer is not interested in pursuing the crime or infraction for which reasonable suspicion exists but, rather, is hoping to observe or gather evidence of another offense”), citing *Whren v. United States*, 517 U.S. 806 (1996); *State v. McClendon*, 350 N.C. 630 (1999).

⁶ Marsha Mercer, *Police ‘Pretext’ Traffic Stops Need to End, Some Lawmakers Say*, STATELINE, PEW CHARITABLE TRUSTS, September 3, 2020, <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/09/03/police-pretext-traffic-stops-need-to-end-some-lawmakers-say>.

⁷ DEREK A. EPP, FRANK R. BAUMGARTNER, MARTY DAVIDSON, MICHAEL FLISS, KANEESHA R. JOHNSON, & KELSEY SHOUB, PUBLIC SAFETY AND POLICE TRAFFIC STOPS (WORKING PAPER), 2022 (paper on file with author).

⁸ Sharad Goel & Cheryl Phillips, *Hispanic Drivers Are Searched More Often Than Whites*, SLATE, June 19, 2017, <https://slate.com/technology/2017/06/statistical-analysis-of-data-from-20-states-suggests-evidence-of-racially-biased-policing.html>; Erik Ortiz, *Inside 100 million police traffic stops: New evidence of racial bias*, NBC NEWS, March 13, 2019, <https://www.nbcnews.com/news/us-news/inside-100-million-police-traffic-stops-new-evidence-racial-bias-n980556>.

⁹ Kevin Roach, Frank R. Baumgartner, Leah Christiani, Derek A. Epp, & Kelsey Shoub, *At the Intersection: Race, Gender, and Discretion in Police Traffic Stop Outcomes*, 7 J. OF RACE, ETHNICITY, AND POLITICS 239 (2022).

headlines in recent years.¹⁰ These issues have generated interest in examining the role of law enforcement in motor vehicle violations. This briefing paper provides examples of jurisdictions that have made legal and policy changes regarding law enforcement involvement in traffic violations.¹¹ Changes include municipal bans, law enforcement policy changes, and prosecutorial policy changes.

Municipal Bans on Traffic Stops & Crash Investigations

Philadelphia, Pennsylvania

In 2021, Philadelphia became the first large U.S. city to ban police officers from pulling drivers over for minor traffic violations, like driving with a revoked license, improperly displayed registration or inspection stickers, or a single broken taillight.¹²

Pittsburgh, Pennsylvania

In 2021, the Pittsburgh City Council followed Philadelphia, banning police officers from involvement in minor traffic violations. Police have discretion to stop motorists for primary violations¹³ but may not stop motorists solely for secondary violations such as improper fastening of registration plates and a single broken taillight.¹⁴

Berkeley, California

At a public meeting on February 23, 2021, the Berkeley City Council unanimously adopted a resolution recommending that law enforcement deprioritize traffic stops in Berkeley for “low-level” offenses, such as not wearing a seat belt or having expired registration tags.¹⁵ The City Council also authorized unarmed citizens to handle routine motor vehicle enforcement, charging the Department of Transportation ([BerkDOT](#)) with managing traffic violations. The Council emphasized that law enforcement’s mission is “serious safety concerns.”¹⁶ Other changes included requiring written consent for police searches and prohibiting police from asking about parole status during routine traffic stops.¹⁷

¹⁰ Sam Levin, *US police have killed nearly 600 people in traffic stops since 2017, data shows*, THE GUARDIAN, April 2, 2022, <https://www.theguardian.com/us-news/2022/apr/21/us-police-violence-traffic-stop-data>.

¹¹ The list is not exhaustive. Other jurisdictions may have addressed this topic with similar legal and policy changes, but not publicized their efforts. This work was informed by that of the Vera Institute of Justice, and we thank them for their contribution.

¹² Exec. Order 6-21, City of Philadelphia, Office of the Mayor, November 3, 2021, <https://www.phila.gov/media/20211109145453/executive-order-2021-06.pdf>; Katie Krzaczek, *8 common traffic violations no longer warrant a police stop in Philly*, THE PHILADELPHIA INQUIRER, March 3, 2022, <https://www.inquirer.com/news/philadelphia/philadelphia-police-wont-stop-drivers-minor-offenses-20220303.html>.

¹³ Pennsylvania Vehicle Code, 75 Pa. C.S. § 101, et seq. (2021).

¹⁴ Pittsburgh, PA., Code of Ordinances § 503.17 (2021).

¹⁵ City of Berkeley, California, Special City Council Meeting, (February 23, 2021), [Special City Council Meeting - 4 p.m. \(granicus.com\)](#).

¹⁶ *Id.*

¹⁷ Joshua Vaughn, *Berkeley City Council Passes Sweeping Reforms to Limit Police Traffic Stops*, THE APPEAL, February 23, 2021, <https://theappeal.org/berkeley-city-council-passes-sweeping-reforms-to-limit-police-traffic-stops/>.

Brooklyn City, Minnesota

In 2021, the City Council passed reforms including authorizing unarmed citizens to enforce low-level traffic violations like vehicle equipment issues (for example, broken taillights). The reforms also prohibit the police from making arrests for these violations, instead, require charging by citation.¹⁸

Minneapolis, Minnesota

In 2021, Minneapolis eliminated police traffic stops for minor offenses like hanging air fresheners and expired inspection stickers.¹⁹

New York City, New York

The New York City Police Department no longer responds to 911 calls for vehicle crashes that involve nothing more than property damage. According to NYPD policy, which was first a pilot policy and then extended in 2020, New York City drivers “will be responsible for filling out their own reports and forwarding the reports to the DMV.”²⁰ The policy states that the change would help traffic move more quickly and allow drivers to leave the scene of the accident sooner.²¹

Law Enforcement Policy Changes

Mecklenburg County, North Carolina

The Sheriff’s Office announced that deputies may no longer stop drivers for minor traffic violations such as window tinting, broken taillights, expired inspections, and driving with a revoked license.²²

Fayetteville, North Carolina

In 2013, the now-retired police chief instructed officers to suspend stops for violations like expired registrations and equipment problems. The chief emphasized that attending to traffic

¹⁸ Hilary Rau, Scarlet Neath, Maya McDoom, & Charlotte Resing, *Redesigning Public Safety: Traffic Safety*, CENTER FOR POLICING EQUITY, September 2022, <https://policingequity.org/traffic-safety/60-cpe-white-paper-traffic-safety/file>. Other measures included creating a new city department for public safety ([Community Safety and Violence Prevention](#)) charged with overseeing the police and fire departments, creating two other public safety departments that do not directly involve police ([traffic enforcement and community response](#)), and establishing authorities for more independent oversight of the police force.

¹⁹ Dennis Romero, *Minneapolis to Limit Police Traffic Stops for Minor Violations*, NBC NEWS, August 14, 2021, <https://perma.cc/LL38-5ZWL>; Libor Jany, *Minneapolis police to scale back low-level traffic stops*, STARTRIBUNE, August 12, 2021, <https://www.startribune.com/minneapolis-police-to-scale-back-low-level-traffic-stops/600087423/?refresh=true>.

²⁰ New York State, Department of Motor Vehicles, *How to file a motorist accident report*, <https://dmv.ny.gov/dmv-records/how-file-motorist-accident-report>.

²¹ Gersh Kuntzman, *UPDATED: NYPD Will No Longer Respond to Minor Car Crashes*, March 30, 2020, STREETS BLOG NYC, <https://spdblotter.seattle.gov/2022/01/14/spd-updates-traffic-stop-guidelines/>.

²² Media Release, Mecklenburg County Sheriff’s Office, Mecklenburg County Eliminates Regulatory Stops for Non-Moving Violations in an Effort to Enhance Community Safety (Sept. 29, 2022) (on file with author); Garry McFadden (County Sheriff), Mecklenburg County Sheriff’s Off., MCSO Eliminates Regulatory Stops for Non-Moving Violations (October 3, 2022), <https://www.facebook.com/MeckSheriff/videos/1462431054270282/?t=34>; Kallie Cox, *Mecklenburg sheriff changes rules for traffic stops by deputies. What you should know.*, THE CHARLOTTE OBSERVER, October 5, 2022, <https://www.charlotteobserver.com/news/local/crime/article266767031.html>.

safety is important, required by law, and that officers should continue to make stops for violations such as speeding, reckless driving, and other dangerous violations.²³

Nashville, Tennessee

In 2022, Metro Police Department instituted a policy to remove police from minor, non-injury crashes. Parties in the accident would report to the police, and the information would be tracked through a new system to be shared with insurance companies. The new policy applies when the parties agree to share their driver licenses, vehicle and insurance information, and agree on the circumstances of the crash. Police are involved if a vehicle is blocking a roadway, or the crash involves a hit and run or impaired driving.²⁴

Los Angeles, California

In 2022, the Los Angeles Police Department issued a policy restricting policing of minor traffic violations like broken taillights, faulty license plates, and vehicle registration problems.²⁵

Lansing, Michigan

In 2020, the Lansing Police Department, City Council, and mayor's office announced a new traffic enforcement policy, providing that drivers may not be pulled over for "secondary traffic violations," such as loud exhaust, cracked windshields, defective license plate lights, broken brake lights, and hanging items from windows or mirrors.²⁶ Lansing officials emphasized that police are tasked with keeping roadways safe and patrolling for dangerous motorists, not those engaged in minor traffic violations.²⁷

Portland, Oregon

In 2021, the Portland Police Department adopted a policy providing that officers may not stop drivers for low-level violations like equipment failures or expired license plates. The policy was aimed at reducing the imbalanced stop of minorities.²⁸

²³ David D. Kirkpatrick, Steve Eder, & Kim Barker, *Cities Try to Turn the Tide on Police Traffic Stops*, THE NEW YORK TIMES, April 15, 2022, <https://www.nytimes.com/2022/04/15/us/police-traffic-stops.html>, (article on file with author).

²⁴ Chuck Morris & Brendan Tierney, *Metro Police to launch program to report minor crashes online*, WSMV, August 17, 2022, <https://www.wsmv.com/2022/08/18/metro-police-launch-program-report-minor-crashes-online/>.

²⁵ Office of the Chief of Police, *Policy – Limitation on Use of Pretextual Stops – Established (Special Order No. 3)* (adding Section 1/240.06 to Department Manual), March 9, 2022,

https://ens.lacity.org/ladot/enforce_reports/ladotenforce_reports3669168680_01302023.pdf;

Police Commission approves new limits on 'pretextual stops' by LAPD officers, LOS ANGELES TIMES, March 2, 2022, <https://ktla.com/news/local-news/police-commission-approves-new-limits-on-pretextual-stops-by-lapd-officers/>.

²⁶ *Lansing Police Department will no longer stop motorists for secondary traffic violations*, July 2, 2020, <https://www.wlns.com/news/michigan/lansing-police-department-will-no-longer-stop-motorists-for-secondary-traffic-violations/>.

²⁷ *Id.*

²⁸ Maggie Vespa, *Portland police officers will no longer stop drivers for low-level traffic violations*, KGW, June 22, 2021, <https://www.kgw.com/article/news/local/portland-mayor-police-chief-news-conference-policing-changes/283-7c4e2427-d844-440e-acad-ed0e46e68a8d>.

San Francisco, California

In 2023, the San Francisco Police Commission adopted a policy prohibiting officers from stopping individuals for minor violations like failing to display a registration tag, driving with an expired registration, failing to illuminate the rear license plate, driving with faulty rear taillights or brake lights, having items hanging from the rearview mirror, failing to use a turn signal, and a vehicle occupied by a sleeping individual who is using it for habitation.²⁹

Seattle, Washington

Police Chief Diaz ordered officers to not stop vehicles for low-risk traffic violations related to equipment failures and expired license tags, emphasizing that police should focus on non-trivial safety violations and deprioritize non-criminal violations.³⁰

Minneapolis, Minnesota

In 2021, Minneapolis Police Chief Arradondo stated that he would not pursue tickets against motorists cited for driving with items hanging from a rearview mirror or expired licenses if the reason for the suspension was a failure to pay fines and fees and not “egregious driving behavior” or criminal activity.³¹

Prosecutorial Policy Changes

Ramsey County, Minnesota

In 2021, Prosecutor Choi announced his intent not to prosecute individuals stopped for minor violations like expired vehicle registrations, loud mufflers, items on windshields, and non-working lights.³²

Chittenden County, Vermont

In 2022, Vermont state attorney George stated that she would “presumptively” decline to charge individuals for evidence gathered from “non-public safety stops” like failing to signal a lane change, driving too slowly, idling too long, driving with tinted windows, among other minor violations.³³

²⁹ San Francisco Police Department, General Order 9.07, *Curtailing the Use of Pretext Stops*, January 11, 2023, https://sf.gov/sites/default/files/2023-01/PoliceCommission11123-DGO%209.07_12.28.22_CLEAN.pdf.

³⁰ Public Affairs, *SPD Updates Traffic Stop Guidelines*, SPD BLOTTER, January 14, 2022, <https://spdblotter.seattle.gov/2022/01/14/spd-updates-traffic-stop-guidelines/>; Sara Jean Green, *Seattle Police Will No Longer Enforce Some Minor Violations*, THE SEATTLE TIMES, January 17, 2022, <https://www.chronline.com/stories/seattle-police-will-no-longer-enforce-some-minor-violations.282783>.

³¹ Kim Bellware, *Minneapolis police to curb minor traffic stops, long cited by critics as racial profiling*, THE WASHINGTON POST, August 13, 2021, <https://www.washingtonpost.com/nation/2021/08/13/minneapolis-police-traffic-stops/>.

³² *Ramsey County To End Felony Prosecutions That Result From Non-Public Safety Traffic Stops*, CBS MINNESOTA, September 8, 2021, <https://www.cbsnews.com/minnesota/news/ramsey-county-to-end-felony-prosecutions-that-result-from-non-public-safety-traffic-stops/>.

³³ Jack Lyons, *Chittenden prosecutor won't try charges resulting from 'non-public safety traffic stops*, VTDIGGER, January 12, 2022, <https://vtdigger.org/2022/01/12/chittenden-prosecutor-wont-try-charges-resulting-from-non-public-safety-traffic-stops/>.

Washtenaw County, Michigan

In 2021, Washtenaw County issued a “Pretext Stops Policy,” including a statement from the prosecutor’s office that “the Washtenaw County Prosecutor’s Office will no longer prosecute contraband cases that arise from ‘pretext stops.’ Specifically, the Prosecutor’s Office will no longer prosecute possession-of-contraband crimes that arise from a factual scenario indicating that a police officer stopped a person for a minor violation—but where their real goal was to uncover evidence that a civilian possessed drugs or other contraband.”³⁴

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³⁴ Washtenaw County, Office of the Prosecuting Attorney, *Policy Directive 2021-09: Policy Regarding Pretext Stops*, January 18, 2021, <https://www.washtenaw.org/DocumentCenter/View/27202/Pretext-Stops-Policy>.