

Summary

Armed police involvement in routine traffic stops is seen today as the norm, but it does not have to be. From the dissatisfaction of officers themselves (1), to the perpetuation of racial inequalities (2), (3), and even simply being ineffective (3)-(5), there are a plethora of reasons to move police out of traffic enforcement. While this may sound like a big leap due to how ingrained policing is in our current traffic enforcement, pursuing this policy would not be an unknown leap into the dark. There are numerous examples to turn to for guidance and inspiration, including recent explorations by large American municipalities and decades-long practice in other nations. This is a policy with minimal drawbacks and most arguments against this policy are being undone with new research into the area.

Motivation

Many officers express dissatisfaction with the current implementation of traffic enforcement (1), even if their respective police unions are not (6). Time spent conducting traffic stops is time not spent investigating more pressing, criminal activity. Easing the load on police officers would go a long way in improving their efficacy. In recent years, the role that police involvement in traffic stops has in perpetuating racism is coming under more and more scrutiny (2), (3). With the mounting evidence, it is an undeniable fact that people of color are heavily discriminated against in routine traffic stops (2), (3). Removing armed police from this equation reduces the possibility of escalation leading to physical harm to drivers and police officers alike, and a rethinking of the way traffic violations are enforced could eliminate the initial discrimination almost entirely. Not only are individuals on both ends of the current enforcement eager to create a new system (1), (2), but recent studies also reveal that in most instances, police involvement in traffic enforcement is also ineffective and in some even actively detrimental to public safety (3)-(5).

Proposal

A rethinking of traffic enforcement requires a shift of perspective but is not all that complex of a policy. This proposal is based on a blend of policies written across the nation that have been put into practice (7) and an article published by Jordan Blair Woods in the Stanford Law Review (8). The first issue that needs to be addressed is which parts of traffic enforcement are to be left to the police, and which parts will be given to the new enforcement body. The simplest distinction is that done by Philadelphia, PA in the *Driving Equality Act*. Under this act, traffic violations are separated into two categories: “primary” and “secondary” violations (9). Secondary violations are those that do not put public safety in immediate danger, primary violations are largely those which put public safety at risk. With police spending a substantial portion of their current time on these “secondary” traffic violations (10), freeing them of these traffic-related burdens will also free up a significant percent of the current IMPD budget and task force, answering the questions of initial funding and staffing. For this policy to truly be seen through it is of vital importance that this distinction is made and followed. The purpose of this policy is to remove police from routine traffic stops. If this distinction is blurred, allowing police to intervene in traffic stops that are not an immediate threat to public safety, effectively nothing has changed. Police would be permitted to conduct traffic stops only under these circumstances: the officer is aware before the stop that the offender has an outstanding felony warrant for a violent

offense, the officer has sufficient evidence that the offender was involved in a non-traffic-related felony, or severe traffic offenses including: driving a stolen vehicle, hit-and-runs, or racing (8 pp. 1492-1493). These “severe traffic violations” could be expanded later, but the general theme of these violations is that they are immediately threatening public safety, or have already harmed the safety and wellbeing of others. Minor, or secondary, traffic violations would be handled by a new traffic enforcement agency. While a completely separate body could be created housing the Traffic Agency, many municipalities plan to fold the new traffic agencies into their pre-existing Department of Transportation.

With parameters set for what this new body can enforce, it's time to address what their enforcement looks like. This policy sets out to remove police from traffic violations, so the Traffic Agency should not simply be police in a different uniform and without guns. This new body should be completely separate from the existing police force and have different protocols in response to traffic violations. The primary goal of traffic stops under this new system is to reduce traffic violations and increase public safety. With this in mind, traffic agents would be unable to search a person's body or vehicle, detain them, or arrest them. In the case that an arrest does need to be made (ie. there is a genuine threat to public safety being displayed) the agents would be able to request police assistance. Agents would be allowed to request documentation of insurance and licensure and issue citations. If, through the process of collecting documentation, the agent becomes aware of a more serious crime being committed, auto theft for example, they would also be able to request police assistance (8 pp. 1496-1502). In the case of a perpetrator fleeing from a stop conducted by this agency, the agents would not be permitted to pursue and should use the license plate number to find an address to mail the citation to and refer the flight to the police for further investigation. Automated collecting of license plates of speeding vehicles or those that ran red lights via cameras could be utilized. If this is pursued, the Traffic Agency should be the sole body that oversees the implementation of these cameras and the distribution of citations.

Traffic agents should receive basic training, especially if they will come into contact with drivers. They should be well aware of all relevant traffic laws and citation procedures. They should also receive routine training in how to reduce their own implicit biases which could interfere with their work. Additionally, they will undoubtedly come into contact with a non-compliant civilian. For this reason, they should receive initial training in violence prevention, verbal de-escalation, and self-defense.

Rebuttal of Potential Arguments

There is no precedent for this

While in the United States, there is currently no municipality that has completely moved away from armed police in traffic enforcement, the aforementioned *Driving Equality Act* is the first step in this process for Philadelphia (9). In California, both Berkeley and Oakland (7) have passed legislation with the goal of reducing the presence of police in traffic enforcement. Full implementation of their goals is hindered by California State Law (11). In New Zealand, a traffic enforcement agency separate from the police existed for some 60 years (7). Data collected during this time is limited, but it is known that the presence of this agency improved community-police relations (12). This agency was not closed due to inefficiencies, but rather budget constraints (7).

This new body would put people at risk

The claim that just because this new body would be unarmed, they would be at risk is not supported. In the rare event that there is a threat of verbal or physical violence, this is why training in de-escalation and violence avoidance is a priority. The largest and most comprehensive study on violence during traffic stops reveals that approximately 1 in every 6,959 stops results in any assault at all and only 1 in 361,111 stops results in an assault which results in "serious injury" to the officer (13). One of the most thought-provoking findings of this study was that only just over 3% of these acts of violence were "random" or "unprovoked". 94% of violent encounters were preceded by one of four actions that traffic agents would be unable to take; 1: the encounter began from a criminal, not a traffic-related stop (traffic agents would only be authorized to stop traffic-related offenses); 2: the driver fled, either on foot or in their car (traffic agents would not be authorized to pursue a fleeing perpetrator); 3: there were clear signs of intoxication (a new protocol would be created to handle DUIs addressed in the next section); or 4: the officer invoked their authority beyond asking for basic information, documentation, or running a background check, for example ordering the driver out of the vehicle (traffic agents would only be able to request documentation and other, non-escalatory actions).

How would DUIs be handled

A recent study suggests that our current, criminal handling of DUI offenses is ineffective (4). While this one study is not enough to draw a full conclusion, its findings are in line with that of British Columbia, Canada. BC introduced legislation separate from Canadian Criminal Law. While the surrounding context is different in Canada, we can still draw some conclusions given the previous study mentioned. The new legislation, immediate roadside prohibition (IRP), did away with criminal proceedings and instead focused on the swiftness of sanctions. Sanctions included 3-day license suspensions up to 90-day suspensions for serious offenses and mandatory responsible drivers programs. This focus on swiftness instead of criminal proceedings resulted in a 40.4% reduction in alcohol-related deaths, a 23.4% reduction in alcohol-related collisions resulting in injury, and a 19.5% reduction in alcohol-related property damage (14).

Traffic stops allow police to find weapons and drugs

Opponents of this legislation frequently say that police involvement in traffic stops allows police to find illegal weapons/drugs and deter violent crime. Both of these fall apart under closer scrutiny. Analysis of the eight largest police departments in California reveals that on average, only .5% of all stops result in the confiscation of firearms (5). While this .5% may slip through the cracks, it can be mitigated through other firearm-related policies and is offset by improved community relations, reduced vehicular-related fatalities, and improved budgetary oversight of the police department. Additionally, newer research contradicts the Ferguson Effect and points to there being little to no correlation between police presence in traffic stops and a reduction in violent crime (3). This study also revealed that with less police involvement in traffic stops, car crashes and fatalities dropped by 13% and 28% respectively, again begging the question of why the budget is used up keeping police officers in a realm where they have little impact at best, and are actively harming people at worst.

Bibliography

- (1) Jany, L. *How can L.A. stop traffic deaths? Let civilians enforce traffic violations, study says*. Los Angeles Times. <https://www.latimes.com/california/story/2023-05-09/long-delayed-plan-to-have-civilians-not-police-make-traffic-stops-set-for-release>.
- (2) Stanford University. *The Stanford Open Policing Project*. [openpolicing.stanford.edu](https://openpolicing.stanford.edu/finding/). <https://openpolicing.stanford.edu/finding/>.
- (3) Fliss, M. D.; Baumgartner, F.; Delamater, P.; Marshall, S.; Poole, C.; Robinson, W. Re-Prioritizing Traffic Stops to Reduce Motor Vehicle Crash Outcomes and Racial Disparities. *Injury Epidemiology* 2020, 7 (1). <https://doi.org/10.1186/s40621-019-0227-6>.
- (4) Dula, C. S.; Dwyer, W. O.; LeVerne, G. Policing the Drunk Driver: Measuring Law Enforcement Involvement in Reducing Alcohol-Impaired Driving. *Journal of Safety Research* 2007, 38 (3), 267–272. <https://doi.org/10.1016/j.jsr.2006.10.007>.
- (5) Premkumar, D.; Skelton, A.; Lofstrom, M. *How Often Are Firearms Confiscated During Traffic Stops?* Public Policy Institute of California. <https://www.ppic.org/blog/how-often-are-firearms-confiscated-during-traffic-stops/>.
- (6) Hodge, L. Civilian Enforcement of Traffic Laws Would Make L.A. Streets Safer: Study. *Jalopnik*. May 10, 2023. <https://jalopnik.com/civilian-enforcement-of-traffic-laws-would-make-l-a-st-1850422535>.
- (7) LADOT Traffic Enforcement Study Advisory Task Force. *City of Los Angeles Alternatives to Traffic Enforcement Study and Community Task Force Recommendations*; 2023. https://ens.lacity.org/ladot/enforce_reports/ladotenforce_reports3669174285_09142023.pdf.
- (8) Woods, J. Traffic without the Police. *Stanford Law Review* 2021, 73.
- (9) Thomas, I.; Johnson, K.; Gilmore Richardson, K.; Gauthier, J.; Brooks, K.; Quiñones-Sánchez, M.; Parker, C.; Jones, C. J.; Domb, A. *Driving Equality*; 2021.
- (10) Smith, C.; Graves, E. M.; Guerrero, J.; Ochoa, M.; Bitrán, E. *REIMAGINING COMMUNITY SAFETY in CALIFORNIA from Deadly and Expensive Sheriffs to Equity and Care-Centered Wellbeing* OCTOBER 2022 REIMAGINING COMMUNITY SAFETY CATALYST CALIFORNIA ACLU SoCal 2 ACKNOWLEDGMENTS; 2022. https://catalyst-ca.cdn.prismic.io/catalyst-ca/126c30a8-852c-416a-b8a7-55a90c77a04e_APCA+ACLU+REIMAGINING+COMMUNITY+SAFETY+2022_5.pdf.
- (11) Bradford, S.; Bryan, I.; Kalra, A.; Menjivar, C.; Skinner, N.; Wahab, A.; Friedman, L.; Jackson, C.; McKinnor, T.; Wilson, L. *Senate Bill No. 50*; 2023.
- (12) Wilson, P. R.; Chappell, D. The Effects of Police Withdrawal from Traffic Control: A Comparative Study. *The Journal of Criminal Law, Criminology, and Police Science* 1970, 61 (4), 567–572. <https://doi.org/10.2307/1142047>.
- (13) Woods, J. Policing, Danger Narratives, and Routine Traffic Stops. *Michigan Law Review* 2019, 117 (4), 635. <https://doi.org/10.36644/mlr.117.4.policing>.

(14) Macdonald, S.; Zhao, J.; Martin, G.; Brubacher, J.; Stockwell, T.; Arason, N.; Steinmetz, S.; Chan, H. The Impact on Alcohol-Related Collisions of the Partial Decriminalization of Impaired Driving in British Columbia, Canada. *Accident Analysis & Prevention* 2013, 59, 200–205. <https://doi.org/10.1016/j.aap.2013.05.012>.

Additional Readings

[Article as it stands in Berkley](#)

[Vera Article](#)

[US H.R.852](#)

[2020 Philadelphia Legislation](#)

[Decriminalized Minor Traffic Violations](#)