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Executive Summary

Due to the increased attention to police violence, in recent months anti-police violence organizers have called for alternatives to policing in various domains of everyday social life. One context in which police violence typically begins is traffic stops. Since the mid-1900s, police have been given increased power to stop and interrogate drivers, even for minor traffic violations.¹ These investigatory—or pretextual stops—often serve as pretexts for further law enforcement action, including car searches, arrests, and/or physical violence. As a result,

¹ Sarah A. Seo, *Policing the Open Road: How Cars Transformed American Freedom*, (Cambridge: Harvard University Press, 2019).

advocates across the country have put forth calls to remove traffic enforcement from police jurisdiction.² In 2020, in the midst of a national uprising sparked by the murders of George Floyd, Breonna Taylor, and hundreds more, the city of Berkeley, CA made the decision to remove traffic safety from police jurisdiction.³ In the wake of the police killing of Daunte Wright in 2021, the City of Brooklyn Center, MN moved to remove police from traffic stops.⁴

There is little research about, and few examples of, traffic safety administration and management beyond policing. Importantly, reimagined models of traffic enforcement would need to center on developing non-coercive, non-punitive approaches to managing safety on the road. This memo explores visions, promises, and challenges surrounding efforts to remove police from traffic safety administration and management and proposes several approaches to begin rethinking traffic safety. Options include redesigning roads to make it more difficult to engage in speeding and other traffic offenses, developing alternative entities responsible for traffic safety, and developing alternative responses to traffic-related crises that do not involve the criminal legal system. Developing new approaches to traffic safety can benefit public safety on the roads while removing the deep and historic harms of police-involved traffic enforcement.

² Meg O'Connor, "What Traffic Enforcement Without Police Could Look Like," *The Appeal*, January 13, 2021, <https://theappeal.org/traffic-enforcement-without-police/>.

³ The Associated Press, "Berkeley Moves toward Removing Police from Traffic Stops," *ABC News*, July 15, 2020, <https://abcnews.go.com/US/wireStory/berkeley-moves-removing-police-traffic-stops-71796720>.

⁴ Associated Press in Brooklyn Center, "Brooklyn Center Approves Policing Changes after Daunte Wright Shooting," *The Guardian*, May 16, 2021, <http://www.theguardian.com/us-news/2021/may/16/daunte-wright-shooting-minneapolis-brooklyn-center-policing-changes>.

Context

Police pull over more than 50,000 drivers a day and over 20 million people a year.⁵ The presence of police on the roads began largely in response to the growing use of automobiles to facilitate criminalized acts in the early to mid 1900s. Elected officials responded by providing police with automobiles in order to engage in “crime-stopping” behavior.⁶ Over time, police became increasingly involved in everyday traffic violations, such as speeding, improper turns, broken taillights and other maintenance concerns, and traffic violations. Local, county, and state police currently patrol roadways and enforce traffic laws throughout the United States. Police enforcement includes pulling drivers over for traffic infractions, issuing citations, inspecting and searching vehicles, making arrests during traffic stops, and responding to accidents and filing reports. Police also routinely engage in traffic enforcement that leads to immigration enforcement and deportation proceedings — contributing to what has been called the traffic-stops-to-deportation pipeline.⁷

Beginning in the 1960s, policing began to expand as a result of the 1965 Law Enforcement Assistance Act, an omnibus bill that expanded funding to law enforcement. At the same time, the Supreme Court built on previous decisions, such as the 1925 *Carroll v. United States*, which upheld warrantless searches of an automobile, known as the *automobile exception*, in order to increase police power on the roads.⁸ These decisions gave law enforcement more latitude to use

⁵ “The Stanford Open Policing Project,” <https://openpolicing.stanford.edu/>.

⁶ Seo, *Policing the Open Road*.

⁷ Tanvi Misri, “Another Consequence of Traffic Stops: Deportation,” *Bloomberg.com*, June 9, 2021, <https://www.bloomberg.com/news/articles/2021-06-09/another-consequence-of-traffic-stops-deportation>.

⁸ *Carroll v. United States*, 267 U.S. 132 (1925).” *Justia Law*, <https://supreme.justia.com/cases/federal/us/267/132/>. In this case about the search of a vehicle suspected of transporting illegal liquor, the SCOTUS upheld warrantless searches of an automobile if there was “probable cause for believing that their vehicles are carrying contraband or illegal merchandise” and if there was reason to believe that the car or substance could be removed from the area before a warrant could be obtained.

investigatory stops as a pretext for criminal investigations. Specifically, pretextual stops allow police to ask questions that have nothing to do with the initial purpose of the traffic stop; the pretextual stop is a clear strategy to investigate if the driver is or has been engaged in any criminalized activities.⁹ Permission to conduct pretextual stops has contributed to rampant racial profiling, provides a pathway for predatory police behavior, including sexual harassment and assaults, and can lead to escalated incidents of police violence.

The Supreme Court also lowered the threshold for requesting and conducting searches during traffic stops, empowering police to construct reasons to stop and search drivers relatively arbitrarily and with broad discretion, a practice that affects Black and Latinx drivers at disparate rates.¹⁰ If police determine that they have “reasonable suspicion”—a lower justification than “probable cause”—that a person has weapons, evidence, or contraband in the vehicle, they can search the vehicle or an officer can request a consent search. In most states, a simple verbal consent is required to allow a police officer to search a driver’s vehicle in its entirety. While drivers have the right to refuse a search, in light of the perception of police power and authority, many drivers—fearing potential repercussions—consent to the search even when they would rather not.

Pretextual stops have extremely low “hit rates” of finding “contraband,” typically defined as weapons and drugs. This is especially true when it comes to Black and Latinx drivers, with racism being the central defining feature of stops and searches, and with deep impacts on marginalized communities. Pretextual stops have long shown patterns of racial discrimination,

⁹ David A. Moran, “The New Fourth Amendment Vehicle Doctrine: Stop and Search Any Car at Any Time,” *Villanova Law Review*, 47 no. 4 (2002): 815–838, <https://digitalcommons.law.villanova.edu/vlr/vol47/iss4/4>

¹⁰ Kathleen M. O’Day, 1997, “Pretextual Traffic Stops: Protecting Our Streets or Racist Police Tactics?” *University of Dayton Law Review* 23 (1997-1998): 313. See also Seo, *Policing the Open Road*.

despite the fact that white drivers are far more likely to be found with contraband or weapons when searched.¹¹

Race and the Criminalization of Driving

Racial disparities in traffic stops and searches have been well-documented in recent decades. A recent study analyzed more than 20 million traffic stops in the United States over a 14-year period.¹² The study found that compared to white drivers, Black drivers are nearly twice as likely to be pulled over, even though white drivers represent the majority of drivers on the road. Moreover, the study found that Black drivers are more than four times more likely than white drivers to be searched during a traffic stop, even though they are less likely to be found with any kind of contraband. In another 2019 study, researchers analyzed more than 100 million traffic stops across the United States and found that although police were far more likely to pull over Black drivers, that effect was reduced at night, as darkness made it harder to determine a driver's race before the stop. The fact that the racial disparities were mediated by the time of day suggests that police are using race as a determinant of who they stop, irrespective of driving behavior. Moreover, the study found that Black and Latinx drivers are more likely to have their cars searched for contraband, despite similar findings that white drivers are more likely to have contraband when searched.¹³

The legalization of marijuana across the country also helps shed light on the racial disparities in traffic stops. Marijuana is often used by police as probable cause to search vehicles. And

¹¹ David A. Harris, "Driving While Black and All Other Traffic Offenses: The Supreme Court and Pretextual Traffic Stops," *Journal of Criminal Law and Criminology* 87 (1997): 544.

¹² Frank R. Baumgartner, Derek A. Epp, and Kelsey Shoub, *Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race*, (New York: Cambridge University Press, 2018).

¹³ Emma Pierson, et al, "A Large-Scale Analysis of Racial Disparities in Police Stops across the United States," *Nature Human Behaviour*, 4, no. 7 (July 2020): 736–45, <https://doi.org/10.1038/s41562-020-0858-1>.

though its legalization in Colorado and Washington led to a fewer number of (mostly white) drivers being searched on average, data indicates that Black and Latinx drivers continue to be searched at similar rates to those before legalization despite the drop in marijuana-related searches overall.¹⁴ The evidence is clear: race is a central factor in police decisions of who to pull over and search.

And these traffic stops often lead to negative outcomes for those who are stopped: there are numerous cases of police violence that began with a traffic stop.¹⁵ These incidents include:

- The 2013 murder of 23-year-old Sean Bell in Queens, New York City, when officers shot 50 bullets at a vehicle that Bell and his friends were occupying after an officer alleged that he overheard them make mention of having a weapon in the car;¹⁶
- The death of 28-year-old Sandra Bland in 2015 who died after police arrested her during a traffic stop due to a reported failure to use her turn signal in Waller County, Texas;¹⁷
- The 2015 assault of Breiaon King, who was brutalized after being stopped by police in Austin, Texas for speeding;¹⁸

¹⁴ Sam Petulla and Jon Schuppe, “Police Searches Drop Dramatically in States that Legalized Marijuana,” *NBC News*, June 23, 2017, <https://www.nbcnews.com/news/us-news/police-searches-drop-dramatically-states-legalized-marijuana-n776146>.

¹⁵ Alessandra Biaggi, “To Lessen Police Violence, Remove Cops From Traffic Stops.” *Streetsblog New York City*, October 14, 2020, <https://nyc.streetsblog.org/2020/10/14/opinion-to-lessen-police-violence-remove-cops-from-traffic-stops/>.

¹⁶ Cara Buckley and William K. Rashbaum, “A Day After a Fatal Shooting, Questions, Mourning and Protest.” *The New York Times*, November 27, 2006, New York. <https://www.nytimes.com/2006/11/27/nyregion/27shot.html>.

¹⁷ Oliver Laughland, “Sandra Bland: Video Released Nearly Four Years after Death Shows Her View of Arrest,” *The Guardian*, May 7, 2019, <http://www.theguardian.com/us-news/2019/may/07/sandra-bland-video-footage-arrest-death-police-custody-latest-news>.

¹⁸ Christopher Mele, Niraj Chokshi, and Christine Hauser, “Texas Investigates Violent Traffic Arrest of Black Teacher.” *The New York Times*, July 22, 2016, <https://www.nytimes.com/2016/07/23/us/texas-investigates-violent-traffic-arrest-of-black-teacher.html>.

- The 2016 murder of 32-year-old Philando Castile, who was shot and killed in Minneapolis-St. Paul, Minnesota, during a traffic stop that began as an ID check—the officer alleged that Castile looked like an individual involved in a robbery because of his “wide-set nose,” while his girlfriend and his girlfriend’s four-year-old daughter were in the car when police shot him 5 times;¹⁹
- The May 2020 murder of 28-year-old Maurice Gordon by a New Jersey state trooper during a highway traffic stop where he was alleged to be speeding;²⁰
- The murder of Daunte Wright in Brooklyn Center, Minnesota in 2021 after an officer alleged that she thought she was discharging her taser and not her gun;²¹
- In 2021, a state trooper in Pulaski County, Arkansas, flipped the SUV of Janice Harper, who was pregnant, by initiating a Pursuit Intervention Technique (PIT) maneuver—bumping the rear end of Harper’s car with his state vehicle—even though Harper placed her hazards on and was looking for a safe place to pull over on the highway; the trooper alleged that the woman did not stop fast enough.²²

In addition to those murdered during police stops, countless drivers, disproportionately Black and Latinx, are brutalized and harmed during routine traffic stops and invasive searches every year.²³

¹⁹ Julia Jacobo and Enjoli Francis, “Cops May Have Thought Philando Castile Was a Robbery Suspect, Noting ‘Wide-Set Nose,’ Dispatch Audio Indicates,” *ABC News*, July 11, 2016, <https://abcnews.go.com/US/cops-thought-philando-castile-robbery-suspect-dispatch-audio/story?id=40439957>.

²⁰ Tracey Tully, “A Black Man Is Killed by a Trooper. His Family Wants Answers,” *The New York Times*, June 8, 2020, <https://www.nytimes.com/2020/06/08/nyregion/maurice-gordon-nj-killed.html>.

²¹ Andrés R. Martinez and Edgar Sandoval, “Daunte Wright Spent Final Moments Talking With His Mother,” *The New York Times*, April 13, 2021, <https://www.nytimes.com/2021/04/13/us/daunte-wright-family.html>.

²² Hannah Knowles, “A State Trooper Hit a Pregnant Woman’s Car to Enforce a Traffic Stop. It Flipped and Crashed,” *Washington Post*, June 10, 2021, <https://www.washingtonpost.com/nation/2021/06/10/arkansas-trooper-janice-harper/>.

²³ Philip V. McHarris, “‘I Experience a Hollowing Fear Any Time I’m Stopped by Police,’” *The Nation*, November 19, 2020, <https://www.thenation.com/article/society/driving-black-police-stops/>.

Reimagining Traffic Safety

Reimagining traffic safety requires an end to the criminalization of driving. In order to ensure there are adequate firewalls between the criminal legal system and the management of traffic safety, there is a need to not only divest from policing in on-the-road traffic enforcement, but also a need for a reimagined approach to dealing with individuals that pose a risk to the public when they are driving. Central strategies for non-punitive approaches to traffic safety include: 1) decriminalization of driving offenses; 2) creation of an alternative, non-armed, civilian-based entity responsible for traffic safety maintenance and accountability; 3) creation of response teams when violence is involved; and 4) redesigning roads with the aim of engineering safer driving outcomes. Initiatives that center on driving-sobriety, public health, and educating individuals on driving while developing alternative, non-punitive accountability measures are of key importance. When individuals do commit traffic violations that a community collectively agrees should be addressed, an education and reparative approach—rooted in a framework such as transformative justice—should occur rather than punitive, criminal-legal approaches.

Decriminalization of driving offenses

Jurisdictions should develop alternative pathways, educational opportunities, and accountability mechanisms for drivers that repeatedly engage in traffic violations or drive while intoxicated. These mechanisms can include implementing voluntary treatment options as well as credible and community messenger-based accountability mechanisms to limit patterns of unsafe driving. Credible community messengers, who are trusted members of communities and are able to effectively communicate to residents, have been spearheading violence interruption and public health initiatives.²⁴ Moreover, jurisdictions should avoid treatment sentences that are

²⁴ Violence interruption is a term created by epidemiologist Gary Slutkin in 2000; it uses a public health lens to understand violence as contagious and tries to interrupt violent acts the same way that one would interrupt an

accompanied with punitive and criminal-legal consequences if individuals fail drug or alcohol tests or do not complete treatment programs. These policies further criminalize driving and substance use and expose people to the possibility of police contact, arrest, and incarceration.

Though often touted as a viable solution, increasing use of electronic monitoring breathalyzers to measure an individual's blood alcohol content as a solution to drivers who routinely drive under the influence can intensify ties with surveillance technology and the criminal legal system, and should be challenged and avoided. Alternative approaches can center voluntary as well as community-based mechanisms that build the capacity of communities to address driving concerns, such as the use of credible messengers. Alternative approaches should inevitably be determined by communities, but it is essential to shift away from punishment and coercion as central frameworks to orient interventions and accountability. Instead, by focusing on multi-pronged public health and community-based approaches, the goal should be to create pathways for people to voluntarily engage with treatment and enlisting various civilian community members in ensuring accountability and safe driving, as policing, surveillance, and punishment has proven to be ineffective in ensuring safe and accountable driving.

Advocates and researchers have also pointed to several concerns about the use of surveillance technologies as they relate to civil liberties and expanding the reach of the criminal punishment system.²⁵ The use of electronic technology to punish and police drivers has the

infectious disease. See Ashley Southall, "Police Face Backlash Over Virus Rules. Enter 'Violence Interrupters,'" *The New York Times*, May 22, 2020, <https://www.nytimes.com/2020/05/22/nyregion/Coronavirus-social-distancing-violence-interrupters.html> and Baynard Woods and Brandon Soderberg, "Credible Messengers: Baltimore's Violence Interrupters Confront Shootings, the Coronavirus, and Corrupt Cops," *The Intercept*, July 26, 2020, <https://theintercept.com/2020/07/26/baltimore-safe-streets-public-health-gun-violence-police/>.

²⁵ Jasson Perez, Alyxandra Goodwin, and Jessica Quiason (ACRE) and Kelcey Duggan, Niaz Kasravi, and Philip McHarris (The Hub), *21st Century Policing: The RISE and REACH of Surveillance Technology*, Community Resource Hub for Safety and Accountability and Action Center for Race and the Economy, 2021, <https://communityresourcehub.org/resources/21st-century-policing-surveillance-technology/>.

capacity to multiply the reach of the criminal punishment system and the carceral state as organizers and advocates are actively engaging in efforts to dramatically reduce the size and scope of police, prisons, and criminal courts in everyday life.²⁶ The use of red light cameras and automated license-plate readers have emerged in many cities, with their supporters arguing that technology does not have the ability to discriminate, engage in violence towards or kill drivers, and are ‘objective.’²⁷ But the cameras operate as a punitive tax that can be devastating for poor and working-class residents, and can lead to punitive enforcement and seizures that limit an individual’s ability to drive and pay for basic needs. In addition, research suggests that automated technology such as red-light cameras do not appear to be a successful safety measure.²⁸ As a result of their alleged objectivity, it is also difficult to make cases against or dispute tickets, including when the technology malfunctions. Traffic surveillance and technology, such as red-light and speed cameras and automated-license readers, can also reproduce and multiply existing patterns of discrimination.²⁹ There is also a pattern of automated traffic technology predominantly being placed in Black and low-income neighborhoods.³⁰

²⁶ James Kilgore, Emmett Sanders, and Myaisha Hayes, *No More Shackles: Ten Arguments Against Pretrial Electronic Monitoring* (2019), (Oakland: MediaJustice, 2019), <https://mediajustice.org/resource/no-more-shackles-ten-arguments-against-pretrial-electronic-monitoring-2019/>.

²⁷ Sarah A Seo, “Police Officers Shouldn’t Be the Ones to Enforce Traffic Laws.” *The New York Times*, April 15, 2021. <https://www.nytimes.com/2021/04/15/opinion/police-daunte-wright-traffic-stops.html>; T.J. Grayson and James Forman Jr. , “Get Police out of the Business of Traffic Stops.” *Washington Post*, <https://www.washingtonpost.com/opinions/2021/04/16/remove-police-traffic-stops/>.

²⁸ Alena Erke, “Red Light for Red-Light Cameras?: A Meta-Analysis of the Effects of Red-Light Cameras on Crashes.” *Accident Analysis & Prevention* 41, no. 5 (September 1, 2009): 897–905.

²⁹ Jasson Perez, Alyxandra Goodwin, and Jessica Quiason (ACRE) and Kelcey Duggan, Niaz Kasravi, and Philip McHarris (The Hub), *21st Century Policing: The RISE and REACH of Surveillance Technology*, Community Resource Hub for Safety and Accountability and Action Center for Race and the Economy, 2021, <https://communityresourcehub.org/resources/21st-century-policing-surveillance-technology/>.

³⁰ D.C. Policy Center. “Predominately Black Neighborhoods in D.C. Bear the Brunt of Automated Traffic Enforcement.” <https://www.dcpolicycenter.org/publications/predominately-black-neighborhoods-in-d-c-bear-the-brunt-of-automated-traffic-enforcement/>.

The cameras remain on twenty-four hours a day, seven days a week—and have dangerous surveillance implications.

Creating alternative traffic safety entities

In recent years, the notion of removing police from traffic enforcement has gained momentum across the country. A model of traffic safety that does not include police can be structured as an unarmed, civilian entity that takes over primary responsibility for managing traffic violations on the road. Specifically, stops for traffic violations can be performed by a municipal entity—that may already exist or can be created—that has the power to stop drivers if there are legitimate concerns. Through employing public health models that center a multi-pronged, non-punitive approach to education, accountability, and road design, communities can decide the best way to maintain accountability on the road, what consequences are appropriate for various infractions, and the procedures that structure stops.

Beyond removing traffic enforcement from police jurisdiction, it is also critical to ensure that patterns of traffic enforcement don't persist in new forms. The consequences for traffic violations must be decoupled from punitive approaches, especially because these approaches tend to have disparate impact on people of color. For example, a DOJ investigation in Ferguson, MO found a pattern and practice of racial discrimination, and showed that driving-related fines and fees are often used to punish low-income, Black drivers who were stopped and ticketed at extreme rates as a way to boost municipal revenue.³¹ Hence, profit-driven punishment also needs to be rooted out of traffic safety.

³¹ Jordan Weissmann, "How Ferguson Highlights the Dangers of For-Profit Policing," *Slate Magazine*, August 18, 2014, <https://slate.com/business/2014/08/ferguson-police-department-the-economic-incentives-that-make-cops-harass-black-residents.html>.

Creating response teams when violence is involved

Central to reimagining traffic safety is developing alternative responses for driving-related matters that escalate into crisis or harm. To truly reimagine models of public safety it is important to have other entities that can also provide safety interventions when need be. To this end, having crisis response teams and trained violence interrupters who are non-police affiliated and can be rapidly deployed can help provide interventions that do not rely on criminal legal mechanisms.³² Jurisdictions can ultimately determine how best to utilize a team of responders that can de-escalate and diffuse instances that may involve violence unmanageable by the routine traffic safety intervenors, while doing so with the least amount of harm done.

Redesigning roads to safer driving outcomes

Redesigning city roads to make it harder to engage in speeding and other traffic offenses and developing alternative entities to engage in traffic safety management are also ways to improve road safety while avoiding the risks of police-involved traffic enforcement. Redesigning city roads can consist of creating speed bumps, narrowing streets, placing traffic circles, and designing traffic routes in ways that reduce unsafe driving. Creating self-regulating roads will assist in reducing police contact with drivers as well as creating an alternative to technologically-driven cameras and tools that carry the threat of violating civil liberties and intensifying government use of punitive and profit-driven technology.

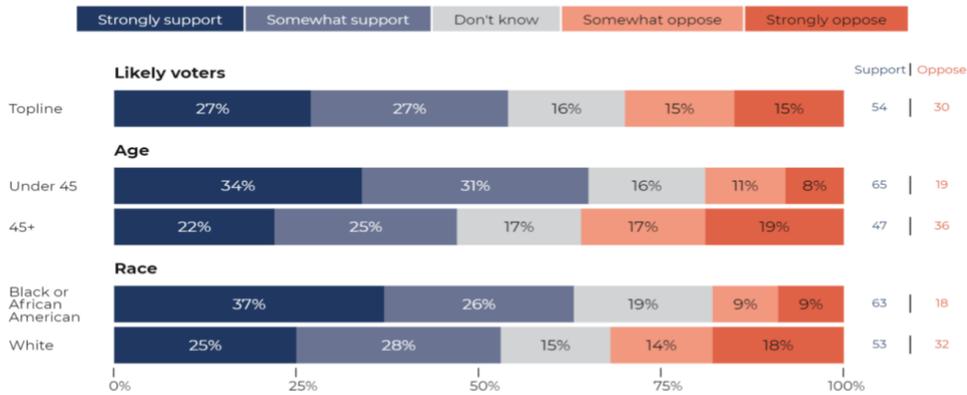
Challenges and Strategies to Address Them

There are a number of bureaucratic, legal, and social challenges to moving away from a police-centered model of traffic safety. A central concern is the ideological investment in policing as a solution to social issues, including traffic safety.

³² Philip V. McHarris, “Research Memo: Alternatives to Policing,” Community Resource Hub for Safety and Accountability, <https://communityresourcehub.org/resources/alternatives-to-policing/>

Voters Support Removing Traffic Enforcement From Police Jurisdiction

Traffic laws and traffic safety are currently overseen by armed police officers. Would you support or oppose removing traffic enforcement from police and creating a division of traffic safety within state or local departments of transportation whose employees would enforce traffic laws rather than the police?



Data for Progress

DATA FOR PROGRESS

Voters Support Removing Traffic Enforcement From Police Purview in New York. Source: Data for Progress³³

The need for data

In order to compel political leaders to invest in non-police centered alternatives to traffic safety two areas of data are useful: 1) survey data of community support of alternative traffic safety models; recent studies, for example, show that 54% of New Yorkers support removing the NYPD from traffic safety³⁴ and 2) evidence from non-police centered approaches to traffic safety, such as road design and automated safety mechanisms that show the power of alternative approaches to traffic safety. Both areas of data have been largely unexplored. Advocates and researchers can encourage and partner around data collection and analysis. Moving forward, there is a need to collect and analyze data related to traffic safety which highlight the need for non-punitive approaches. Finally, endorsement from road design, engineering, and traffic safety

³³ Alessandra Biaggi, “Voters Support Removing Traffic Enforcement from Police Purview in New York.” *Data For Progress*, October 13, 2020, <https://www.dataforprogress.org/blog/2020/10/13/voters-support-removing-traffic-enforcement-from-police-purview-in-new-york>.

³⁴ Biaggi, “Voters Support Removing Traffic Enforcement from Police Purview in New York.”

experts, as well as political leaders, can also be effective for ideological interventions and organizing strategies. The use of data may also facilitate efforts to change legislation and policies in order to remove police from traffic safety.

Policy and legislative shifts

There are a number of potential barriers to removing police from traffic safety. Enforcement of traffic laws is governed by municipal, county, and /or state legislation. Understanding the source of police power over traffic enforcement is important to developing strategies to eliminate it. Where non-legislated jurisdictional policies make police responsible for traffic violations, management of traffic safety by other entities can be achieved through executive action. In jurisdictions where police power relating to traffic enforcement is written into legislative and legal clauses, new and amended laws are needed.

Alternative Traffic Safety: Case Studies

As it relates to the official transfer of traffic safety management, there are some challenges for organizers and elected officials in instituting alternative traffic safety approaches. Proposals will need to assess if traffic safety management can be transferred over to an existing entity—such as the Department of Transportation. Alternatively, a new entity that houses civilian-based traffic safety management may need to be created if existing agencies lack the capacity or ability to steer reimagined approaches to traffic safety. Regardless, it is critical that the newly empowered entity has ample resources to implement necessary functions. Divesting from policing (i.e. redirecting funds that police departments receive for traffic safety enforcement for example) and reinvesting those dollars in alternative entities is one funding pathway.

BerkDOT: Berkeley, California Reimagines Transportation for a Racially Just Future

In July 2020, the Berkeley City Council passed a groundbreaking resolution to create the Berkeley Department of Transportation, an entity that will shift the responsibility of parking and traffic concerns to the newly created department. The proposal was specifically and explicitly developed to combat racial discrimination and abuses that occur as a result of routine police stops. An abbreviated version of the proposal from the City of Berkeley notes that:

The City is in the process of creating a Berkeley Department of Transportation (BerkDOT) to ensure a racial justice lens in traffic enforcement and the development of transportation policy, programs, & infrastructure. The Department of Transportation (BerkDOT) will shift traffic and parking enforcement responsibilities away from the Berkeley Police Department and couple it with the work currently housed in the Transportation Division of the Public Works Department.

Currently, traffic stops and parking citations fall under the Investigations Division of the Berkeley Police Department. Within the division is the Traffic Bureau, which consists of the Traffic Unit and the Parking Enforcement Unit. Calls to relocate transportation planning work to a new city department have existed for some time, with the hope that such an organizational realignment could amplify and accelerate the critical work occurring already. Berkeley once housed its transportation work in the office of the City Manager, which was managed by an Assistant to the City Manager for Transportation. However, for years now, the Transportation Division has existed within Public Works.

Berkeley can lead the nation in refocusing its traffic enforcement efforts on equitable enforcement, focusing on a cooperative compliance model rather than a punitive model. A Department of Transportation in the City of Berkeley could shift traffic enforcement, parking enforcement, crossing guards, and collision response & reporting away from police officers—

reducing the need for police interaction with civilians—and ensure a racial justice lens in the way we approach transportation policies, programs, and infrastructure. It would also ensure a focus on transportation that is separate and apart from public works issues, fitting for the importance of transportation as an issue of concern to Berkeley and as a key component of our greenhouse reduction goals.³⁵

The Berkeley model presents an alternative vision for managing traffic safety that can be implemented in other municipalities. Specifically, the alternative approach removes police from traffic safety entirely and gives jurisdiction to a new Department of Transportation in conjunction with work already done through the Public Works Department. The shift will reduce overall contact with police and residents, as police traffic stops represent a key avenue that leads to contact and subsequently, reduce opportunities for racial discrimination and police violence. Importantly, the model centers a racial justice lens that can serve as a guiding feature of the initiative and reimagined approach. This can assist in avoiding alternative approaches that reproduce racism. Moreover, another important shift would be to tie the reimagined traffic safety model to greenhouse reduction initiatives, as vehicle and traffic related safety extend beyond roads to its environmental impacts.

Brooklyn Center, Minneapolis Traffic Resolution

Following the April 11, 2021 murder of Daunte Wright in Brooklyn Center, the city council and mayor approved a resolution on May 8, 2021, to create an unarmed Community Response

³⁵ Rigel Robinson, Lori Droste, Ben Bartlett, and Jesse Arreguín, “BerkDOT: Reimagining Transportation for a Racially Just Future,” Consent Calendar, July 14, 2020, https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-14_Item_18e_BerkDOT_Reimagining_Transportation_pdf.aspx; Elizabeth Weill-Greenberg, “Brooklyn Center Mayor Unveils Plan to Decrease Police Traffic Enforcement,” *The Appeal*, May 8, 2021, <https://theappeal.org/brooklyn-center-police-traffic-enforcement-plan/>

Department that responds to any incident where a Brooklyn Center resident is, “primarily experiencing a medical, mental health, disability-related, or other behavioral or social need, including by the creation of a Community Response Department consisting of trained medical and mental health professionals, social workers, or other expert staff and volunteers, and by a dispatch system routing appropriate calls to the Community Response Department and not to the Police Department.”³⁶ Wright had allegedly been stopped for having expired registration tags.

As it relates to traffic safety, the resolution states that the city will create an unarmed Civilian Traffic Enforcement Department. The department will oversee the enforcement of all non-moving traffic violations in Brooklyn Center. While the resolution is in the process of being implemented, the City Council has directed the City Manager to implement a “citation and summons” policy. The policy requires officers to issue citations only, and prohibits “custodial arrests or searches of persons or vehicles, for any non-moving traffic infraction, non-felony offense, or non-felony warrant...” Furthermore, “...the Implementation Committee will make recommendations on making these policy changes permanent and/or modifying them as needed to eliminate instances of armed law enforcement officers using force and making custodial arrests for low-level offenses or warrants, including by appropriate changes in ordinance, practices or policies.”

The proposal also includes changes to use of force and de-escalation ordinance, policy, and training guidelines. The new Community Response Department will be overseen by “A new Department of Community Safety and Violence Prevention (the “Department”) that shall be responsible for overseeing all city agencies and city efforts regarding community health and

³⁶ City of Brooklyn Center, “City of Brooklyn Center Statement on Resolution Vote,” May 15, 2021, http://www.mediaaccess.info/brooklyncenter/wp-content/uploads/2021/05/Brooklyn-Center_Resolution-Vote-Media-Statement.pdf.

public safety, and ensuring a well-coordinated, public health-oriented approach throughout our city that relies upon a diversity of evidence-based approaches to public safety.” As outlined, the Director “has appropriate credentials and experience including public health expertise, and at minimum the following existing and to-be-created City agencies will all report directly to the Department and be subject to the authority of its Director: the Police Department, the Fire Department, the Traffic Enforcement Department, and the Community Response Department.” To oversee the implementation of the resolution, Brooklyn Center is also creating a Community Safety and Violence Prevention Implementation Committee (“Implementation Committee”). The committee will include residents and experts from Brooklyn Center, Minneapolis and other local, state, and national experts that focus on public health approaches to community safety, and will be appointed by the Mayor.

While the specific recommendations of the Implementation Committee have not yet been made, a number of concerns have emerged. The civilian traffic enforcement department, as of now, only has a role in non-moving traffic violations, which would still leave the police in power over a large percentage of stops that relate to moving traffic violations, such as running a stop sign, speeding, or not signaling for a turn. And although an alternative entity for non-moving traffic violations may reduce some contact with police and drivers, the current model will still lead to a range of stops that can lead to police violence. Additionally, based on evidence from other jurisdictions that have implemented use of force and de-escalation policy changes, these changes will likely not prevent traffic-related police violence. Essential to the plan will be broadening the scope of driving-related matters that the unarmed civilian response teams are responsible for. It will also be important to ensure partnerships with the other entities in the

Community Response Department to provide support where traffic stops escalate and to reduce reliance on police in such situations.

Conclusion

Traffic Safety and Public Health

A public health approach to traffic safety relies on a multi-pronged framework centered on bringing about increases to the public health and safety of residents, rather than a punitive, criminal legal approach focused on punishing individuals for traffic violations. Central strategies and structures for successful initiatives include:

- Ensuring the necessary funds and resources to implement the model,
- Working with directly-impacted communities around the initiatives,
- Developing a non-punitive approach to matters that need additional intervention, such as a mental health or crisis response team,
- Avoiding a revenue-generation driven model that punishes drivers financially in lieu of police interactions, and
- Designing city infrastructure to generate compliance with traffic ordinances

Initiatives can also center redesigning roads and infrastructure to make it more difficult for drivers to engage in speeding and other traffic offenses. For example, in 2020 Seattle implemented an initiative that narrowed streets and installed driving circles which ultimately led to a 20 percent reduction in all collisions and a 37 percent reduction in fatal/serious injuries as a part of Seattle's Vision Zero strategy.³⁷ Designing safer roads is a central component of reimagining traffic safety that does not carry the dangers and harms of police and punishment

³⁷ Sam Zimbabwe, "Vision Zero," Seattle Department of Transportation, updated November, 2020, <http://www.seattle.gov/transportation/projects-and-programs/safety-first/vision-zero>.

driven traffic enforcement. At the time that this memo was written, the Berkeley proposal—which includes both overlapping and integrated infrastructure road redesign and greenhouse reduction initiatives and significantly lessened involvement by police in traffic stops—was headed towards implementation in the year 2021.

A number of existing and newly emerging laws in cities such as Atlanta, Philadelphia, and New York City pertaining to certain kinds of off-road driving (i.e. riding dirt bikes and ATVs, not wearing helmets, doing tricks such as wheelies and donuts) also increase the possibility of criminalization when organizers are trying to decriminalize offenses.³⁸ These practices of punitive traffic enforcement disproportionately affect Black, Latinx, poor, and marginalized communities. Organizers should fight to end the criminalization of these offenses in favor of public health and transformative systems of education, accountability, and design. Creating parks for individuals and collectives to partake in ATV, dirt bike, and other off-road riding in cities is one alternative approach to criminalization.³⁹

³⁸ Adina Solomon, “Urban Dirt Biking Gets a Home in Cleveland,” *Bloomberg*, August 25, 2017, <https://www.bloomberg.com/news/articles/2017-08-25/cleveland-s-alternative-to-harsh-policing-of-urban-dirt-bikes>.

³⁹ Jondhi Harrell, “Don’t Criminalize Philly’s Dirt Bike Culture — Build a Park so it can Thrive,” *WHYY*, September 23, 2020, <https://whyy.org/articles/dont-criminalize-phillys-dirt-bike-culture-build-a-park-so-it-can-thrive/>; Adina Solomon, “Urban Dirt Biking Gets a Home in Cleveland.”

Key Recommendations

Below are select key recommendations for policy makers and stakeholders as it relates to removing police from traffic safety and creating new approaches to addressing safety concerns on roads and highways that are rooted in a non-punitive, non-coercive approach to increasing safety while driving. Central to this aim is also ensuring that traffic safety is not used as a pretext for criminalization, surveillance, or enforcement as it relates to immigration.

1. End the criminalization of driving offenses.

In order to ensure there are adequate firewalls between the criminal legal system and the management of traffic safety, there is a need to not only divest from policing in on-the-road traffic enforcement, but also a reimagined approach to dealing with individuals that pose a risk to the public when they are driving. Initiatives that center on driving-sobriety, public health, and educating individuals on driving while developing alternative non-punitive accountability measures are of key importance. When individuals do commit traffic violations that a community collectively decides requires a response, an education and reparative approach—rooted in a framework such as transformative justice—should occur rather than a punitive, criminal legal approach.

2. Completely end the use of any form of immigration enforcement or surveillance during traffic stops and traffic safety accountability processes.

The traffic-safety-to-deportation pipeline contributes to unjust immigration detention and deportation. Reimagined traffic safety models must create protections to safeguard from any form of criminalization, surveillance, or enforcement surrounding immigration laws.

3. Remove financially-driven incentives to traffic safety.

In jurisdictions throughout the United States, traffic enforcement is used to generate revenue, which disproportionately impacts people of color as they are disproportionately targeted for traffic safety enforcement. This practice can continue even if police are not involved in traffic safety through financially punitive mechanisms that are aimed at revenue-generation and not public safety. Automated traffic enforcement, such as red-light cameras, also contribute to the financially driven incentives to punitive traffic enforcement, pose large surveillance risks, and are likely to have a burdensome impact on marginalized communities. Central to reimagining approaches is grounding them in a public health approach to safety models that center accountability and education, as well as repair and transformative justice for harm committed by drivers.

4. Develop plans for traffic matters that escalate into crisis or harm.

To truly reimagine models of public safety it is important to have other entities that can also provide safety interventions when need be. To this end, having crisis response teams and trained violence interrupters who are non-police affiliated and can be rapidly deployed can help provide interventions that do not rely on criminal legal mechanisms.⁴⁰

5. Invest in existing alternative institutions or design new entities to engage in traffic safety management aimed at improving road safety free of police-involved traffic enforcement.

In jurisdictions where an entity exists that can take over responsibilities of traffic safety, there will likely need to be an infusion of new resources for implementation. Where no such entity

⁴⁰ McHarris, “Alternatives to Policing.”

exists, new organizational bodies that have firewalls between them and the police can be created, such as in Berkeley, CA (see above), to assume primary responsibility of traffic safety matters.

6. Redesign roads and infrastructure to make it harder to engage in speeding and other traffic offenses.

In Seattle, an initiative that narrowed streets and installed driving circles ultimately led to a reduction in all collisions and in fatal/serious injuries as a part of the City’s Vision Zero strategy.⁴¹ Lower speed limits also lead to less traffic-related fatalities and serious injuries.⁴²

Developing better traffic light and walk signal regulation systems have also proven effective.⁴³

The work examining what traffic safety management can look like outside of policing is still in its early stages. It is important that reimagined models of traffic safety center on developing non-coercive, non-punitive approaches to managing safety on the road. This memo explores visions, promising starts, and challenges surrounding the movement to remove police from traffic safety administration, and proposes approaches to begin rethinking traffic safety free from police. Developing such new approaches can benefit public safety on the roads while helping remove the deep and historic harms of police-involved traffic enforcement.

⁴¹ Julianne Cuba, “Vision Zero Cities: Removing Police from Traffic Enforcement is Crucial — and Hard!” *StreetsblogNYC*, October 21, 2020, <https://nyc.streetsblog.org/2020/10/21/vision-zero-cities-removing-police-from-traffic-enforcement-and-self-enforced-streets/>

⁴² Seattle Department of Transportation, *Speed Limit Case Studies*, July 2020, https://www.seattle.gov/Documents/Departments/SDOT/VisionZero/SpeedLimit_CaseStudies_Report.pdf; Ethan Bergerson, “Slower Speeds Save Lives: A Path to End Traffic Deaths & Serious Injuries in Seattle,” *SDOT Blog*, December 10, 2019, <https://sdotblog.seattle.gov/2019/12/10/slower-speeds-save-lives-a-path-to-end-traffic-deaths-serious-injuries-in-seattle/>.

⁴³ Zimbabwe, “Vision Zero.”

Resources

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Seo, Sarah A. *Policing the Open Road: How Cars Transformed American Freedom*, (Cambridge: Harvard University Press, 2019).

Some alternative to policing projects that interface with traffic safety and policy

CAHOOTS (Crisis Assistance Helping Out On The Streets) provides mobile crisis intervention in the Eugene-Springfield Metro area. Dispatched through the Eugene police-fire-ambulance communications center, it provides immediate stabilization in case of urgent medical need or psychological crisis. whitebirdclinic.org/cahoots/

The June 2019 **Investing Public Funds in Community Safety Strategies tool** is based on the research in the Urban Institute report *Public Investment in Community-Driven Safety Initiatives: Landscape Study and Key Considerations* by Leah Sakala, Samantha Harvell, and Chelsea Thomson (NY: Urban Institute, 2018). The tool highlights three funding models and helps communities identify strategies for investing public resources. www.urban.org/sites/default/files/2019/06/28/community_investment_tool.pdf

MH First, a project of Anti Police-Terror Project, is a cutting-edge new model for non-police response to mental health crisis; the goal of MH First is to respond to mental health crises including, but not limited to, psychiatric emergencies, substance use support, and domestic violence situations that require victim extraction. www.antipoliceterrorproject.org/mental-health-first

One Million Experiments, a virtual Zine project of Project Nia and Interrupting Criminalization: Research in Action, is a sharing platform for community-based safety projects highlighting the nuts and bolts. millionexperiments.com/Not-9-1-1; project-nia.org; www.interruptingcriminalization.com/

Reform/Transform: A Policing Policy Toolkit is a project of Local Progress, a national network of progressive elected officials working in partnership with community members, advocates, and organizers. The toolkit was prepared in consultation with the Center for Popular Democracy and written by Kate Hamaji, Kumar Rao, Silvia Fabela, Kate Terenzi, and Emily Tucker. reformtransform.org

For more resources, news, and ways to get involved in community safety and police accountability work, [visit the Community Resource Hub’s website](#)