Creating Traffic Safety in Fayetteville

Introduction

- Americans are about as likely to die as a result of traffic-related violence as gun violence but compared to gun violence, there is relatively little attention paid to addressing traffic fatalities
- **Driving equality laws support local elected officials in pursuing policies to create traffic safety that prioritize public health and racial equity**
- Specifically, this presentation explores the ways Fayetteville can:
  - 1) Reduce the role of police in traffic enforcement
  - 2) Create the physical infrastructure and systems to build real traffic safety
  - 3) Pursue these interrelated solutions equitably

Discriminatory use of pretextual stops

- Pretextual stops are types of traffic stops where police use the stop as a reason to search for evidence of crimes like weapons or drugs without the typical legal standard of reasonable suspicion
- Pretextual stops are discriminatory and ineffective way to create safety or remove weapons and drugs from the streets
  - Less than one percent of stops result in confiscation of firearms
  - Black and Latino people are more likely to be stopped and searched despite not being more likely to carry contraband

Traffic stops are ineffective and discriminatory

- Data consistently show there is no significant connection between police making traffic stops for non-safety related traffic violations and reductions in violent crime or car crashes
- Instead, the biggest reduction in fatal car crashes over the course of the 20th century can be attributed to upgraded vehicle technology such as shatter-resistant windshields and seat belts and improved road design
- Research consistently finds that Black and Latino drivers are more likely to be stopped, searched and subjected to force during traffic stops.
- Since 2017, at least over 600 people have been killed after being pulled over by police
- 28% percent of those killed in traffic stops are Black drivers, despite the fact that they account for just 13% of the general population

Policy options:

Reducing Pretextual Stops

Infrastructure Improvements

Unarmed Civilian Traffic Enforcement

Reducing pretextual stops

- Localities across the U.S. have begun passing efforts to reduce the role of police in vehicle stops and deprioritize low-level traffic violations. Councilmember Isaiah Thomas of Philadelphia has been a national leader in reducing the role of police in traffic enforcement, leading the way with his Driving Equality Plan
- The plan consists of two pieces of legislation:
  - 1) **a policy bill**, which renders eight non-safety related traffic offenses no longer eligible to serve as the primary reason for a stop and
  - 2) **a data bill**, which requires police to collect relevant data on all vehicle stops (including on the race of the driver, reason for the stop, and whether a warning, citation or arrest took place) and publish the data publicly on a monthly basis
- Similar policy was in place in Fayetteville between 2013-2017

Councilmember Thomas' Driving Equity Plan

- The plan, implemented as of March 2022, deprioritized **eight non-safety related offenses**, including:
  - Late registration (with a sixty day grace period)
  - Relocation of temporary registration (must be visible)
  - Relocation of license plate (must be visible)
  - Missing a single headlight or taillight
  - Items hanging from the rear view mirror
  - Minor bumper damage
  - Driving with an expired or missing inspection sticker
  - Driving with an expired or missing registration sticker

COUNCILMEMBER THOMAS' DRIVING EQUALITY IS LAW

The Impact

- In the first years of implementation in Philadelphia, **traffic stops went down 54%** in the categories the law addresses
- And while stops for minor violations decreased, stops for more dangerous violations such as running a stop sign or red light or driving down a street the wrong way increased
- Other localities, including Pittsburgh, PA, Brooklyn Center, MN, Shaker Heights, OH, Seattle, Los Angeles, have also taken steps to reduce pretextual stops by implementing policy which removes traffic enforcement powers for certain low-level traffic offenses, like a broken taillight or expired registration. Some states have also passed laws to limit vehicle stops.

Driving equality policy in Fayetteville + North Carolina

- In 2013, the Fayetteville became one of the first police departments to reprioritize traffic stops to focus on safety while de-emphasizing regulatory traffic stops with an informal departmental driving equality policy
  - Policy was rescinded after Chief Medlock retired (was in place from 2013-2017)
- A 2020 study concluded that policy changes were associated with reductions in vehicle crashes, traffic-related injuries/fatalities, and racial disparities, with no increase in non-traffic crimes
- Localities can also create a new department or repurpose an existing department to manage traffic safety outside of the control of the police.
- The North Carolina legislature passed N.C.G.S. § 160A-499.6 in 2024 which allows cities to employ and allow civilian personnel to investigate crashes involving only property damage
  - Since then, City of Durham has begun to roll out a civilian enforcement model pilot program

Right sizing the approach

- By incorporating input from local law enforcement and sharing best practices from jurisdictions with driving equality laws, Fayetteville can identify and adjust the types of non-safety stops that could be minimized to prevent discriminatory practices
    - Example: Late vehicle registration (with an x day grace period)
    - Example: Virginia's 2020 law is particularly comprehensive and prohibits officers from stopping someone solely on the basis of the odor of marijuana and a driver having a loud exhaust system

Questions?

HAVE A QUESTION?

If you have a policy, comms, or strategic question about moving driving equity policy?

Email: **kkerwin@localprogress.org**

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