



## **FOCUSING TRAFFIC STOPS ON PROTECTING PUBLIC SAFETY**

### **SHIFTING FROM REGULATORY TO PUBLIC SAFETY STOPS**

This model policy is designed to serve as a template for law enforcement agencies to focus their traffic enforcement on stops that enforce hazardous violations and protect public safety, instead of regulatory stops.

Regulatory stops, including recently expired registrations and equipment violations, currently take up a large portion of law enforcement officers' time in North Carolina. From 2009-2019, nearly a third of traffic stops in North Carolina were for vehicle regulatory and equipment violations.<sup>1</sup> This disproportionate use of time means that law enforcement cannot spend time on other, more critical public safety concerns. By focusing on traffic violations that actually impact public safety, like speeding, driving while impaired, and reckless driving that endangers the public, officers can use their time in a more productive manner that better protects communities.

De-emphasizing regulatory traffic stops also promotes racial equity and trust between law enforcement and communities of color. In North Carolina, Black drivers are twice as likely to be pulled over as white drivers. Once pulled over, Black drivers are twice as likely to be searched, yet fewer than 10 percent of these searches lead to arrest. These disparities, and the way people of color may be treated during a traffic stop, cause communities of color to distrust of law enforcement.<sup>2</sup> Reducing these types of stops also minimizes the risk of dangerous escalation that can occur during law enforcement interactions with the public.

Also, fines and fees that stem from nonhazardous stops can perpetuate cycles of debt and worsen collateral consequences for the most vulnerable in our community. This impact also lends to our understanding how fewer interactions for nonhazardous violations can affect the way community members feel about law enforcement.

More law enforcement agencies are adopting public safety stops instead of regulatory stops. Recently, Virginia enacted a policy<sup>3</sup> into law (HB 5058) similar to the model below. The Virginia law aims to reduce law enforcement time spent on enforcing regulations that do not directly impact public safety. Here in North Carolina, in 2013, the Fayetteville Police Department began de-emphasizing regulatory traffic stops.<sup>4</sup> A study of Fayetteville's traffic data in the first three

<sup>1</sup> NC Department of Public Safety, Justice Analysis Review, July 2020  
[https://weare.ncdps.gov/docs/Justice%20Analysis%20Review\\_July2020\\_PQ.pdf](https://weare.ncdps.gov/docs/Justice%20Analysis%20Review_July2020_PQ.pdf)

<sup>2</sup> North Carolina Task Force for Racial Equity in Criminal Justice, Report 2020 [https://ncdoj.gov/wp-content/uploads/2021/02/TRECReportFinal\\_02262021.pdf](https://ncdoj.gov/wp-content/uploads/2021/02/TRECReportFinal_02262021.pdf)

<sup>3</sup> Marijuana and certain traffic offenses; issuing citations, etc, HB 5058, Virginia State Law (2020)  
<https://lis.virginia.gov/cgi-bin/legp604.exe?ses=202&typ=bil&val=hb5058>

<sup>4</sup> Fayetteville Police Department, Policy Manual, p. 619  
<https://www.fayettevillenc.gov/home/showpublisheddocument/17815/637540941939930000>



years (2013-2016) after the policy was implemented shows fewer traffic crashes and injuries. Traffic fatalities dropped by 28 percent, crashes resulting in injuries dropped by 23 percent, and total crashes dropped by 13 percent. Traffic stop disparities also fell – the percentage of traffic stops of Black drivers declined by seven percent and the Black vs. white stop rate ratio dropped by 21 percent. The Fayetteville Police Department’s focus on non-regulatory traffic stops led to dramatic overall improvements in public safety.<sup>5</sup>

### **IMPLEMENTING THIS POLICY**

Current and retired police chiefs and sheriffs, policy experts, researchers, and law enforcement leaders’ organizations helped draft this document, resulting in a model policy informed by years of expertise in the field. For some agencies, this model policy is comprehensive whereas for others, only portions of it will be relevant.

Before implementing policy changes, it is important to conduct training on new policies and for leadership to signal the culture change that must accompany and support changes in policy. We encourage those adopting this or similar policies to examine and understand their own traffic stop data and explicitly tie this reform to the philosophy of community policing. That connection will help increase trust between law enforcement and the communities they serve.

If your agency encounters implementation challenges with this policy shift, the drafters of this policy commit to supporting its users. For additional support, contact the Task Force at [criminaljustice@ncdoj.gov](mailto:criminaljustice@ncdoj.gov).

### **ABOUT THE TASK FORCE FOR RACIAL EQUITY IN CRIMINAL JUSTICE**

The North Carolina Task Force for Racial Equity in Criminal Justice, which is co-chaired by Supreme Court Associate Justice Anita Earls and Attorney General Josh Stein, was established in June 2020 and made a recommendation to prioritize traffic stops that improve traffic safety. For more information about the Task Force, please visit <http://ncdoj.gov/trec> or email [criminaljustice@ncdoj.gov](mailto:criminaljustice@ncdoj.gov).

<sup>5</sup> Mike Dolan Fliss, Frank Baumgartner, et. Al., Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities, *Injury Epidemiology* (2020), <https://injepijournal.biomedcentral.com/articles/10.1186/s40621-019-0227-6>



**MODEL POLICY: FOCUS ON PUBLIC SAFETY TRAFFIC STOPS POLICY FOR [LAW ENFORCEMENT AGENCY]  
EFFECTIVE [EFFECTIVE DATE]**

## **I. Policy Name.**

This policy shall be known as the “Focus on Public Safety Traffic Stops Policy for *law enforcement agency*.”

## **II. Objective**

To prioritize and focus traffic stops on the leading causes of collisions and bodily injuries, as opposed to regulatory stops, thereby promoting public safety.

## **III. Directive**

- A. An officer should take some action when he or she observes a motor vehicle violation that is hazardous to public safety and when not otherwise engaged in law enforcement duties with higher public safety consequences. A hazardous violation occurs when there is a failure to comply with a law that exists primarily to protect the safety of those in vehicles and pedestrians. These violations constitute unsafe behavior, which expose life or property to danger through failure to act, or unsafe conditions, wherein a violator causes or permits an illegal or hazardous condition to exist in a vehicle or on a roadway used for traffic.
  - a. A law enforcement officer shall focus traffic stops on hazardous violations which most impact public safety, including but not limited to:
    - i. Speeding (20-141), when it causes a public safety risk
    - ii. Running a red light (20-158) or other dangerous movement on the roadway
    - iii. Reckless driving to endanger (20-140)
    - iv. Driving while impaired (20-138.1)
    - v. Seat belt and child restraint violations (20-135 and 20-137)
  - b. Even once officers make a stop, they should use their discretion to give a verbal or written warning for a hazardous violation and a “fix it” ticket (or additional warning) for an equipment violation or expired registration. Officers should weigh the totality of the circumstances and issue warnings when appropriate.
- B. Generally, an officer should not stop a violator for one or multiple instances of the following regulatory infractions:
  - a. Operating a motor vehicle:
    - i. Without a light illuminating a license plate
    - ii. With defective equipment, unless it prohibits safe operation of the vehicle at that time



- iii. Without brake lights or a high mount stop light, unless it creates unsafe conditions at that time
    - iv. Without an exhaust system that prevents excessive or unusual levels of noise
    - v. With certain sun-shading materials and tinting films
    - vi. With certain objects suspended from the vehicle
    - vii. With an expired registration, if the registration expired less than four months at the time of the stop
    - viii. Without an inspection or with an expired inspection, if the inspection is less than four months overdue at the time of the stop
  - b. If an officer makes a traffic stop for a hazardous violation and cites the violator for this reason, the officer can additionally cite the violator for nonhazardous infractions included in III.B.a. above.
  - c. If a violation is nonhazardous and not included in (III.B.a. above), the officer should consider whether any action should be taken.
- C. Generally, license plates should not be run without reasonable suspicion that a non-regulatory violation or crime has been committed. Because of increased likelihood of involvement in crime, missing license plates should be considered hazardous for the purposes of this policy.
- D. Consistent with the statutory mandate on the Highway Patrol, law enforcement supervisors shall not measure officers' productivity based on the quantity of traffic citations or ticket quotas. Nor should their performance be evaluated on the number of citations issued or arrests made. (20-187.3)
- E. Law enforcement officers shall focus their traffic enforcement efforts in areas where most crashes occur, like thoroughfares or high-crash locations driven by current data, as opposed to in neighborhoods unless a moving violation that is dangerous to life and safety is observed by the officer.
  - a. Nonetheless, officers shall be responsive to community requests for traffic enforcement of hazardous traffic violations even if these calls originate in areas where crashes occur less frequently.
- F. Officers shall document the reason for all stops in the Computer Aided Dispatch ("CAD") system, notes on the citation, or field contact card] and provide to the driver of the vehicle the reason for the stop. It is highly recommended that all interactions are recorded with Body-Worn Camera or In-Car Video systems.
- G. This policy is not focused on investigatory stops and is instead focused on patrol-initiated stops based on the officer's observations at the time. Nonetheless, in accordance with *Rodriguez vs. United States*, the duration of any traffic stop shall be no longer than necessary to accomplish the purpose of the stop.
  - a. Except in extraordinary circumstances, i.e., evidence of human trafficking, officers conducting a traffic stop shall limit their questions of the driver and/or passengers to matters generally related to the facts giving rise to the reasonable suspicion that served as the legal basis for the traffic stop.



- b. Except in extraordinary circumstances, officers conducting a traffic stop shall seek written consent for a search of the vehicle, containers in the vehicle or persons in the vehicle.<sup>6</sup>

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<sup>6</sup> See Model Policy on Consent Searches [\(Insert Link\)](#).