

**Dismantling Law Enforcement's  
Role in Traffic Safety:  
*A Roadmap for Massachusetts***

**April 2022**

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# Foreword

Before the advent of the automobile, most people did not regularly encounter police in their day to day lives. However, with the rapid increase of automobile ownership and usage in the 20th century, traffic stops quickly became a tool to expand police power and degrade Fourth Amendment rights.<sup>1</sup> **Today, traffic stops are the most common form of contact between civilians and the police** and the results have been devastating, particularly to Black and brown people. A recent investigation from the New York Times found that in the last five years, police officers killed more than 400 people during traffic stops who were not armed and were not under pursuit for a violent crime.

**Despite the obvious harm caused, there is little evidence that traffic stops meaningfully reduce serious and fatal crashes.** In fact, in 2021 more than 38,000 people died in traffic crashes on U.S. roads—a ten year high. There is a desperate need to fundamentally rethink the strategies we employ to make our roads safer.

Over the last decade, communities across the country have adopted Vision Zero, a strategy to eliminate serious and fatal traffic crashes through safe street design—a strategy that has been proven effective in several countries in Europe. However, while infrastructure improvements are at the core of Vision Zero, the use of law enforcement (sometimes referred to as “equitable enforcement”) remains part of these strategies in the United States, especially when there is a lack of funding for critical road safety projects or lack of political will to enact necessary policy changes.

**When transportation practitioners, including advocates, planners, engineers, and elected officials incorporate policing as part of our Vision Zero strategies we are both complicit in the harm caused to Black and brown communities and are supporting a strategy we know to be largely ineffective in reducing serious and fatal crashes.**

Any long-term solution to reduce and eliminate traffic crashes will require significant investments to radically change our built environment. It will take time to rethink and rebuild decades of infrastructure projects designed to prioritize speed—but it’s not impossible. While this important work continues, we believe transportation practitioners must answer the call of racial justice

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1. Seo, “Policing the Open Road: How Cars Transformed American Freedom.” 7–8.

advocates and play an active role in dismantling law enforcement's role in traffic safety.

This report offers some modest and practical steps transportation advocates and government officials can take toward this goal in Massachusetts. We hope to offer a "reset"—to focus our time, energy and resources into solutions that measurably reduce serious and fatal crashes, and away from the ineffective overreliance on law enforcement. We hope you will join us in this important work.

Sincerely,

**Stacy Thompson**

*Executive Director, LivableStreets Alliance*

# Introduction

Almost two years after George Floyd's murder, the nation's attention on police violence continues, with the news cycle churning almost daily with announcements about new studies, investigations, and acts of police brutality. A recent investigation from the New York Times found that in the last five years, police officers killed more than 400 people during traffic stops who were not armed and were not under pursuit for a violent crime.<sup>2</sup> Lawmakers, advocates, and community members at all levels of government and society are discussing whether and how law enforcement should be reformed, defunded, reimaged, or abolished. This issue stretches beyond the individual actions of police officers, encompassing other actors and institutions in the law enforcement system, including the courts and corrections system.

Practitioners in the transportation field are paying attention to this crisis as well. Typically, when addressing "road safety," the focus is on traffic crashes, which is a crisis of its own. Fatalities from traffic crashes spiked from January through June of 2021, with an estimated 20,160 people killed, which was the largest six-month increase ever recorded since the National Highway Traffic Safety Administration began keeping records in 1975.<sup>3</sup> This is about 18% higher than the death toll for the same time period in 2020, reflecting a troubling rise that some officials attribute to riskier driving behaviors during the pandemic.<sup>4</sup> Many jurisdictions may attempt to manage speeding and other behaviors by increasing the prevalence of police enforcement, causing great harm with little effect.

In fact, **traffic stops are the most common form of contact between civilians and the police.**<sup>5</sup> Years before the 2020 racial justice uprisings in the United States, mobility activists in Chicago, Oakland, and other cities criticized their local governments' commitments to Vision Zero,<sup>6</sup> a strategy to eliminate serious and fatal traffic crashes, because the approach often explicitly includes ramping up police enforcement of traffic violations. These activists argued that increased traffic enforcement has the potential to do more harm than good, particularly in Black and brown communities.

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2. Kirkpatrick, et al. "Why Many Police Stops Turn Deadly."

3. National Highway Traffic Safety Administration, "Traffic Safety Facts."

4. National Highway Traffic Safety Administration, "USDOT Releases New Data Showing That Road Fatalities Spiked in First Half of 2021."

5. Davis, Whyde, and Langton, "Contacts Between Police and the Public, 2015."

6. Greenfield, "Slow Roll Chicago"; Oxas, "Vision Incomplete."

## THE VISION ZERO APPROACH

Vision Zero is a strategy to eliminate all serious and fatal crashes, with the assumption of a basic right of safety for all people as they move about their communities. First implemented in Sweden in the 1990s, Vision Zero has proved successful across Europe—and has been gaining momentum in U.S. cities.

When a governing body makes a commitment to Vision Zero, they are intentionally shifting the priority of transportation policies and projects from speed to safety, with the philosophy that crashes can be avoided if streets are designed to protect all people. To prevent traffic deaths, cultural attitudes must change and greater collaboration among local traffic planners, engineers, policymakers, and public health professionals is needed. There are many existing best practices for design and infrastructure changes that can provide a roadmap to redesigning our streets.<sup>7</sup>

Though this safe systems approach is effective, traditional Vision Zero strategies can fall short in their definition of safety. While the focus on changing street infrastructure to reduce fatal and serious crashes has been widely successful across the globe, cities continue to include elements of police enforcement in their Vision Zero plans, which is both ineffective and can distract from the more effective infrastructure and educational strategies.

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7. NACTO, “Urban Street Design Guide.”

Their criticism is borne up by extensive and ever-mounting evidence: countless large-scale and jurisdiction-based analyses have found that police decisions around stops, searches, and arrests disproportionately target non-white residents at significantly higher rates than white residents, and that Black and Hispanic people bear disproportionate burdens of policing.<sup>8</sup> The Stanford Open Policing project, which compiled and analyzed almost 100 million traffic stops conducted across the country, found that police officers stop Black drivers at higher rates than white drivers, and search Black and Hispanic drivers more often than white drivers, even though these stops turned up contraband at a lower rate than for white drivers.<sup>9</sup>

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8. Baumgartner, Epp, and Shoub, *Suspect Citizens*; Kochel, Wilson, and Mastrofski, “Effect of Suspect Race on Officers’ Arrest Decisions.”

9. The Stanford Open Policing Project, “Findings.”

Traffic stops have social costs, and the racial and ethnic disparities in traffic stops can lead to Black and brown drivers suffering disproportionate physical, emotional, and economic harms. Beyond the countless high profile stories of police officers killing Black people during traffic stops, including Walter Scott in South Carolina, Philando Castile in Minnesota, Rayshard Brooks in Georgia, and Daunte Wright in Minnesota, as well as the death of Sandra Bland in police custody in Texas after a traffic stop, studies have shown that police use force against Black people disproportionately compared to other racial groups,<sup>10</sup> and that Black Americans are more than three times as likely to be killed by police than white Americans.<sup>11</sup> Data has shown associations between unjust police treatment and physical and psychological health of marginalized people, including emotional distress and post-traumatic stress symptoms.<sup>12</sup> Researchers are also working to quantify the adverse mental health spillover effect of police killings on Black Americans at the population level.<sup>13</sup> Beyond the potential for physical and emotional harm, the racial bias inherent in traffic stops leads to Black and brown drivers suffering disproportionate financial and legal consequences, as stops and searches can lead to more citations and arrests.<sup>14</sup>

Much of the wide racial disparity in police stops can be attributed to pretextual stops. In a pretextual stop, a police officer detains someone for a minor traffic or equipment violation, such as an expired registration tag, as an excuse to investigate a presumed serious crime. Proponents of pretextual stops claim that establishing a highly visible police presence in certain neighborhoods through frequent stops will deter crime in that area. However, **not only do pretextual stops funnel Black and brown residents into the criminal justice system and erode trust in law enforcement and government, they are not proven to improve public safety.** Most pretextual stops do not result in the discovery of contraband or weapons,<sup>15</sup> and studies in some cities, including Nashville,

**Most pretextual stops do not result in the discovery of contraband or weapons, and studies...have found that traffic stops do not have a significant impact on short-term or long-term trends around crime.**

10. Peeples, "What the Data Say about Police Brutality and Racial Bias—and Which Reforms Might Work."

11. Schwartz and Jahn, "Mapping Fatal Police Violence across U.S. Metropolitan Areas."

12. Toro et al., "The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys"; Geller et al., "Aggressive Policing and the Mental Health of Young Urban Men."

13. Bor et al., "Police Killings and Their Spillover Effects on the Mental Health of Black Americans."

14. Lofstrom et al., "Racial Disparities in Law Enforcement Stops."

15. Vera Institute of Justice, "Refuse."

have found that traffic stops do not have a significant impact on short-term or long-term trends around crime.<sup>16</sup> Many cities have found that after they shift their enforcement strategies to deprioritize pretextual stops, racial and ethnic disparities dramatically fall.<sup>17</sup> Because of the social costs and disparities inherent in pretextual stops, and the lack of proven safety benefits, there is a strong argument for banning pretextual stops.

Additionally, “traffic” stops are not limited to people operating a motor vehicle—people walking and biking can also be impacted by traffic stops. People can be stopped and cited while walking for crossing the street at a point other than a marked or unmarked intersection or crosswalk (i.e., jaywalking) or for refusing to state name and address to an officer. While biking, people can be stopped for riding without a helmet in some places or riding without a light at night. While some of these stops may seem safety related, these stops are often pretextual and are enforced inequitably and result in harmful outcomes. In many cities, including Seattle, New York, and Sacramento, investigations into jaywalking laws revealed patterns of biased police enforcement and racial discrimination—for example, from 2012 to 2017 in Jacksonville, Florida, Black residents received 52% of the city’s jaywalking tickets despite making up only 29% of the city’s population.<sup>18</sup> In Oakland, New Orleans, and Washington D.C. an analysis of bicycle stops showed that Black cyclists and other cyclists of color were more likely to be stopped, cited, searched, and arrested.<sup>19</sup> These bicycle stops can have deadly results. In 2020, Los Angeles police officers killed Dijon Kizee, a Black man, after stopping him for riding his bike in the wrong direction, a “vehicle code violation.”

Due to the alarming evidence of the impact and inequities of policing and the calls for racial justice from community members, proponents of safety in the transportation field—including elected officials, policymakers, advocates, planners, and engineers—are examining the role of law enforcement in traffic safety efforts and programs. To keep all members of our communities safe on our streets, we must decouple traffic safety from law enforcement.

This report offers a vision and framework for moving toward traffic safety without police. Removing traffic safety from the purview of all types of law enforcement, including police and the courts, is not a small change and

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16. The Policing Project, “An Assessment of Traffic Stops and Policing Strategies in Nashville.”

17. Sprattler and Statz, “Equity in Highway Safety Enforcement and Engagement Programs.”

18. Sanders, Rabinowitz, and Conarck, “Walking While Black.”

19. Roe, “Black Cyclists Are Stopped More Often Than Whites, Police Data Shows.”



will require significant transformations in many areas of our society and government. Recognizing this, the framework and recommendations included in this report take an approach that intends to reduce harm and decrease the negative consequences of law enforcement's involvement in traffic safety in the short term, while alternative systems are being built.

# Background

As outlined above, the recent racial justice movement in the U.S. has sparked an examination of the purpose, intent, and outcomes of policing, and traffic safety is one part of that. The following section summarizes research and key findings that have informed our approach to this report and subsequently our recommendations for decoupling law enforcement from traffic safety.

## Police Enforcement of Traffic Violations is Ineffective at Improving Road + Traffic Safety

The limited data that exists on the impact of police interventions on traffic-related crashes and injuries suggest that traffic stops do not prevent fatalities

from vehicle crashes. A report that used data from the Stanford Open Policing Project and the National Highway Traffic Safety Administration to study 33 state patrols found no association between traffic stops and death rates from crashes.<sup>20</sup> In addition, data from a study done in San Francisco shows that there are no

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lasting effects on driver behavior of high visibility enforcement campaigns once they end.<sup>21</sup> The City of San Francisco found that reductions in driver speeds during a high visibility police enforcement effort began to diminish one week after enforcement ended and had no lasting effects on drivers' speeds.

Beyond enforcing traffic laws or attempting to deter risky driving, many police departments conduct traffic stops to search vehicles or drivers deemed suspicious with the aim of addressing crime. However, there is growing evidence that these "pretextual" traffic stops do not reduce crime rates. A report conducted by the Policing Project assessing traffic stops and policing strategies in Nashville found no relationship between non-moving traffic stops and short-term or long-term crime rates.<sup>22</sup> The study also found pretextual stops rarely lead to the discovery of drugs or weapons or the need for an

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20. Sarode et al., "Traffic Stops Do Not Prevent Traffic Deaths."

21. Vision Zero SF, "Executive Summary: Safe Speeds SF High Visibility Enforcement Campaign Findings."

22. The Policing Project, "An Assessment of Traffic Stops and Policing Strategies in Nashville."

arrest—just over 2% of the time.<sup>23</sup> Another recent study found that after the police department in Fayetteville, North Carolina deprioritized investigatory stops—reducing the percentage of traffic stops unrelated to safety from 70% of all traffic stops to just 20%—there was no appreciable change in crime.<sup>24</sup>

The growing body of evidence that traffic stops do not deter crime and have a limited impact on dangerous driving, juxtaposed with the harm and social costs they cause, strengthens the argument to pursue alternatives to policing for traffic safety.

## The Broader Law Enforcement System Causes Harm in Addressing Traffic Safety

The inequities and harms associated with traffic stops implicate not just police officers but the law enforcement system as a whole. Our law enforcement system is made up of government actors who have the authority to enforce the law through discovery, prevention, or punishment of crimes, and includes police departments, courts, and prisons and jails. Law enforcement also includes civilian officers, even if they are not armed or do not have the authority to arrest people.

**The growing body of evidence that traffic stops do not deter crime and have a limited impact on dangerous driving, juxtaposed with the harm and social costs they cause, strengthens the argument to pursue alternatives to policing for traffic safety.**

While traffic stops are the most common form of contact between civilians and police officers, they can also serve to funnel people into the legal system through either tickets or arrests that disproportionately target Black and brown drivers. Tickets may be issued by a police officer or other official for a moving or a parking violation. Because most tickets issued in the United States are not scaled to an offender's income or employment status, they disproportionately impact low-income people and people of color. In some jurisdictions, the failure to pay tickets can lead to harsh financial penalties, the accrual of large and long-term legal debt, and even imprisonment.<sup>25</sup> When municipalities depend on low-level fines to fund their budget, this exhorts police departments to issue as

23. The Policing Project, "An Assessment of Traffic Stops and Policing Strategies in Nashville."

24. Fliss et al., "Re-Prioritizing Traffic Stops to Reduce Motor Vehicle Crash Outcomes and Racial Disparities."

25. Atkinson, "A Fine Scheme."; Katzenstein and Nagrecha, "A New Punishment Regime."

many traffic fines and citations as possible, as the Department of Justice found in their investigation of Ferguson, Missouri after Officer Darren Wilson shot and killed Michael Brown, an unarmed Black teenager in 2014.<sup>26</sup>

In addition to feeding cycles of burdensome tickets and fees, traffic stops can play a key role in immigrant deportations (characterized as the traffic stop-to-deportation pipeline). In some jurisdictions, including New York state, studies have documented that traffic stops are a key driver of deportations.<sup>27</sup> One crucial reason for this is that in many states, it is not legal for undocumented immigrants to obtain driver's licenses, despite access to a car being necessary in communities that lack sufficient public transportation. In counties where police are permitted to check the immigration status of a driver they have stopped—often for pretextual reasons—this increases the risks for undocumented drivers. State legislation that would allow undocumented immigrants to apply for driver's licenses would help disrupt the traffic stop-to-deportation pipeline.

**Safety on our streets must go beyond being safe from a motor vehicle operator, and include being safe from police harassment and violence, safe from deportation, safe from unjust debt, and more.**

**Overall, the way we define traffic and road safety must fundamentally change.**

Organizations and agencies like the National Highway Traffic Safety Administration (NHTSA), the National Safety Council, American Automobile Association (AAA), and many other groups that discuss “traffic safety” are generally more narrowly focused on protecting car drivers from the dangers of

crashes and the errors of themselves or other car drivers. As a result, punitive solutions that are intended to correct road users' behaviors and provide personal protection in the event of a crash are often recommended as a first line of defense, when they are either demonstrably ineffective and/or cause harm in their enforcement. A Vision Zero approach begins to move beyond this perspective by focusing more on creating systems and roads that preempt driver error and specifically focus on protecting vulnerable road users. However, safety on our streets must go beyond being safe from a motor vehicle operator, and include being safe from police harassment and violence, safe from deportation, safe from unjust debt, and more. This is where a traditional Vision Zero approach falls short. Vision Zero has the opportunity to change and adapt,

26. United States Department of Justice, Civil Rights Division, “Investigation of the Ferguson Police Department.”

27. Smith et al., “Disrupting the Traffic Stop-to-Deportation Pipeline.”

incorporating a broader definition of safety, and working toward a system change not just focused on infrastructure, but also focused on deconstructing harmful legal and punitive measures as a tool for achieving the vision.

## Increasing Road Safety is Possible Without Direct Police Interaction

Police enforcement of traffic violations fails to protect people from traffic violence and other harms, and therefore is not the answer for making streets safer. Different approaches in street design, technology, and policy make non-police alternatives to traffic safety possible.

The first and best intervention that local governments can make to improve traffic safety is to **build infrastructure** that is designed and engineered to encourage or force safe driving behaviors and reduce the likelihood of speeding and crashes. This approach is supported by the Vision Zero movement. There are countless design changes that are proven to increase safety, including narrowing travel lanes to discourage speeding,<sup>28</sup> building protected bike lanes to separate people in cars and on bikes,<sup>29</sup> and adding leading pedestrian intervals to traffic signals to reduce the number of drivers who hit pedestrians when failing to yield.<sup>30</sup> Practitioners are regularly testing new strategies that can be installed quickly, are inexpensive, and prove effective. For example, Washington DC began installing hardened centerlines (which involves the installation of bollards on the yellow centerline to discourage drivers from making turns at higher speeds) in 2018 to improve pedestrian safety at intersections, which significantly reduced the number of conflicts between vehicles and pedestrians and slowed average turn movements of vehicles.<sup>31</sup> When streets are designed to protect vulnerable road users and prevent risky driving behavior, fatalities and serious injuries can be dramatically reduced and potentially eliminated, making police enforcement of traffic violations unnecessary.

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28. Karim, "Narrower Lanes, Safer Streets."

29. Cohen, "Segregated Bike Lanes Are Safest for Cyclists."

30. NYC DOT, "Don't Cut Corners: Left Turn Pedestrian and Bicycle Crash Study."

31. Hu and Cicchino, "The Effects of Left-Turn Traffic-Calming Treatments on Conflicts and Speeds in Washington, DC."

Beyond infrastructure changes, there are enforcement strategies that can be considered that do not involve police officers, including automating enforcement or turning over duties to civilians who are unarmed and have limited authority to make arrests or even stops, as introduced below. However, these strategies are still forms of enforcement, which are subject to disparate racial and fiscal impacts and are built on a framework of punishment. **If implemented, they should only be considered as stop-gap measures, in concert with community input, and must be phased out over time as infrastructure and policy changes are implemented.** The goal is to build the infrastructure to effectuate safer streets and to employ community-driven measures of accountability, rather than rely on punitive measures that have failed to reduce traffic fatalities and cause untold harms.

One strategy that can supplement communities' transition to safely designed and built streets is **automated enforcement**, which is the use of cameras to monitor or enforce traffic control laws, which could include violations for speeding, failure to stop at a red light, and driving in a dedicated bus lane. Numerous studies have shown that automated enforcement is an effective deterrent to speeding and crashes.<sup>32</sup> One recent study in Montgomery County, Alabama, compared vehicle speeds before and seven years after the implementation of a speed camera program. This analysis found a 10% reduction in average vehicle speeds, 62% reduction in the likelihood that a driver traveled more than 10 mph above the speed limit, and a 19% reduction in the likelihood that a crash resulted in a serious injury or fatality in camera site areas (all three measurements demonstrated statistically significant decreases).<sup>33</sup> Automated enforcement can reduce contact between police officers and civilians, thus decreasing the possibility of interactions escalating or causing harm.

Although automated enforcement may seem like a neutral and unprejudiced alternative to police officers' judgment for who to stop and cite, technology can still suffer from biases, and thus perpetuate or amplify social inequality. For example, the placement of cameras in target areas can lead to overenforcement of certain communities—if automated enforcement cameras are placed based on where crash rates are highest, in many cities this could result in citations disproportionately targeting low-income communities of color. Historic disinvestment in these communities has often led to roads that

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32. Miller et al., "System Analysis of Automated Speed Enforcement Implementation."

33. Hu and McCartt, "Effects of Automated Speed Enforcement in Montgomery County, Maryland, on Vehicle Speeds, Public Opinion, and Crashes."

are not designed to slow speeds. In Chicago, two recent studies on the city's automated enforcement program presented similar findings that Black and Latino areas received higher numbers of tickets per household than other areas of the city.<sup>34</sup> Ticketing disparities can be further exacerbated when factoring in harmful fines and fees structures. Residents in majority Black and low-income neighborhoods in Chicago were more likely to accrue fees on a ticket and less likely to pay off said ticket once fees accumulated or more than one ticket received.<sup>35</sup> In addition to camera placement, camera surveillance and data protections also present concerns around what is being recorded, where data is being stored, who has access, and how it can be used. In many cases police departments remain the reviewing body for automated citations and therefore are still involved in the automated enforcement process. In 2015, the City of San Francisco analyzed automated enforcement programs in six major cities—only two of these cities had programs that were administered by their department of transportation, instead of police.<sup>36</sup> Since then, Washington D.C. has transferred oversight of their program from the police department to their Department of Transportation.<sup>37</sup> As a final point, there is no available evidence proving that the implementation of automated enforcement effectually reduces the number of stops or citations given out directly by police officers for the same infractions. In any automated enforcement program this would be crucial to study, as reducing police interactions should be part of the goal, not simply being able to give out more citations.

Ultimately, because automated enforcement is still rooted in a punitive approach and can funnel people toward other branches of our broken law enforcement system like the courts, it should only be implemented as an interim step toward the full removal of enforcement as a strategy for traffic safety. If implemented, automated enforcement legislation and policy can and should be written to include protections against disparate impacts, burdensome fines, and surveillance, and should be put forward in conjunction with other legislation such as fines and fees reform—without such protections it should not be considered. *Please see Appendix A (page 45) for more detailed analysis of automated enforcement, including how to address harmful outcomes.*

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34. Hopkins and Sanchez, "Chicago's "Race-Neutral" Traffic Cameras Ticket Black and Latino Drivers the Most."; Sutton and Tilahun, "Red-Light and Speed Cameras: Analyzing the Equity and Efficacy of Chicago's Automated Camera Enforcement Program, Executive Summary."

35. Sutton and Tilahun, "Red-Light and Speed Cameras."

36. San Francisco Office of the Controller - City Services Auditor, "Automated Speed Enforcement Implementation: Survey Findings and Lessons Learned From Around the Country."

37. Rubin and DeFazio, "A Study on Reassigning Traffic Enforcement from the Montgomery County Police Department to the Montgomery County Department of Transportation." 28-29.

Another alternative to policing is the creation of a system that would allow for **civilian involvement in traffic safety**, such as through a new traffic agency, separate from the police department, that employs traffic monitors or ambassadors. This alternative system could significantly reduce the harm and violence towards Black and brown people that too often accompanies traffic stops, and like automated enforcement, can be a step toward reducing direct police interactions. Municipalities across the country have committed to exploring this strategy in the last several years, including in Philadelphia, PA and Berkeley, CA. In 2019, Philadelphia residents voted with a 69% approval rate for a charter amendment that would create a new class of “public safety officers” who can issue some citations related to traffic control but cannot make arrests and will not carry guns.<sup>38</sup> The City of Berkeley is working to understand which state laws would need to change to allow for civilian traffic enforcement, following city council approval of a police reform package in 2020. However, while unarmed civilian officers or civilian reporting will not contribute to rates of incarceration, deportation, and police shootings, biased ticketing is still possible and can cause disparate harm against marginalized communities. There are other ways that civilians can be utilized in less punitive ways, including playing the role police do in directing traffic around construction sites or events.

## CIVILIAN FLAGGERS

Beyond safety impacts, delegating more tasks to civilians can be fiscally beneficial for governments, as well as reduce unnecessary police presence in communities and create job opportunities. In Massachusetts, advocates have been fighting for years to wrest control of directing traffic at construction sites from police details to civilian flaggers,<sup>39</sup> which is a common practice in other states. The cost of traffic police details, including overtime, is significant enough that the Massachusetts Department of Transportation includes it in their construction contingencies when calculating project costs. In 2020, which was a relatively quiet year for construction because of the pandemic, Boston Police officers made \$23.4 million in private detail work.<sup>40</sup>

39. Families for Justice as Healing, “What’s The Deal With Construction Details.”

40. The Boston Globe Editorial Board, “‘Civilianizing’ Police Details Can Be Win-Win.”

38. Murphy, “New Traffic Enforcement Officers to Hit Philly Streets.”



Enabling automated enforcement and civilian enforcement are transitional steps that communities can take to facilitate the removal of traffic enforcement activities from police departments in the near-term. However, both approaches can still perpetuate harm through disproportionate surveillance and burdensome citations to low-income people and people of color in particular. For these reasons, design and infrastructure changes and education efforts that prevent unsafe behaviors should be prioritized and funded over automated enforcement and civilian enforcement approaches.

## FEDERAL POLICY SOLUTIONS

Beyond building safe infrastructure, governments at the local and national levels must explore laws, regulations, and other policies that promote safety. These strategies are wide-ranging, from regulating the size and design of vehicles, to improving public transportation options as a way to reduce the number of vehicles driving on local streets. There are a myriad of data-driven solutions that will increase traffic safety that do not involve enforcement.

Additionally, the National Highway Traffic Safety Administration (NHTSA) distributes funding to local law enforcement agencies and police departments through their State Highway Safety Programs, or Section 402, helping to fund traffic enforcement efforts across the country.<sup>41</sup> A change in how this funding is distributed could provide additional funding for education or infrastructure changes, rather than ineffective enforcement.

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41. FHWA, "Section 402: State Highway Safety Programs."; Transportation Equity Caucus, "review of 402 Program/recommendations April 2021."

The next section of this report provides a roadmap for working toward decoupling traffic safety from law enforcement, by reprioritizing traffic stop types to ensure that stops are only made for safety violations and eliminating the low-level offenses that often serve as a basis for discretionary, pretextual stops.

## DATA COLLECTION, ANALYSIS, + OUTCOMES

There is a great need for traffic stop data collection and analysis, in order to assess disparate impacts, evaluate actual safety outcomes, and understand the costs of enforcing certain violations. As examples throughout this report have highlighted, it is often not a question of if racial disparities are occurring in traffic stops, but a question of whether there is available data to back it up—and time and time again when there is data, there is clear evidence. We must constantly be measuring for what we already know is there.

In Massachusetts, the Executive Office of Public Safety and Security (EOPSS) released a report evaluating traffic stop data for a 10-month period in 2020.<sup>42</sup> This data collection and reporting was the result of a stipulation in a recent distracted driving law passed in MA, to assess inequitable outcomes in traffic enforcement. Within the report, there were clear disparities in who was stopped, and evidence that profiling was occurring in who was searched, cited, or arrested after the initial stop. Ultimately, the findings were communicated in a manner that misrepresented the outcomes of their analysis, presenting to the public that there was no evidence of racial disparities in traffic stops in Massachusetts. This is just one example that demonstrates that from collection to communication, data must be handled with care. *Please see Appendix B (page 49) for an in-depth letter from the MA Vision Zero Coalition evaluating this report.*

While quantitative data is a valuable tool in making the case for change, qualitative data and people's stories and lived experiences are also an important component. Examples of story collection and community engagement can be used as a model for collecting qualitative data and using that to inform implementing changes.

Ultimately, data is created by people and can be just as biased and fallible. Comprehensive data collection—both qualitative and quantitative—is necessary to make the case for change to policy makers, city and state officials, and other decision makers, and to ensure the data is telling an accurate and comprehensive story.

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42. Salem State University and Worcester State University, "2020 Massachusetts Uniform Citation Data Analysis Report."

# A Framework for Dismantling Law Enforcement's Role in Traffic Safety

Regardless of infrastructure changes and education programs, many traffic-related violations exist in the law, and therefore can be enforced in the name of traffic safety and potentially cause undue harm. In working toward the goal of removing law enforcement from traffic safety, evaluating, deprioritizing, removing violations, and introducing alternatives to these laws are tangible steps municipal, state, and elected officials must take.

**One key first step that state lawmakers and municipal police departments can consider is to reprioritize and reduce the reasons for traffic stops.**

Directing officers to focus only on moving violations that impact the safety of other road users (e.g., speeding, stop sign and light violations, driving while intoxicated or distracted, or reckless driving) and suspending non-public safety related stops (e.g., equipment failures or expired registration) will ensure that traffic stops are limited to concerns of immediate public safety and will curtail police officers' discretionary power.

**Directing officers to focus only on moving violations that impact the safety of other road users, and suspending non-public safety related stops will ensure that traffic stops are limited to concerns of immediate public safety and will curtail police officers' discretionary power.**

Any agency that would like to enact prioritization measures can use the following example of stop type classification, borrowed from various researchers' frameworks:<sup>43</sup>

1. **Public safety stops** are designed to reduce crashes and protect those outside the vehicle. These include but are not limited to violations of speed limits, stop lights, stop signs, driving while impaired or intoxicated, and reckless driving.
2. **Non-public safety stops** are stops that are more administrative, and relate to equipment or regulatory violations. These include but are not limited to expired registration, broken light, and not wearing a seat belt.

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43. Fliss et al., "Re-Prioritizing Traffic Stops to Reduce Motor Vehicle Crash Outcomes and Racial Disparities."

**The definition of traffic stop types can be undertaken by state and municipal officials immediately, without a change to state law.**

Different jurisdictions prioritize stop types in different ways and with different metrics. For example, in Fayetteville, North Carolina, the police department shifted their enforcement efforts to focus almost entirely on public safety stops.

Prioritization should then result in elimination of certain violations and a shift to alternative types of enforcement. For example, Philadelphia banned several types of investigatory stops in 2021: driving with a single broken brake light, driving with a single headlight, having a registration plate that is not clearly displayed, fastened, or visible, driving without an inspection or emissions sticker, bumper issues, minor obstructions (such as an air freshener hanging from a rearview mirror), and driving without vehicle registration within 60 days of the observed infraction. While traffic stops for these infractions ended, Philadelphia drivers are still liable and may receive tickets on their windshield or by mail.

Reclassifying existing violations to focus only on moving violations that impact the safety of other road users is a good first step, but it does not address the deeper work that needs to be done to fully review all existing violations and dismantle violations that do not serve a safety purpose or that do not produce a safety related outcome. While many violations may be clearly classified as designed to reduce crashes or as purely regulatory, others might require a more detailed assessment.

**The below questions can be used as a tool to categorize violations, prioritize stop types, and introduce alternatives to police enforcement.** This process can identify opportunities to shift enforcement away from police purview, either by eliminating the need for enforcement through design, policy, or education changes, or by transitioning to civilian or automated enforcement, as possible under state law. This process may also result in removing some violations or banning some stop types entirely.

## Questions to analyze the purpose and effectiveness of specific traffic safety violation:

1. Could the safety outcomes of the violation be achieved through design or infrastructure changes? Policy changes? Increased education or outreach?
2. What data and research are available around the purpose or outcomes of the violation, including the racial or economic disparate impact?
3. Could enforcement of this violation be conducted without a police officer?
4. What would the impact on safety be if the violation were removed entirely?

To illustrate how this framework might be used, we have offered three examples that demonstrate the approach and potential outcomes:

**Example 1:** A pedestrian crossing the street at a point other than a marked or unmarked intersection or crosswalk (i.e., jaywalking) ..... 20

**Example 2:** Driving with a debt-based suspended license..... 22

**Example 3:** Speeding..... 24

### **EXAMPLE 1: A pedestrian crossing the street at a point other than a marked or unmarked intersection or crosswalk (i.e., jaywalking)**

Some police officers maintain that the intent of enforcing this violation is to protect pedestrians and reduce collisions, arguing that crossing the street someplace other than a crosswalk or intersection may make a pedestrian's actions unpredictable to drivers, which could increase the likelihood of collisions. However, research does not support this assertion, showing that pedestrians are almost as likely to be struck and killed at an intersection as they are mid-block.<sup>44</sup> In addition, many low-income communities and communities of color are less likely to have crosswalks,<sup>45</sup> making it impossible to follow the law in the first place.

This violation is also used as a pretextual reason to stop people who police officers deem suspicious, which makes these stops discretionary and vulnerable to bias. In many cities, including Seattle, New York, and Sacramento, investigations revealed patterns of biased police enforcement and racial discrimination—for example, from 2012 to 2017 in Jacksonville, Florida, Black residents received 52% of the city's jaywalking tickets, despite making up only 29% of the city's population.<sup>46</sup> Detaining or citing a person for jaywalking should be classified as a non-public safety stop because the violation is proven to have no impact on crash rates.

**OUTCOME: Because research demonstrates that enforcement of jaywalking does not improve safety and exacerbates racial and economic disparities, the violation should be removed from law.**

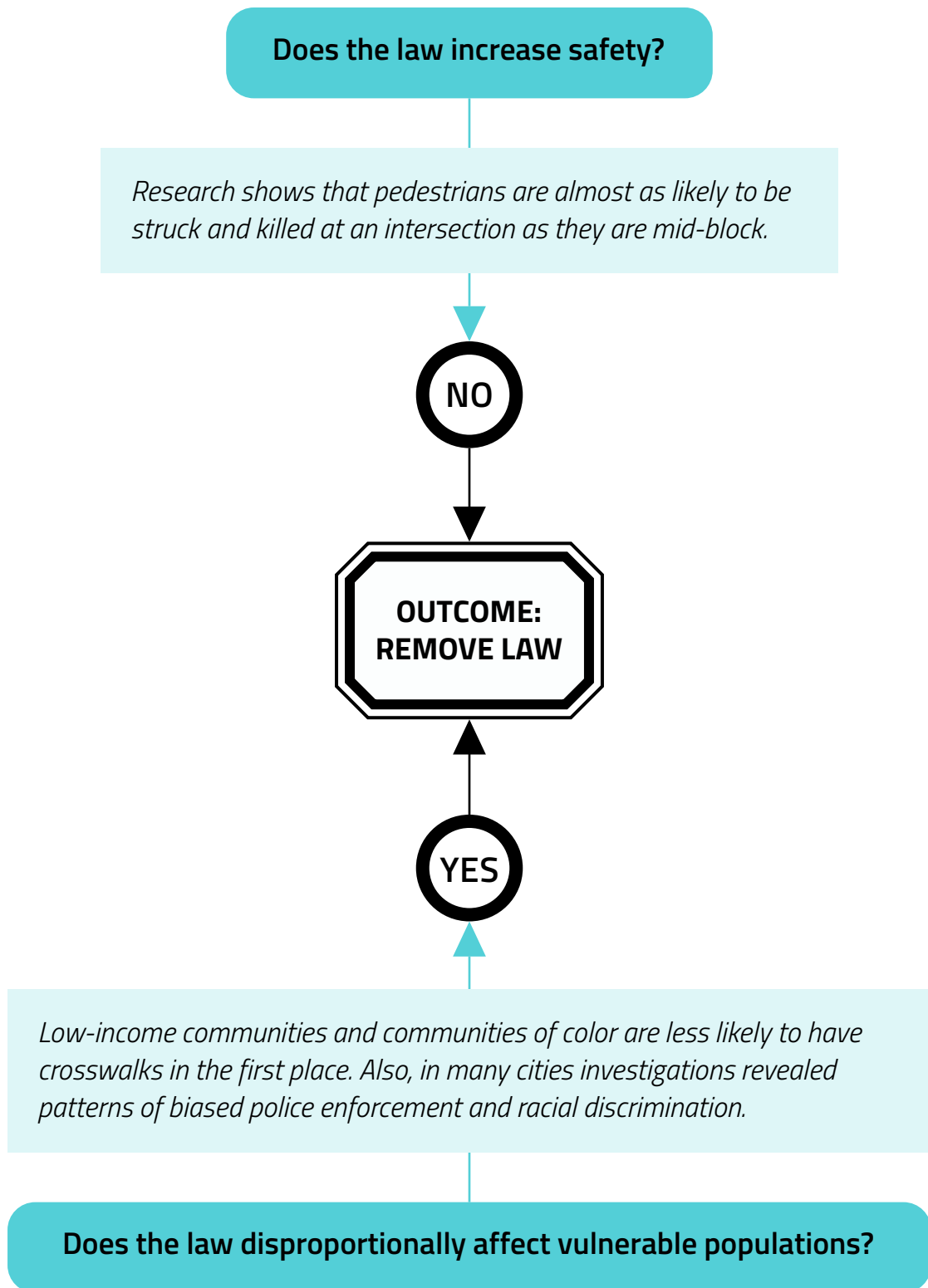
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44. Schmitt and Brown, "9 Reasons to Eliminate Jaywalking Laws Now."

45. Gibbs et al., "Income Disparities in Street Features that Encourage Walking"; Moran, "Where the Crosswalk Ends: Mapping Crosswalk Coverage via Satellite Imagery in San Francisco."

46. Sanders, Rabinowitz, and Conarck, "Walking While Black."

## EXAMPLE 1: Jaywalking



## EXAMPLE 2: Driving with a debt-based suspended license

In many jurisdictions, if a person fails to pay a fine or fee levied for a traffic offense or even for a misdemeanor unrelated to driving, their driver's license may be suspended as a penalty. In Massachusetts, the state suspends the licenses of tens of thousands of people for defaulting on debt every year.<sup>47</sup> Enforcing debt-based license suspensions takes up a significant amount of time and resources from police, prosecution, and courts. However, failure to pay fines and fees has no bearing on public safety, and allowing debt-based license suspensions criminalizes poverty, contributes to cycles of debt, and creates unnecessary collection and enforcement costs.<sup>48</sup> Research has demonstrated that driver's license suspension for failure to pay does not improve the likelihood of compliance, and in fact makes it even more difficult to pay by increasing debt and curtailing mobility.<sup>49</sup> Studies have demonstrated that people of color and low income people are disproportionately impacted by this penalty.<sup>50</sup>

**OUTCOME: Debt-based license suspension does not improve traffic safety. Eliminating debt-based license suspensions will significantly reduce the number of interactions and arrests police officers make to enforce this violation. This violation should be removed from law.**

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47. ACLU Massachusetts, "ACLU Backs Bill to Stop Penalizing Poverty."

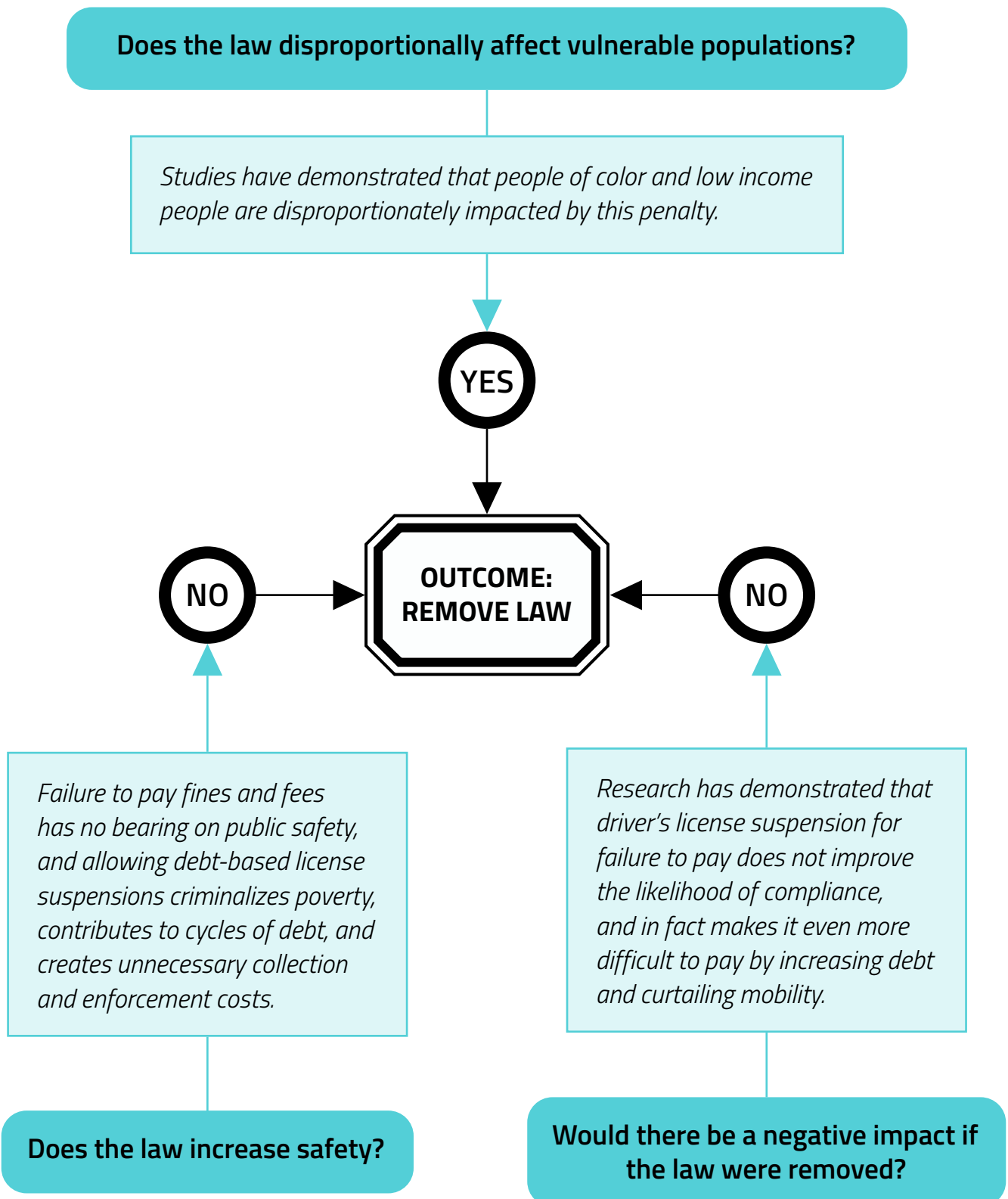
48. Dindial, Greytak, and Tateishi, "Reckless Lawmaking."

49. Dindial, Greytak, and Tateishi, "Reckless Lawmaking."

50. Carnegie and Voorhees, "Driver's License Suspensions, Impacts and Fairness Study."



## EXAMPLE 2: Driving with a debt-based suspended license



### EXAMPLE 3: Speeding

Speeding increases crash likelihood because it takes longer for drivers to stop or slow down, and makes crashes more deadly because crash energy increases exponentially as speeds increase.<sup>51</sup> Speeding endangers everyone on the street nearby, but particularly vulnerable road users because they are not protected by the structure of a vehicle. More than 26% of all fatalities from car crashes in 2019 occurred in speed-related crashes,<sup>52</sup> demonstrating that a reduction in the number of drivers speeding will directly increase safety.

As noted on page 9 of the report, some research demonstrates that high visibility traffic enforcement campaigns do not meaningfully change drivers' behavior or reduce speeds in the long term.

Design and infrastructure changes are the most effective and equitable way to decrease speeding. A myriad of proven traffic-calming strategies are available, including narrowing vehicle travel lanes, timing signals to encourage lower speeds, and adding pinch points, chicanes, speed humps, or raised crossings, among many other tactics.<sup>53</sup> Many of these interventions can be installed quickly and with inexpensive materials like paint and cones.

Automated enforcement is another strategy that can increase safety until infrastructure can be installed, or on certain roads where traffic calming may not be feasible. *Please refer to Appendix A (page 45) for a more detailed analysis of automated enforcement.*

**OUTCOME: In order to ensure the intended safety outcomes are met, design and infrastructure changes should be implemented to curtail dangerous driving behavior, and automated enforcement could be considered as a step toward removing direct police interactions in areas where immediate infrastructure improvements aren't possible.**

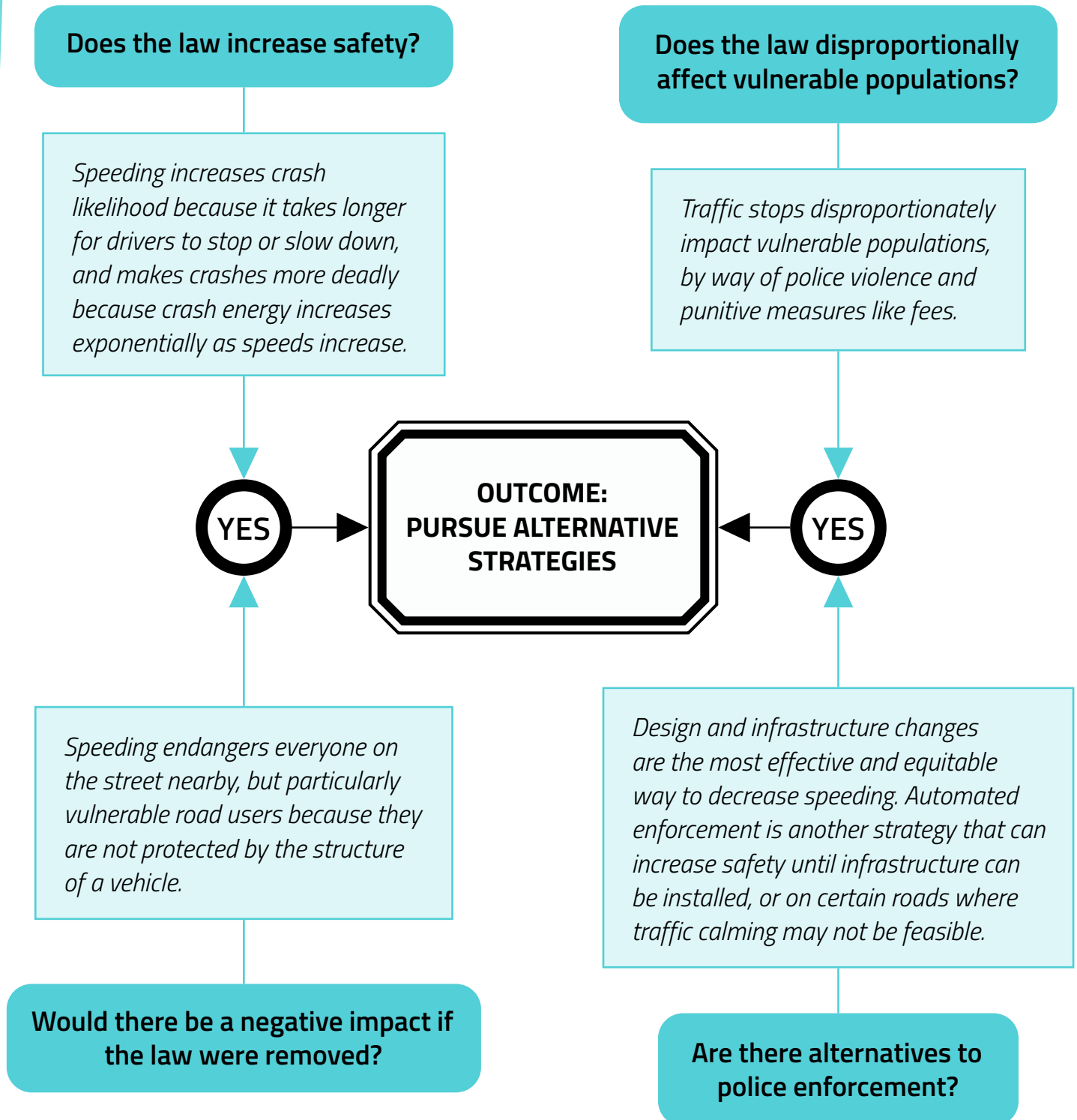
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51. Insurance Institute for Highway Safety, Highway Loss Data Institute, "Speed."

52. Insurance Institute for Highway Safety, "Speed."

53. NACTO Global Designing Cities Initiative, "Global Street Design Guide."

### EXAMPLE 3: Speeding



Using the analysis and the above examples, most traffic violations can be evaluated to determine whether they can be deprioritized or removed, or to determine what alternatives exist that could address the intended safety outcomes.

## **AN ANALYSIS OF TRAFFIC STOPS IN MASSACHUSETTS**

Based on the framework above, we have evaluated a select number of violations in Massachusetts to demonstrate how one could utilize the above framework to introduce alternatives and begin to deprioritize or eliminate certain traffic violations. Please see Appendix C (page 53) for the full evaluation.

# Recommendations

This report has introduced many potential policy options that have already been proposed or enacted in jurisdictions across the country. The following recommendations are specific to the state legislature, government agencies, and municipalities in Massachusetts, but can also be applied more broadly in other states and jurisdictions.

## RECOMMENDATIONS FOR MUNICIPAL GOVERNMENTS + STATE AGENCIES

The recommendations laid out in this section can be undertaken almost immediately, without any legislative action required.

### Prohibit pretextual stops

As explained above, examine the context and outcomes of traffic violations, reprioritizing as necessary.

#### WHO:

- ✓ **Police Departments**
- ✓ **Transportation Departments**
- ✓ **Legal Departments**

*(\*\*Note: Action from the State Legislature is required to ban pretextual stops; in the meantime, these stops can be deprioritized by local police departments.)*

## **Mandate traffic enforcement and crash data collection, analysis, and response**

Data collection should be consistent across police departments and DOTs, and made publicly available. This data should be analyzed and reported on a regular basis for accountability purposes. It is important to note that not all data is created equal. When data is not properly collected or analyzed, it creates a gap in information that decision makers often look to in order to enact policy change.

1. Require police departments to collect information for all vehicle and pedestrian stops—not just those that result in a formal warning or citation—and publish the data on a public database monthly and report on the findings annually, including an evaluation of the data and what interventions will be employed if evidence of discrimination is found. This will help municipalities measure the effectiveness of traffic safety strategies, assess disparities, and identify outliers in officer behavior.<sup>54</sup>
2. Collect thorough crash data and report publicly on it annually. This is crucial for comparing crash numbers and the outcomes of alternatives implemented over time. This can provide important information on safety interventions, as well as provide evidence of success for other states and municipalities to model after or learn from.

### **WHO:**

✓ **Mayors**

✓ **City/town Managers**

✓ **Select Boards**

✓ **City Councils**

✓ **Police Departments**

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54. Pryor et al., “Collecting, Analyzing, and Responding to Stop Data: A Guidebook for Law Enforcement Agencies, Government, and Communities.”

**Create Vision Zero or mobility plans that are focused on building and improving street infrastructure focused safety and explicitly do not include police enforcement as a component of the strategy**

Official plans focused on increasing traffic safety, often feature police enforcement as a strategy to achieve zero roadway fatalities. It is within the power of municipal and state officials to update these plans to remove police enforcement and introduce and emphasize other tools.

**WHO:**

✓ **Mayors**

✓ **City Councils**

✓ **City/town Managers**

✓ **Transportation Departments**

✓ **Select Boards**

**Engage community members in conversation about what traffic and public safety solutions they envision, and explore restorative measures for addressing traffic violence, prioritizing people who are most harmed by traffic enforcement**

*Example: New York City implemented a restorative justice approach for traffic violence which focuses on educating drivers, rather than issuing citations.<sup>55</sup>*

**WHO:**

✓ **Mayors**

✓ **City Councils**

✓ **City/town Managers**

✓ **Transportation Departments**

✓ **Select Boards**

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55. Transportation Alternatives, "A Restorative Justice Approach to Traffic Violence."

**Properly fund transportation interventions, including but not limited to improving transportation options to encourage mode shift, implementing quick build street safety interventions, and redesigning the most dangerous roads**

In order to change the way people drive, the roads they drive on must change. These kinds of interventions must be comprehensively funded in order to make change where possible.

**WHO:**

✓ **Mayors**

✓ **City Councils**

✓ **City/town Managers**

✓ **Transportation Departments**

✓ **Select Boards**

**Redistribute funding from police departments to services that address the needs of communities**

After robust community engagement, funds can be shifted from police departments and invested in the social services, programs, and/or infrastructure most desired by the community.

*Example: Cities across the country have made efforts to reinvest funds into social services desired by their residents.<sup>1</sup>*

**WHO:**

✓ **City/town Managers**

✓ **City Councils**

✓ **Select Boards**

✓ **Transportation Departments**

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1. Levins, "These US cities defunded police: 'We're transferring money to the community'".



## **Consider using civilians in place of police officers in non-punitive situations**

As a way to both create jobs and reduce police presence, ordinary people can fill roles such as traffic control at construction sites and at other events, such as open streets events. Civilians can also be utilized for educational/non-punitive activities, such as informing drivers if they're parking in a bus and/or bike lane.

1. Increase the competitiveness of using civilian flaggers to direct traffic at construction sites instead of police officers. This recommendation is specific to the Massachusetts state administration; however, it may be useful for other states that use police details for construction projects. The Executive Office of Labor and Workforce Development should determine a prevailing wage for civilian flaggers that is not tied to the wage negotiated by police unions, so as to provide a financial incentive to switch from police details.

### **WHO:**

✓ **Massachusetts Executive Office of Labor and Workforce Development**

2. Remove police details from open streets, block parties, and other outdoor events whenever possible, and use civilians or municipal staff to direct traffic and people. This may require a renegotiation of police contracts.

### **WHO:**

✓ **Mayors**

✓ **City/town Managers**

✓ **Select Boards**

✓ **City Councils**

✓ **Transportation Departments**

✓ **Police Departments**

## **Explore how education campaigns can be utilized to change behavior and help shift perspectives around driving**

Reimagining how people view driving will require a cultural shift, and seeking ways to educate people can be an effective way to move toward this change.

1. Explore how ordinary people can play a role in advancing education and safety prevention campaigns.

### **WHO:**

- ✓ **Mayors**
- ✓ **City Councils**
- ✓ **City/town Managers**
- ✓ **Transportation Departments**
- ✓ **Select Boards**

2. Adjust driver education programs to include important narratives around vulnerable road users.

### **WHO:**

- ✓ **State Department of Transportation**
- ✓ **Registry of Motor Vehicles**

3. Incorporate traffic safety campaigns in schools that do not involve police officers and are focused on perspectives of vulnerable road users.

### **WHO:**

- ✓ **School boards/committees**
- ✓ **Select Boards**
- ✓ **Mayors**
- ✓ **City Councils**
- ✓ **City/town Managers**
- ✓ **Transportation Departments**

# RECOMMENDATIONS FOR STATE LEGISLATURES

The following recommendations are specific policies that can be implemented. Each bill laid out below was introduced during the 2022 legislative cycle in Massachusetts. All of this legislation should be passed by the end of next session in 2024, if not this session. When this report was released, each bill was at varying places in the legislative process. Many of these bills can be easily refiled, and the specific bills and bill language can be found on the [MA Legislature website](#) for reference.

## Enact state-level legislation that takes measures to decouple traffic safety from police enforcement.

In Massachusetts, this legislation includes:

### Ban pretextual stops

An Act banning pretextual traffic stops would ban law enforcement officers from engaging in pretextual traffic stops and asking questions or conducting a search during traffic stops that are not reasonably related to the purpose of the stop without justification. As proposed, this bill might require the addition of a classification procedure to clearly define the parameters of what is considered a “pretextual traffic stop.”

**\*\*2022 Session: S.1546. At the time of this report, this bill was sent to study.\*\***

### Assess current violations and stop types and reprioritize

An Act relative to traffic stops and racial profiling would require an audit of traffic stops and existing violations that analyzes demographic trends and recommends policies that will reprioritize certain violations. This includes removing some violations from primary enforcement, downgrading some penalties from criminal to civil, eliminating debt-based license suspensions, and others.

**\*\*2022 session: S.1547. At the time of this report, this bill was sent to study.\*\***

### **Allow municipalities to opt into automated enforcement**

An Act relative to automated enforcement would allow municipalities to opt into installing cameras that would issue tickets for violations for speeding, failure to stop at a red light, failure to stop at a school bus stop arm, blocking the box, and parking or driving in a dedicated bus lane. Please reference Appendix A (page 45) to review when and how to implement automated enforcement.

**\*\*2022 Session: S.1545, H.2426. At the time of this report, S.1545 was sent to study.\*\***

### **End debt-based punitive measures for non-payment of traffic fines**

An Act to eliminate debt-based incarceration and suspension would end debt-based driver's license suspensions and incarcerations as part of a nationwide movement to stop the criminalization of poverty and break the cycle of debt. These kinds of measures are especially important with respect to any automated camera enforcement legislation passed, as it could prevent potential harm stemming from an unpaid fine.

**\*\*2022 Session: S.2304, H.3453.\*\***

### **Allow residents to obtain driver's licenses regardless of immigration status**

An Act relative to work and family mobility would allow undocumented immigrants to obtain driver's licenses, which, in addition to being an important equity measure, has proven to increase safety in other states.

**\*\*2022 Session: S.2289, H.4459.\*\***

### **Enact strong regulations on camera surveillance**

An Act to regulate face surveillance would establish meaningful restrictions on racially biased face surveillance. These kinds of measures are especially important with respect to any automated camera enforcement legislation passed, as it helps strengthen protections with the use of cameras.

**\*\*2022 Session: H.135, S.47.\*\***

### **Do not pass new legislation that increases police enforcement and punitive measures.**

In Massachusetts, this legislation includes, but is not limited to:

#### **Primary seat belt legislation**

In MA, wearing a seatbelt is currently a secondary offense. Making it a primary offense would create more opportunities for police to pull drivers over, without meaningfully improving safety.

**\*\*2022 Session: S.1591\*\***

#### **Drugged driving legislation**

There is currently no scientifically agreed upon way to test if a driver is under the influence of marijuana, leaving it mostly up to officer discretion—this legislation would create more opportunities for potential disparities in how it's enforced, and would not meaningfully improve safety.

**\*\*2022 Session: H.4255\*\***

# Conclusion

Historically, transportation safety strategies in the U.S. have relied too heavily on law enforcement to manage safety, rather than focusing on and funding effective policies and well designed infrastructure. Transportation practitioners, including advocates, planners, engineers, and elected officials must lead in the effort to dismantle law enforcement's role in traffic safety.

When aiming to improve traffic safety, it is important for leaders to look at the root causes and intended outcomes of every traffic safety method, rather than relying on enforcement as a way to treat the symptoms of our car-dominated culture.

This report offers some tools and a framework for beginning this work, most of which could be undertaken quickly and create better safety outcomes sooner rather than later.

Finally, there is a critical need to deconstruct many elements of the U.S. criminal legal system, from the criminalization of poverty, mass incarceration, and policing, as well as to address broader cultural and structural systems, including white supremacy. We hope this report can offer one small step to a larger endeavor.

## Further Reading

Baumgartner, Frank R., Derek A. Epp, and Kelsey Shoub. *Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race*. Cambridge: Cambridge University Press, 2018. <https://doi.org/10.1017/9781108553599>.

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# Acknowledgements

This project would not have been possible without the vision and research of former LivableStreets staff member Louisa Gag.

We would also like to thank our many partners whose comments, suggestions, and criticisms regardless of their positions on matters discussed in the report contributed greatly to this final product: WalkBoston, Kade Crockford, Anna Leslie, Cheryl Pavlik, Mona Sahaf, Adam Shutes, Emily Stein, and the LivableStreets Staff + Board.

Additionally, countless individuals and organizations have been long standing advocates working to dismantle systems of policing and have long been calling for reimagining how we define safety on our streets. We are privileged to have learned from decades of hard work and advocacy, and our small contribution has been bolstered by their tireless fight, and merely scratches the surface with our perspective on traffic safety.

*Report authored by Louisa Gag, Catherine Gleason, and Stacy Thompson, and designed by Lorraine Fryer.*

## Who We Are

LivableStreets advocates for people-centered land use, housing, and transportation solutions that dismantle visible + invisible barriers dividing neighborhoods, communities, and people.

Because of the reality of harm towards Black, Indigenous and People of Color caused by law enforcement, LivableStreets seeks to remove law enforcement from traffic safety activities entirely.



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# **Appendix A**

## ***Automated Traffic Camera Enforcement***



## Appendix A - Automated Traffic Camera Enforcement

### Background

Automated enforcement is the use of cameras to monitor or enforce traffic control laws, including violations for speeding, failure to stop at a red light, bus stops and driving in a dedicated bus lane. **In the United States:**

- Red light camera programs exist in nearly 350 municipalities in the US and speed camera programs exist in 150 municipalities in the US as of July 2020.<sup>1</sup>
- Black drivers are up to five times as likely as white drivers to be stopped and searched while driving in the US, even though police find illegal items less often in Black drivers' vehicles.<sup>2</sup>

### Advantages of automated enforcement:

- Photo enforcement is effective at reducing dangerous behavior, the number of crashes, and severity of injuries.<sup>3 4</sup>
  - Speed cameras have been found to significantly reduce speeding and the number of crashes resulting in death or serious injury.
  - Red light cameras have been found to reduce crash severity (many reports attribute a decrease in right-angle crashes, which are more likely to result in death or serious injury -- but an increase in rear-end crashes, which are less severe).
- Ability to continuously enforce the speed limit and red light stops.
- Can reduce traffic congestion sometimes caused by driver distraction around traffic stops.
- Alternatively to law enforcement officers conducting traffic stops, cameras remove direct police interactions that could be emotionally and physically unsafe.

**Note:** *It can be more challenging to slow speeds on arterial roadways and highways with design elements like speed humps and curb bump outs. Therefore if implemented, automated enforcement may have a better use case on these kinds of roadways where managing speed through design may be more difficult.*

### Concerns around automated enforcement:

- **Conflict with private camera companies:** potential corruption around the contract with the camera company; concern that camera programs are being implemented just to bring in revenue; lack of oversight of camera equipment and functionality
- **Privacy / surveillance:** concern that this is another way for the government to monitor citizens; concern that camera data can be subpoenaed to prove someone's location at a certain time
- **Constitutionality:** concern about due process and how hearings are administered when a violation is not observed by a law enforcement officer.
- **Equity:** Concern that cameras will be installed and distributed in a way that targets or disproportionately impacts communities of color or low-income neighborhoods; fines can be an undue

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<sup>1</sup> National Conference of State Legislatures. "Automated Enforcement Overview." 2020, July 21. Retrieved February 1, 2021. <https://www.ncsl.org/research/transportation/automated-enforcement-overview.aspx>

<sup>2</sup> The New York Times. "The Disproportionate Risks of Driving While Black." 2015, October 24. Retrieved February 1, 2021. <https://www.nytimes.com/2015/10/25/us/racial-disparity-traffic-stops-driving-black.html>

<sup>3</sup> Owen, R., Ursachi, G., and Allsop, R. 2016. RAC Foundation, London.

<sup>4</sup> Retting, R., Kyrychenko, S., and McCartt, A. 2008. Insurance Institute of Highway Safety.



## Appendix A - Automated Traffic Camera Enforcement

burden on low-income people, both from the initial fine and the potential for additional late fees and other penalties that may result from non payment<sup>5</sup>; for people who have unstable housing, they may never get the notice in the mail.

**Note:** *If automated enforcement cameras are placed based on where crash rates are highest, in many cities this could result in citations disproportionately targeting low-income communities of color. Historic disinvestment in these communities has often led to roads that are not designed to slow speeds.*

**Automated enforcement should only be used as a method to educate and change behavior, and as an interim solution while design changes can be implemented. Therefore in order to minimize potential disparities, automated enforcement policies must have:**

- **Automated enforcement should never be a revenue generating mechanism.** The intention should be to change behavior so that no tickets are being given out at all. Compensation paid to the manufacturer or vendor of an automated road safety camera system should be based on the value of equipment or service provided only—not based on the number of citations issued or revenue generated.  
**Note:** *In proposed Massachusetts legislation, any funds generated from citations are to be put into the Massachusetts Transportation Fund. A recommendation would be to ensure funds generated go directly to street infrastructure improvements that can help erase the need for cameras.*
- **Cameras should only take pictures to capture violations and should otherwise not be recording or capturing images.** Photographs should only capture the license plate of the vehicle, and not capture a frontal view of the vehicle or driver/passenger. Photographs should be destroyed within 48 hours of final disposition of a violation. No photographs should be discoverable or admissible in any judicial or administrative proceeding without a court order. Photographs and other personally identifying information collected should not be public record.  
**Note:** *In Massachusetts, cameras exist everywhere with little regulation—on buses, on business fronts, and in other public places. Beyond automated enforcement cameras, states and municipalities should evaluate the impact of all cameras, including existing ones, and be regulated accordingly. The City of Boston has implemented a municipal ordinance to “provide accountability, transparency, and oversight regarding the acquisition and use of Surveillance Technology and Surveillance Data by the City of Boston and its agencies and officers, and to protect privacy, civil rights, and racial and immigrant justice.”<sup>6</sup>*
- **The city/town must install an appropriate level of signage (at least one sign per camera) notifying that a camera is in use at each location (including on school buses).** In addition, they must make a public announcement and conduct a public awareness campaign, beginning at least 30 days before the enforcement program is in use. The city/town may install but not activate cameras during said time period, in order to issue warnings. Cities/towns should control where cameras should be placed, and the location must be approved by vote of a municipal legislative body.
- **The penalty should not be counted as criminal conviction and should not be made part of the operating record of the vehicle owner.** The penalty should not affect insurance premiums, add points to the owner’s license, and result in license or registration revocation or non-renewal.

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<sup>5</sup> Free To Drive. “Poverty Should Never Determine Who is Free to Drive”. 2020. Retrieved March 29, 2022.

<https://www.freetodrive.org/wp-content/uploads/2019/09/Fact-Sheet-Poverty-Should-Never-Determine-Who-is-Free-to-Drive.pdf>

<sup>6</sup> City of Boston. “Ordinance on Surveillance Oversight and Information Sharing”. 2021. Retrieved March 28, 2022.

<https://www.boston.gov/sites/default/files/file/2021/09/Docket%20%230397%20%282%29.pdf>

## Appendix A - Automated Traffic Camera Enforcement

***Note:** In Massachusetts, proposed fines and fees reform legislation would prevent unpaid fines and fees from resulting in mounting debt, license suspension, or incarceration. Such reforms should complement any automated enforcement program, see more below.*

- **Fines should be low and non-escalating, capped at \$25 regardless of the violation or how many subsequent offenses are made.**

***Note:** Written warnings can and should be issued in lieu of enforcement for the purpose of education.*

- **The operating and reviewing body should not be local or state police departments.** State departments of transportation should be the administering body.
- **Cities/towns should submit a report annually to a State DOT listing the location of each camera and its nexus to safety.** Said data should be public and should be regularly analyzed and publish a report that analyzes the public safety, and social and racial equity impacts of this act.

***Note:** Infrastructure improvements can be prioritized based on which cameras give out the most citations.*

- **The implementation of automated traffic cameras should meaningfully reduce the number of stops or citations given out directly by police officers for the same infractions.** Cities/ towns should study whether the implementation of an automated enforcement program effectually reduces direct policing efforts, as reducing police interactions should be part of the goal, not simply being able to give out more citations.

**If automated enforcement policies are put in place, they must be passed in conjunction with other important legislation to ensure proper use. The following legislation is specific to Massachusetts, but may be applicable elsewhere:**

- **Fines and fees reform:** In Massachusetts, proposed legislation would end debt-based driver's license suspensions and incarcerations, as part of a nationwide movement to stop the criminalization of poverty and break the cycle of debt. These kinds of measures ensure that an unpaid fine doesn't cause additional and escalating harm.
- **Camera use regulations:** In Massachusetts, proposed surveillance legislation would establish meaningful restrictions on racially biased face surveillance. These kinds of measures are especially important with respect to any automated camera enforcement legislation passed, as it helps strengthen protections with the use of cameras.

**If enacted, automated enforcement should not be the end goal. It should only be used as a stop gap measure to immediately remove direct police enforcement, and begin to shift driving behavior and implement more infrastructure improvements.** Any automated enforcement policy enacted should be evaluated every few years and should be tied to concrete goals to shift road safety conditions, so that road safety cameras are no longer needed. When this occurs, the policy should be rolled back out of place.

## **Appendix B**

*Massachusetts Vision Zero Coalition Letter*

# MASSACHUSETTS VISION ZERO COALITION

March 11, 2022

**Re:** 2020 Massachusetts Uniform Citation Data Analysis Report

Dear Secretary Reidy,

As members of the Massachusetts Vision Zero Coalition, we are writing to express concerns about the findings published in the *2020 Massachusetts Uniform Citation Data Analysis Report*, and their public characterization, as well as to make specific recommendations to improve data collection and analysis.

The [Massachusetts Vision Zero Coalition](#) is composed of transportation advocacy organizations, community-based groups, and individuals representing communities across the state who are dedicated to improving traffic safety in Massachusetts. We do this work using a “safe systems approach” rooted in crash prevention and road design—moving away from policing and punitive measures that disproportionately impact marginalized populations and subject them to racial bias, traffic stops and searches, and police violence. It is within this context that we work towards building safe streets for all.

**We are concerned both with the report’s conclusion that no racial bias is occurring in Massachusetts traffic stops, and the misleading way the report findings were communicated to the public.** As was shared in testimony at the hearing, and by the researchers themselves, the analyzed data presents only part of the picture:

1. This dataset only includes traffic stops that are reported to the MA Registry of Motor Vehicles and result in a formal, written warning or citation, and excludes all stops where only a verbal warning was given. It was shared during the hearings that the Brookline Police Department under-reported their traffic stop data to the RMV. Given this, it suggests that there are meaningful gaps in the information and in the data that is being analyzed.
2. The Veil of Darkness analysis used in this report presents a limited analysis of the data, and neglects to factor in things like how well lit an area is, whether officers are able to run registration/license plates in advance of making a stop, or other types of profiling that could be occurring.

Given the limitations presented, conclusions drawn present an incomplete characterization that there is no racial bias occurring in the decision to stop a driver in Massachusetts.

**Even with these data limitations, the report found that three municipal departments studied showed racial bias in who was stopped, and that across the state Black and Hispanic drivers were less likely than white drivers to receive a formal warning and more likely to be given a citation, searched, or arrested compared to white drivers.**

# MASSACHUSETTS VISION ZERO COALITION

EOPSS neglected to include any of the concerning stop outcome data in external communications about the report, including [this press release](#), and relegated information on the three departments of note to the end of the same press release.

In addition to this, in the report and in external communications, “racial disparities” and “racial bias” were frequently conflated. As the researchers note on page 10 of the report, the Veil of Darkness analysis and other analytical tools used do not test for “racial disparities” in the stops alone, they test for “*potential racial disparities in the decision to stop*”, otherwise known as racial bias. This distinction is lost throughout the rest of the report, as they refer not to bias, but disparities. For example, in the analysis of the three departments of concern, researchers state:

*“As previously noted, the Veil of Darkness (VoD) is considered the most robust analysis for examining possible racial disparities in traffic stops. In total, the results showed that three departments (Hadley Police Department, Ludlow Police Department and Massachusetts State Police Troop H-3) had odds ratios that indicated that Non-White drivers were more likely to be stopped during the day than at night. We caution that this does NOT prove that any of these departments are engaging in racial profiling; there are many explanations for racial disparities in traffic enforcement other than officer bias. These findings simply serve as a starting point for further discussion and reflection.”*

As another example, with respect to statewide data, researchers state:

*“The VoD logistic regression for all stops statewide ( $n = 425,702$ ) was also statistically significant. Specifically, the odds ratio was .641. This means that Non-White motorists were 36% less likely to be stopped in daylight than in darkness. This finding means that no support was shown for a pattern of racial disparity based on the VoD analysis for the state as a whole.”*

**The researchers have claimed that based on their analysis there is no evidence of racial disparities in traffic stops, when in fact the data tells us precisely the opposite.** According to the statewide data, 65% of people stopped were white, 16% were Black, and 15% were Hispanic—while per the most recent census data, in Massachusetts white people make up 80.6% of the population, Black people make up 9% of the population, and Hispanic/Latino people make up 12.4% of the population—while this doesn’t prove *bias* is occurring, this shows *clear racial disparities in who is being stopped* in Massachusetts. This mischaracterization in the report led to publications releasing articles with headlines like “*Study finds no evidence of racial disparity in traffic stops by police in Massachusetts*”, which is categorically false based on this misuse of language, departments where bias was detected, as well as the report’s findings regarding stop outcomes. Overall, researchers seemed to emphasize that no true conclusions could be drawn from the data—which is not reflected in how the data has been communicated.

# MASSACHUSETTS VISION ZERO COALITION

**Given all of the concerns we listed above, and other experiences, stories, and data/evidence shared during public testimony, changes in data collection and analysis must be implemented.** At a minimum, the data collected should additionally include:

1. Data on all vehicle stops (including those that result in only an informal verbal warning, not just stops where a formal warning or citation is given);
2. Information on the initial reason for the stop;
3. Data on the outcome of a search;
4. Information on the duration of the stop.

Researchers suggested this data be used as a jumping off point for “further learning, reflection, and discussion.” While we appreciate and value the need for more thorough data collection and analysis, we caution against waiting for the most complete and thorough analysis before taking action to eliminate racial disparities, bias, and profiling. Lived experiences and stories should also be valued in concluding that there is a policing problem in Massachusetts.

**Additionally, it is crucial that more care and attention be given to how this information is reported and communicated.** The many miscommunications detailed above are very concerning and contributed to misinformation about the data and the report conclusions.

**Finally, we are disappointed that the deadline for testimony—two hours after the third public hearing—did not allow sufficient time for interested stakeholders to respond to the analysis presented by the researchers at the hearings.** This is especially relevant given that in the third and final hearing, it was stated that not many people testified in the first two hearings. In comparison, MassDOT’s standard public comment period is ten business days after the hearing is posted to the MassDOT website. We hope that you will adjust these deadlines in line with MassDOT’s standard comment period and accept this letter as public record.

We hope you will take this letter, along with the concerns that many people raised during public testimony, seriously. Thank you for your time and consideration.

Sincerely,

The Massachusetts Vision Zero Coalition

# Appendix C

*An Analysis of Traffic Stops in Massachusetts*

## An Analysis of Traffic Stops in Massachusetts

This assessment reviews a small portion of the hundreds of traffic related violations in Massachusetts. It is meant to be exemplary of an approach that could be utilized to assess the effectiveness of all traffic related violations on the Commonwealth.

Source: <https://www.mass.gov/doc/citable-motor-vehicle-offenses-and-cmvi-assessments/download> (2013)

Offense	Type	Does the violation endanger others, self, or both?	Is violation more dangerous for vulnerable road users?	Does this violation address directly unsafe behavior (vs. administrative)?	Could the safety outcomes of the violation be achieved through design or infrastructure changes? Policy changes? Increased education or outreach?	Could enforcement be automated?	Could a safety outcome be achieved with a civilian approach?	Recommendation	Notes
Can not ride on sidewalks in business districts	Bike	Both	Possibly	Yes	Yes	No	Yes	Remove + provide proper infrastructure and signage for bikes to know where they are intended to ride	
Can not ride on sidewalks prohibited by local ordinance	Bike	Both	Possibly	Possibly	Yes	No	Yes	Remove + provide proper infrastructure and signage for bikes to know where they are intended to ride	
Yield to pedestrians on sidewalk	Bike	Both	Yes	Yes	Yes	No	Yes	Implement comprehensive education campaign; deprioritize enforcement of violation	
Shall not ride more than 2 abreast	Bike	None	No	No	Yes	No	Yes	Remove from law	
Children 16 years or younger must wear helmet	Bike	Self	Yes	Yes	Yes	No	Yes	Consider civilian education with a diversion program + education campaign for children in schools; deprioritize enforcement of violation	
Handlebars at correct height	Bike	None	No	No	Yes	No	Yes	Remove; arbitrary and difficult to enforce; consider free community bike workshops	
Uninsured motor vehicle	Motor Vehicle	None	No	No	Yes	Partially	Possibly	Could be enforced with mail citation; consider fines + fees reform as well	Top 10 enforced violation in 2019
Failure to wear seatbelt	Motor Vehicle	Self	No	No	Yes	No	Yes	Do not allow as a primary stop; consider income based fine and educational alternatives to a citation + education campaign for children in schools	Top 10 violation in 2019
Use of electronic device while operating a motor vehicle	Motor Vehicle	Both	Yes	No	Yes	No	Yes	Consider income based fine; increase education campaigns	Top 10 enforced violation in 2020
Failure to stop or yield	Motor Vehicle	Both	Yes	Yes	Yes	Partially	Yes	Consider civilian enforcement and/or automated enforcement for red light and block the box violations.	Top 10 enforced violation in 2019 + 2020
Unregistered motor vehicle	Motor Vehicle	None	No	No	Yes	Partially	Yes	Could be enforced with mail notice as a first step, followed by a citation; consider fines + fees reform	Top 10 enforced violation in 2019 + 2020
Speeding	Motor Vehicle	Both	Yes	Yes	Yes	Yes	Yes	Prioritize infrastructure changes where there is a pattern of speeding; consider automated speed enforcement	Top 10 enforced violation in 2019 + 2020
No inspection sticker	Motor Vehicle	None	No	Yes	Yes	Partially	Yes	Could be enforced with mail citation, consider first offering a warning via mail; consider fines + fees reform	Top 10 enforced violation in 2019 + 2020
Registration sticker missing	Motor Vehicle	None	No	No	Yes	Partially	Yes	Could be enforced with mail citation, consider first offering a warning via mail; consider fines + fees reform	
Crosswalk violation	Motor Vehicle	Others	Yes	Yes	Yes	Partially	Yes	Consider civilian enforcement and/or automated enforcement for red light and block the box violations.	
Children under 8 and under 58 inches without carseat	Motor Vehicle	Others	No	Yes	Yes	No	Yes	Do not allow as a primary stop; consider income based fine and educational alternatives to a citation	
Use a crosswalk if one is available	Pedestrian	None	No	No	Yes	No	Yes	Remove from law	
Refusal to state name and address	Pedestrian	None	No	No	Yes	No	Yes	Remove from law	