

Race and Equity Pocket Questions

Title and purpose of this initiative: Quarterly Traffic Stop Report

Department: Police

What are the racial and equity impacts?

Racial disparities in traffic stop demographics have been a concern for years. Addressing concerns about racial impacts and traffic stops, the police department has taken numerous internal steps over the years to limit negative impacts from traffic enforcement, both from an individual officer decision making perspective, and an overall focus on enforcement.

From the officer decision making perspective, starting in 2015, officers were trained in both fair and impartial policing and implicit bias training. In addition, officers yearly receive state-mandated training on a topic block entitled Juvenile, Minority Sensitivity Training that explores decision making and relationship building with some traditionally marginalized community subsets. In the last few years, the Town began GARE training for employees covering race equity and decision making.

From the overall enforcement focus perspective, then-Police Chief Walter Horton issued a directive in 2015 to officers mandating written consent for consent searches of vehicles, residences, and other areas after community concerns. Also in 2015, a directive was issued de-prioritizing regulatory traffic enforcement. In 2018, two policies were added to the police department's manual – one prohibited racial and bias-based profiling and the other established a clear and easy to access complaint and compliment policy. In 2022, a new Traffic Stop policy was created that focused traffic enforcement on safety and prohibited certain, low level regulatory and equipment enforcement stops explicitly. This policy was developed using the NC Taskforce on Racial Equity's model policy and policies from other police departments (most notably Fayetteville Police Department). Details on what is, and is not, allowed from a stop perspective can be seen in the attached Traffic Stop Policy. The policy guiding the police department's traffic enforcement was specifically created to address concerns of dispirit impact by focusing on safety.

To further guard against structural or socio-economic concerns related to traffic enforcement, the Town started a Criminal Justice Debt Program in 2021. This fund is designed to relieve the heavy weight of some court fines and penalties. People can apply for relief and, if approved, their qualifying debts are paid from the fund. In Fiscal year 2022, almost \$7,000 was paid out towards court debt. In fiscal year 2023 and 2024, there has been no use of the funds. The police department worked with the Communication and Engagement Department to increase public awareness of the program through social media.

One of the challenges has been determining an appropriate benchmark for comparison of traffic stop data. Two benchmarks are included in these two quarterly reports – census population and involvements in traffic crashes. One criticism of using population data as the benchmark is that



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this benchmark assumes that census data is driver data. The benchmark of traffic crashes gives an idea of who is (1) driving in your Town, and (2) who is involved in crashes. Both benchmarks have limitations, and neither benchmark is perfect, but both give a perspective on the data. The composite population data is not contained within this report.

Who is or will experience community burden?

Traffic enforcement levels can run the gamut from overly aggressive to overly lax. One of the challenges is to strike a balance between enforcement of significant and safety-related violations and minor, non-safety related and/or technical violations. This balance can be hard to strike as many minor violations can quickly become safety concerns. An example of this has to do with the brake lights on a vehicle. Most vehicles are equipped with three brake lights – one on each side on the rear of the vehicle and one in the back window. Stopping a vehicle with one light not working could be seen as minor and technical. Stopping a vehicle with two lights out could be seen as middle of the road, and stopping a vehicle with no working brake lights can be a direct traffic safety concern. Realizing that very minor changes in a vehicle’s equipment or condition can change the safety concerns associated with the vehicle is part of understanding some of the difficulties in traffic enforcement. Is it better to stop a vehicle before there is an immediate danger to the community? Will a warning citation be seen as too aggressive for a minor offense that could quickly become a safety concern? Should officers just not even attempt to strike this balance and let things go until there is a major problem? These are some of the considerations that drove the creation of the traffic stop policy for the police department. Even with this narrowed focus, the data shows that roughly 50% of traffic stops end with a warning. At the end of the day, people who operate vehicles in an unsafe manner and/or have significant registration or equipment violations will experience burden under this policy. Some individuals may have different reactions to being stopped due to perceptions of law enforcement or previous interactions with law enforcement, good, bad, or neutral.

Who is or will experience community benefit?

Traffic enforcement, when done properly and striking an appropriate balance, benefits the entire community. Carrboro is a densely populated town with many narrow streets and significant pedestrian and bicycle traffic. Enforcement of traffic laws holds drivers, bicyclist, and pedestrians accountable for following the rules of operation that benefits the collective community and facilitates safety for all. Equitable traffic enforcement reflects community expectations to be able to navigate the streets and sidewalks safely regardless of modality.

What are the root causes of inequity?

US society is uneven and inequitable for many reasons. Both government and non-governmental systems have operated for years in biased and preferential ways to advantage certain groups and disadvantage others. Some of the historical “other” categories that have faced discrimination include race, sex, sexuality, gender, religion, ethnicity, socio-economic status, and many others.

When discussing traffic enforcement, there are two areas to consider: the ability to operate a vehicle in a safe manner and the ability to maintain a vehicle in a legal and safe condition. Operating a vehicle in a safe manner is directly impactful on overall community safety in that unsafe operation of a motor vehicle puts motorists (including the driver of the unsafe vehicle), bicyclists, and pedestrians at risk. This contrasts with the ability to maintain a vehicle in a legal and safe condition. The risk from this type of issue is more nuanced. Generally speaking, no one is put at risk if a vehicle's license tag is expired, or inspection is out of date. There are issues with vehicle registration and equipment that are technical and do not impact overall safety. At some point, many registration and equipment issues do present a threat to safety, as the example of a vehicle's brake lights listed above. It is easy to imagine other equipment issues that would render a motor vehicle unsafe to operate – non-operative headlights or taillights at night, non-functioning brakes, obstructed or blocked driver view, etc.

With these two broad areas in mind, a driver's income level or socio-economic status does not affect their ability to operate a vehicle safely. Conversely, income or socioeconomics can have a direct impact on a person's ability to keep a vehicle properly registered and in perfect operating condition. In the United States, income disparities are closely aligned with racial aggregates. In this way, a seemingly innocuous regulation may have a disparate impact on racial groups. With this overall reality in mind, this traffic stop policy was created to try and balance safety and awareness of larger societal issues that influence motor vehicle operation.

What might be the unintended consequences of this action or strategy?

As with any policy or procedure that is designed with balance in mind, the police department's traffic stop policy is monitored and analyzed quarterly for compliance and potential revision based on additional information and understanding. This quarterly review looks at types of stops, enforcement actions, motor vehicles crashes and injuries, citation and warning actions, and other areas to ensure that the policy is functioning as intended. A too-lax or a too-aggressive approach to traffic safety enforcement are not the focus of this policy and active management and supervision is the key to success for a balanced approach. It is also easy to see how both extremes can be problematic. In a densely populated town with many bicyclists and pedestrians, striking that balance and focusing on safety and substantial violations will have the effect of minimizing negative outcomes for minor violations yet maintaining an overall awareness that the safety of the public requires focused traffic enforcement.

How is your department planning to mitigate any burdens, inequities, and unintended consequences?

The design of the police department's traffic stop policy is to focus on the safety of the community. Using the model policy created by the Governor's Task Force on Racial Equity in Law Enforcement as a starting point, and with supporting data from other traffic stop policies designed to focus on safety and mitigate potential racial or socio-economic issues, the police



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department's policy has the intent of lessening burdens and inequities, especially for non-safety related traffic violations. As with all policies, periodic review and revision is part of the function of the police department. The police department conducts reviews of traffic stop data on a quarterly basis consistent with quarterly reporting requirements. In addition, charge data is analyzed to check compliance with the traffic stop policy and offense charged information. The Traffic Stop Policy is currently undergoing an internal and external review as disparities have fluctuated during the three years that the policy has been in effect.

Outcomes of tickets and arrests are not within the purview of the police department and are determined in a court room by a judge or jury. Officers are called as witnesses for the state in cases involving traffic citations and/or arrests. The court system has systems in place to assist people who meet income requirements and who are accused of serious criminal action with a public defender. For people who do not meet the income requirements, there are private attorneys available for hire.

As previously mentioned, there is a Criminal Justice Debt Program that is available for people who have outstanding debt from traffic citations.