

## Communication from Public

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# **NON LAW ENFORCEMENT ALTERNATIVES TO TRAFFIC SAFETY POLICY BRIEF**

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**PUSH LA**  
Reimagine Protect and Serve

## **ACKNOWLEDGEMENTS**

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# **TABLE OF CONTENTS**

I. EXECUTIVE SUMMARY.....	1
II. BACKGROUND.....	2
A. END PRETEXTUAL STOPS.....	2
Key Issues.....	2
Policy Solutions.....	4
B. Limit Tickets, Fees, and Fines.....	5
Key Issues.....	5
Policy Solutions.....	7
C. Prioritize Self Enforcing Infrastructure.....	8
Key Issues.....	8
Policy Solutions.....	10
D. Build Out a Care-Based Response Workforce, Not Unarmed Traffic Enforcement Workers.....	10
Key Issues.....	10
Policy Solutions.....	11
III. ENDNOTES.....	13

## **I. EXECUTIVE SUMMARY**

This policy brief outlines a comprehensive set of recommendations that will move the City of Los Angeles (the “City”) toward a care- and equity-centered approach to traffic safety that reduces harm from being disproportionately inflicted upon low-income communities of color. The recommendations are rooted in public health frameworks. Part II below provides important background information about the Promoting Unity Safety and Health (PUSH LA) coalition, the city council motion on non-law enforcement alternatives to traffic safety, and the Los Angeles Department of Transportation (LADOT) Study and Advisory Task Force Recommendations on Traffic Safety Alternatives. Part III outlines PUSH LA policy recommendations on a) limiting pretextual stops, b) limiting ticket fees and fines, c) infrastructure investments, and d) unarmed care-based response.

## **II. BACKGROUND**

In 2019, the Metropolitan Division of the Los Angeles Police Department (LAPD) stopped Black motorists at a disproportionate rate compared to their share of the City’s population. An article from the LA Times found that almost half of the drivers stopped by the Metro Division were Black motorists, while they only made up 9% of residents. Those findings confirmed decades of lived experiences with racist policing that plagued Black and Brown communities. In response, PUSH LA, an inclusive cross-sector coalition of base-building, advocacy, and faith-based organizations was formed. PUSH LA demanded an immediate end to racially biased LAPD stops in a letter addressed to former Mayor Eric Garcetti.<sup>1</sup>

Following the murder of George Floyd, Breonna Taylor, and Ahmaud Arbery in early 2020, along with a landmark grassroots movement against police violence and anti-Black racism, a motion was introduced (Council File No. 20-0875)—authored by Councilmembers Marqueece Harris-Dawson, Mike Bonin, Curren Price, Herb Wesson, and David Ryu—calling for a study of alternative models of traffic safety that do not rely on armed law enforcement. The motion also acknowledged the disproportionate impact of the LAPD’s racially biased policing, and provided that “law enforcement agencies nationwide and here in Los Angeles have long used minor traffic infractions as a pretext for harassing vulnerable road users and profiling people of color.”<sup>2</sup> Shortly after the motion was introduced, in August 2020, Dijon Kizzee was pulled over while riding a bicycle in Westmont and killed at the hands of law enforcement.

In light of continued advocacy from PUSH LA in 2021 and 2022, the City Council– via LADOT–created a task force on non-law enforcement alternatives to traffic safety. LADOT and the Task Force conducted an in-depth study and, in November 2023, issued a report that thoroughly analyzes problems stemming from the City's current approach to traffic safety, and provides a set of recommended solutions.

### **III. PUSH LA POLICY RECOMMENDATIONS**

Provided below are the PUSH LA coalition's recommendations on how to move from an ineffective approach to traffic safety that prioritizes criminalization to a framework that is rooted in principles of care, equity, and anti-racism. In order, the main topics covered are ending pretextual stops, limiting ticket fees and fines, infrastructure investments, and building out an unarmed care-based response workforce. For each topic, key issues and policy solutions are identified.

#### **A. End Pretextual Stops**

- **Key Issues:** Pretextual stops are extremely problematic and should be banned. Research shows that pretextual stops are racially biased, undermine safety, and waste tremendous public dollars. A pretextual stop occurs when an officer has a “hunch” (often based on implicit or other biases) that a person may be connected to a crime, but the hunch alone is insufficient to justify stopping the person. The officer then identifies a minor, non-safety related violation (such as defective bumper or lighting equipment, or an air freshener hanging from a rearview mirror) as a basis to stop the person and subsequently investigate for evidence of a crime unrelated to the initial hunch or alleged minor violation. Pretextual stops are a “repackaged and sanitized version of the ways old ‘vagrancy’ laws,” Black codes, and Jim Crow were enforced to maintain racialized hierarchy and economic stratification under the guise of “safety.”<sup>3</sup>





○ **Racial Bias:** Data from the 2023 LADOT Report show that for all LAPD stops from 2019 to 2021, Black people accounted for 26.9% of stops while making up 7.8% of the City population. In contrast, whites accounted for 17.4% while making up 28.1% of the population.<sup>4</sup> Among traffic stops during the same period, Black people accounted for 30.1% of uses of force by LAPD, while whites accounted for 11%.<sup>5</sup> These inequities have devastating impacts on communities of color. Harms caused by pretextual stops include dehumanization, degraded public health, economic extraction, physical harm, and mental and emotional trauma.<sup>6</sup>

○ **Undermines Safety:** Data shows that from 2019 through 2021, 73.5% of LAPD stops were for traffic violations. Amongst those, most (54.6%) were for equipment (30.8%) and non-moving (23.8%) violations. After the LAPD changed its stop policy to implement a very minimal (and insufficient) limitation on pretextual stops in March 2022, the proportion of equipment (20%) and non-moving (9%) violations considerably decreased. While the above figures show that LAPD is greatly dedicated to traffic stops, and that a significant portion of the stops are for equipment and non-moving violations, traffic safety outcomes have grown worse. In 2023, for instance, the City reached a twenty-year high for fatal car crashes, and more Angelenos died from car accidents (336) that year than homicides (327).<sup>7</sup>

○ **Waste of Public Dollars:** Despite the above racially biased harms and increasingly worse traffic safety outcomes, we have seen a tremendous growth in LAPD's budget over time – increasing from \$1.17 billion in 2010 to \$1.8B in 2023.<sup>8</sup> In addition, other costs associated with LAPD, such as pensions and retirement, liability claims, and human resources benefits, brought LAPD's total operating costs for FY 2023 to over \$3.2B.<sup>9</sup>



- **Policy Solutions:** Building on the City of Los Angeles Alternatives to Traffic Enforcement and Community Task Force Recommendations, pretextual stops should be addressed by expanding upon the LAPD’s March 2022 adoption of a very limited pretextual stops policy. Specifically, the LAPD policy is problematic because it is permissive rather than restrictive and gives officers authority to decide whether they should conduct a pretextual stop (*“officers should make stops for minor equipment violations or other infractions only when the officer believes that such a violation or infraction significantly interferes with public safety”*). In addition, the LAPD policy includes an exception that allows pretextual stops *if officers are “acting upon articulable information* in addition to the traffic violation [used as the basis for the stop], which may or may not amount to reasonable suspicion regarding a serious crime . . .”<sup>10</sup> The vague “articulable information” exception undermines the already insufficient pretextual stop limitation. PUSH LA recommends a stronger approach to addressing the problem—expressly precluding all stops for vehicle equipment and non-moving (i.e., administrative) violations, and non-safety related moving violations (e.g., failure to activate a turn signal). We recommend categorically excluding all stops in those areas because a contrasting approach — such as only limiting stops for a few specific traffic violations – could allow officers to pivot to other offenses that may not be captured under the limitation in order to continue to make pretextual stops.

In addition, during pretextual stops, officers often conduct searches based on the alleged consent of the person stopped. However, a 2020 report from the LAPD Inspector General shows that consent is often identified as the basis for searching a person even though consent was not actually provided, not provided voluntarily, or the person did not understand that they had a right to refuse consent.<sup>11</sup> We as PUSH LA also recognize that true consent cannot be given to the police based upon the power differential and badge and gun possessed by the police. For people of color, such unjust searches routinely amount to unnecessary trauma and harassment, especially when combined with pretextual stops. Because of such problems, jurisdictions around the country have banned consent searches.<sup>[viii]</sup> The LAPD Inspector General also concluded that “searches of Black and Hispanic people during stops



for traffic violations were slightly less likely to be associated with the reported discovery of contraband than searches of White people or the Other group.”<sup>12</sup> To address these issues, consent searches should only be permitted if there is probable cause that the search will uncover evidence of a crime, rather than permitting a consent search when an officer has a reasonable suspicion. (See, e.g., C.T. Gen. Stat § 54-33b (2020) (“The consent of a person given to a law enforcement official to conduct a search of such person shall not, *absent the existence of probable cause*, constitute justification for such law enforcement official to conduct such search.”) (emph. added)).



## **B. Limit Tickets, Fees, and Fines**

- **Key Issues:** Traffic ticket fees and fines are extremely problematic because they are issued through racially biased LAPD patrol activities, disproportionately harm low-income communities of color, and fail to improve traffic safety.

**O Inequitable Application:** Data shows that the LAPD disproportionately stops Angelenos in low-income communities of color for traffic violations. For example, the LADOT Task Force Report shows that LAPD conducts stops at an above-average rate in Historic South Central, South Park, Vermont Square, Leimert Park, and Watts, and a below-average rate in Hollywood Hills, Sherman Oaks, and other areas.<sup>13</sup> By concentrating its patrol activities in areas with higher concentrations of low-income people of color, LAPD exposes them to greater traffic ticket fees and fines, while imposing less of a burden on areas that are whiter and more affluent. Rather than criminalizing low-income communities of color through stops and tickets, traffic safety outcomes in those areas could be more effectively improved through greater investments in urban infrastructure.

**O Inequitable Impact:** Traffic ticket fees and fines have an extremely detrimental impact on low-income communities of color because they are least able to afford the exorbitant costs incurred, while people with greater financial resources experience little to no financial burden. Take a base fine of \$100 for speeding as an example. Numerous fees and penalties are added that increase the actual citation costs to nearly \$500. If a person gets sick, is unable to take off from work, or misses court for other reasons, a \$300 civil assessment could be imposed to increase the total costs to over \$800.<sup>14</sup> For low-income Angelenos, \$500 to \$800 could prevent children from being fed or paying for rent, healthcare, and other necessities. Extrapolating beyond the personal level, the LAPD's practice of disproportionately ticketing people in low-income communities of color has the aggregate effect of extracting economic resources from those communities and entrenching poverty.



**O Ineffectiveness:** Research shows that traffic tickets are weak deterrents. For example, a study on speeding found that drivers who received speeding tickets were almost twice as likely to get a speeding ticket in the future compared to those who had not.<sup>15</sup> And, another report found that more expensive tickets did not affect the likelihood of a new traffic violation.<sup>16</sup> To add, the LAPD has long relied on punitive traffic tickets as a primary safety strategy and, despite those efforts, the number of traffic fatalities in the City has greatly increased over time—rising from 242 in 2023 to a high of 336 in 2023 (the highest since the city began tracking those figures).<sup>17</sup>

- **Policy Solutions:** To address the above problems, the City should prevent economic extraction by aiming to limit tickets from being issued to low-income people and creating solution-oriented economic assistance programs for non-moving (i.e., administrative) and equipment violations that may arise.

**O Low-income Status:** The solutions listed below should be provided to households below the cost-of-living adjusted for poverty. Also known as the “real cost measure of poverty,” this threshold more accurately measures financial security than the federal poverty level by accounting for local costs of living (including housing, food, health care, child care, transportation and other basic needs).<sup>18</sup>

**O Non-moving Violations:** Rather than issuing tickets to low-income people struggling with administrative issues (e.g., failing to provide proof of registration or insurance) the City should provide funding to subsidize administrative fee costs and connect them to free DMV assistance. If an officer observes a non-moving violation in a neighborhood with higher concentrations of people living below the cost of living adjusted for poverty—such as Historic South Central, South Park, Vermont Square, Leimert Park, and Watts—there should be a presumption that the driver is low-income and be automatically

connected to financial support to cover administrative costs and paperwork assistance.

**O Equipment Violations:** The City should support people who face challenges covering the costs of vehicle repairs that could give rise to a violation (e.g., defective bumper or taillight) by regularly providing (e.g., weekly) vehicle repair clinics in neighborhoods with higher concentrations of low-income residents. It should also create a program that allows repair vouchers to be mailed to drivers (instead of stopping them) based on the vehicle registration address. These repair programs should aim to support small business auto repair shops located in neighborhoods with higher concentrations of low-income residents. Similar to above for non-moving violations, if an equipment violation is observed in a neighborhood with higher concentrations of people living below the cost of living adjusted for poverty—such as Historic South Central, South Park, or Watts—there should be a presumption that the driver is low-income and be automatically mailed a voucher. If a person who qualifies as low-income (under the definition above) gets a ticket for an equipment violation, they should be able to show proof of their low-income status (e.g., paystub, receipt of public benefits, etc.) to the City and, upon doing so, exchange the ticket for a repair voucher. In addition, the City should create another pathway to resolving the issue by allowing a person who qualifies as low-income to request a voucher from the City Department of Transportation.

## **C. Prioritize Self-Enforcing Infrastructure**

- **Key Issues:** The structurally racist and life-threatening absence of safe street infrastructure in Los Angeles is a public health crisis, created by the state, and the cause of traffic violence. But, instead of fixing the deadliest streets in our City, concentrated in low-income communities of color—such as Historic South Central, South Park, Vermont Square, Leimert Park, and Watts—local and state governments are responding to the surge in crash deaths with punitive and discriminatory police practices. Where wealthy white communities get safe streets, low-income communities of color get cops and cameras.

○ **How did we get here? Decades of fear and false beliefs** – encouraged by police departments – have misled some elected leaders to wrongly believe that armed police traffic enforcement prevents serious crashes.<sup>19</sup> However, the science on crash prevention is clear: physically separating cars from other road users lowers the likelihood of collisions, and physically slowing cars down dramatically reduces the severity of collisions.<sup>20</sup>

○ **The “need” for traffic law enforcement is, in fact, a design failure.** When we build streets to physically compel individuals to obey traffic laws, there is no need for traffic law enforcement because the roads are designed to be “self-enforcing.”<sup>21</sup>

○ **By building self-enforcing streets to address the root causes of traffic-related issues, City Council can create sustainable change that ensures the safety and well-being of all Angelenos.** By replacing carceral traffic responses with physical traffic calming, the City can take meaningful steps to reduce the harm posed by car traffic and police violence in our communities.





## **Policy Solutions:**

### **○ Reprioritize Investments and Complete Quick Builds in High-**

**Need Areas:** City Council should reallocate a small proportion of LAPD's traffic enforcement budget to establish a system that fast-tracks safety improvements in high-injury network corridors. According to LADOT, "the High-Injury Network (HIN) represents 6% of city streets (over 450 miles) that account for 70% of deaths and severe injuries for people walking."<sup>22</sup> The City should adopt a Capital Infrastructure Plan to provide a long-term, unified direction for these investments.<sup>23</sup>

**○ Launch Interdisciplinary Crash Investigation Teams:** City Council should establish cross-disciplinary teams to investigate serious crashes and recommend improvements to prevent future crashes.

**○ Do Not Use Automated Traffic Enforcement (ATE):** According to the Fines and Fees Justice Center, "ATE encompasses a wide array of technologies that include speed cameras, red light cameras, stop sign cameras, license plate readers," and other surveillance technologies. They are extremely problematic and should not be used because they exacerbate racial and economic inequities (e.g., by being used in low-income communities of color) and are not the most effective way to change behavior. And, rather than addressing the root causes of traffic safety risks, they operate as another punishment-centered criminalization method."<sup>24</sup>

## **D. Build Out a Care-Based Response Workforce, Not Unarmed Traffic Safety Workers**

- **Key Issues:** In place of armed police officers executing traffic stops, the LADOT report recommends using unarmed police or unarmed civilians, who are focused exclusively on road safety and not on criminal law enforcement, to enforce safety-related traffic violations. The PUSH LA coalition is in opposition to both of these proposals. When we are successful in limiting the types of stops that police

officers can make, there will only be a few for which they are responsible (moving violations that impact public safety, like speeding). Over time, the number of those types of stops will decrease as the City invests more in street infrastructure development and design that actually improves traffic safety.

**O Replication of Harm:** In the context of historic and continued police violence and the resulting community mistrust, having any group of people pursuing and pulling over drivers to enforce safety-related traffic violations is discouraged. The trauma associated with traffic stops is not only associated with the presence of a weapon. The entire experience, from seeing flashing lights in the rearview, to hearing the sirens as they approach, feeling the anxiety associated with past personal or community experiences, worrying about who may witness the stop, etc, is psychologically traumatic and needs to end, regardless of who is conducting the stop. Additionally, the absence of the police officer title or official state authority has not deterred civilian actors like George Zimmerman, Trayvon Martin's murderer, or the security guard who murdered Jonathan Hart (AKA Sky Young) at a Walgreens in Hollywood, from violating the rights and bodies of Black people.

**O Workforce Concerns:** Shortly after the alternatives to police in traffic enforcement motion was introduced in 2020, PUSH LA coalition members met with LADOT leadership. During that conversation, it was indicated that the LADOT workforce would not be willing to replace armed police officers in traffic enforcement duties.

- **Policy Solutions:** The LADOT report recommends the creation of care-based teams responsible for responding to traffic-related calls for service. PUSH LA supports this recommendation and would like to see it broadened to include the development of a Crisis Response Workforce, a team of highly trained individuals who can respond to various crises, traffic-related and otherwise, without weapons or law enforcement presence. Efforts in this arena have already been



initiated by Councilmembers dating back to 2020 and have continued. In March 2023, the City Council unanimously approved \$1 million to fund and create the Office of Unarmed Response and Safety.<sup>25</sup> According to the motion from Councilmember O'Farrell, "the office would ensure around-the-clock coordination and deployment of unarmed response specialists to non-violent calls for service, as well as collaboration with 911 dispatchers, and seek to address barriers for serving high-need communities by improving coordination between agencies."<sup>26</sup> Recently, Councilmembers Krekorian and Soto-Martinez named unarmed response as one of their top priorities for 2024. These efforts also have support from law enforcement officials. In August 2022, former LAPD Chief Michel Moore stated on Twitter, "We support the development of crisis response teams available around the clock that offer an effective alternative. Currently, such resources are in scarce supply, resulting in no other option than a police or firefighter. We should not be the 911 for non-violent social services."<sup>27</sup> Further, in February 2023, the Los Angeles Police Protective League — the union representing LAPD officers — threw its support behind the unarmed response model by publicly identifying 28 types of emergency calls that could be diverted away from LAPD. The union's list included non-violent calls related to homelessness and mental health; non-fatal vehicle accidents; welfare checks; calls to schools unless school administration initiates a call for emergency police response; calls involving alcohol or drugs when no other crime is in progress; homeless encampment clean-ups; and parking violations.<sup>28</sup>

- Additionally, the City of Los Angeles has a track record to build upon in terms of the deployment of non-police professionals. For instance, the Mayor's Office of Gang Reduction and Youth Development (GRYD) already has an Incident Response Program implemented by gang interventionists and other community intervention workers that could serve as a model. Other examples of programs include the Intervention, Domestic Abuse Response Team; Sexual Assault Response Team; System Wide Mental Assessment Response; and the Crisis Response Team.<sup>29</sup>



## **Endnotes:**

See, e.g., <https://investinginplace.org/wp-content/uploads/2022/11/CIP-101.-Memo.110222.pdf>

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<sup>5</sup> Id. at 42.

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<sup>7</sup> <https://www.latimes.com/california/story/2024-01-25/traffic-deaths-surpass-homicides-in-los-angeles>

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# PROMOTING UNITY SAFETY AND HEALTH IN LOS ANGELES

PUSH LA was formed in response to decades of racist policing that has plagued Black and Brown communities in Los Angeles. This inclusive cross-sector coalition of base building, advocacy, and religious/interfaith organizations launched after data analyses in 2019 revealed that the LAPD Metro Division officers stop and arrest Black people at a rate more than five times their share of the city's population. The reality for Black and Brown Angelenos is that going about our everyday activities can turn into life-or-death situations when law enforcement officers choose whom they will follow, harass, and harm based on the color of our skin, our accents, or our zip codes.

We must ensure that those sworn to protect and serve us also respect and understand us. That is why PUSH LA has come together to push for reinvestment in our communities while pushing for divestment from punishment and criminalization.