

Equity in Highway Safety Enforcement and Engagement Programs

A report by Kimley-Horn for the Governors Highway Safety Association



Acknowledgements

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Introduction

Traffic stops are the most common way the public comes in contact with law enforcement and it is well documented that racial disparities exist both in the frequency of traffic stops and in the outcome of those encounters. A number of studies, including an analysis of nearly 100 million traffic stops by the Stanford Open Policing Project, have found that Black drivers were stopped more frequently than white drivers in some communities during some enforcement activities. In addition, 2015 survey data from the [Department of Justice](#) indicated that Blacks and Hispanics are more than twice as likely to experience the threat of or physical force during their most recent police-initiated contact, and are more likely to have multiple contacts with the police. Black and Hispanic drivers are also more likely to have their vehicles searched during a traffic stop, although the likelihood of finding illegal material during a search is higher for white drivers. These disparities can aggravate existing financial hardships, erode community trust and result in more negative outcomes such as arrests, use of force and even death. Such outcomes can collectively undermine public support for traffic enforcement programs.

In recognition of the disparities experienced by Black, Indigenous and People of Color (BIPOC) communities in this country, the Governors Highway Safety Association (GHSA) commissioned this report to identify recommendations the organization, State Highway Safety Offices (SHSOs) and highway safety partners can take to advance racial equity as an overarching priority. GHSA is a nonprofit association representing the highway safety offices of states, territories and the District of Columbia (D.C.) and provides leadership and representation for its members to improve traffic safety, influence national policy, enhance program management and promote best practices. Its members are appointed by their governors to administer federal and state highway safety funds and implement state highway safety plans. In 2020, GHSA committed to examining the organization's internal practices and what SHSOs can do to individually or collectively promote fair and equitable traffic enforcement.

GHSA leadership also recognizes traffic deaths as a public health crisis, with more than 36,000 lives lost in 2020, an increase of more than 7% over 2019 fatalities. As confirmed in a recent [GHSA study](#), BIPOC communities are also disproportionately affected by traffic crashes and more likely to die in these crashes. While its leaders have urged reform, GHSA also supports the proven role of traffic enforcement and the wider criminal justice system to prevent crashes, deaths and injuries. Traffic enforcement, alongside road design, community engagement, emergency response and public outreach, is an indispensable tool for addressing the highway safety problem in a comprehensive way.

Note: GHSA recognizes that "equity" is a broad topic with different meanings. Equity can refer to ensuring access for persons with physical or cognitive disabilities, gender equity, the treatment of people with mental health challenges, age, language ability or citizenship status. This project was undertaken to address disparities experienced by BIPOC during traffic enforcement activities and the outcomes of those traffic stops.

The Process

The recommendations in this report were developed through a resource review of national best practices, interviews with SHSO leaders to examine current practices and conversations with key GHSA safety partners.

Resource Review

A high-level resource review looked at articles, academic studies and policies and practices to define the current challenges and identify key resources that may be of interest to SHSOs. These resources included:

- » [Equity in Transportation: Best Practices Framework](#) — This National Safety Council document recommends an approach to safety enforcement that involves broader community and stakeholder involvement, examining current practices that may exacerbate disparities and advocating for increased data collection and police training.
- » [Connecticut's Racial Profiling Prohibition Project](#) — Connecticut conducts some of the most comprehensive traffic stop data collection and analysis in the country and uses the results of that analysis to work with individual law enforcement agencies to identify ways to reduce disparities. Through this process, the program has helped law enforcement organizations shift focus and prioritize stops for hazardous driving behaviors in their communities. That has resulted in reduced racial disparities in the number and type of traffic stops and was correlated with a falling crime rate and lower crash rates.
- » [Re-prioritizing Traffic Stops to Reduce Motor Vehicle Crash Outcomes and Racial Disparities](#) — This article in the journal "Injury Epidemiology" examined the outcomes of a pilot program in Fayetteville, NC that focused enforcement on safety-related violations, rather than administrative or equipment violations. As a result, racial disparities were reduced, total crash rates and fatal crash rates were reduced, and there was little to no impact on the overall crime rate.
- » [Collecting, Analyzing and Responding to Stop Data](#) — This guidebook, published by the Center for Policing Equity at New York University School of Law, builds on prior recommendations that every law enforcement agency collect demographic stop data. The guidebook provides concrete, step-by-step guidance for developing a comprehensive and accurate data collection system that does not unnecessarily burden law enforcement.

Interviews and Surveys

The second phase of the recommendation development process included a survey sent to all SHSOs and follow-up interviews with several SHSOs and key safety partners. Half of all states (25) responded to the survey, with responses received from states in most regions of the country. SHSO leaders were asked what steps their offices were currently taking or planned to take to address racial equity in enforcement and engagement activities, whether traffic stop data is collected, if there are internal or external barriers to

promoting racial equity, and the appropriate role for GHSA and SHSOs in the traffic enforcement and racial equity conversation.

The following overarching findings document the perceptions of SHSOs who answered the survey or were interviewed:

- » Just over half of respondents said their state was currently measuring or tracking racial bias in policing in any formal way.
- » Many respondents said their office was not encountering any internal barriers to addressing racial equity, but they were not sure of the role their SHSO should play. The most frequently cited external barrier was a lack of organizational or leadership support. SHSOs are technically part of the Executive Branch of state government; almost all are located within a larger state agency such as the Department of Transportation, Motor Vehicles or Public Safety and their activities are limited by federal and state policy and regulation.
- » Most respondents predicted increased discussions about racial equity would have a positive impact on their state highway safety programs, including the potential for improved partnerships and better community awareness.
- » In conversations with select SHSOs, directors described a wide range of equity-related activities and approaches. While some offices have no current formal effort to address disparities, others actively promote community engagement and data collection.
- » Key safety partners identified the need to work together to advance equity in traffic enforcement but noted they were not sure of the appropriate role for their respective organizations. They called upon GHSA to work with key partner organizations for maximum impact.

Recommendations

The recommendations in this report represent a suggested set of first steps for GHSA, SHSOs and/or the law enforcement agencies that receive grant funds from the SHSOs. Ensuring racial equity in traffic enforcement will not be easy and cannot be achieved overnight, but it is critical and necessary to work toward that long-term goal.

While SHSOs play a key role in supporting and encouraging traffic enforcement, they cannot affect change unilaterally or comprehensively. Highway safety programs are largely implemented as partnerships and SHSOs have grant relationships with some, not all, law enforcement agencies. In addition, there are some actions identified below that GHSA and the SHSOs do not directly control. For that reason, external partners are asked to consider supporting them as a way to place equity at the center of every highway safety effort.



Promote the Collection and Analysis of Racial Data for Every Traffic Stop

The survey conducted for this project found that approximately half of all responding states collect data for every traffic stop. Collecting data that identifies the driver's race or ethnicity is a foundational step toward understanding and analyzing potential disparities, as well as a way to better allocate funding and resources toward more effective enforcement. SHSOs are encouraged to support and promote data collection and analysis as essential for identifying and addressing racial disparities in traffic stop encounters.

[Connecticut's Racial Profiling Prohibition Project](#), located at Central Connecticut State University (CCSU), is an effective model for other states to build on. The program was created in response to a 2012 state law requiring all law enforcement agencies to collect data to identify potential disparities. The program is overseen by an advisory board that has met monthly since the law's enactment, and is funded by a grant from the National Highway Traffic Safety Administration (NHTSA) under [23 U.S.C. 402 Section 1906](#) (referred to hereafter as Section 1906.)

Following passage of the state law, program administrators worked with law enforcement to develop a data collection program for all traffic stops. Within three years, every agency in the state was collecting 27 data points for each traffic stop and updating the data in real time. Once data is collected, analysts conduct a rigorous statistical analysis to identify anomalies that could point to racial disparities. When identified, program staff partner with the law enforcement agency to examine the cause of the anomaly(ies), and if racial disparity is the cause, identify ways to mitigate the problem. This partnership has resulted in significant decreases in racial disparities at these agencies, decreased crash rates and more effective and equitable enforcement.

Similar programs have since been established in California, Oregon and Rhode Island, demonstrating the

model's proven utility as a framework for other states. GHSA is encouraged to advocate for and assist states in implementing similar racial data collection, analysis and technical assistance programs.



Support Increased Funding for Racial Profiling Data Collection

The U.S. Congress has authorized \$7.5 million annually for Section 1906 funding. However, states may receive no more than 5% of the total in any given year and may only apply for this funding two consecutive years. Because of these limitations, the states awarded a Section 1906 grant for Federal Fiscal Year 2021 each received only \$375,000. Since these grants funding were first awarded in 2015, only 24 states, including Connecticut,¹ have taken advantage of this funding source to develop and administer the program discussed above.

While this funding source may be enough to support a data collection and analysis program for a small state, it is likely an insufficient incentive for larger states that have more law enforcement agencies and more data to analyze and act upon. GHSA and SHSOs may wish to advocate for an increase in the total amount of available funding for racial profiling data collection programs, so that more states apply and have access to adequate resources. The funding available should be sufficient to provide the staffing and technical resources needed to strategically analyze data for all law enforcement agencies in a state, as well as to partner with agencies to develop strategies to reduce disparities. The grant's eligible uses should also be expanded to include a broader range of activities, such as training, community engagement and other proven and promising outreach efforts that will help to reduce racial disparities in traffic enforcement and engagement.



Support Increased Use of Automated Enforcement

The number of communities using red light cameras has increased dramatically since the first camera program was implemented in 1992 in New York City. As of June 2021, 339 U.S. communities in 22 states² and D.C. operated red light camera programs, according to media sources and other public information tracked by the Insurance Institute for Highway Safety (IIHS)³. IIHS reports that automated enforcement for speed violations is used far less frequently, with programs in 161 communities in 16 states and D.C.⁴

As of July 2021, [25 states have laws that specifically permit the use of automated enforcement](#) for red light running, while another 18 states have no specific law regarding this technology and cameras are not currently in place. Speed cameras are permitted or present in 22 states, and 21 states' laws are silent on automated speed enforcement. All automated enforcement is prohibited in six states, with two additional states prohibiting either speed or red light cameras.

Some communities have expressed objections to the use of automated enforcement; therefore, those tasked with implementation need to be more mindful that cameras are located and used in an equitable, data-driven manner to reduce potential disparities. However, studies confirm that automated speed and red light enforcement can substantially reduce risky driving behaviors, resulting in safer roads for everyone.⁵ Automated speed enforcement technology is commonplace in many other countries and can ensure speed limits are enforced consistently without relying on individual officer discretion.

SHSOs should seriously consider supporting the adoption or expanded use of automated enforcement technologies, and work with local law enforcement and community leaders to establish guidelines for equitable implementation. Many organizations, most recently GHSA, joined a [coalition of organizations led by IIHS](#) that published best practice guides to promote equitable, transparent automated enforcement programs that are designed to build public support and maintain that trust.



Establish a Promising Practices Guide Based on Ongoing SHSO Work

When asked what GHSA's role should be in ensuring equity, most partners agree the association can and should be a resource for SHSOs by identifying and sharing successful practices that increase BIPOC participation and involvement in highway safety programs, as well as proven and promising strategies to reduce racial disparities in traffic enforcement. Most SHSOs have not formally included racial equity in their program planning, and many are struggling to identify the best approach for doing so. With 50 states taking 50 different approaches to equity work, it is nearly impossible for a single SHSO to be familiar with all the programs, policies and practices happening around the country. GHSA is encouraged to develop an equity practices guide highlighting promising initiatives employed by SHSOs and other partner organizations. The guide should be updated regularly as new practices are developed and/or identified.

Examples include:

- » The Louisiana Highway Safety Commission has a [full-time Diversity Outreach Coordinator](#) who is tasked with broadening the office's community engagement efforts and building relationships in local communities.
- » New York's Governor's Highway Safety Commission has begun conducting [community listening sessions](#), which enable law enforcement, local health departments and community program grantees to provide input on the highway safety planning process.
- » The Pennsylvania State Police partners with Milton Hershey School and other high schools in Central Pennsylvania to [host conversations](#) between minority students and police cadets to build community relations.



Encourage Broader Community Involvement in the Highway Safety Planning Process

The annual state Highway Safety Plan (HSP) guides the work of the SHSOs and their grantees. The HSP is a data-driven approach to identifying the traffic safety problems a state will focus on over the coming year through enforcement, education, engagement and other strategies.

In many states, the HSP is an internal state government document, created without substantial community outreach or input. SHSOs should be encouraged to broaden their external engagement processes, so that enforcement strategies and safety messaging are developed in partnership with all the communities they serve, and most particularly BIPOC communities where disparities are evident or likely. This ensures that diverse communities have a voice in shaping enforcement and other strategies that can help reduce racial disparities, while simultaneously building community trust in the mission and work of the SHSO and their partners.



Develop a Communications Toolkit for SHSOs

GHSA can assist SHSOs by providing communications resources that directly address racial disparity. For example, SHSOs suggested GHSA develop a deck of customizable presentation slides or written educational materials they can use when communicating with internal partners, law enforcement grantees and BIPOC communities. These tools should identify key strategies for mitigating racial disparities in traffic enforcement, promote funding opportunities and/or partnerships to address traffic safety problems in BIPOC communities, and reinforce a unified message that everyone has a role to play in ensuring traffic enforcement and highway safety programs are equitable.



Refocus on Traffic Safety and Risky Driving

SHSOs invest in traffic enforcement to prevent crashes and save lives. However, law enforcement officers stop vehicles for a wide variety of reasons, many of which have nothing to do with risky driving. Sometimes these stops are made as a pretext to search for or investigate other crimes. Over the past decade, many agencies have focused their enforcement efforts on high-crime neighborhoods, which are predominately communities of color, in the hope of using traffic enforcement as an effective community policing strategy. This intersection is further supported by the [Data-Driven Approaches to Crime and Traffic Safety](#) operational model (DDACTS) created in 2008 through a partnership between NHTSA and the U.S. Department of Justice. Increasing adoption of this approach by law enforcement agencies across the country has been occurring as the nation is experiencing striking disparate impacts in traffic stops. BIPOC drivers, specifically men, are more often stopped for minor violations.⁶ These drivers are also more likely to have their vehicles

searched, and to be cited for minor violations which may result in fines and license suspensions that may deepen existing economic hardships.

A growing body of evidence suggests pretextual stops may not be as effective a tool for curbing crime rates as once believed, and the impacts of this practice on BIPOC communities may outweigh the benefits. For example:

- » After the [City of Oakland, CA](#) shifted their enforcement strategy to focus more on precision-based (targeting a specific risky driving behavior) or intelligence-based stops (requiring specific knowledge of a reason to stop the driver), traffic stops involving Black drivers were reduced by 63% over a three-year period, while traffic stops involving Hispanic drivers fell 43%.
- » The [City of Fayetteville, NC](#) operated a pilot program to focus enforcement resources solely on safety violations. From 2013 to 2016, the safety-related stops increased dramatically, while racial disparity was reduced (though not eliminated). Crash rates also decreased, while non-traffic crime showed little change.
- » Following several high-profile incidents, [a study commissioned by the Mayor of Nashville, TN](#) concluded that traffic stops were not significantly impacting the city's overall crime rate, and non-moving violation stops rarely led to an arrest or the recovery of drugs or weapons. The police department has since altered its training to de-emphasize non-moving violation traffic stops, resulting in a 90% reduction in these stops in a single year and a corresponding decrease (but not elimination) in racial disparities.
- » Connecticut's [Racial Profiling Prohibition Project](#) has identified a common trend through its multi-year data analysis efforts: Racial and ethnic disparities are significantly decreased when traffic enforcement is primarily focused on risky driving behaviors, such as speeding, distracted driving and stop sign, traffic control signal or other types of moving violations.

Many communities around the country are refocusing their traffic enforcement efforts, including the City of Portland, OR, where a recently announced policy will focus enforcement efforts on safety violations such as speeding and driving under the influence and de-prioritize traffic stops based on low-level infractions unless they pose an immediate safety threat.^{7,8} GHSA should recommend that SHSOs examine their own practices and the direction they give to their law enforcement grantees and encourage agencies to focus enforcement on targeted safety violations and risky driving behaviors that reduce crashes and improve road safety.



Encourage Modernized Police Recruitment and Training Standards

In 2015, the [Final Report of the President's Task Force on 21st Century Policing](#) highlighted several key recommendations for law enforcement agencies to promote equity. While the report does not specifically

call out recommendations for traffic enforcement, it does address training and education, which contribute to individual officer actions and overall police culture. Major recommendations were made for officer training and education that emphasize modern-day policing scenarios may require a higher level of education and interpersonal skills than previously emphasized in recruiting efforts.

When it comes to equity, the report recommends engaging community members in the training process; mandating training on implicit bias, cultural responsiveness and crisis intervention; and encouraging and incentivizing higher education for law enforcement officers. Studies have shown that officers with more advanced education are less likely to use physical or verbal force than their less educated peers. However, requiring higher education also creates barriers for many candidates from low-income and BIPOC communities who wish to enter the profession. Therefore, the report notes that agencies should focus on incentivizing continuing education throughout an officer's career, rather than increasing minimum hiring standards.

Other reports recommend shifting recruitment tactics to focus on ensuring racial and gender equity, as well as recruiting from fields such as social work, education, counseling, healthcare, advocacy and customer service.



Continue to Cultivate Partnerships with Vision Zero, Road to Zero and Safe System Communities

Many states, communities and organizations have adopted and endorsed Vision Zero, Road to Zero, Toward Zero Deaths and other similar zero-focused traffic safety strategies. These programs and others incorporate a [Safe System approach](#) to transportation planning that takes a holistic view of roadways, protecting users, sharing safety responsibility and promoting safety redundancy. These strategies are especially important in addressing long-term underinvestment in BIPOC communities, which has contributed to disparities in crash rates.⁹

While Safe System thinking implies an important role for engineering and design, most Safe System practitioners recognize that enforcement remains an important tool for improving roadway safety. Both enforcement and engineering are part of a larger set of tools that include education and emergency response, or what has been widely referred to for decades as the four E's of traffic safety. More recently, many have added a fifth E, equity, to the toolbox. This E, however, should not only stand alone, but also inform how engineering, education, emergency response and enforcement are developed and implemented.

It would benefit GHSA's long-term mission to encourage states and their grantees to continue cultivating partnerships with zero-focused and Safe System communities and advocates to promote a holistic and collaborative approach to highway safety that leverages all the tools at their disposal.



Support Driver Licensing Policies that Improve Equitable Outcomes

As mentioned previously, BIPOC drivers have a greater chance of being pulled over for minor violations than white drivers and are more likely to be given citations rather than warnings. Depending on state law, repeated citations or the failure to pay even minor fines can result in driver license suspension or revocation. In North Carolina, more than a quarter of a million drivers have had their license suspended because of unpaid fees or fines, and a disproportionate share of these drivers (47%) are Black.¹⁰ In some states, a driver license can be suspended for a non-driving related behavior, such as defaulting on a student loan or failure to pay child support.

This can exacerbate systemic disparities and economic outcomes, since drivers without valid licenses lack the legal ability to drive and access jobs, healthcare, education or other essential services. Similarly, driving without a valid license can result in additional charges and legal penalties, creating additional repercussions that may follow a driver throughout their life.

GHSA should encourage SHSOs to work with advocates within their states to ensure that driver license sanctions are restricted to moving violations, and to explore a more flexible fee and payment structure for traffic citations, driver license fees and vehicle registration. This can help to reduce disparities in low-income communities by ensuring that non-safety related violations like non-payment of child support or other behaviors unrelated to operating a motor vehicle do not result in arrest warrants or licensing actions. GHSA can also collaborate with national organizations like the [American Association of Motor Vehicle Administrators](#) to promote reform at the national level.

Next Steps

The ten recommendations discussed in this report outline next steps GHSA and the SHSOs and their partners can take to address racial equity in traffic enforcement. Some of these measures may be completed relatively quickly, while others are long-term and will require significant funding, collaboration and/or legislative action. All are supported by data, amplify proven practices and give a voice to needs identified through conversations with SHSOs and other safety partners. The recommendations are intentionally broad and high-level; they are intended to spur further work on detailed implementation, rather than defining the solution.

While GHSA cannot tackle this systemic issue alone, the association should recognize the significant impact it has on highway safety practices and remain committed to continuing this work in collaboration with the SHSOs and national, state and local partners representing all races and ethnicities.

Endnotes

1. https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/fy_2021_full_year_grant_awards_summary.pdf
2. Texas passed a law prohibiting red light running cameras in 2019 but four communities with existing contracts will be permitted to keep cameras for now
3. <https://www.iihs.org/topics/red-light-running>
4. <https://www.iihs.org/topics/speed>
5. <https://www.iihs.org/topics/red-light-running>
6. <https://openpolicing.stanford.edu/findings/>
7. <https://www.kgw.com/article/news/local/portland-mayor-police-chief-news-conference-policing-changes/283-7c4e2427-d844-440e-acad-ed0e46e68a8d>
8. <https://abcnews.go.com/US/wireStory/portland-police-change-traffic-stop-search-procedures-78428906>
9. <https://www.ghsa.org/resources/Analysis-of-Traffic-Fatalities-by-Race-and-Ethnicity21>
10. <https://www.wfae.org/crime-justice/2021-05-13/report-black-drivers-in-nc-disproportionately-hit-with-license-suspensions-for-unpaid-fines-and-fees>