

UPCOMING TRAININGS & CONFERENCES

A full list of NDAAs virtual learning sessions is available at [▶ ndaa.org/training-courses/](https://ndaa.org/training-courses/). For current information, effective best practices, and targeted resources for prosecutors, visit [▶ ndaa.org/covid-19](https://ndaa.org/covid-19).

NDAAs Mastering Masking Digital Course/ On Demand Training (CLE Available)
▶ ndaa.org/training/mastering-masking-2/

NDAAs Human Trafficking and the Impact on Commercial Driver's Licenses/On Demand Training
▶ ndaa.org/training/human-trafficking-and-the-impact-on-commercial-drivers-licenses/

NDAAs Prosecuting DUI Cases Online Course/ On Demand Training (CLE Available)
▶ ndaa.org/training/prosecuting-dui-cases/

Standing Still Is Not An Option: Increased Productivity In The Prosecutor's Office Through Enhanced Technology (Live Webinar)
April 27, 2022 @ 2:00 p.m. ET

Advanced Cross-Examination Lecture and Workshop
May 2-4, 2022, Nashville, TN

DNA Training for Prosecutors (Course and Webinar)
4-hour online self-study course, open April 25-May 23, 2022
Live webinar May 24, 2022 @ 10:30 a.m.-6:10 p.m. ET

RESOURCES

Impaired Driving Resources
▶ ndaa.org/programs/ntlc/

CDL-Related Resources
▶ ndaa.org/programs/ntlc/commercial-drivers-license/

NDAAs STAFF

Executive Director Nelson O. Bunn, Jr.
Chief Operating Officer Christine Mica

THE NATIONAL TRAFFIC LAW CENTER

Director Joanne E. Thomka
jthomka@ndaajustice.org

Senior Attorneys M. Kimberly Brown
mkbrown@ndaajustice.org
Jim Camp
jcamp@ndaajustice.org

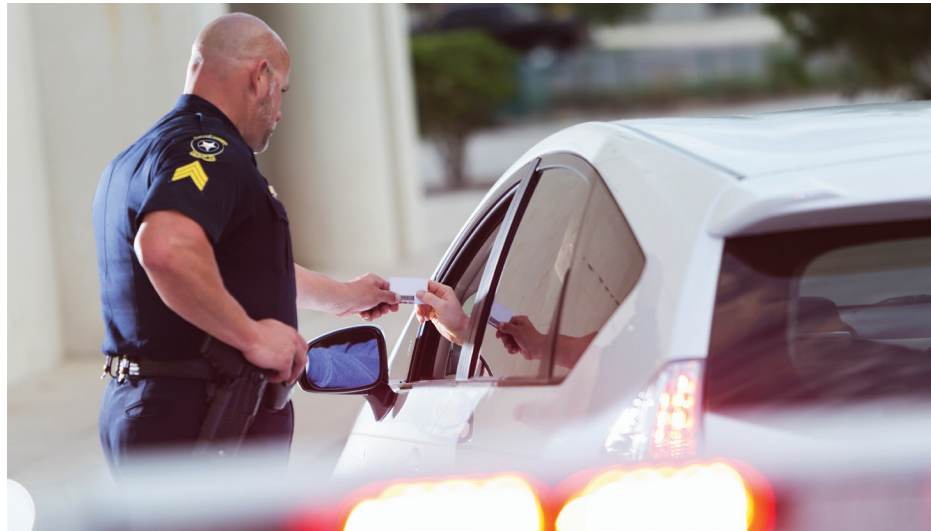
Staff Attorney Erin Inman
einman@ndaajustice.org
Aaron Ann Cole-Funfuss
aacole@ndaajustice.org

Project Coordinator Courtney Jan
cjan@ndaajustice.org

The National Traffic Law Center is a division of the National District Attorneys Association. This document was prepared under Cooperative Agreement Number 693JJ91950010 from the U.S. Department of Transportation National Highway Traffic Safety Administration. Points of view or opinions in this document are those of the authors and do not necessarily represent the official positions or policies of the Department of Transportation or the National District Attorneys Association.



Volume 30, Issue 4 | April 2022



Traffic Stops: Understanding and Addressing Citizens' Concerns

By Glenn Cramer

Editor's Note—The concept of “defunding police” has recently gained popularity among those seeking reform in law enforcement. In fact, a handful of jurisdictions in the United States have embraced this idea and turned over traffic enforcement, along with the funding for it, to non-police agencies.¹ Most jurisdictions, however, recognize the inherent danger faced by those enforcing traffic laws and continue the practice of traffic enforcement by law enforcement officers. How then, are those agencies balancing the public appetite for positive changes in law enforcement, while maintaining safety for the motoring public? In a two-part series, *Between the Lines* will examine this issue. Next month, *Between the Lines* will examine Connecticut's data-driven approach to address biased

¹ abcnews.go.com/US/wireStory/berkeley-moves-removing-police-traffic-stops-71796720, accessed April 4, 2022.

policing. This month's edition examines how local leadership can embrace the public's expectations for equity and implement policies and procedures to create an environment of equitable traffic law enforcement while also keeping the motoring public safe.

Across the United States, police departments and policing as a whole are in the spotlight. The horrific event in Minneapolis nearly two years ago has served as the example for many to illustrate systemic issues of racism and violence within the law enforcement profession. This perception of the law enforcement profession sparked discussion about defunding the police and some communities actually implemented this concept. How one views this spotlight on a law enforcement agency depends on one's perspective. Some law enforcement agencies have become defensive, hoping the winds of change will pass them by or, like a vast majority of law enforcement agencies, view this challenge as an opportunity to bring even greater professionalism and better practices to a profession to which most officers are deeply dedicated.

"[T]he power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behavior, and on their ability to secure and maintain public respect."² Few governmental services touch American lives as often as does the surface transportation system. Law enforcement officers contact over 20 million motorists per year during the course of routine traffic stops.³ Thus, public opinion of policing is influenced largely by individual roadside interactions. The practice of the traffic stop shows the way the automobile has fundamentally changed the relationship between the police and the community.

Public opinion of policing is influenced largely by individual roadside interactions.

There is a public expectation that traffic stops and any subsequent searches are within the scope of the law and based upon articulable facts and circumstances observed by officers. The decision to stop a vehicle, and any enforcement action taken by an officer, is the result of several factors including the behavior of the driver, the officer's experience, the law, departmental policies, and procedures.

In many communities, there has been much public policy discussion about "police reform" and "defunding the police," too often overlooking the value of traffic law enforcement as a core function of providing professional police services. At the same time, there may be a tendency by law enforcement agencies to reduce the focus on traffic law enforcement as a way to minimize this public scrutiny. In other words, some law enforcement leaders have essentially chosen to not engage in traffic law enforcement as a less disruptive law enforcement strategy. With reduced traffic law enforcement, many states are realizing an increase in fatal and serious injury crashes. Anecdotally, during these tumultuous times of public safety, coupled with the COVID-19 state of emergency, there has been a demonstrated increase in risky driving behavior and the frequency of fatal and serious crashes when people perceived the law enforcement profession was not going to be engaged in traffic law enforcement.⁴

Studies and surveys have consistently identified the following questions about governmental services as being important to the public:⁵

- What is being done to protect my family, friends, and children;
- What is being done to enhance my quality of life;

² Law Enforcement Action Partnership, *Advancing Justice and Public Safety Solutions*, quoting Sir Robert Peel's Policing Principles, accessed April 4, 2022.

³ The Stanford Open Policing Project, accessed April 4, 2022.

⁴ Governors Highway Safety Association, April 16, 2020 News Release, "Absent Traffic Jams, Many Drivers Getting More Reckless;" see also Fischer and Martin, "In Search of a Vaccine for America's Ongoing Road Safety Epidemic, Uptick in 2020 Traffic Deaths Requires Increased Investment in Proven Countermeasures," National Traffic Law Center, *Between the Lines*, April 2021.

⁵ President's Task Force on 21st Century Policing. May 2015. *Final Report of the President's Task Force on 21st Century Policing*. Washington, D.C.: Office of Community Oriented Policing Services.

Traffic Stops: Understanding and Addressing Citizens' Concerns

- What is being done to protect and enhance the economic vitality of my community;
- What is being done to help educate my children;
- What is being done to protect the environment; and
- How is trust being instilled in government to be good stewards and in interest of the public?

When people feel these interests are not being addressed, they lose faith their government agencies are functioning properly, including their law enforcement agencies. It is therefore critically important for officers and their leaders to be mindful of these public expectations.

A key element to gaining the public's support for traffic law enforcement is for a law enforcement agency to always link at least one or more of these questions to the importance of the agency's activities of providing professional police services for the mission of public safety. This, combined with proactive public education about the activities and their significance to an individual's expectations, can greatly enhance law enforcements' relationship with the public.

As described above, some local leaders have elected to minimize traffic stops in an effort to improve the relationship with the public. These leaders believe traffic law enforcement alienates the community from the police. Alienation can happen and there are three main reasons it does. Each reason can be effectively addressed by the local jurisdictional leadership without eliminating traffic law enforcement.

The first cause of the public's alienation is the enforcement appears to be inconsistent, it occurs today but it is gone tomorrow. The root of this problem is that a department's traffic safety tactics are not intelligently deployed. It is not an effective strategy, for example, to have officers suddenly intensify their traffic enforcement efforts in a given location without previously communicating to the public the purpose for the strategy. Furthermore, the tactic must be designed to modify risky driving behavior as a means to reduce collisions in the community, consequentially improving public safety. The Washington State Patrol (WSP) used an evidence-based enforcement model, finding within seven to ten days after a traffic law enforcement initiative, there needed to be some police presence performing traffic law enforcement in the area relating to the announced initiative, and then again every 30 days to re-enforce the driving behavior.⁶ This practice was supported by conducting attitudinal surveys of the public to assess respondents' perceptions regarding the probability of being stopped and cited for collision-causing violations. These altitudinal surveys provided WSP with key performance indicators, allowing leaders to assess the general deterrence factor of traffic law enforcement strategies, thus providing the evidence supporting the enforcement strategies. The survey results consistently noted that over 70 percent of respondents perceived their chances of receiving a "ticket" for displaying risky driving behavior was either "always" or "most of time."

Public education about the purpose and value of traffic law enforcement is instrumental to helping change the perception of "taxation through ticketing."

The second cause of the public's alienation is when the public does not see a direct relationship of the enforcement action to public safety. The public ultimately views this as taxation through ticketing. Public education about the purpose and value of traffic law enforcement is instrumental to helping change this perception. This is the reason traffic law enforcement and public education should always be linked to at least one of the six public expectation questions or themes described above. This connection between the traffic enforcement and public safety should be communicated clearly to the public.

⁶ During the leadership of the WSP by Chief Ronal Serpas and Chief Lowell Porter, this conclusion was derived from the agency's "Accountability Driven Leadership" model that is similar in concept to processes called COMPSTAT, SAF, FASTRACK, etc. The WSP used this concept weekly for agency leadership to analyze data to follow up on resource deployment, decision-making, and outcomes.

The third cause of alienation from the public is the behavior of individual officers during traffic stops, specifically the perceived fairness of an officer's decisions. A law enforcement agency's selection of individuals who become officers, as well as its training programs on tactics, including verbal skills lessons and the process for decision making used by the officers, is essential to ensuring the public accepts and trusts their officers. Once an agency understands what the public expects from its officers, and adopts policies and procedures clearly aligned with hiring quality officers and effective traffic safety measures, it must then examine how to perform its duties in an equitable manner.

Law enforcement agencies use the following elements when defining equity in traffic law enforcement: competency, transparency, responsiveness, accountability, courtesy or respect, compassion for crash victims, and principles of fairness.

A critical cornerstone of a law enforcement agency's competency—possessing the required skills, knowledge, qualifications, and capacity—is complete organizational integrity, with unquestionable ethics, follow-through on promises, and consistent honesty practiced at all levels of the agency. It is important for employees to be clearly and carefully trained as well as fairly corrected on violations of the established work culture norms. An officer acting in a reasonable and appropriate way and behaving professionally is an example of competency. The officer makes traffic law enforcement decisions in a rule-based, factual way; he/she listens to the people he/she stops, treats them with dignity, and respectfully obtains the necessary information from them so he/she can make informed and intelligent decisions.

An officer acting in a reasonable and appropriate way and behaving professionally is an example of competency.

Part of any community policing philosophy must have a practice of transparency. Transparency—being open, frank, and candid—is fundamental for a law enforcement agency to maintain trust with the public. This could be as simple as an officer providing as a brief explanation to a driver he/she stops that the residents of the neighborhood have expressed concerns about the risk of injury to pedestrians and/or children by speeding vehicles. Another way to maintain transparency is to encourage law enforcement agencies to share with the community on at least a quarterly basis reporting on the percentage of traffic stops made by officers for collision-causing risky driving violations. This can be achieved by hosting community meetings or by releasing press announcements.

A law enforcement agency is responsive when it considers input from the community perspective. This is a collaborative process for the agency and the community, learning and understanding differing perspectives. A law enforcement agency should not “police a community,” but work *with* its community to provide thoughtful and professional police services. Similarly, the community members should not be thought of as “customers,” because doing so infers there is a choice of service for the person. People in a community do not have the opportunity to choose what law enforcement agency provides its police services, so there should be a higher level of commitment for the governing body to provide thoughtful and professional criminal justice services, of which traffic law enforcement is an integral element. For example, community members may feel a traffic safety issue could be solved by increasing patrol staffing in a given neighborhood. Its law enforcement agency, however, replies it cannot be done because it does not have enough officers. This is an opportunity for the law enforcement agency to describe for the community members the difficulty every agency has in balancing the public safety demands with its limited staffing resources. A potential solution may be to add one additional officer to work in the identified neighborhood. In any event, collaboratively working together allows the community to learn more about the staffing challenges faced by its law enforcement agency.

A law enforcement agency must also be accountable to the communities it protects. A law enforcement agency's or officer's accountability, or the obligation to report, explain, or justify its work, is reliant on quality work product, which is a result of high intentions, sincere effort, intelligent direction, wise decision making, and skillful execution. For example, an officer may make a traffic stop late at night and, as a precaution, may place a hand on his/her service weapon during the approach to the stopped vehicle. Once the officer is assured the individual is not a danger, the officer has an opportunity to build trust by explaining his/her own actions, showing appreciation for the citizen's cooperation, and generally trying to leave the person with a favorable view of the officer's actions, specifically, or law enforcement, generally. The officer was accountable to the citizen to explain his/her actions.

Common sense dictates that treating others with courtesy and respect engenders trust. The public expects its law enforcement professionals to listen receptively to what is being said and not said. A person is typically sensitive to whether he/she is treated with dignity and politeness, and to whether his/her rights are respected. The issue of interpersonal treatment consistently emerges as a key factor in reactions and interaction of the community members with officers. The measure of interaction may be simply be the tone of voice an officer uses. For example, a roadside stop may inconvenience a motorist, but if the stopping officer briefly explains the reason(s) for the stop, how it is connected to traffic safety, and is communicated with respect by saying things like, "Thank you for your cooperation," the stop may actually improve the motorist's opinion(s) of the police.

A person is more likely to be injured or killed in a motor vehicle crash than to be a victim of a violent crime.⁷ This underscores the importance of ensuring officers are equipped to communicate appropriately with victims and/or their families. The emotional loss of a family member, or friend, the experience of a long-term physical rehabilitation, and the financial cost of crashes impact everyone.⁸ The effects of a crash can last years, too, and the public expects traffic enforcement officers to have enduring compassion in these situations. Being involved in any type of crash (even a property damage collision) is a scary and traumatic event for most people. Typically, a person never forgets how he/she felt when it occurred. For many people, their interaction with police at the crash scene may be the only interaction they ever have with the police. Part of an officer's role when investigating a crash is to determine the cause so it is essential for the officer to accurately document what occurred. There may or may not be legal ramifications for the driver causing the crash so, many times, any enforcement action by an officer at the scene is the only justice a crash victim will receive from his/her traumatic event. An officer's compassion will long serve the police department when the victim relays his/her experience to others in the community.

The issue of interpersonal treatment consistently emerges as a key factor in reactions and interaction of the community members with officers.

A law enforcement officer must act in good faith and consider the needs and concerns of everyone he/she encounters. Any decision an officer makes should, therefore, be made based upon objective facts, with impartiality, and consistent application of laws and policies. In other words, an officer who consistently applies sound legal principles to the facts and circumstances of a given encounter will be perceived as "more fair" than the officer who bases his/her decisions on personal opinions and biases. Part of the concept of fairness includes treating people with dignity and respect. Individuals prefer to be asked to do something rather than be told, prefer to have options rather than threats, and prefer to know the reasons why an officer may ask a person to do something specific.

⁷ A comparison review of 2019 NHTSA Fatality Analysis Reporting System (FARS), a nationwide data base providing yearly crash data regarding fatal injuries and state collision data, to 2019 FBI Uniform Crime Reporting indicates there were roughly three vehicle fatalities for every murder that occurs and three injury crashes for every assault.

⁸ The economic cost of motor vehicle crashes that occurred in 2010 totaled \$242 billion; the lifetime economic cost to society for each fatality is \$1.4 million. See Blinco et al., *The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised)*, U.S. Department of Transportation, National Highway Traffic Safety Administration, DOT HS 812 013, Washington, D.C., May 2015.

Policing is a constantly evolving profession with ever new challenges. The public expects a reasoned approach and demands professionalism from officers. The future of traffic law enforcement is shaped by how well law enforcement agencies apply the following concepts:

- A community policing philosophy to maximize community interaction and involvement;
- Intelligence-led policing to accomplish the traffic safety mission by prioritizing officers to engage with drivers committing those collision-causing violations that put the public at risk; and
- Promotion of procedural justice behavior. A person's view of police is strongly linked to the perception of the fairness in the officer's decision-making process.

The contribution of traffic law enforcement by officers to the overall public safety, including traffic safety cannot be overstated. As Plato is credited with saying: *"Only those with the most impeccable character are chosen to bear the responsibility of protecting the democracy."* For that reason, it has become increasingly important law enforcement agencies are able to demonstrate to the communities they serve, their officers are providing professional police services through fair and impartial policing.

About the Author

Glenn Cramer is a private traffic safety consultant providing law enforcement outreach primarily in the Pacific Northwest. Mr. Cramer retired from the Washington State Patrol (WSP) after 32 years of service. During his career with the WSP, he served as the Deputy Chief, commanding the Field Operations Bureau, overseeing 1,200 employees responsible for traffic law enforcement, collision investigation, and ferry and homeland security.

Mr. Cramer also served as the Assistant Chief, commanding the Technical Services Bureau with oversight of the Divisions for Information Technology, Electronic Services (Telecommunications), Criminal Records, and the Facilities/Fleet. Mr. Cramer is contracted by the National Highway Traffic Safety Administration (NHTSA) Region 10 to provide law enforcement outreach for the Pacific Northwest. The Transportation Safety Institute (TSI) also contracts with Mr. Cramer to provide instruction about traffic law enforcement and traffic laws to highway safety professionals.

Mr. Cramer may be reached via email at gmcramer1@comcast.net.