

# Ending Traffic Stops for Minor Violations

## Model Legislation

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### WHO WE ARE

The Policing Project at NYU School of Law partners with communities, lawmakers, and the police to enhance safety, accountability, and transparency in policing. Our team of attorneys, advocates, and community organizers is ready to help you draft and pass legislation that protects safety and addresses community concerns about aggressive policing.

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Police officers in the United States make more than 20 million traffic stops each year. Many of these stops have little to do with traffic safety. Instead, officers too often pull people over for making minor rule violations—such as hanging an air freshener or graduation tassel on a rearview mirror—as an excuse to go fishing for other crimes. Because there are literally hundreds of equipment and moving violations codified in the law, an officer can stop pretty much any driver, any time. Black drivers are disproportionately likely to be stopped—sufficiently so that “driving while Black” is a part of everyday vernacular.

The killing of Daunte Wright has renewed calls to end law enforcement’s ability to make these pretextual fishing stops. The Policing Project at New York University School of Law has been working on model legislation to help states do just that.

Low-level traffic stops—and the fishing expeditions that inevitably follow—feel unnecessary, unfair, and biased, and they create flashpoints of confrontation that too often become dangerous for both police and motorists. They erode trust in police, very rarely yield any useful crime-solving information, and divert precious police resources from solving real crimes. Limiting them will improve public safety for all.

> **The solution**

The Policing Project’s model legislation focuses on three main goals: (1) prohibiting traffic stops for low-level infractions, (2) limiting the scope of these stops, and the incentives that lead to them and (3) collecting robust data on officer stops.

<b>What the statute does</b>	<b>How does the statute accomplish this?</b>	<b>Why this approach?</b>
Prohibit traffic stops for low-level infractions	<p>Officers cannot stop individuals for a clear, enumerated list of equipment violations and traffic infractions that are unrelated to public safety (e.g. a broken taillight, window tints, seatbelt violation).</p> <p>Officers can still mail a citation to the individual or ticket them for it, if they stop the individual for a different reason.</p>	<p>Takes 23 minor reasons for stops off the table, and gives officers a clear list on what they can and can’t stop individuals for.</p> <p>Courts in WA and NM have ruled that pretext stops violate their respective state Constitutions. But it is difficult for defendants to prove that a stop was pretextual. VA passed a similar law eliminating the most common pretexts for stops, but is less comprehensive than this statute. TX and OR are also considering similar measures.</p>
Limit searches	<p>The statute limits officers from asking for consent to search unless they have reasonable suspicion/probable cause that they will find evidence of a non-motor vehicle offense.</p> <p>The smell of marijuana isn’t enough to search or use a drug-detection canine. There has to be a suspicion of illegal narcotics.</p>	<p>Reduces an officer’s incentive to stop individuals, which can lead to fishing expeditions that disproportionately target people of color.</p> <p>The smell of marijuana is too often used to justify searches—even after many jurisdictions have decriminalized marijuana. Other states like NY and VA have already forbidden stops based on the smell of marijuana.</p>
Limit traffic stops related to low-level warrants	<p>Limits stops for:</p> <ul style="list-style-type: none"> <li>- the failure to pay fines/fees</li> <li>-the failure to appear in court for low-level infractions</li> </ul> <p>Also has a provision reforming warrants being issued for minor, low-level offenses in the first place.</p>	<p>Officers pull individuals over in the hopes they find a warrant. Even a low-level warrant means a search and much further investigation, with no guarantee that evidence of serious crimes will be discovered. Warrants can also escalate the intensity and danger of stops once they occur, as officers must take individuals into custody.</p> <p>The statute prevents stops for low-level warrants that can be served in a less dangerous manner than traffic stops. And by reducing the number of warrants for low-level offenses to begin with, this statute addresses the underlying issue.</p>
Data collection	The statute ensures robust data collection on stops, including demographic data.	The only way to determine if this statute works is good data: States need to know if pretextual stops are still occurring.