

May 18, 2021

Via Electronic Mail

Adrian Diaz, Chief of Police
Seattle Police Department
610 Fifth Avenue
Seattle, Washington 98104-1900

Re: Traffic stops for civil and non-dangerous violations

Dear Chief Diaz,

As we have discussed, the issue of conducting traffic stops for low-level, non-dangerous violations, much like responding to people in crisis, has received widespread attention recently because of tragic situations involving unnecessary deaths—both of motorists and police officers. As we have seen repeatedly as a community and as a nation, these situations can go terribly wrong for everyone involved. These are but a few of the many examples that quickly come to mind:

- On April 11, 2021, Daunte Wright, a 20-year-old Black man, was fatally shot by police during a traffic stop for expired plates in Brooklyn Center, Minnesota.
- On February 4, 2021, Darian Jarrot, a New Mexico State Police officer, was fatally shot during a traffic stop by a driver with an assault rifle.
- On September 27, 2019, Sandeep Dhaliwal, 42-years old and the first Sikh deputy in Harris County, Texas, was killed when a suspect shot him in the back of the head during a traffic stop for running a stop sign.
- On December 31, 2018, Iosia Faletogo, a 36-year-old Samoan man, was fatally shot by police in Seattle after being stopped for an unsafe lane change when a license-plate check on the car he was driving showed the registered owner had a suspended driver's license.
- On July 6, 2016, Philando Castile, a 32-year-old African American man, was fatally shot during a traffic stop for a broken taillight in St. Paul, Minnesota.

Many in law enforcement acknowledge traffic stops are inherently dangerous, with officers approaching unknown persons, often in darkened vehicles, sometimes in remote areas, without knowing whether that person may try to harm them to avoid being arrested. Many in community believe traffic stops are inherently dangerous for different reasons, especially for people of color.¹ Stopping a person is a significant infringement on civil liberty and should be reserved for instances when a person is engaged in criminal conduct that harms others. Stops for government-created requirements like car tabs, with nothing but a potential monetary penalty, do not justify the risk to community or to officers.

According to Mapping Police Violence (Campaign Zero), a database that tracks police-involved deaths, 117 (11%) of all people killed by police in 2019 occurred during traffic stops; Black people accounted for

¹ Stanford Open Policing Project, Findings. <https://openpolicing.stanford.edu/findings/>

a disproportionate share (32%) of those deaths. That same year, six of 48 officer deaths due to felonious acts (versus accidents) were during traffic violation stops according to FBI statistics.²

Even when a traffic stop does not result in a use of force or tragedy, it has broader implications for public trust. With 20 million traffic stops per year,³ research consistently indicates that traffic stops are the most common form of face-to-face encounters between the police and community. In Seattle, there were almost 28,000 traffic infractions issued in 2019, the last full year of regular vehicle patterns before COVID.⁴ While these interactions may create the potential for a tragic outcome, they also generate an encounter that can impact whether and how community members form negative opinions of the police, which can influence public trust in the department. Researchers have documented that persons stopped for traffic violations are significantly less likely to seek help from the police and/or to report non-crime emergencies than those with other types of direct police interactions. Moreover, research has consistently shown that Black and Latino experiences during traffic stops are different from those of white persons.⁵

From court rulings to proposed legislation to curtail pretext stops, jurisdictions across the country are grappling with these issues.⁶ Just as the country is undergoing a conversation to reshape our response to persons in crisis, a new framework is needed to address the historical inequities and inherent dangers in traffic stops.⁷ **Without drilling down to underlying issues and root causes, police and community are destined to continue the same cycle of traffic stops gone wrong. To that end, the issue of what and how conduct should be policed is perhaps as important as other root causes, such as institutional racism and subconscious bias. For safety of both officers and the public and for racial fairness, SPD should seek to eliminate routine traffic stops for civil and non-dangerous violations.** This request does not implicate reducing enforcement efforts to address traffic offenses that create a danger to the public, such as reckless driving, DUI, school zone violations, or other similar circumstances.

I appreciated your collaborative approach regarding work to improve response for persons in crisis and I urge you to again partner with OIG to find ways to eliminate, or at least greatly reduce the practice of conducting traffic stops for civil violations or low-level, non-dangerous moving violations. OIG has previously worked with your office to critically examine racial bias analysis in stops and detentions.⁸ I am happy to offer the technical expertise of my office in assessing the traffic stop issue and developing parameters. There are certainly better ways to achieve compliance with these regulatory laws than

² <https://ucr.fbi.gov/leoka/2019/topic-pages/officers-feloniously-killed>

³ Langan et al. (2001). *Contacts Between Police and the Public: Findings from the 1999 National Survey*. US Dept. of Justice (<https://bit.ly/2QwmOMc>); Eith, C. & Durose, M (2011). *Contacts between Police and the Public, 2008: Special Report*. US Dept. of Justice, NCJ 234599 (<https://www.bjs.gov/content/pub/pdf/cpp08.pdf>); Davis, E. & Whyde, A. (2018). *Contacts between Police and the Public, 2015: Special Report*. US Dept. of Justice, NCJ 251145 (<https://dailycaller.com/wp-content/uploads/2018/10/BJS-Data.pdf>).

⁴ <https://www.seattle.gov/courts/about/data-and-publications/general-data-reports/vehicle-infractions>

⁵ Ibid at 1 and 3. See also Gibson C.L., Walker, S., Jennings, W.G., & Mitchell Miller, J. *The Impact of Traffic Stops on Calling the Police for Help*. Criminal Justice Policy Review. 2010;21(2):139-159 (<https://doi.org/10.1177/0887403409344165>); NYCLU (2014). *Stop and Frisk during the Bloomberg Administration (2002-2013)*, NYCLU Briefing: 4-7 (https://www.nyclu.org/sites/default/files/publications/stopandfrisk_briefer_2002-2013_final.pdf).

⁶ *Stateline*, an initiative of The Pew Charitable Trusts, describes recent changes nationwide (<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/09/03/police-pretext-traffic-stops-need-to-end-some-lawmakers-say>). On May 15, 2021, in the wake of Daunte Wright's death, Brooklyn Center passed a resolution to, among other measures, create new departments for unarmed civilian employees to handle non-moving traffic violations and respond to mental health crises. It would also limit situations in which officers can make arrests (<https://minnesota.cbslocal.com/2021/05/15/brooklyn-center-passes-sweeping-public-safety-resolution-reform-policing/>).

⁷ For one framework, see, e.g., Woods, J. B. *Traffic Without the Police* (September 30, 2020). Stanford Law Review, Vol. 73, 2021, Available at SSRN: <https://ssrn.com/abstract=3702680>.

⁸ See, e.g., <http://www.seattle.gov/Documents/Departments/OIG/Policy/DisparityMethodEval031819.pdf>.



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continuing to put community members and officers into contact with each other in uncertain and often contentious circumstances.

I have discussed these issues with others in City leadership and I believe there is support for exploring alternatives to traffic enforcement in ways that do not involve routine stops for minor violations. I welcome an opportunity to discuss this critical community matter with you further and explore how my office can assist you in this endeavor.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Judge".

Lisa Judge, Inspector General