



# Pretextual Traffic Stops and Racial Disparities in their Use

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## Abstract

A moving-violation traffic stop is **pretextual** when it is motivated by suspicion of an unrelated crime. Using 9.5 years of traffic citations from Louisville, KY, I find evidence suggesting that pretextual stops predicated on a particular moving violation—failure to signal—were relatively frequent. Contrary to stops involving other similarly common moving violations, where arrest rates range from 0.01 to 0.09, stops involving failure-to-signal yield an arrest rate of 0.42. More importantly, pretext to stop a vehicle requires only one traffic violation. In stops involving failure-to-signal, the arrest rate is 0.52 when no other traffic violations are cited, and the presence of other traffic violations yields a 55% relative decrease in the probability of arrest. Relative to conventional traffic stops from the same period, black and Hispanic motorists account for a disproportionately high share of likely pretextual stops. Yet, within likely pretextual stops, they are arrested at significantly lower rates than other motorists. Following departmental adoption of body-worn cameras, I find a relative increase of 33-34% in the overall arrest rate in likely pretextual stops, and that the racial disparity in arrest rate becomes much smaller and statistically insignificant.

## Overview

- Traffic stops are most common form of police-initiated civilian contacts in US (Bureau of Justice Statistics, 2015).
- A **pretextual traffic stop** is a stop for a moving-violation motivated by suspicion of a crime unrelated to traffic safety.
- In 1996, SCOTUS unanimously ruled pretextual stops do not violate Fourth Amendment (typically, traffic violations *are* crimes).
- Common perception: practice unfairly targets black & Hispanic motorists.
- Little known about pretextual stops beyond anecdotal evidence.

## Data and Sample

- Citations from Louisville Metro Police Department (LMPD) traffic stops, January 1, 2010 to August 19, 2020.
- I analyze traffic stops with a citation for: *speeding*, *disregarding a traffic light (DTL)*, *disregarding a stop sign (DSS)*, or *failure to signal (FTS)* (most commonly cited driving violations in sample).
- All analyses exclude stops resulting in charge for driving under the influence (DUI) of drugs or alcohol.
- All citations issued by one of LMPD's eight geographically-defined patrol divisions.

## Detecting Pretextual Stops

Unique motive for pretextual stops will **concentrate** them on violation that targeted motorists are most likely to commit, & lead to **higher arrest rate** than in conventional traffic stops.

- Pretextual stops occur as soon as pretext exists  $\Rightarrow$  will concentrate around violation targeted motorists most likely to commit.
- Pretextual stops motivated by suspicion of unrelated crime  $\Rightarrow$  more likely to involve search and arrest than conventional stops.

### Most Common Driving Violations

	Speeding	DTL	DSS	Failure to Signal
Arrest Rate	0.009	0.067	0.086	<b>0.416</b>
N	213,693	19,283	15,341	8,641

Stops resulting in DUI excluded.

Arrest rate is 0.416 conditional on failure to signal (FTS). Pretextual stops or correlation between criminality & propensity to commit FTS? Test: condition on whether multiple traffic violations were cited during stop.

- If correlation between criminality & propensity for FTS, arrest rate should be high whenever FTS cited.
- If pretextual stops, arrest rate should be lower when multiple violations cited because pretext requires **only one** violation.

Variable	$Arrest_i$	$Arrest_i$	$Arrest_i$	$Arrest_i$
<i>Multiple</i>	0.0268*** (0.0025)	0.0260*** (0.0059)	0.0067 (0.0077)	<b>-0.2870***</b> (0.0114)
N	213,693	19,283	15,341	8,641
Sampled stops cite:	Speeding	DTL	DSS	FTS

OLS estimates (excluding DUI stops).  $Arrest_i$  indicates arrest occurred in stop  $i$ . Multiple indicates more than one traffic violation cited in stop. Standard errors clustered on LMPD division-by-year. Controls: LMPD division FE, hour FE, day-of-week FE, month FE, year FE. \*\*\* $p < 0.01$ .

## LMPD and Body-worn Cameras

- LMPD adopted body-worn cameras (body cams) in 2015.
- To help manage initial learning process and requests for assistance, LMPD deployed body cams on staggered basis one division at a time from June 1, 2015 to March 11, 2016.
- I examine racial disparities in pretextual stops & use variation in deployment timing to test effect of body cams on the practice.

## Racial Disparities Prior to Body-cam Deployment

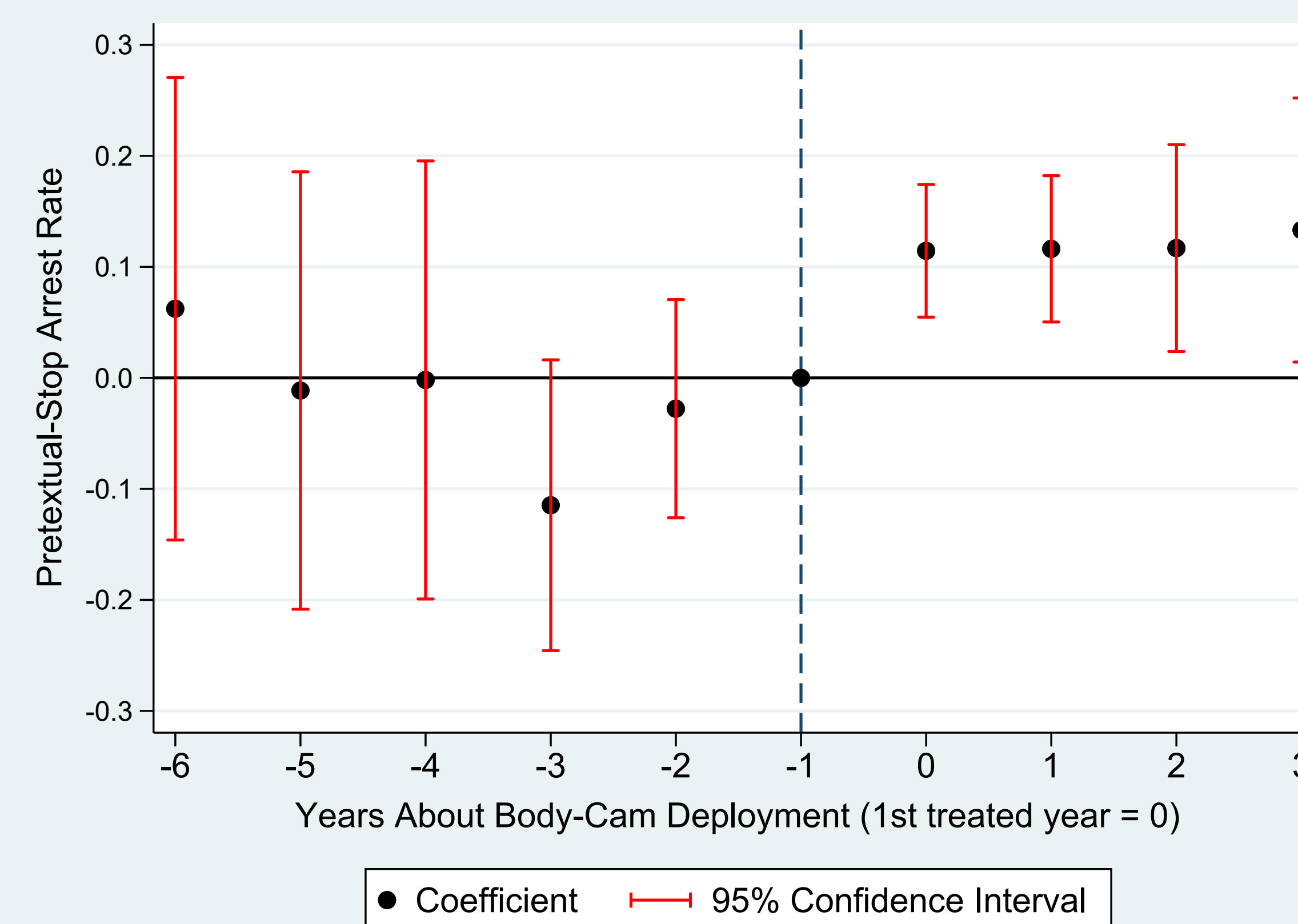
Before June 1, 2015:

- Black & Hispanic (B&H) motorists account for 30.2% of conventional stops & 49.3% of pretextual stops.
- Pretextual-stop arrest rate for B&H motorists 17.7% lower relative to others

Variable	$Arrest_i$	$Arrest_i$
<i>Black Motorist</i>	-0.0736*** (0.0196)	—
<i>Hispanic Motorist</i>	-0.1676*** (0.0423)	—
<i>Black or Hispanic Motorist</i>	—	-0.0823*** (0.0189)
N	3,369	3,369

OLS estimates from stops before June 1, 2015 where FTS was only cited traffic violation (excluding DUI stops). Standard errors clustered on LMPD division-by-year. Controls: LMPD division FE, hour FE, day-of-week FE, month FE, year FE. \*\*\* $p < 0.01$ .

## Body-worn Cameras and Pretextual-stop Arrest Rate



Event study estimates. Standard errors clustered on LMPD division-by-year. Controls: division-specific annual trends, LMPD division FE, day-of-week FE, post-Sep-2012 FE (LMPD began researching body-cam adoption), post-Sep-2013 FE (LMPD sought prices from body-cam vendors), post-Michael-Brown-Shooting FE & post-Ferguson-Grand-Jury FE (credited with shifting public support toward LMPD body-cam adoption).

## Body-worn Cameras and Racial Disparities in Pretextual-Stop Arrest Rate

Variable	$Arrest_i$
$BodyCam \times (Black \text{ or } Hispanic \text{ Motorist})$	0.0541 (0.0397)
$BodyCam$	0.1284** (0.0611)
$Black \text{ or } Hispanic \text{ Motorist}$	-0.1002*** (0.0276)
N	5,756

OLS estimates from likely pretextual stops.  $BodyCam$  indicates body cams in use during stop. Standard errors clustered on LMPD division-by-year. Controls: LMPD division FE, day-of-week FE, post-Sep-2012 FE, post-Sep-2013 FE, post-Michael-Brown-Shooting FE, post-Ferguson-Grand-Jury FE. \*\*\* $p < 0.01$ , \*\* $p < 0.05$ .

- With body cams in use, racial disparity in pretextual-stop arrest rate decreases 54% relative to pre-period.

## Contact Information

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