

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/ending-pretextual-stops-is-an-important-step-toward-racial-justice>

Public Facing Advocacy Writing

As election season ends, newly minted and re-elected prosecutors are tasked with turning campaign promises into action. Inspired by the reckoning with white supremacy over the summer, many promised to tackle systemic racial disparities in the criminal legal system. But undoing generations of systemic oppression is no easy task.

That's why Vera, in partnership with criminal legal system experts around the country, launched [Motion for Justice](#) a platform with guidance for prosecutors and the communities they serve to reduce racial disparities. Although tackling individual bias is important to eliminating disparities, Motion for Justice instead addresses the flawed systems in which prosecutors operate.

The platform provides information on the criminal legal systems [history](#) of oppression to explain why such stark racial disparities exist. It encourages prosecutors to [partner with marginalized communities](#) in recognition that people closest to the problems are closest to the solutions. And it suggests specific [actions](#) tailored to combat systemic inequities. One such action: decline cases based on pretextual stops.

[Sandra Bland](#) was pulled over for failing to signal a turn. [Eric Garner](#) was stopped for selling loose cigarettes. [Philando Castile](#) was pulled over because his brake lights were out. Each one the victim of a pretextual stop: when someone is detained for a minor infraction while police seek evidence of a more serious crime.

Rather than focusing on avenues to improve these encounters, tackling systemic disparities first requires examining why we permit this practice in the first place. [Evidence shows](#) these stops increase racial bias in the system and do not make us safer. As administrators of justice, duty-bound to prevent and correct injustices, prosecutors should seek to eliminate pretextual stops by refusing to prosecute cases originating from these types of law enforcement encounters.

People of color are stopped, questioned, and searched at higher rates than white people. A [2019 study of 100 million traffic stops](#) nationwide found that Black and Latinx drivers were more likely to be stopped and searched despite not being more likely to carry contraband. Similarly, [studies of pedestrian stops](#) in Philadelphia and New York found that Black and Latinx people were stopped and frisked at significantly higher rates than white people.

Research has shown that limiting police stops to those made for public safety reasons reduces racial disparities. Officers often describe two categories of stops: must stop situations, when there is a serious risk to safety like someone driving under the influence, and situations where there are pretext reasons like dark window tint, when officers merely want to stop someone. When researchers isolated the two categories, they found that [virtually all of the wide racial disparity](#) could be attributed to pretextual stops.

Further troubling, the majority of stops, whether in a car or on the street, do not result in the discovery of contraband or weapons. Out of 297,000 frisks conducted in New York in 2012, [only 2 percent resulted in a weapon recovery](#). Likewise, Washington, DC, police conducted nearly 63,000 stops over a six-month period in 2019, and [less than 1 percent](#) resulted in a weapon recovery. There is also [little evidence](#) that pretextual stops deter or prevent crime.

It is obvious that these biased stops harm people like Sandra Bland, Eric Garner, and Philando Castile who are subject to them. And they also pose significant risks to police officers. According to research by the U.S. Department of Justice, [the most common proactive policing activity preceding a fatality is an officer-initiated traffic stop](#). Moreover, weathering chronic discrimination is linked to [negative health impacts](#), furthering harm to communities of color. That these stops are racially disparate and don't improve safety alone supports eliminating them. That they also unnecessarily create dangerous situations for everyone involved makes them indefensible.

Pursuing racial justice will require questioning all of our practices and a willingness to abandon the status quo. It won't be easy. And it will take time. Eliminating pretextual stops is a good place to start.

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