



# Pretextual Traffic Stops

---

## I. Overview

This policy brief examines the controversial practice of pretextual traffic stops, in which law enforcement uses minor traffic violations to investigate and discover unrelated crimes. Primarily, it highlights the unequal and disproportionate impact on minority drivers and the limited public safety benefits these stops provide. As a result, this raises concerns about fairness and community trust. This brief examines key current components and potential reforms, including limiting enforcement to violations, expanding automated enforcement, strengthening officer training, and enhancing community oversight. In addition, affirming the importance of equal protection under the law is another important factor integrated into this policy brief.

Ultimately, the brief advocates for a more sophisticated approach that aims to significantly reduce the harms of pretextual stops while increasing public safety and community trust.

## II. History

The beginnings of pretextual traffic stops trace back to earlier policing techniques in America. For instance, in the 1967 Supreme Court Case *Terry v. Ohio*, petitioner Terry and two other men were stopped by two plainclothes policemen who stated that the men were "casing a job". Upon inspection, the officer found weapons on two of the three men. Terry would go on to be convicted of carrying a concealed weapon, facing three years of imprisonment. Yet the question of whether the searches and seizures of Terry and the other men were in accordance with the Fourth Amendment soon reached the Supreme Court, raising constitutional concerns about the limits of police authority. The Court ultimately ruled that the officer's search was reasonable under the Fourth Amendment and that the weapons found could be presented as

evidence against Terry. This 8-to-1 decision would go on to shape a general understanding of the constitutionality of police inspections, specifically under the reasonable suspicion standard.

The formal history of pretextual traffic stops is commonly perceived to have originated from the 1996 Supreme Court Case, *Whren v. United States*. In this event, petitioners Brown and Whren were said to have been waiting at an intersection for an extended period of time. After idling at the stop sign, their truck abruptly sped up when two undercover police officers approached. These policemen, who had been patrolling an area of high drug use, were said to have intended to provide the two a traffic violation warning. Instead, they went on to find bags of crack cocaine in the hands of petitioner Whren. The two petitioners were immediately arrested on federal drug charges and went on to attempt to suppress the evidence in the argument that the specific traffic stop was pretextual. The Court denied this request, and both petitioners were convicted.

The significance of this case lies in the previous understanding of the Fourth Amendment. The Fourth Amendment protects people from unreasonable searches and seizures by the government. It outlines that, contrary to other legislation, the Fourth Amendment is not a guarantee and that searches and seizures under it must be deemed unreasonable under the law. The Supreme Court's ruling in *Whren v. United States* affirmed that an officer's internal thoughts or motives are not considered under the Fourth Amendment, establishing a sense of objectivity towards the constitutionality of traffic stops.

The 2015 Supreme Court case *Rodriguez v. United States* added clarity to the ruling in *Whren v. United States*. In this case, Officer Struble stopped petitioner Rodriguez for driving on a highway shoulder (which is considered a violation in the state of Nebraska). Struble would then issue a warning for the traffic offense and later request Rodriguez's permission to walk his dog around the vehicle. Rodriguez had refused, prompting Struble to call another officer, who then detained Rodriguez. The search ended up revealing methamphetamine, and Rodriguez was indicted on federal drug charges. He would go on to attempt to suppress the evidence seized from the scene, arguing that Officer Struble had extended the traffic stop without reasonable grounds to initiate the dog sniff. Since the stop lasted only "seven to eight minutes," the dog sniff was deemed a de minimis intrusion (meaning the law was permitted to ignore violations if they are extremely insignificant). This case held that the legal authority for a seizure ends once tasks related to the initial infraction are completed.

Despite these federal interventions and past legal cases, in some instances, specific state constitutions offer different perspectives on the legality of pretextual traffic stops. In 1999, through *State v. Ladson*, the Washington Supreme Court prohibited police officers from conducting pretextual traffic stops. This would change when the Washington state case *State v. Arreola* held that a stop would be lawful if the police officer had a genuine reason to approach a traffic violation. In this situation, as long as the motivation for addressing a traffic issue is valid and evident, the stop is legal even if the officer intends to investigate other criminal activity.

Within the realm of stops for minor traffic violations, it has historically been considered that pretextual traffic stops unevenly affect the general public, potentially being more prominent in minority and marginalized communities. The Center for Justice Research reported that pretextual stops "disproportionately affect marginalized communities, particularly Black drivers." In their analysis, they determined that Black drivers were stopped at substantially higher rates than both White and Hispanic drivers. Black drivers had an "annual per-capita stop rate of 20, compared to 14 for White drivers and 9 for Hispanic drivers." However, they also found that Black drivers had lower occurrences of drug and firearm possession. Significantly, these statistics suggest a disproportionate impact of pretextual traffic stops on a marginalized population.

### III. Policy Problem

#### A. Stakeholders

Officers at the scene play an important role in the oversight and results of pretextual traffic stops, especially in the case of minority individuals, who, according to the Center for Justice Research, are disproportionately affected by the use of this practice. City, county, and state officials and lawmakers also have important roles in determining the legal boundaries of this subject and regulating the practice. In addition, the communities affected and their reactions to recurring targeted, seemingly unfair police enforcement influence reform efforts and the broader community-public safety relationship.

#### B. Risks of Indifference

The continued built-up implications of the practice of predictive policing on minority individuals will negatively impact a community as time goes on. When the problem is presented at city council hearings, ignored in state lawmaking, and inaction persists, the affected community may see this as a disconnect that their elected officials and police systems cannot resolve. This can ultimately lead to distrust

between the community, government, and police, which perpetuates a myriad of long-term consequences. For instance, a lack of cooperation between community members and law enforcement can lead to increased polarization between the parties, safety risks for both groups, and continued resource-drainage from stops that the community may not be in agreement with. It could also have the opposite intended effect, with reduced compliance with the law. For instance, it is commonly known that people are more likely to accept judicial decisions and obey laws when they are treated with adequate respect and recognition. This is why mistrust between communities and law enforcement dramatically affects the effectiveness of policing methods.

### C. Nonpartisan Reasoning

When the U.S. Supreme Court ruled in 1977 that a traffic stop was reasonable even if the intent was different, it allowed officers to stop individuals for suspected offenses such as drug trafficking. But on the other hand, this ruling fostered mistrust of the system and allowed for traffic stops to be based on subjective minor violations that, in the end, wasted resources. The abuse of this practice ultimately presents a problem: to crack down on crime at the potential breakdown of trust amongst well-abiding community members, or to reduce unnecessary traffic stops and decrease bias in traffic policing, at the expense of limiting an officer's ability to take down criminal activity. Further, although the ruling was established on grounds such as existing precedent and the simple matter of legal justification for a stop, some argue it allowed consequences such as racial profiling and a weakening of a person's protection against unreasonable searches and seizures under the 4th amendment.

## IV. Policy Options

One of the most widely recommended reforms is limiting or eliminating police stops for very minor, non-safety violations. These include issues such as broken taillights, expired registration, or objects hanging from rearview mirrors. Research suggests that these stops provide limited public safety benefits while increasing the risk of unequal enforcement and unnecessary escalation. Studies by organizations such as Stanford Open Policing Project have documented significant racial disparities in low-level traffic stops and searches, particularly for equipment violations. Similarly, research from the Vera Institute of Justice argues that refocusing enforcement on dangerous driving behaviors, such as reckless driving or impaired driving, can improve safety outcomes while reducing inequitable interactions. Prioritizing stops for high-risk behaviors allows law enforcement to allocate resources more effectively and reduces unnecessary contact that may undermine trust in public safety institutions.

Second, local governments, particularly large jurisdictions such as Chicago, can expand the use of automated enforcement tools for certain minor violations. Speed cameras, red-light cameras, and automated ticketing systems can enforce traffic laws without requiring in-person police encounters, which reduces discretionary decision-making and the potential for escalation. Research from the National Highway Traffic Safety Administration has found that automated enforcement can reduce dangerous driving and improve roadway safety when implemented transparently and with community engagement. In larger cities, these systems can also play an important role in tracking data. Automated enforcement can generate consistent information about violations and enforcement patterns, allowing policymakers to monitor disparities, evaluate reforms, and identify areas where officer-initiated stops still produce inequitable

outcomes. This data-driven approach supports evidence-based policymaking and improves accountability.

Furthermore, police departments themselves play a central role in reform through internal policy changes and strengthened officer training. Departments can adopt clear guidelines defining when traffic stops are appropriate and discouraging enforcement for low-level violations that do not pose a direct safety risk. Comprehensive and ongoing training in implicit bias, procedural justice, and de-escalation is especially important. Research from the [Police Executive Research Forum](#) emphasizes that structured training and clear policies can improve officer decision-making, reduce unnecessary stops, and strengthen community trust. Training should also focus on communication, safety-centered enforcement, and alternatives such as warnings or diversion for minor infractions. Regular evaluation of training outcomes, supported by transparent stop data, ensures that these reforms lead to measurable improvements.

Finally, if able, meaningful community oversight is essential to ensuring that these reforms are implemented and sustained. Civilian review boards and independent oversight bodies can review complaints, evaluate traffic stop data, and recommend policy changes based on community concerns. Research from the [Urban Institute](#) highlights that transparency, accountability, and community participation are critical to building legitimacy and trust in law enforcement. In large, diverse cities such as Chicago and New York, sustained collaboration among residents, policymakers, and law enforcement is particularly important and beneficial. Together, limiting minor stops, expanding automated enforcement and data transparency, strengthening officer training, and establishing strong oversight structures

offer a comprehensive, evidence-based strategy to reduce the harms associated with pretextual traffic stops while maintaining public safety and community trust.

## V. Conclusion

Historically, pretextual traffic stops have often been used by police officers as a method to investigate unrelated crimes and target minorities. This brief acknowledges the distrust that can build as a result of pretextual traffic stops and how that mistrust can lead to further long term issues within minority communities. The continued existence of this issue demands immediate action, and should include further education of the police and the creation of oversight mechanisms like cameras or community hearing boards. Ultimately, reforming pretextual traffic stops is not about limiting a policing tactic, rather, it is about affirming the principle of equal protection under the law and limiting biases among the police force. Addressing this issue in a thoughtful and thorough manner is essential to promoting long term trust between communities and police. Such trust is not only the backbone for beginning other positive policing actions like community policing, but is necessary to strengthen public safety and crime prevention in general.