



The tyranny of a traffic ticket

How small crimes turn fatal for poor, minority Americans.

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When Philando Castile was pulled over in July, it was at least his 46th traffic stop — almost all related to fairly minor traffic violations. And it would be his last.

By the end of the stop — reportedly in part over a broken taillight — a police officer, apparently scared that Castile was grabbing for a gun, shot and killed the 32-year-old. Castile's girlfriend then live-streamed the immediate aftermath on Facebook, calmly retelling the story of how a minor traffic stop for a low-level offense turned into a death sentence.

Castile's story isn't unique. Eric Garner, Samuel DuBose, Sandra Bland — these are just a few of the victims of police and the criminal justice system over the past several years, but they all fall into the same basic framework: A routine stop or arrest for a low-level offense went horribly wrong, leaving someone dead after they were accused of a misdemeanor or crime that typically doesn't even involve prison time.

The tragic outcomes show just another way low-level offenses can trap someone for life — and even to death — in the criminal justice system. For starters, every one of these encounters carries a risk that something will go terribly wrong — as it did for Garner, DuBose, Bland, and Castile.

But the system can also make these encounters happen frequently, and with increasing weight in a person's life. It begins with one ticket or a traffic stop. But if someone can't afford to pay that fine, police might try to stop or arrest him or her again to get the person to pay up.

This can lead to someone getting fined again for not paying up the first time. And again. And again. One ticket leads to a vicious cycle that can sink someone for life.

With each of these encounters, someone's record piles up — giving officers more reason, in their view, to stop him or her, because they recognize the person, or perhaps see the person's record when running a license plate, for example. And with each of these stops, people are exposed to more instances in which a police encounter could go tragically wrong.

And it happens disproportionately to poor people of color. As those who are already heavily policed, they are the ones who are more likely to catch a cop's eye if they run a stop sign, fail to signal on a turn, have a broken taillight, or sell untaxed cigarettes.

So this isn't just the story of a few police killings that Americans have seen on video over the past few years. It's the story of a criminal justice system that's far too harsh and racially biased even when it comes to the most minor offenses.

A single ticket can turn into years and years of legal battles

For many poor people of color, it's often not just one ticket or police stop that leads to a lifetime of trouble or a fatal encounter.

Philando Castile's story demonstrates this. As [Eyder Peralta and Cheryl Corley reported for NPR](#), before Castile was stopped and then killed by a St. Anthony police officer in Minnesota, he had incurred dozens of traffic stops, fines, and suspensions — adding up to more than \$6,000 in fines through 46 police stops.

A pattern emerges in his story: Castile is stopped. He can't afford to pay the fine. His license is suspended. He's then stopped and fined for driving without a license. He again can't pay that fine. And so on. All along the way, Castile is buried further into debt and punished with more penalties — just because he couldn't afford that first ticket.

"It's a never-ending loop," said [Nicole Gonzalez Van Cleve](#), an assistant professor of criminal justice at Temple University and author of [Crook County](#). "People are trying to get out of this cycle of paying back [fines] but being pulled back into the criminal justice system — even when they're not wanted for things that we would think of as dangerous offenses or things that wouldn't really harm society."

"It allows officers to pry into people's lives," Gonzales Van Cleve added. "Once you're marked with these misdemeanors and traffic violations, and the more they stop you and the more they mark your records, they have more ammunition to continue doing so."

So it may begin with one encounter over a low-level charge. But it can quickly escalate into repeated encounters with police over many more years.

A similar story came up in the US Department of Justice's investigation into the Ferguson, Missouri, Police Department after the police shooting of [Michael Brown](#). Here is one such story from [the Justice Department's 2015 report](#):

We spoke, for example, with an African-American woman who has a still-pending case stemming from 2007, when, on a single occasion, she parked her car illegally. She received two citations and a \$151 fine, plus fees. The woman, who experienced financial difficulties and periods of homelessness over several years, was charged with seven Failure to Appear offenses for missing court dates or fine payments on her parking tickets between 2007 and 2010. For each Failure to Appear, the court issued an arrest warrant and imposed new fines and fees. From 2007 to 2014, the woman was arrested twice, spent six days in jail, and paid \$550 to the court for the events stemming from this single instance of illegal parking. Court records show that she twice attempted to make partial payments of \$25 and \$50, but the court returned those payments, refusing to accept anything less than payment in full. One of those payments was later accepted, but only after the court's letter rejecting payment by money order was returned as undeliverable. This woman is now making regular payments on the fine. As of December 2014, over seven years later, despite initially owing a \$151 fine and having already paid \$550, she still owed \$541.

There are several problems with these kinds of stops. First, they obviously impose a tremendous financial burden — as they did for Castile. They can lead to jail time if someone can't afford to pay a fine, fee, or bail. They can also help erode trust in the criminal justice system — after a person is stopped so many times, one can only wonder if he or she is just a particularly bad driver, or if the system is picking on someone due to his or her race, age, gender, or all of the above.

Each encounter also carries the risk of escalation: If any one police stop has even a small chance of a cop shooting and killing someone, getting stopped more often exposes someone to more chances of that worst of encounters.

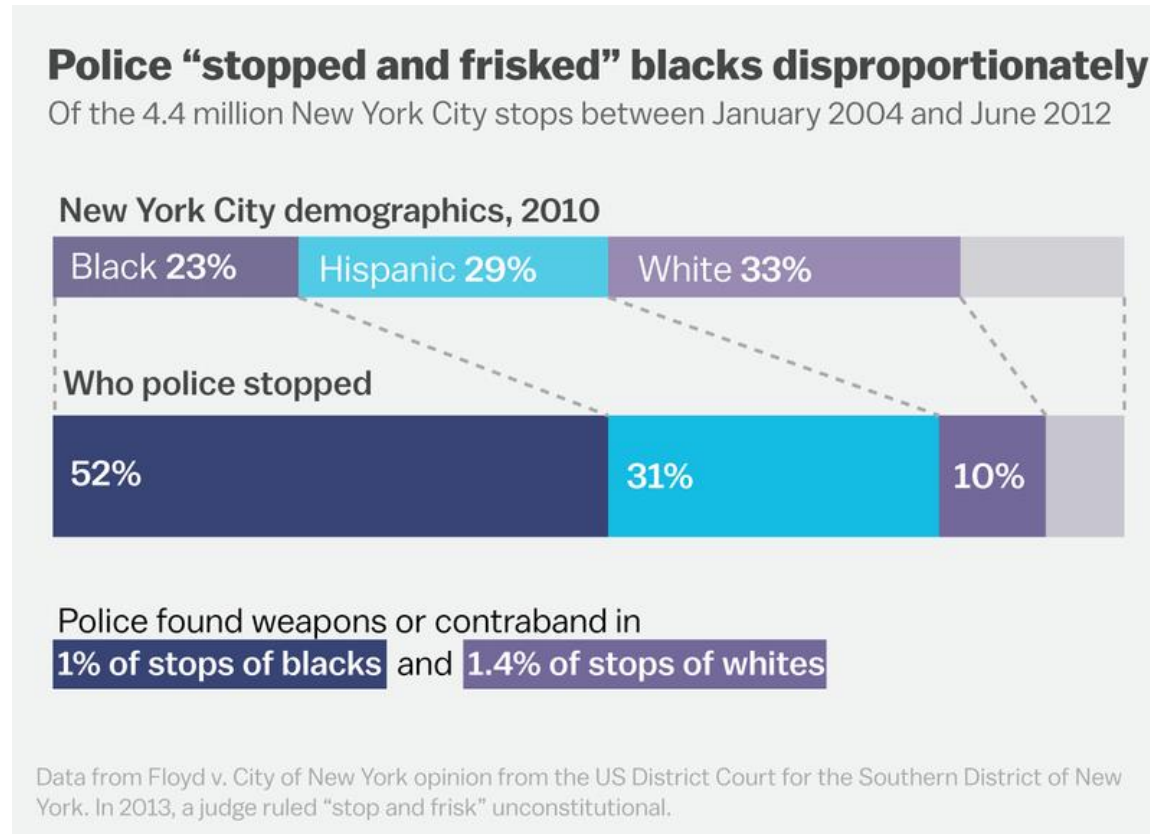
But it's not just Castile and Ferguson. Criminologists say this problem is widespread in the criminal justice system. And it tends to affect certain segments of the population — particularly the poor and people of color — more than others.

Low-income and minority communities suffer the worst consequences of low-level crime enforcement

As with many aspects of the US criminal justice system, low-level crime enforcement disproportionately falls on poor people of color.

"We overpolice poor neighborhoods of color and low-income individuals of color, so they are more likely to be swept up in the misdemeanor net," said [Alexandra Natapoff](#), a criminal justice researcher and law professor at Loyola Law School. "The burden of a misdemeanor conviction is also greater for low-income individuals and people of color. Misdemeanors typically come with the threat of heavy fines and fees and the threat of incarceration if you can't pay — and many individuals charged with misdemeanors end up in a cycle of debt."

The data shows the disparity. Federal statistics show black and Hispanic people are more likely to be stopped and searched while driving than their white counterparts. Black people are nearly four times as likely to be arrested for marijuana possession as their white peers. And in both Chicago and New York City, police disproportionately stopped and frisked black people.



Alvin Chang/Vox

This isn't solely because minority and poor communities have more crime.

For example, in the stop and frisk data for New York City, the great majority of people stopped had no weapons or contraband on them. And 1 percent of black people who were stopped had weapons or contraband on them, while 1.4 percent of white people stopped did — suggesting that black people weren't more likely to be doing anything wrong despite getting stopped more often.

There's also no reason to believe that people of a certain race are worse, less lawful drivers. And white and black Americans use and sell drugs at very similar rates, but black Americans are much more likely to be arrested for drug possession.

"Sometimes we'll hear the assertion that if you're not doing anything wrong, the police won't stop you. That is clearly untrue," Natapoff said. "Police stop individuals, particularly individuals

in communities of color, for all sorts of reasons that have nothing to do with whether that individual is committing a crime."

So what's going on here? One potential cause is subconscious racial biases. Many studies show that people are more likely to associate black people with criminality. Given this, police may be more likely to stop black drivers and pedestrians because they're more likely to suspect those individuals of crimes.

Another possible explanation: the incentives and expectations set for police as part of their jobs. Particularly, officers are frequently evaluated for their productivity based on how many stops and arrests they make. Knowing this, they're more likely to seek easy arrests and infractions in low-income, black neighborhoods with little political power compared with a wealthy, white community that's very likely to complain to the mayor's office and be taken seriously by public officials.

Some police officers have admitted to this. "When you put any type of numbers on a police officer to perform, we are going to go to the most vulnerable," Adhyl Polanco, a New York City police officer who's suing the city over its alleged quota system, told WNBC. "We're going to [the] LGBT community, we're going to the black community, we're going to go to those people that have no boat, that have no power."

It's not just New York City, either. This is another issue that the Justice Department found in its report on Ferguson, where cops were pressured by the city government — as they are in other jurisdictions — to raise as much revenue as possible by ticketing residents.

Since police were most active in neighborhoods that are predominantly black, these residents were targeted at hugely disproportionate rates: Ferguson is about 67 percent African-American, but from 2012 to 2014, 85 percent of people who were stopped, 90 percent of people who received a citation, and 93 percent of people who were arrested were black.

These arrests could be entirely frivolous. Here's one such example, from the Justice Department report:

Officers frequently arrest individuals under Section 29-16(1) on facts that do not meet the provision's elements. Section 29-16(1) makes it unlawful to "[f]ail to comply with the lawful order or request of a police officer in the discharge of the officer's official duties where such failure interfered with, obstructed or hindered the officer in the performance of such duties." Many cases initiated under this provision begin with an officer ordering an individual to stop despite lacking objective indicia that the individual is engaged in wrongdoing. The order to stop is not a "lawful order" under those circumstances because the officer lacks reasonable suspicion that criminal activity is afoot. . . . Nonetheless, when individuals do not stop in those situations, FPD officers treat that conduct as a failure to comply with a lawful order, and make arrests.

One reason for such frivolous stops and citations may be what's known as a "**pretextual stop**," when cops stop someone for a minor violation — such as a broken taillight — as a pretext to investigate the suspect's possible involvement in a more serious crime.

This appears to be what happened to Philando Castile: He was apparently stopped over a broken taillight, but the officer **reportedly thought** Castile was a robbery suspect due to his "wide-set nose" (which carries obvious racist connotations). But Castile **didn't appear to take part in a robbery**, showing that these stops often net people who actually weren't involved in a more serious crime yet still end up punishing them with a stop, fine, jail time, or, worst of all, a violent, even deadly confrontation.

Another issue is what criminologists call "net widening": Increasingly, local, state, and federal governments have criminalized more and more behaviors that are part of everyday life, adding harsh fines and possible jail time to misdemeanors and crimes that weren't punished so harshly or even at all before. This has put police officers and the criminal justice system in charge of taking seriously all sorts of offenses they might have let slide in the past.

A classic example is red light cameras. Previously, a police officer might have let a driver go without a ticket — if, say, someone technically ran a red light while darting through a yellow light, ran through an empty intersection, or was carrying a pregnant woman in labor. With red light cameras, all infractions are ticketed, no matter the circumstance.

"We're casting a net even wider and criminalizing more people," Gonzales Van Cleve said. "It doesn't mean they're often put into jail, but they certainly are punished by the fact that they have to go to court, they have to pay these fines."

She added, "For a low-income person working an unskilled job, this is no small consequence — getting out of work, going to court, paying the fines, possibly not paying the fines because you're too poor, [or] paying the fines but not being able to pay your child support and being wanted for another warrant is no small effect."

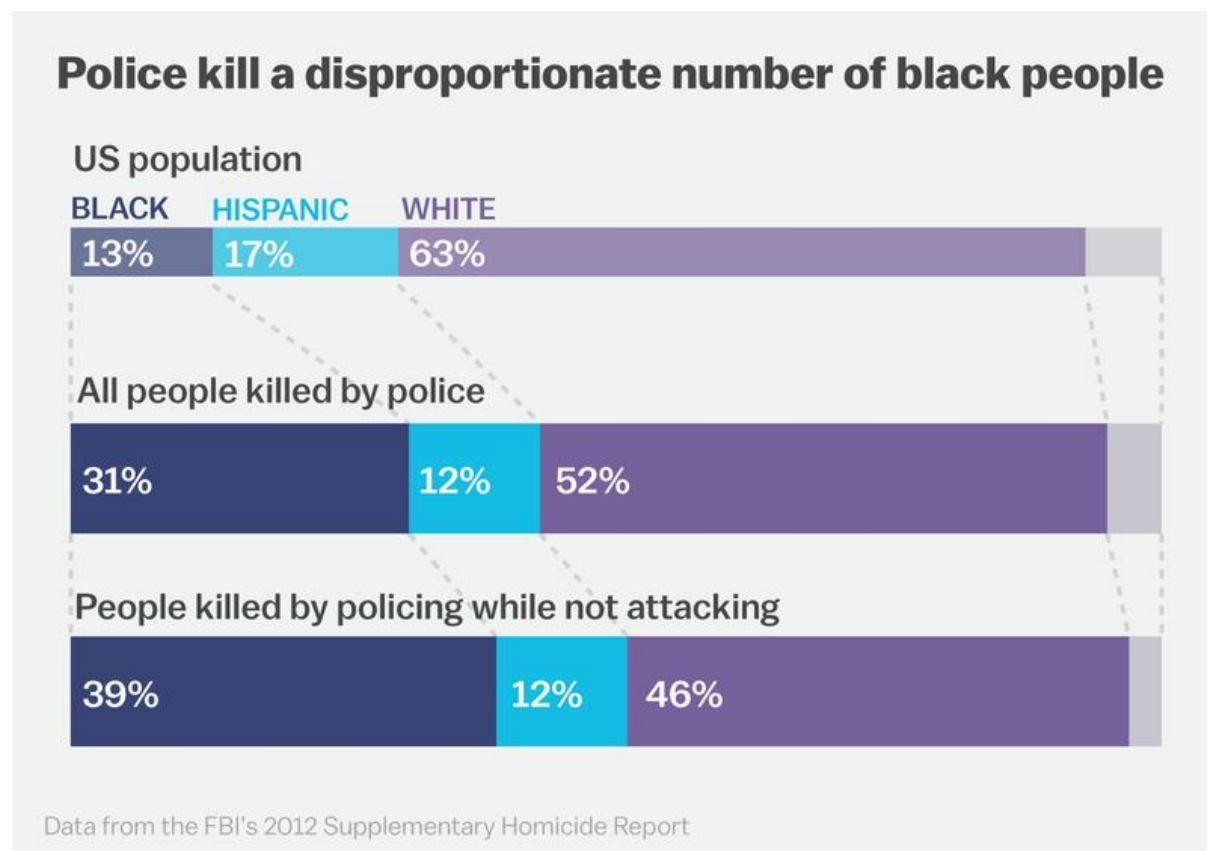
On top of victimizing poor, minority communities, net widening can also pull away resources from much more serious crimes. As Gonzales Van Cleve told me, "In a time where cities like Chicago are worried about violent crime, police resources are being used on these small violations."

With more police encounters comes the risk of a dangerous escalation

The excessive enforcement of low-level offenses can help explain why black people are disproportionately likely to be shot and killed by the police.

A 2014 analysis of the available FBI data by Vox's Dara Lind found that US police kill black people at disproportionate rates: Black people accounted for 31 percent of police killing victims in 2012, even though they made up just 13 percent of the US population. Although the data is

incomplete because it's based on voluntary reports from police agencies around the country, it highlights the vast disparities in how police use force.



Alvin Chang/Vox

So how are low-level offenses related to a disproportionate percentage of officer-involved killings?

"Part of the problem is that an encounter with the criminal justice system is risky and expensive," Natapoff said. "This is true for everyone, but it's particularly true for young men of color. So because we constantly police young men of color like Philando Castile, they are constantly exposed to the risk that a police encounter will escalate. So not only are we burdening individuals with arrest records and individual records, not only are we holding them to the burden of fines and fees that impoverish them or impede their economic prospects, we are also exposing them, sadly, to the greatest risk of all — a violent encounter with a police officer."

There's a law of averages at play: If there's a small chance that police will shoot someone during any given stop, those who are stopped more often by police are exposed to this chance — however small it may be — much more frequently. It took Philando Castile more than 40 police stops before an officer shot and killed him, but many people — particularly those who are white and wealthy — wouldn't get to even a fifth or 10th police stop.

Of course, police may be more likely to shoot a black person in the first place, as a result of subconscious racial biases: Studies show that officers are quicker to shoot black suspects in video game simulations. That suggests cops are more ready to pull the trigger if they're dealing with a black person.

Repeated encounters may also heighten the chance of a dangerous encounter in another way: by decreasing someone's willingness to cooperate with police. A 2014 study by Tom Tyler of Yale, Jeffrey Fagan of Columbia, and Amanda Geller of Columbia found that a person's sense of police legitimacy diminishes with every police stop he sees or experiences.

As this happens, people may become more likely to refuse to cooperate with police and perhaps even resist arrest — after all, why should they show respect toward a system that's, in their view, illegitimate and racist? In response to that resistance, a police officer is more likely to overreact.

The story of Eric Garner comes to mind. In 2014, New York City police stopped Garner for allegedly selling untaxed cigarettes, killing him moments later by putting him in a chokehold while trying to arrest him.

Many people remember Garner's "I can't breathe" warning from the video of his arrest and death.

But Garner said something else during his arrest that was very telling: When talking to police before they moved in to arrest him, Garner said, "Every time you see me, you want to mess with me. I'm tired of it. This stops today. It's done." He did not cooperate.

After years of dealing with police over low-level offenses, Garner was tired of it — and it may have cost him his life.

Fixing the vicious cycle of petty crime enforcement will require reform at every level of the justice system

While criminologists and many public officials are aware of these problems, the big question is how to fix them. After all, these are issues now ingrained at each level of the justice system — police, public defenders, courts, jails, and prisons. So fixing them won't be very easy.

"There are a whole range of solutions," Natapoff said. "Each one, however, deals with just one step of the process. ... No one of them is a magic bullet."

Here are just some of the ideas that experts have suggested to me as I've reported on policing issues over the years:

Address racial bias. Just about everyone has subconscious racial biases. There's no foolproof way to overcome these biases, but police can be trained to become more aware of their biases and at least try to overcome them. "Jurisdictions need to get extremely serious about

acknowledging racial bias in traffic stops," Gonzales Van Cleve said. "It's incumbent on police departments to study this in a serious way, and then train the officers in the findings."

Stop evaluating officers based on how many people they stop and arrest. If cops don't feel pressure to stop and arrest a lot of people on any given day, they might be less likely to turn to low-level crime enforcement in disadvantaged neighborhoods.

Look to decriminalization. Governments could repeal laws that criminalize or impose harsh fines on low-level offenses, and find other ways to encourage people to, for example, fix a broken taillight.

Stop or limit pretextual stops. These types of stops are ingrained in American policing, but they can lead to police stopping otherwise innocent people on a faulty, dishonest basis. Eliminating or limiting the use of pretextual stops altogether, as [Jonathan Blanks explains](#), could go a long way to repairing police-community relations and reducing over-aggressive policing.

Change how fines and fees are administered. "One of the potential reforms that is gaining some traction is the use of [day fines](#), which is the mechanism Europe uses," Natapoff said. "The fines that anyone incurs for any particular conduct depends on their income — so you're fined a day of your salary or six days of your salary or a month of your salary or half a day. But it depends on your income, rather than a flat fine that applies to everyone."

Police could use their discretion more, and better understand the consequences of their actions. Cops have the power to simply let people off with a warning. Perhaps if officers were trained in the vicious cycle that just one ticket can impose on someone who's poor, they'd be more willing to use that discretion more often. And police departments could encourage this laxer behavior through their policies and guidelines.

Together, these changes could make a difference. But at the end of the day, Natapoff argued, the country as a whole needs to think about how we legally and culturally define what falls into the purview of the criminal justice system and what doesn't.

"When you think of criminal justice, you think of the government going after bad guys — people who inflict harm on others and rightfully should be punished," she said. "But [with] the misdemeanor system, these low-level offenses and infractions and citations, it's hard to see what the harms are. There's often no harm. And if there is any harm, it's often very low-level — the harm of a broken taillight. And yet we're coming down hard on all these individuals in the way the criminal system encourages and permits."

She added, "Maybe that's the wrong model. Maybe we shouldn't think of these things as crimes at all."