

2024 HAWAII ACCESS TO JUSTICE CONFERENCE
Friday, June 21, 2024
William S. Richardson School of Law, University of Hawai'i
2:15 - 3:30 p.m.

“Reevaluating Fines, Fees, and Punishments for Non-Serious Traffic Offenses”

[Gavin Thornton (moderator), Abbey Seitz]

Each day, an estimated 50,000 Americans are pulled over by the police while driving. Increasingly, pedestrians and bicyclists are also interacting with police. While most come away from these encounters owing money because of a traffic citation, for some this encounter also leads to an arrest, where they join the nearly nine million Americans who cycle through incarceration each year.

Roadway safety advocates have long championed police enforcement as an accountability tool for dangerous drivers. However, there is increasing recognition that our nation’s revenue-approach to traffic policing is ineffective at improving roadway safety and is contributing to the sprawling web of fines, fees and forfeitures faced by motorists and pedestrians alike. There is a growing national attention on the ways in which traffic policing for minor offenses contributes to our nation’s dangerous carceral system.

In this session at the 2024 Access to Justice Conference, the panelists discussed the history of traffic enforcement, the negative socio-economic impacts of revenue-policing, and recommendations for non-police responses to traffic safety, as well as potential ways to reduce mobility-related traffic enforcement. This discussion focused on the need to repeal/reform jaywalking enforcement. This information was shared in two subsequent presentations. The key takeaways from each presentation are described below.

Overview Presentation: Traffic Enforcement - Criminal Legal System Nexus (Gavin Thornton)

- **Background on Traffic Enforcement**
 - Policing in America has long been a tool to regulate people’s mobility.
 - The rise of automobile ownership in the 19th century (and subsequent increase in roadway fatalities) led to calls for police enforcement to regulate driving behavior for public safety purposes.
 - Getting pulled over is now the most common way that people interact with the police and become involved in the criminal-legal system.

- **Non-Serious Traffic Infractions**
 - Driving requires some degree of enforcement, but there are many traffic citations (such as expired registration, tinted windows, etc.), which have little impact on public safety.
 - As we look to improve roadway safety and equity, we should consider:
 - Is our traffic enforcement focused on stopping public safety threats?
 - To what extent should police be responsible for traffic enforcement?
 - Are there traffic infractions that can be repealed/reduced?
- **Negative Impacts of Traffic Enforcement**
 - Traffic fines and fees, which can lead to cycles of debt.
 - Pretextual police stops, which can lead to incarceration.
 - License stoppers, which can lead to restricted mobility and economic barriers.
- **Recommendations to Shift Towards Non-Police Safety Strategies**
 - Require the police to collect racial data.
 - Eliminate unnecessary pedestrian and bicycle enforcement (such as jaywalking).
 - Explore building non-police first responder teams.
 - Automated enforcement where appropriate.
 - Reduce police enforcement (including fines and license stoppers) for low-level and non-serious vehicle infractions.
 - Voucher program for low-income individuals to pay for vehicle repairs/fines.
 - Expunge/seal traffic records.

Case Study Presentation: Repealing Jaywalking Laws and Shifting Investment Towards Pedestrian Infrastructure (Abbey Seitz)

- **History and Prevalence of Jaywalking Enforcement in Hawai‘i**
 - Jaywalking typically describes the act of crossing a street outside of designated crosswalks or against traffic signals, however there are many different statutes in Hawai‘i which fall under the umbrella of ‘jaywalking’.
 - Jaywalking laws were first implemented in the 1920s in the United States as a result of auto-industry lobbying efforts.
 - From 2018 to 2023, there were an average of 5,028 jaywalking citations given per year - the majority of which were given in urban Honolulu.
 - The number of jaywalking citations given in Hawai‘i is significantly higher than in other areas that have conducted similar studies.
- **Impacts of Jaywalking Enforcement**
 - Less than a quarter of the jaywalking citation fees assessed are collected, likely leading to loss of state revenue.
 - Unpaid traffic citations can impact individuals’ credit scores and create barriers to accessing future housing and employment.

- Jaywalking enforcement has been linked to increased hostility towards pedestrians.
- National data shows that jaywalking enforcement disproportionately impacts people of color.
- **Recommendations to Decriminalize Walking**
 - Repeal jaywalking laws and other similar, needlessly restrictive pedestrian enforcement in Hawai'i.
 - Redirect public resources towards pedestrian infrastructure in high-crash locations.