

ORDINANCE NO. ORD-23-20

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CHAPTER 124  
(INITIATION OF TRAFFIC STOPS)

AN ORDINANCE TO ADD CHAPTER 124 (INITIATION OF TRAFFIC STOPS) OF  
TITLE IX (POLICE REGULATIONS) OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor Ordains:

Section 1. Findings

1. This ordinance may be cited as the City of Ann Arbor “Driving Equality Ordinance.”
2. This ordinance is intended to clarify and direct the appropriate methods and circumstances for the initiation of traffic stops and the enforcement of traffic violations in order to ensure the equitable, transparent and non-discriminatory administration of traffic stops, eliminate biased stops, prevent racial profiling, protect public safety, and increase public trust in law enforcement.
3. The City of Ann Arbor recognizes that racial inequity is endemic in our criminal justice system, and is committed to honestly examining, and actively changing, policies and practices that perpetuate systemic racial injustice in our community.
4. Studies have consistently shown that institutionalized discrimination is apparent in jails and prisons, with one clear example being incarceration rates by race. In 2017, Black people represented 12% of the U.S. adult population but 33% of the sentenced prison population. White people accounted for 64% of adults but only 30% of prisoners. And while Hispanics represented 16% of the adult population, they accounted for 23% of inmates.
5. In addition to the 1.6 million people incarcerated in federal and state prisons, there are more than 600,000 people locked up in more than 3,000 local jails throughout the U.S. Over 70 percent of the people in local jails are being held pretrial — meaning they have not yet been convicted of a crime and are legally presumed to be innocent.
6. Pretrial incarceration, which is a frequent result of unaffordable cash bail, has a criminogenic effect, meaning that it increases, rather than decreases, crime. The system further harms public safety by putting at risk individual and community

health, economic stability, employment, familial relationships, and housing — and has been doing so for decades.

7. FBI Uniform Crime Report Data indicates that Black citizens are 5-8 times more likely to be arrested for non-violent offenses than White citizens in Washtenaw County.
8. Research clearly demonstrates that routine traffic stops, and general traffic enforcement, can result in disparate outcomes for certain members of our community, and that Black, Indigenous, and People of Color (BIPOC) are disproportionately impacted by systemic racial injustice in every step of the criminal justice system.
9. Pretext stops are disproportionately carried out against people of color and return negligible public safety benefits. The fiscal costs they impose are unjustified given that there are more effective public safety tools at our disposal. The human and societal costs are immeasurable and unacceptable.
10. Pretext stops are humiliating, traumatizing, and can lead to broad distrust of law enforcement in communities of color, and further exacerbate the generational trauma already suffered by families of color in our community.
11. According to a 2020 study from the University of Michigan, Rutgers University and Washington University, police use of force is the sixth-leading cause of death for young Black men.
12. The City of Ann Arbor is dedicated to actively working to eliminate bias, implicit or otherwise, in the execution of legitimate and lawful traffic safety management activity in order to improve safety and quality of life in the City of Ann Arbor.
13. The City of Ann Arbor and the Ann Arbor Police Department have robust anti-discrimination policies which clearly demonstrate their commitment to leading in this important area of the law.
14. Limiting secondary traffic stops reduces harmful racial disparities. The harms of traffic stops are not equally felt. More than a quarter of people killed in traffic stops are Black, despite Black people making up only 12 percent of the population.
15. Limiting secondary traffic stops spares drivers the dangers of these stops. More than 1,100 people are killed by police each year, and roughly 10 percent of these deaths involve traffic stops.
16. The City of Ann Arbor's traffic enforcement efforts shall focus on ensuring the safety of our sidewalks and roadways. To that end, the goal of this ordinance is to curtail the practice of stopping vehicles for secondary traffic offenses as a pretext to

investigate hunches that do not amount to reasonable suspicion that a crime occurred.

17. Reducing the number of traffic stops made for secondary offenses will allow the City of Ann Arbor to redirect resources and time to more effective public safety strategies, including prioritizing traffic safety to reduce injuries and fatalities, while also helping to fulfill its obligation to afford every person equal treatment under the law. This is in keeping with the City of Ann Arbor's Vision Zero goal to eliminate fatalities and serious injuries resulting from traffic crashes by 2025.

Section 2. That Chapter 124 (Initiation of Traffic Stops) of Title IX of the Code of the City of Ann Arbor be added as follows:

#### 9:801 – Permitted and Prohibited Traffic Stops

- (1) No law enforcement officer employed by the Ann Arbor Police Department shall stop or detain an operator or occupant of a motor vehicle based on race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, socio-economic status, age, cultural group, or disability.
- (2) Except where the violation is of a nature or magnitude that it poses immediate risk of harm to person(s) or property, a law enforcement officer employed by the Ann Arbor Police Department shall not stop or detain the operator or occupant of a motor vehicle based solely on one of the following offenses:
  - (a) Cracked or chipped windshield.
  - (b) Loud exhaust.
  - (c) Tinted windows.
  - (d) Object hanging from rearview mirror, unless the officer has a good faith belief that the object creates an unsafe vision obstruction.
  - (e) Cracked, broken or burned out tail lamp where at least one tail lamp remains functional and properly illuminated.
  - (f) Registration plate lighting violations.
  - (g) Registration plate violations regarding plate height or attachment as described in MCL 257.225, as amended.
  - (h) Location of registration sticker.
  - (i) Location of temporary or paper registration plate, so long as it remains clearly visible from the rear of the vehicle.

- (j) Registration expired less than 60 days prior to the date the officer observes the vehicle.
- (3) Nothing in this chapter prohibits a law enforcement officer employed by the Ann Arbor Police Department from taking one or more of the following actions, so long as it does not result in an investigative detention:
- (a) Issuing a civil infraction citation to a parked or standing motor vehicle.
  - (b) Mailing a civil infraction citation as permitted by law.
- (4) A law enforcement officer employed by the Ann Arbor Police Department may stop, detain, or issue a citation to an operator or occupant of a motor vehicle for any criminal offense listed in Section 9:801(2) in one or more of the following cases:
- (a) The law enforcement officer has already lawfully stopped or detained the operator or occupant of the motor vehicle for a civil infraction or criminal offense not listed in Section 9:801(2).
  - (b) The motor vehicle is a commercial vehicle.
  - (c) A driver or occupant of the motor vehicle matches the description of a suspect, or the vehicle matches the description of a suspect vehicle, involved in a criminal offense not listed in Section 9:801(2).
  - (d) The law enforcement officer has a reasonable belief that the driver or occupant of the motor vehicle, or the motor vehicle itself, was involved in the commission of a criminal offense not listed in Section 9:801(2).
  - (e) The law enforcement officer is investigating a traffic crash.
- (5) Except for those offenses listed in Section 9:801(2), nothing in this chapter prevents a law enforcement officer from initiating a traffic stop for any infraction or criminal offense based on reasonable suspicion or probable cause as defined by applicable law.
- (6) Nothing in this chapter shall be deemed to create criminal or civil liability for a law enforcement officer who acts in good faith in the execution of their duties.
- (7) When a law enforcement officer acts in good faith in making a stop pursuant to this chapter, the City shall indemnify, defend, and hold the officer harmless as to any civil liability arising from that stop.
- (8) The penalties provided in Chapter 1 of this Code shall not be applicable to this chapter.

Section 3. The various sections and provisions of this ordinance shall be deemed to be severable and should any section or provision of this ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of this ordinance as a whole or any section or provision of this ordinance other than the section or provision so declared to be unconstitutional or invalid.

Section 4. This ordinance shall take effect immediately upon legal publication.