

THE PEOPLE'S REPORT 2024: DRIVING WHILE BIPOC

MEMPHIS, TN.



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ACKNOWLEDGMENTS

This document was made possible by hundreds of hours of work by volunteers. This document has meaning because of countless hours of organizing, teaching, caring, and struggle by people in the movement for racial justice, in Memphis and beyond.

AUTHORSHIP

Decarcerate Memphis formed in 2020 to resist harmful federal law enforcement by specialized units and task force intervention in Memphis. We are a coalition of community leaders, activists, attorneys, strategists, clergy, and concerned residents who uplift the people’s definition of safety by shifting power and resources from punitive measures to community-led solutions. We do this by demanding funds be equitably allocated and resisting the criminalization of the poor.

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EXECUTIVE SUMMARY

Why hasn't more law enforcement made us safer? Local data sources, including court records, crash data, law enforcement reports, and traffic tickets, all point in a common direction: *local law enforcement prioritizes offenses of least concern instead of dangerous behavior, to the detriment of public safety.*

Local traffic enforcement doesn't promote safety:

- Locally, reported crime rates seem unaffected by the amount of traffic stops.
- Traffic fatalities seem unaffected by citations for non-moving violations (most of which are documentation issues).
- As of 2020, non-moving citations are nearly double the amount of moving citations.
- Court records show almost no instances of traffic stops leading to convictions of serious crimes.

The burden of traffic enforcement falls disproportionately on people of color, especially Black people:

- Although Memphis has 2.5 times as many Black residents as white residents, Black people receive nearly 4 times as many traffic tickets. In 2022, it was almost 5 times as many.
- In Memphis, Black drivers are 2.5 times as likely as white drivers to receive multiple citations on one ticket.
- White people are about half as likely as people of color to be cited for a non-moving violation.
- Wealthier ZIP codes do not bear equally the weight of police contact and court summons.
- Black residents make up 91% of defendants in cases stemming from pretextual traffic stops.
- Specialized police units emphasize non-moving violations in predominantly Black neighborhoods, even though this technique rarely uncovers serious crimes.

Traffic stops are expensive for taxpayers and drivers:

- Decarcerate Memphis estimates over \$200 million paid by Memphis taxpayers for traffic enforcement from 2017-2023 (Shelby County Sheriff's Office not included).
- Unaffordable traffic debt causes tens of thousands of Tennessee licenses to be suspended every year, putting stable incomes even further out of reach for those residents.
- Traffic stops cost an order of magnitude more than they collect in fines. The main effect of increasing fines is to increase the amount of traffic debt owed to the city.

Following the publication of our previous report, the murder of Tyre Nichols by the Memphis Police Department, and months of consistent pressure from the people of Memphis, the Memphis City Council passed a slate of traffic enforcement ordinances. Unfortunately, MPD has consistently failed to demonstrate good faith in the implementation of these laws:

- MPD has not complied with basic requirements of the Data Transparency Ordinance.
- MPD not only failed to implement the Driving Equality Act in Honor of Tyre Nichols, but actually *increased* their use of the citations deprioritized by that ordinance.

Worse yet, the TN state legislature is considering a broadly-worded bill that could roll back not just last year's reforms, but all established local reforms and forbid any future ones. This bill is motivated by a false understanding of what brings safety to our streets.

We should shift our investment from trivial issues to safety issues:

- Vigorously defend the slate of laws passed in 2023 by a city mourning the unjust and preventable death of Tyre Nichols. Commit resources to protecting home rule from state reactionaries.
- Insist that MPD leadership and rank-and-file comply with these laws. Insist on a compliant dashboard, with timely updates. This will reveal MPD's degree of success in implementing the other ordinances.
- End the use of specialized units. Start by disbanding specialized units for daily patrol. Use more cost-effective ways to bring safety to the streets.
- Require data transparency from specialized units, including their size, scope, costs, and outcomes.
- Deprioritize non-moving violations. At minimum, reduce their share of enforcement to pre-pandemic levels. Shift attention to dangerous driving behaviors.
- Shift traffic safety out of policing. Make it the purview of a safety-focused institution, such as a local department of transportation.
- Re-invest the resources freed from petty traffic enforcement into Memphis. Fund interventions that directly promote safety, such as violence interruption, environmental design, youth programs, mental health services, and housing.

INTRODUCTION

Kayla scanned the traffic surrounding her car, hoping to spot an officer. In the passenger seat sat the reason she'd called 911: a man who refused to leave her car. He continued arguing with her as a patrol car finally pulled in behind them. The officer checked Kayla's license—it had been suspended after she couldn't pay a fine for expired registration. Her registration was now up to date, and she'd paid almost \$700 in fines, but the fee to restore the license would be at least another \$500. The officer cited Kayla for driving on a suspended license and impeding traffic. Kayla now owed the government another \$357.50. The officer then turned the car over to the very man who had caused her to call the police, because he had a valid license.

This true story (the name has been changed) was pieced together from Shelby County court records. When Kayla felt herself in danger, she turned to law enforcement for safety. Instead, she was treated like a criminal. Her legal right to drive was placed even further out of reach, and she was left even more vulnerable than before, with the man she wanted to escape controlling her vehicle.

her passenger would not get out of the vehicle, so she continued to sit in the traffic lane until officers arrived on the scene. Vehicle was turned over to passenger, who has valid license.

1. An excerpt from Kayla's citation for suspended license and impeding traffic.

Two years after this encounter, Kayla paid off all her traffic debt and bought back her license. She was then pulled over 6 times in 25 days for missing insurance and registration (which she'd likely sacrificed to pay her old fines). The new fines totaled almost \$3,000. Kayla even spent a night in jail once for failure to show proof of insurance.

Memphis, too, wants safety, and has looked to law enforcement to provide it. Memphis and Shelby County have increased police funding every year, to nearly \$495 million in 2024 (Memphis Police¹ and Shelby County Sheriff² combined). Crime rates have not seen a corresponding decline.³ Meanwhile, Memphis roads are the deadliest in the nation for fatal traffic accidents⁴ and getting deadlier: federal data counts 255 Shelby County traffic deaths in 2021 alone—more than double the annual fatalities as recently as 2017.⁵ Why hasn't more law enforcement made us safer? Local data sources, including court records, crash data, law enforcement reports, and traffic tickets, all point in a common direction: *local law enforcement prioritizes offenses of least concern instead of dangerous behavior, to the detriment of public safety.*

¹ <https://city-memphis-tn-budget-book.cleargov.com/12582/fund-summaries/budget-summary-all-funds>

² https://shelbycountyttn.gov/DocumentCenter/View/40833/FY24ProposedBudgetBookPDF_FINAL

³ Memphis Police Department, https://data.memphistn.gov/Public-Safety/Memphis-Police-Department-Aggregate-Crime/n7ue-iwew/about_data

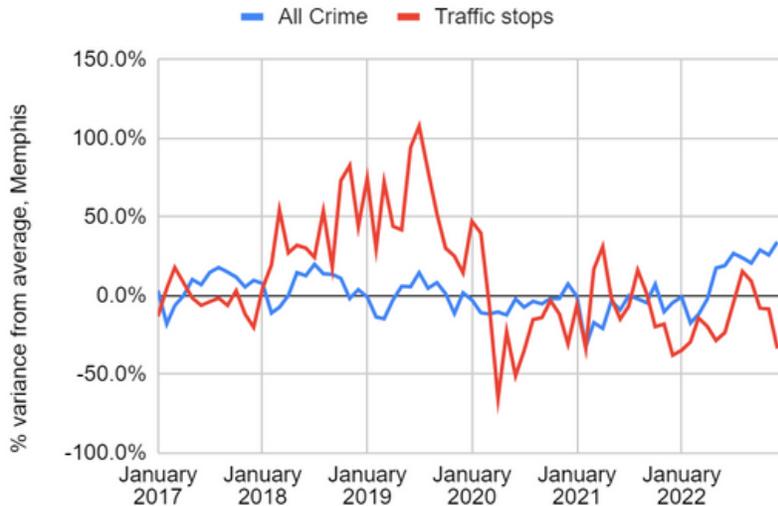
⁴ "The Cities Where You're Most Likely To Get In A Car Accident", Forbes Advisor, 10/25/2023, <https://www.forbes.com/advisor/legal/auto-accident/cities-most-car-accidents/>

⁵ National Highway Traffic Safety Administration (2021 is the most recent year available)

SAFETY

Reported crimes in Memphis fluctuate seasonally, with small shifts year over year. Traffic stops, by contrast, follow no predictable pattern. Graphing both by their monthly variance from average, the rapid decline of traffic stops during the initial 2020 pandemic lockdown is clear.⁶

Crime and Traffic Stops, 2017-2022



2. Despite commonly invoked fears of widespread crime without traffic enforcement, traffic stops and reported crimes aren't well correlated.

Some traffic enforcement shows a stronger relationship with traffic fatalities. Traffic fatalities tend to decline as citations for moving violations (such as speeding or reckless driving) increase, but traffic fatalities seem unaffected by citations for non-moving violations.⁷ The great majority of non-moving violations (82%) are for issues with license, registration, and insurance.

Moving violations and traffic fatalities, 2017-2021

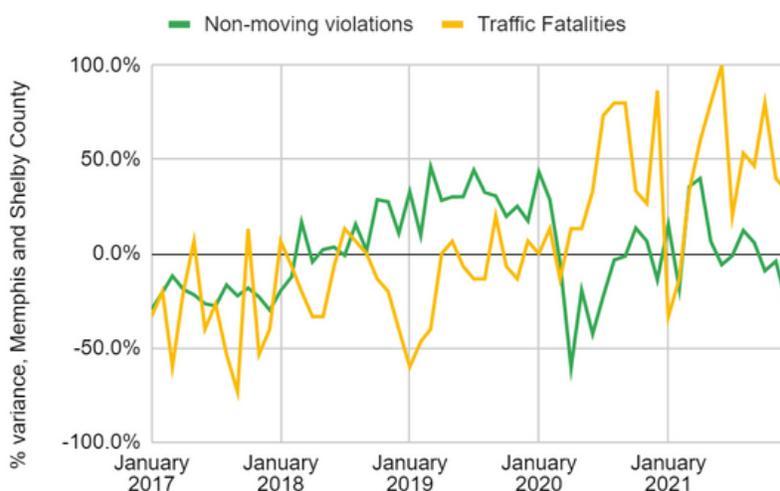


3. For every 10% change in moving violations, traffic fatalities move the other direction by almost 2%.

⁶ Memphis Police Department, traffic tickets

⁷ Memphis Police Department, traffic tickets; National Highway Traffic Safety Administration

Non-moving violations and traffic fatalities, 2017-2021

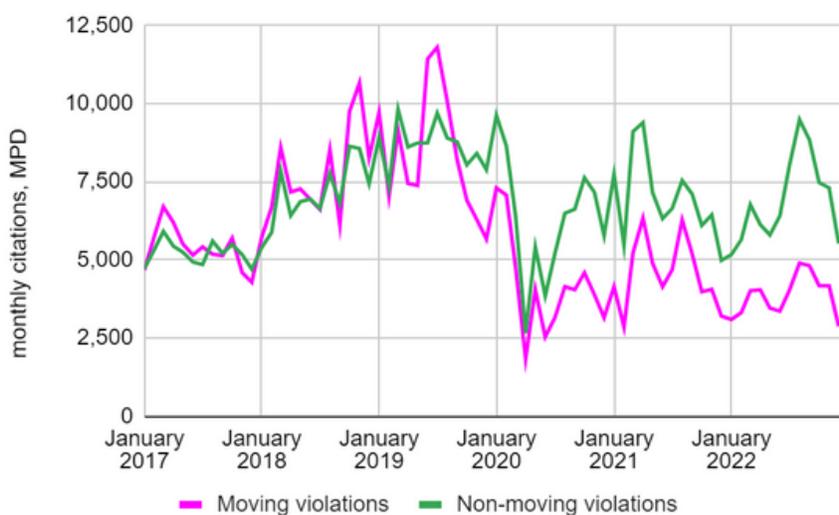


4. Changes in non-moving violations have a negligible effect on traffic fatalities.

Astoundingly, during the license plate registration backlog faced by Shelby County residents throughout 2022, MPD increased their enforcement of registration requirements 77% over 2021, even though updated registration was literally inaccessible to most people.⁸

Despite the ineffectiveness of non-moving violations on crime or road safety, MPD has significantly emphasized non-moving citations since 2020. After all traffic enforcement cratered in March 2020, MPD officers brought non-moving violations roaring back to pre-pandemic levels within months. Moving violations, meanwhile, are still in lockdown.

Moving and non-moving violations, 2017-2022



5. Citations for moving violations and non-moving violations used to be roughly equal. Now non-moving citations are nearly double the amount of moving citations.

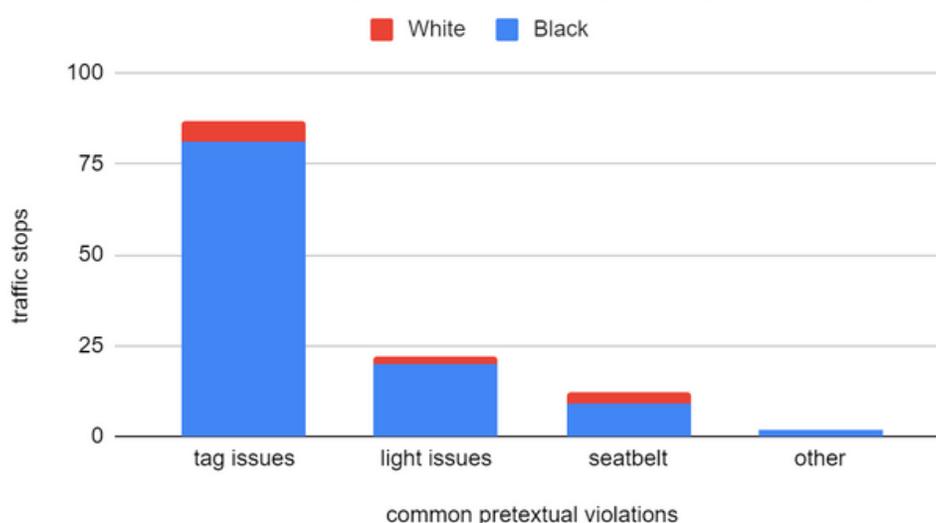
Since 2020, 60-64% of MPD traffic citations were for non-moving violations, which yield negligible safety benefit. Memphis invests tremendous resources into this weak strategy at the expense of alternatives known to be more effective, such as environmental design to calm traffic. Roundabouts

⁸ Memphis Police Department, traffic tickets

alone reduce fatal accidents by 50% to 70%.⁹ Reducing average speeds by less than 4 miles per hour cuts traffic fatalities by 38%. The same study found that police enforcement of speed limits reduces fatalities by 6%.¹⁰

Court records show that traffic enforcement also fails to uncover serious crimes. Decarcerate Memphis manually pulled records from a random sample of 1,432 unique court cases in 2023 to assess their impact.¹¹ 150 of these cases began as pretextual traffic stops, in which the reason for the stop was one of the minor infractions in the graph below.

Pretexts for traffic stops by race, 2023 Shelby County Court sample



6. 47% of pretextual stops that go to criminal court are for problems with vehicle registration.

Of those 150 cases, 91 (61%) brought no felony charges. In 119 pretextual stop cases where the final outcome was known, 10 ended in a conviction, of which only 2 were felonies. One was for evading arrest for misdemeanor marijuana possession; the other was for intent to distribute 2.5 grams of meth. In a similar review of pretextual stop cases from 2021 (195 cases) and 2019 (267 cases), zero felony convictions were associated with pretextual traffic stops. The traffic stops that wind up in criminal court, often touted as a critical tool for public safety, have little to show for their excessive costs, risks, and racial disparities.

⁹ *Effects on Road Safety of Converting Intersections to Roundabouts: Review of Evidence from Non-U.S. Studies*, Elvik, 2003, <https://journals.sagepub.com/doi/10.3141/1847-01>

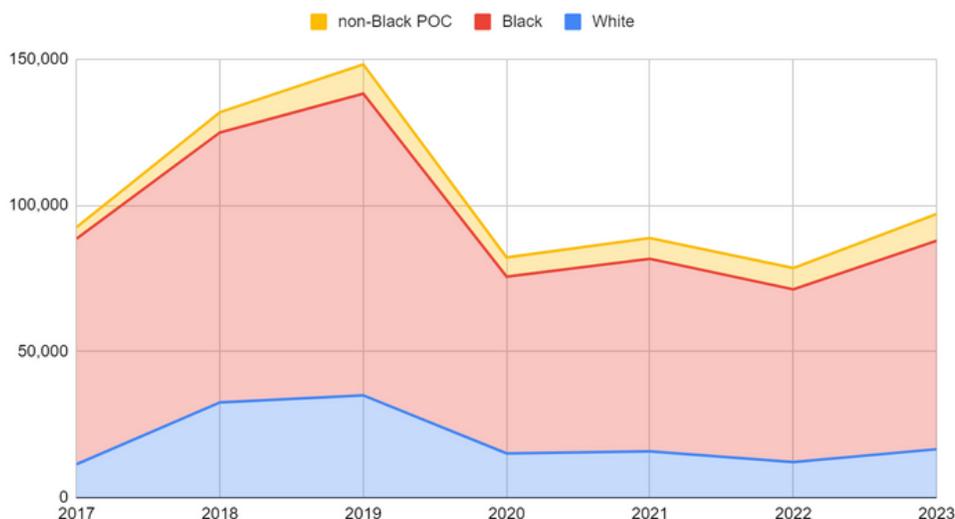
¹⁰ *A comprehensive and unified framework for analysing the effects on injuries of measures influencing speed*, Elvik, 2019, <https://www.sciencedirect.com/science/article/pii/S0001457518310716>

¹¹ Entire court dockets from four separate days were examined, one day per quarter, Divisions 7, 8, 9, 11, 12, 13 and 15. Out of 1,503 case records, 71 were appearances of the same case on multiple dates; Shelby County Court records

DISCRIMINATION

Black people in Memphis are around 64% of the population, yet receive around 74% of traffic tickets.¹²

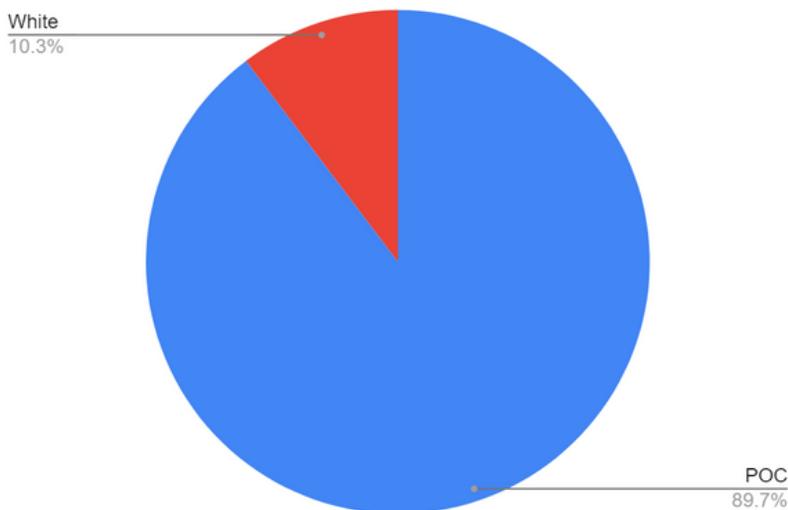
MPD Tickets by racial group



7. Although Memphis has 2.5 times as many Black residents as white, Black people receive nearly 4 times as many traffic tickets. In 2022, it was almost 5 times as many.¹³

A single traffic ticket can have one citation or several. In Memphis, Black drivers are 2.5 times as likely as white drivers to receive multiple citations on one ticket.

Tickets with multiple citations, 2017-2023



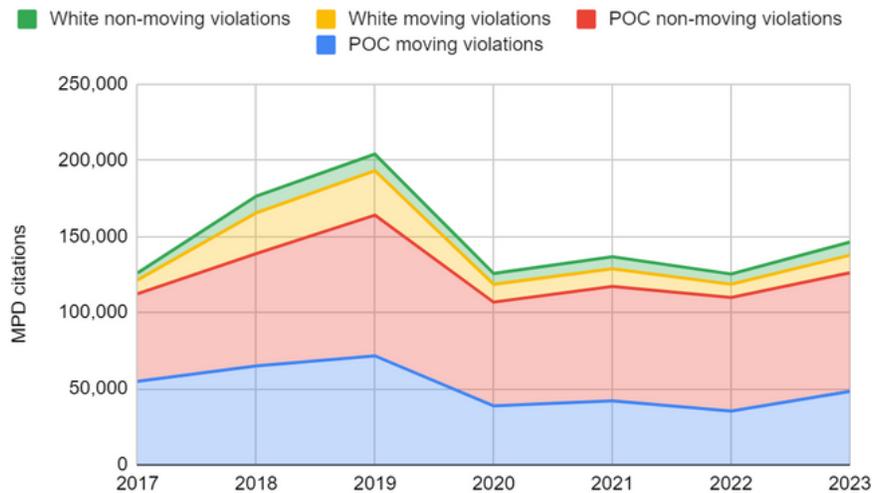
8. The percent of tickets with multiple citations issued to people of color has climbed 5 points in the last 5 years.

¹² US Census; Memphis Police Department, traffic tickets

¹³ Memphis Police Department, traffic tickets; 2023 figures projected based on MPD ticket records from January through August 2023.

Not only are non-moving violations least associated with public safety, they are issued disproportionately to people of color. White people are about half as likely as people of color to be issued a citation for a non-moving violation.

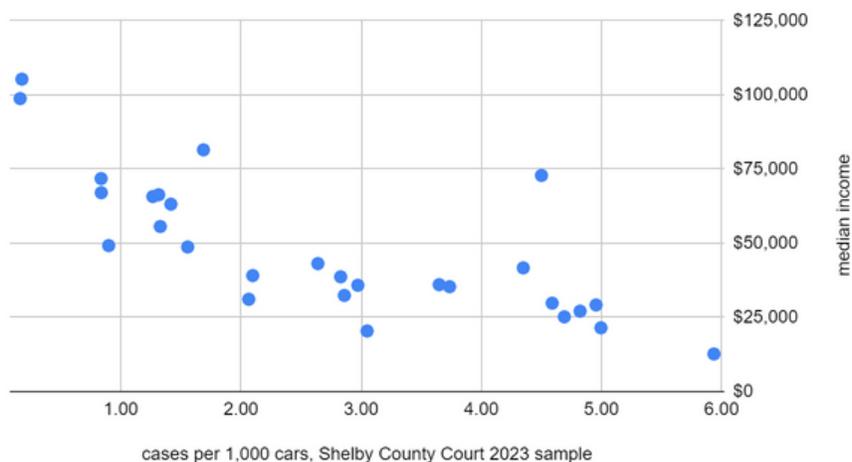
Moving and non-moving violations by racial group



9. 33% of citations to white drivers are non-moving violations, but 59% of citations to drivers of color are non-moving violations.

Court records also reveal enforcement disparities by ZIP code. Each of the dots on this graph represents a Shelby County ZIP code where police contact led to court cases in our data set.¹⁴ Each ZIP code is plotted at the intersection of its median income and how many times it appeared in the court data, after controlling for the number of registered vehicles in that ZIP code. Wealthier ZIP codes do not bear equally the weight of police contact and court summons.

Shelby County ZIP Codes: court cases and income



10. For every 10% decrease in a ZIP code's median income, it appears in court 6% more often.

¹⁴ Shelby County Court records

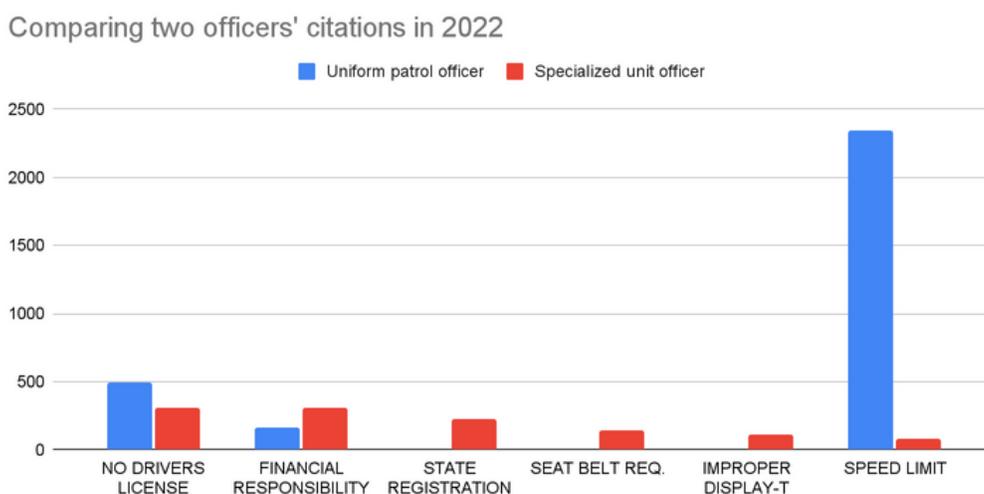
Black residents make up 81% of defendants in criminal court—among pretextual traffic stop defendants, 91% are Black. Counterintuitively, white defendants are more likely than Black defendants to be convicted of petty charges. This likely reflects a relative absence of summoning white Memphians to court for charges that aren't worth pursuing.

% Cases With Any Convictions, By Highest Charge		
	Black	White
Misdemeanor C	28.1%	45.5%
Misdemeanor B	14.5%	38.9%
Misdemeanor A	31.9%	40.4%
Felony E	10.2%	21.9%
Felony D	12.4%	7.7%
Felony C	4.6%	2.9%
Felony B	3.5%	0.0%

11. White conviction rates in misdemeanor cases are consistently higher.

In the felony cases, where conviction is a higher priority for the prosecution, white defendants begin to face disproportionately low conviction rates. Whatever the combination of forces that shape these patterns, the color of your skin shapes the justice you get.

All of these disparities can be partially explained by differing styles of traffic enforcement that are visible in the data. Specialized police units, such as the Organized Crime Unit or those formerly constituted as SCORPION, spend less time on safety-related citations than conventional units. Two officers who were top ticketers in 2022 illustrate the contrast.¹⁵

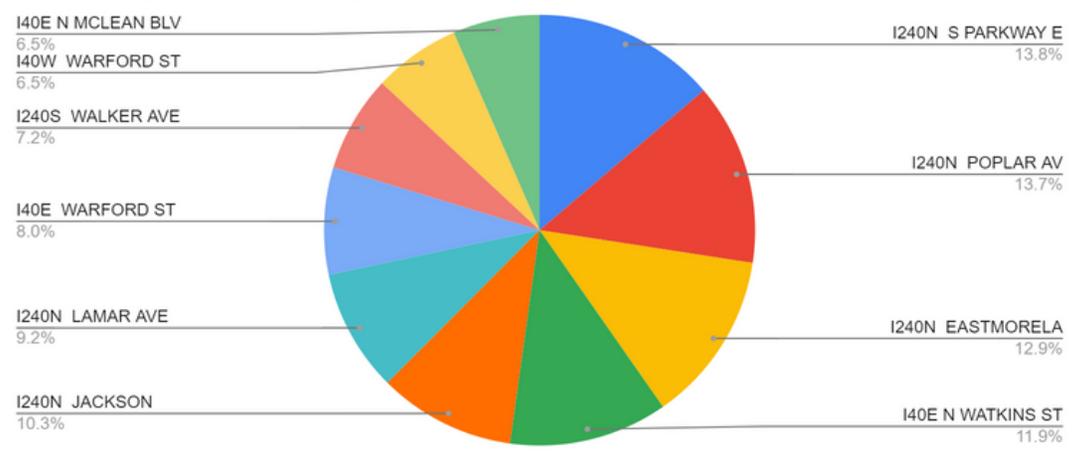


12. The uniform patrol officer shown here primarily focused on slowing down speeders. The specialized unit officer focused on documentation issues.

¹⁵ Memphis Police Department, traffic tickets

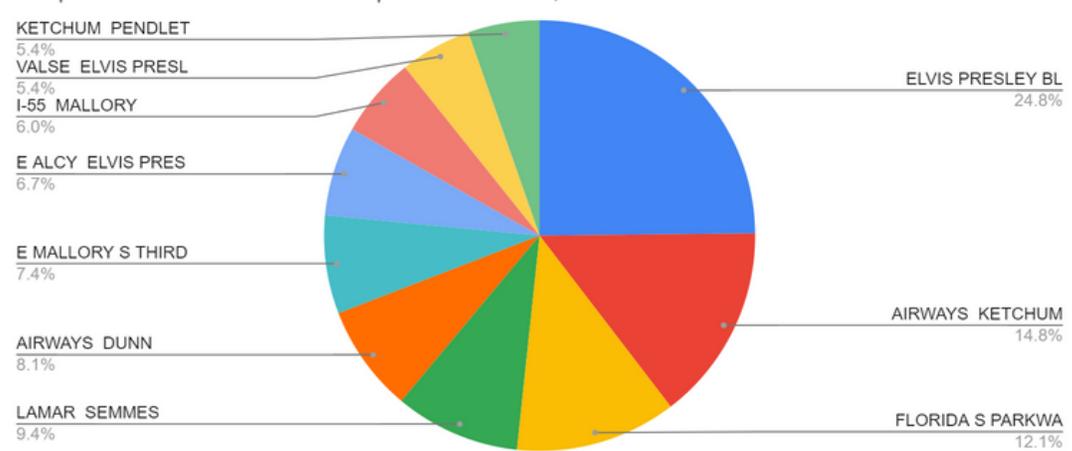
87% of this one specialized unit officer's citations were for non-moving violations. 22% of the uniform patrol individual's citations were for non-moving violations. Specialized units, in theory, are trying to take guns and drugs off the streets. They seemingly look for reasons to pull over and search cars they deem suspicious. This technique rarely achieves their stated goals. A study of Raleigh PD in North Carolina discovered that just 0.25% of traffic stops uncover arrest-worthy contraband, and 93% of searches are fruitless.¹⁶ Meanwhile, the burden of the fruitless detentions, searches, and petty charges falls squarely on poor people and people of color. This uniform patrol officer issued 73% of their tickets to Black drivers—still disproportionate by population, roughly in line with the overall racial disparity for MPD. The specialized unit officer issued 95% of their tickets to Black drivers. Their favored locations further highlight their contrasting priorities.

A uniform patrol officer's top 10 locations, 2022



13. The uniform patrol officer circled the I-240 loop almost exclusively.

A specialized unit officer's top 10 locations, 2022



14. The specialized unit officer favored residential streets in predominantly Black neighborhoods.

¹⁶ Benchmarking Traffic Stop Data: Examining Patterns in North Carolina and the City of Raleigh, Frank R. Baumgartner, 2022, <https://fbaum.unc.edu/TrafficStops/Baumgartner-benchmarking.pdf>

To top it all off, specialized unit officers are more violent than uniform patrol officers. Because MPD keeps the number of specialized unit officers secret, we cannot determine how much more violent they are locally. But studies of other departments found specialized units four times as violent as uniform patrol¹⁷ and five times as likely to be involved in a fatal shooting.¹⁸ MPD's own reports show that local specialized units are becoming more violent: 11% of MPD use of force incidents came from specialized units in 2022, up from 5% in 2020 and 9% in 2021.¹⁹

Specialized unit officers might defend their choices by pointing out higher crime rates where they patrol, or the guns and drugs they do seize. In conversations Decarcerate Memphis had with people impacted by violence, they expressed being caught between a rock and a hard place. On one side, they want help dealing with danger in the community. On the other, calling the police means being treated like they aren't human and possibly brutalized and arrested. The problem with specialized units and pretextual traffic stops is that they produce too little benefit at too great a cost: costs in violence, racial discrimination, and financial drain.

FINANCIAL BURDENS

One traffic stop costs the public around \$276.²⁰ Since 2017, MPD has issued over 728,000 traffic tickets. That's over \$200 million paid by Memphis taxpayers in seven years for traffic enforcement (slightly more than the \$180 million allotted to MATA by the City of Memphis in the same period).²¹ This figure doesn't even count the unknown number of stops that don't become a ticket—or any traffic enforcement by the Shelby County Sheriff's Office. Shelby County budget documents provide enough detail to estimate the Sheriff's cost-per-stop: between \$114 and \$376. Regardless of the exact figure, traffic stops are expensive. What we spend on traffic stops and on prosecuting petty traffic infractions could be spent on other methods of making roads and neighborhoods safer.

Traffic stops also place extreme financial burdens on people who are just trying to get by. The harm is particularly acute in Memphis, where the poverty rate is one of the highest in the country at 21%.²² In Tennessee, 21% of drivers are uninsured.²³ 146,211 Tennessee driver's licenses were suspended for failure to pay court debt between 2012 and 2016.²⁴

¹⁷ *The distribution of police use of force across patrol and specialty units: A case study in BWC impact*, Gaub et al, 2021, https://www.researchgate.net/publication/341712294_The_distribution_of_police_use_of_force_across_patrol_and_specialty_units_A_case_study_in_BWC_impact

¹⁸ "Plainclothes NYPD Cops Are Involved In A Staggering Number Of Killings", *The Intercept*, 5/9/2018, <https://theintercept.com/2018/05/09/saheed-vassell-nypd-plain-clothes/>

¹⁹ Memphis Police Department, *Inspectional Services 2022 Annual Report* (2022 is the most recent year available), <https://reimagine.memphistn.gov/wp-content/uploads/sites/70/2023/07/2022-ISB-Annual-Report-Revised-1.pdf>

²⁰ Inflation and currency adjusted from *A Better Estimation of Police Costs by Offence Types*, Holly Ellingwood, <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2015-r018/index-en.aspx>

²¹ <https://www.memphistn.gov/finance-files/>

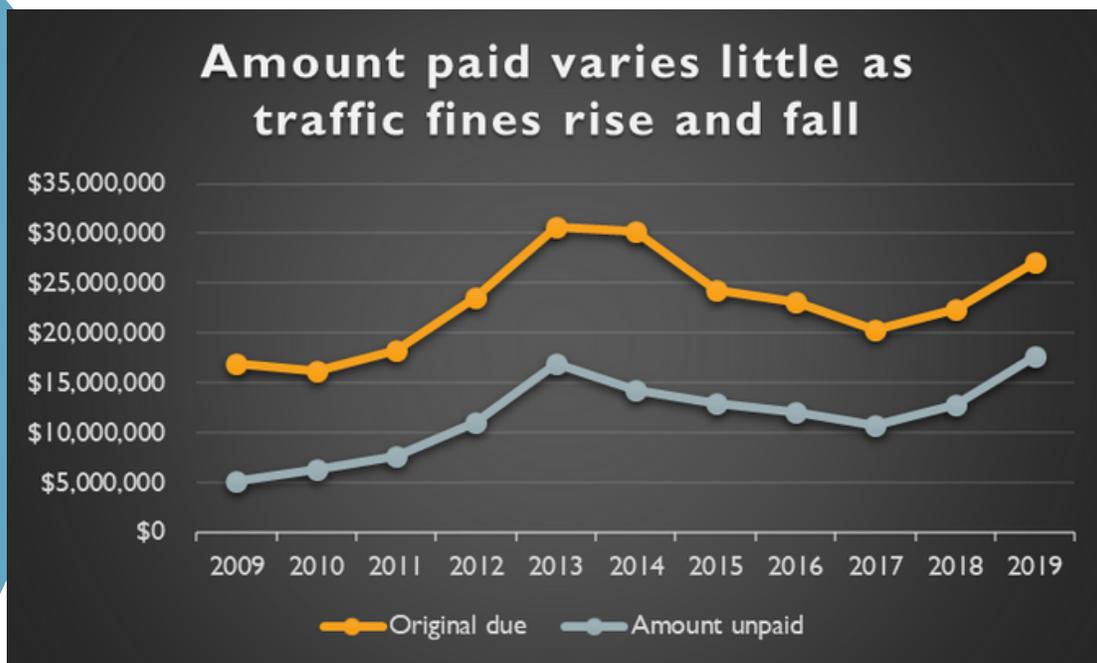
²² 2023 Memphis Poverty Fact Sheet, Elena Delavega, <https://www.memphis.edu/socialwork/research/2023-poverty-fact-sheet-final.pdf>

²³ *Uninsured Motorists 2017-2022*, Insurance Research Council, <https://insurance-research.org/sites/default/files/IRC%20Uninsured%20Motorists%20Summary%20Page.pdf>

²⁴ "Threat of Tennessee driver's license suspension doesn't help debt collection, report finds", *The Tennessean*, 11/8/2022, <https://www.tennessean.com/story/news/local/2022/11/08/tennessee-drivers-license-suspension-doesnt-help-court-debt-collection/69627749007/>

More than 93% of Tennesseans with un-reinstated licenses live in poverty.²⁵ The cost to legally drive now exceeds what many people can afford, and in response to that problem, Memphis adds even more fines and fees to those least able to pay. Fines for lack of insurance, license, or registration demand money from people who can't afford necessities—and when those fines are unpaid, the right to drive is taken away, making it even harder for them to work and earn. The ripple effects from scrambling to pay a fine cost up to five times the original fine amount.²⁶

Contrary to popular belief, fines don't add much money to the city coffers—far less than traffic stops cost. The main effect of increasing fines is to increase the amount of traffic debt owed to the city, leading to more license suspensions and fewer people able to work and pay for anything.



15. As Memphis traffic fines increased by \$10 million from 2009 to 2019, unpaid fines increased by \$13 million.²⁷

The greatest cost of all is when a life is lost during a traffic stop—a rare occurrence, but not rare enough. Tyre Nichols died in those circumstances barely two months after the first version of this report was published in 2022. Tyre is one of at least five who were killed by Memphis or Shelby County law enforcement in a traffic stop in the last 15 months.²⁸ We all look for safety, and too many of us find instead uniformed violence, or debt collection at the end of an officer's gun.

²⁵ *The Fiscal Impact of Debt-Based Driver's License Suspensions*, Civil Rights Corps, <https://civilrightscorps.org/wp-content/uploads/2021/10/7QZT9ZsRTT6YYwglCeYQ.pdf>

²⁶ *Speed Trap or Poverty Trap? Fines, Fees, and Financial Wellbeing*, Mello, 2018, <https://mello.github.io/files/jmp.pdf>

²⁷ City of Memphis, City Court Clerk

²⁸ Mapping Police Violence, mappingpoliceviolence.org

RECOMMENDATIONS

Our previous report primarily recommended the adoption of an ordinance to mandate traffic enforcement transparency by MPD. Decarcerate Memphis is pleased that such a measure passed the Memphis City Council in the Spring of 2023, along with several other ordinances, and similar transparency recommendations for the Shelby County Sheriff's Office were passed by the Shelby County Commission. Unfortunately, MPD has consistently failed to demonstrate good faith in the implementation of the new city laws. They have not shared raw data files of traffic tickets or stops online, as they have been required to do monthly since October 2023 by the Data Transparency Ordinance. Without this, it is very difficult to verify MPD's compliance with the other ordinances, including the Driving Equality Act, which forbids traffic stops for certain low-level pretextual offenses. Via public records request, Decarcerate Memphis obtained MPD traffic ticket records from January through August of 2023. They show that *MPD not only failed to implement Driving Equality, but actually increased traffic stops and their use of the deprioritized citations.*

MPD did add a "Traffic Stop Data" dashboard to its website in January 2024, which contains a single graph of traffic tickets by race yearly from 2019 to the present.²⁹ Last year's ordinances require such a dashboard to be published by April 2024. However, the counts shown in the graph do not correspond to the counts contained in the traffic ticket records obtained by Decarcerate Memphis from public records. It is unclear what is and isn't counted in the data displayed. This is why the release of raw data in .csv format is crucial (and required by the Data Transparency Ordinance). The "Traffic Stop Data" page offers a 2,450 page PDF file of moving violations from 2022 only. The tickets listed there do not match the figures cited for 2022 in their graph. We know this because the file is an exact match for the PDF we obtained from public records last year, down to the date stamp on the first page. Besides these fundamental deficiencies, the dashboard ignores many of the data ordinance's other requirements, including tracking all stops, not just tickets, with unique ID numbers.

Another threat to last year's progress comes from the Tennessee state legislature, which is currently considering a bill, SB2572, that would prohibit any government official from doing anything that would limit the powers of police beyond state and federal law.³⁰ Such a bill would not only prevent local communities from deciding what public safety approach is right for them, it could roll back established reforms and make police departments practically ungovernable.

²⁹ <https://www.memphispolice.org/traffic-stop-data-dashboard/>

³⁰ "Proposed state bill could eliminate Memphis ordinance on pretextual traffic stops", Fox 13 News, 1/31/2024,

https://www.fox13memphis.com/news/proposed-state-bill-could-eliminate-memphis-ordinance-on-pretextual-traffic-stops/article_b345a02c-c093-11ee-b2a4-c7d9a5455c67.html

Bearing these threats in mind, the goal of these recommendations for government leaders (including police leadership) is to promote public safety in Memphis and Shelby County.

- Vigorously defend the slate of laws passed in 2023 by a city mourning the unjust and preventable death of Tyre Nichols. Commit resources to protecting home rule from state reactionaries.
- Insist that MPD leadership and rank-and-file comply with these laws. Insist on a compliant dashboard, with timely updates. This will reveal MPD's degree of success in implementing the other ordinances.
- End the use of specialized units. Start by disbanding specialized units for daily patrol. Use more cost-effective ways to bring safety to the streets.
- Require data transparency from specialized units, including their size, scope, costs, and outcomes.
- Deprioritize non-moving violations. At minimum, reduce their share of enforcement to pre-pandemic levels. Shift attention to dangerous driving behaviors.
- Shift traffic safety out of policing. Make it the purview of a safety-focused institution, such as a local department of transportation.
- Re-invest the resources freed from petty traffic enforcement into Memphis. Fund interventions that directly promote safety, such as violence interruption, environmental design, youth programs, mental health services, and housing.

CONCLUSION

Memphis and Shelby County have, in some respects, truly become more threatening in recent years: traffic fatalities have risen, especially since 2020; fewer people are able to legally drive; and people of color face more discrimination on the road and in court. These developments occurred, not in spite of law enforcement efforts, but because of the ineffective and harmful approaches that law enforcement favors.

WE DO NOT HAVE TO CONTINUE ON THIS COURSE. WE CAN CLAIM THE SAFER CITY WE ALL WANT BY SHIFTING FROM PUNITIVE MEASURES TO COMMUNITY-LED SOLUTIONS.