In 25 U.S. states, motorists accused of excessive speeding can face either a criminal misdemeanor or a traffic infraction, and the charge is at the discretion of law enforcement officers and the courts. Using data on speeding violations in 18 Virginia counties over a nine-year period, researchers found large racial disparities in who was convicted of a misdemeanor.

Black motorists face more-serious charges for excessive speeding than White motorists do.
KEY FINDING

Black motorists cited for speeding were almost twice as likely as White motorists to be convicted of a misdemeanor when their speed was in the range that qualified for the more serious charge.

WHOM OFFICERS CHARGED EXPLAINED 55% OF THE DISPARITY

Among cited motorists speeding at an excessive level, Black motorists were more likely than White motorists to be charged with a misdemeanor instead of an infraction.

WHOM COURTS CONVICTED EXPLAINED 45% OF THE DISPARITY

Among motorists charged with a misdemeanor by law enforcement, Black motorists were more likely than White motorists to be convicted of a misdemeanor by the court.

WHY?

- The county where the ticketing occurred explained almost half of the racial disparity in whom officers charged with a misdemeanor.
- Law enforcement officers were much less likely overall to reduce potential misdemeanor charges to an infraction when policing in counties where Black motorists made up a larger share of the cited motorists than in other counties.

MOST MOTORISTS CONVICTED OF A MISDEMEANOR DON’T GO TO JAIL, BUT THERE ARE OTHER REPERCUSSIONS

CRIMINAL RECORD

- The conviction might show up in a background check.
- Applications for jobs, housing, and other services ask candidates to list any convictions.
- A misdemeanor might count as part of an individual’s prior record if the person is being sentenced for a new crime, thus potentially increasing the penalty for that crime.

FINES AND FEES

- The average fine and court costs levied for a misdemeanor conviction in Virginia were as much as $120 more than for a traffic infraction.
- Some states suspend the driver’s license of individuals who do not pay the associated fines and fees. (Virginia quit this practice in 2019.)

WORSE DRIVING RECORD

- A conviction adds demerit points to a person’s driving record and can increase the cost of auto insurance.
- Demerit points can tip the scale in favor of a suspended license if a motorist has prior traffic violations or faces a future traffic charge.
POLICYMAKERS COULD ENFORCE SPEEDING LAWS IN MORE-EQUITABLE WAYS

LAW ENFORCEMENT STAGE

Statewide automated speed enforcement would reduce the potential for officers to engage in disparate treatment and would ensure that motorists in different counties are policed in the same way. In such a system, cameras identify vehicles speeding above a defined threshold, and citations are automatically issued to the vehicle owner. The misdemeanor speed threshold could be set so that the overall level of enforcement is similar to current levels (in which a majority of motorists’ potential misdemeanor charges are reduced), and the criteria would apply to all motorists across the state in the same way regardless of race or location.

COURT STAGE

Remove barriers to appearing in court. For example, traffic tickets could be restructured to clarify the next steps after being cited, and a system could send motorists a text message reminder about upcoming court dates. Also, courts could hold hearings virtually, which would address issues with child care and transportation and would require motorists to take less time off from work or other obligations.

Create online platforms that allow motorists to submit information and judges to examine it and make decisions at their convenience. These platforms would, in effect, mask each motorist’s race from the judge, which could limit disparate treatment. The platforms could also result in a more standardized process that could lessen the importance of having an attorney present for the court hearing.