

# **APPENDIX J**

Expert Interview Protocol

# Expert Interview Protocol and Interviewee List

## Interview Protocol and Questions

### Introduction [15 min]

Hi [Interviewee's Name]. My name is [Interviewer's Name] I am a [Role] from Nelson\Nygaard working with several other consulting firms and the Los Angeles Department of Transportation, or LADOT, on the LADOT Alternatives to Traffic Enforcement Project. LADOT is a municipal agency that oversees transportation planning, design, construction, maintenance, and operations within the city of Los Angeles. In 2022, the Los Angeles City Council directed LADOT to conduct a study and develop strategies for reevaluating how to best structure and fund efforts to provide public safety in an effective, equitable manner within the public right-of-way. This call to action is in response to broad public support for creating alternatives to armed law enforcement response in a variety of situations.

The LADOT Alternatives to Traffic Enforcement Project seeks to:

- Examine alternative traffic law enforcement techniques in the United States and globally;
- Compare the traffic safety outcomes with other entities that have implemented civilian traffic enforcement strategies; and
- Present alternatives to traditional traffic law enforcement, including methods that are consistent with unarmed enforcement opportunities.

As part of this project, we are interviewing a diverse group of subject matter experts to learn more about alternative traffic law enforcement techniques applied in different contexts, the steps taken to implement such techniques, and any lessons learned following implementation.

I am here with [Co-Interviewer's Name] who will also be listening, learning, and taking notes during this discussion. Thanks again for participating in this initial data gathering effort to inform our work.

This conversation will take up to 60 minutes. I will ask a series of questions about your organization's awareness of alternative traffic law enforcement techniques within your local context, how it relates to your work, and any challenges and lessons learned resulting from this work.

Before we begin, [Co-Interviewer's Name] will highlight a few guidelines for today's session.

- **There are no right or wrong answers.** We know that everyone's experiences are different, and everyone has an opinion or perspective that is different than what someone else says. Please share what you think or have observed or experienced!
- **There are no "gold stars" or competition.** This initiative is about learning, growing, and sharing lessons learned to inform what LADOT and the City of Los Angeles is doing. We understand that everyone's stage of development in this work will be different. It is hard not to compare and even more difficult to have the discipline to pause and reflect on our own learnings.

- **Personal stories and experiences will be kept confidential. Lessons learned will be shared for LADOT and their partners' growth and learning.** We will summarize what is said but will not be sharing identifiable information or attributing anything that is said to/about an individual.
- Finally, please let us know if you cannot hear me or if anything we say is unclear or confusing.

How do these guidelines sound to you? Do you have any questions before we begin?

### Questions [35 minutes]

In thinking about the changes your organization made or are thinking of doing as it relates to change the enforcement of traffic violations:

- How would you and/or your department define traffic safety? Have any of the changes you've made shifted that definition for you?
- How did you engage with the community or community partners if at all to design, shape, implement, and track the outcomes of these changes?
- What were some of the legal implications for implementing these changes?
  - Follow-up: Did this result in transitioning responsibilities from one group to another to conduct enforcement? If so, did this impact any public-facing reporting protocols?
- What was the cost of implementing these changes? What factors were accounted for in calculating these costs (internal and external costs? Positive and negative?)
- How did these changes impact internal training protocols and procurement of equipment?
- What was the process or mechanism used for transitioning responsibilities to partner entities? How did you delineate roles and responsibilities following this change (e.g., was there a Memorandum of Agreement)? Who oversees and/or tracks changes and how is it reported?
- Were there any concerns among alternative enforcement staff about their safety? Were those safety concerns similar to those voiced by police officers when conducting traffic enforcement activities?
- What impact did these changes have on existing labor or union agreements?
- Was there any impact on traffic collisions, specifically those resulting injuries and fatalities?
- Did you notice a change in the number of traffic stops that did NOT escalate due to the presence of an alternative enforcement officer instead of a police officer?
- Were there any observed impacts on crime rates or frequency of violations resulting from these changes? Were there any mechanisms to track changes in rates across various populations?
- How did members of the community, public oversight committees, or community partners respond to these changes? Were there any observed impacts to the relationship between your department and the broader community?
- Have there been any recent discussions internally or externally within your jurisdiction to expand on the changes you've already implemented?

### Closing [10 min]

Is there anything else you would like to share to help build understanding around what you/your organization did for alternatives to traffic enforcement/?

Again, thank you for taking the time to participate in this interview today. If you have any questions regarding this session, please reach out to me. For questions about the overall project, please contact Richard France of Estolano Advisors.

# **APPENDIX K**

Expert Interview Summary Presentation

February 2023

# **Initial Takeaways**

**Expert Interviews- Traffic  
Enforcement Alternatives**

Nelson\Nygaard

# Where we are

- Reached out to all recommended police departments and task force recommendations
- Conducted three interviews:
  - UNC as a mini-focus group (3 people)
  - Berkeley City Councilmember
  - Former OakDOT director

# Takeaways from UNC Interview

- Recommend looking at traffic safety through an expanded vision zero framework
  - Expand vision zero definition to include public health and use of force (no violence or fatalities due to police), including fatalities AFTER stops
  - Collect better data around real reasons for stops and consequences
- Think about the total cost in long term– determine the real value (vs perceived value) of major arrests from traffic stops, vs. cost to public health, mental health, trust, etc.
- Need to be more holistic– include land use, infrastructure, density of related concerns (such as number of alcohol establishments), social factors that affect crime
- Need leadership and institutionalized change
  - Resistance from internal and external forces
  - Non-institutionalized change disappears when leadership changes
- Need real accountability and benchmarking



# Takeaways from City of Berkeley

- Currently addressing pretext stops through ongoing work with Police Dept, BerkDOT, and Berkeley Community members
- State law has been an obstacle in allowing unarmed traffic enforcement
- City wanted to move parking enforcement out of Police Department into BerkDOT but blocked by the SEIU which represents parking enforcement officers
  - Parking enforcement wanted the connectivity to PD; easier to call for back-up enforcement if assistance is needed
  - Officers valued the uniform which gave them a sense of authority and trust in the community
- Need to connect Police Dept and DOT in their work around traffic safety: connect the philosophy of street safety (Vision Zero) with the practice

# Takeaways from Oakland Dept of Transportation

- Oakland Department of Transportation (OakDOT) oversees parking enforcement, crossing guards, and abandoned vehicle towing
  - These services were previously managed by the Oakland Police Department
  - Parking enforcement under OakDOT has a stronger focus on safety (e.g., cars parked in red zones near crosswalks which decreases pedestrian visibility) rather than revenue generation
- City Council wanted to pilot automated speed enforcement with cameras:
  - Proposed state legislation emphasized that cameras would capture photos of rear license plates instead of windshields or drivers' faces and ticketed drivers could reduce fines if unable to pay
  - Community engagement revealed lack of support particularly from communities of color who thought cameras would result in less police patrol and more unsafe driving
  - Lacked support from advocacy groups, labor unions, and police advocates in state legislature

# **APPENDIX L**

Legal Interview Protocol

## **Los Angeles Department of Transportation Alternatives to Traffic Enforcement Study**

### **Legal Scholar Interview Protocol**

#### **Objectives**

The legal scholar interviews for LADOT's Alternatives to Traffic Enforcement Study aimed to identify and evaluate legal requirements and implications of the study's proposed recommendations. Those legal requirements and implications included the following:

- limitations under California law, including statutes that arguably limit traffic enforcement to sworn officers and statutes that impose penalties for moving violations based on the severity of the infraction;
- City of Los Angeles Municipal Code provisions that impose penalties for moving violations based on the severity of the infraction;
- state and local requirements regarding public sector collective bargaining, labor law, and regulations; and
- LADOT's legal structure and authority under the City of Los Angeles' Administrative Code.

Interviews also explored any state and local legislative changes that could be necessary to implement the recommendations.

#### **Structure**

The interviews proceeded iteratively, with the first set of interviews identifying legal issues that need research (including from the categories listed above), and additional legal scholars to consult. The interview questions evolved as the Task Force modified its recommendations and initial interviews were performed. As such, the legal interviewers drafted tailored questions for each interviewee and are considering follow-up interviews with some based on the iterative research findings and Task Force recommendations.

Each interview was about 45 minutes. In the first 5 minutes, the interviewers introduced themselves and the LADOT study. In the next 25 minutes, the interviewers asked tailored questions to each interviewee based on their relevant expertise. In the remaining 15 minutes, the interviewers asked follow-up questions and the interviewees had a chance to provide additional suggestions and ideas.

### **Timeline and Logistics**

The interviews took place by Zoom. The first round of interviews occurred during the week of January 30, 2023 and the second round occurred during the weeks of February 6 and 13. Julian Gross and Shajuti Hossain conducted the interviews and a notetaker was present. Julian and Shajuti will synthesize notes from each interview to highlight key takeaways and next steps.

### **Interviewee Backgrounds**

The interviewees had various roles and expertise related to traffic enforcement as follows:

1. a managing partner of a small law firm that represents local public entities; an expert in collective bargaining, labor law, and civil service rules in California;
2. two attorneys of a non-profit who drafted a legal memo on the limitations of civilianizing traffic enforcement under California law;
3. a senior attorney who has participated in several public safety and criminal justice reform efforts in California;
4. a directing attorney of a non-profit whose work relates to the City of Los Angeles' police practices and California law on collection of police stop data; and
5. an attorney of a legal services organization whose work relates to the City of Los Angeles' criminal fines.