

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: January 30, 2026

TO: Honorable Members of the Transportation and Public Safety Committees

FROM: Sharon M. Tso *SMT80* Assignment No. 25-05-0399
Chief Legislative Analyst Council File No. 20-0875

SUBJECT: Analysis of Pretextual Traffic Stops

SUMMARY

On November 30, 2023, Council received the recommendations of the Traffic Alternatives Project, findings from an Advisory Task Force convened by the Los Angeles Department of Transportation (LADOT) that met from June 2022 through September 2023 to convene community meetings and make recommendations for traffic safety alternatives based on community needs.

Subsequently, at its meeting on June 12, 2024, Council adopted a joint Transportation and Public Safety Committees report relative to the Traffic Enforcement Alternative Project (Attachment A) that made numerous requests to evaluate police traffic stop practices in Los Angeles. This report focuses on pretextual traffic stops and will be followed by additional reports that analyze different aspects of alternative methods of traffic enforcement.

Our Office has performed an analysis of pretextual stops and citations disaggregated by the following criteria: 1) Type of vehicle, such as make, model, and year; 2) Corrective action pursued, such as if the driver received a citation, warning or any other action; 3) Council District; and 4) Census Tracts. Our Office has also included additional individual-level characteristics such as perceived gender, perceived age, and perceived ethnicity collected by Los Angeles Police Department (LAPD) personnel in the figures compiled in this report.

The Racial and Identity Profiling Act (RIPA) of 2015 (Attachment B) requires law enforcement agencies in California to annually report data on all traffic stops conducted by that agency's peace officers to the Attorney General (AG). Reported data includes, but is not limited to, the result of the stop, the perceived race or ethnicity and age of the person stopped, and the perceived gender of the person stopped, among other information.

LAPD began recording "pretextual" traffic stops in April 2022 after the release of Special Order No. 3 (Attachment C), which was approved by the Board of Police Commissioners on March 1, 2022. The Special Order places a limitation on the use of pretextual stops. LAPD defines pretextual traffic stops as those where officers use reasonable suspicion or probable cause of a minor traffic or code violation (e.g., Municipal Code or Health and Safety Code) as a pretext to investigate another, more serious crime that is unrelated to that violation. The Special Order

further states that traffic and pedestrian stops for the sole purpose of enforcing minor equipment violations or other infractions should not occur unless there is a risk to public safety.

Between April 1, 2022 and September 30, 2025, LAPD conducted 61,279 pretextual traffic stops involving 72,047 individuals—known as Automated Field Data Reporting (AFDR) records—in the City. Individuals subject to traffic stops are separated into four discrete groups: 1) Bicycle drivers; 2) Motor vehicle drivers; 3) Motor vehicle passengers; and 4) Pedestrians. Over two-thirds of individuals subject to a pretextual traffic stop received a warning, and an additional 12 percent received a citation for an infraction. A discussion of corrective actions pursued during pretextual and non-pretextual stops is included in the background section of this report.

Traffic stops are assigned LAPD reporting district geographic identifiers that use 2000 Decennial Census tract boundaries. Because reporting district boundaries do not consistently overlap with current City census tract boundaries, the following Council District counts are approximate.

Approximately 48.6 percent of individuals subject to a pretextual stop were stopped within Council Districts 8, 9, 14, and 15 (Figure 6). This report also includes other individual-level traffic stop data elements in table format, such as perceived ethnicity (Figure 7) and perceived gender (Figure 9).

State law does not require law enforcement personnel conducting traffic stops to record the types of vehicles—such as their make, model, and year—subject to traffic stops. Thus, LAPD does not consistently collect these individual-level car attributes, so this report includes limited data for the requested information (Figure 4).

BACKGROUND

Residents across California have expressed concern regarding the manner and frequency with which officers have stopped individuals for perceived minor infractions to investigate other crimes unrelated to the initial violation. This sentiment stems largely from a belief that such law enforcement activities are arbitrary and are a greater reflection of the officer's implicit bias. Multiple community groups have also communicated to Council that these types of vehicular stops are ineffective at preventing crime and rather act as a tool to subjugate certain communities within the City.

To address these concerns, California legislators passed the Racial and Identity Profiling Act (RIPA) of 2015, which requires officers conducting traffic stops to record a substantial amount of information during the course of a traffic stop, such as the perceived race and gender of individuals subject to traffic stops. City policy delineated in Special Order 3, as of April 2022, builds on RIPA by also requiring all vehicular traffic stops be categorized as “pretextual” or “non-pretextual.” The data presented in this report is collected by LAPD pursuant to either RIPA or Special Order 3.

The Racial and Identity Profiling Act of 2015

The Racial and Identity Profiling Act (RIPA) of 2015 requires law enforcement agencies in California to annually report data on all traffic stops conducted by that agency's peace officers to the Attorney General (AG). RIPA also prohibits racial and identity profiling by law enforcement, requires law enforcement agencies to report data to the AG regarding citizen complaints alleging racial and identity profiling, and establishes the RIPA Advisory Board.

The RIPA Advisory Board's mission is to eliminate racial and identity sensitivity in policing. It is comprised of 19 individuals representing community groups, spiritual organizations, universities, legal professionals, and law enforcement. The RIPA Advisory Board analyzes statewide stop data and civilian complaint information on an annual basis, works with law enforcement to review racial and identity profiling policies and practices, and issues an annual report that details the data findings and provides policy recommendations for law enforcement agencies in California.¹

Government Code section 12525.5 (e) also requires the AG, in consultation with relevant stakeholders and the RIPA Advisory Board, to issue regulations for the collection and reporting of stop data. These regulations have been updated in 2022 and 2023, and currently require the following individual-level data elements, among others, to be collected by law enforcement personnel when conducting traffic stops: the perceived race or ethnicity of the individual stopped; the perceived age of the person stopped; the perceived gender of the person stopped; the perceived sexual orientation of the person stopped; the perceived or known disability of the person stopped; the perceived English fluency of the person stopped; whether the person stopped is perceived to be unhoused; and the reason for the stop.

LAPD Special Order 3

LAPD issued Special Order 3 in March 2022 (Attachment C) in response to the previously stated community concerns, which defined pretextual stops as those where officers use reasonable suspicion or probable cause of a minor traffic code or violation as a pretext to investigate another, more serious crime that is unrelated to that violation. Special Order 3 also restricted the use of pretextual stops, stating the following:

...Pretextual stops shall not be conducted **unless** (emphasis in original) officers are acting upon articulable information to the traffic violation, which may or may not amount to reasonable suspicion, regarding a serious crime (i.e., a crime with potential for great bodily injury or death)... Such decisions should not be based on a mere hunch or on

¹ The 2025 RIPA Board Report can be found here: <https://oag.ca.gov/ab953/board/reports>. The Report contains an analysis of more than 4.7 million police and pedestrian stops conducted in 2023 and focuses on the policing of youth, highlighting studies that show direct contact with law enforcement is associated with poor educational outcomes and reduced health and economic wellbeing. The Report makes several recommendations to the California Legislature regarding law enforcement training, such as requiring law enforcement supervisors and field training officers to receive training on eliminating racial and identity profiling in their departments, require body-worn camera footage or highly publicized incidents be used in racial and identity profiling training, and require evidence-based training on racial and identity profiling a minimum of every three years.

generalized characteristics such as a person’s race, gender, age, homeless circumstance, or presence in a high-crime location.

Special Order 3 further notes that in order to promote public trust, the Department’s use of pretextual stops should be measured in order to achieve the necessary balance between the perception of fairness and identifying those engaged in serious criminal conduct. As such, since April 1, 2022, LAPD has required law enforcement personnel to designate whether or not every individual traffic stop is “pretextual” or not.

Traffic Stops Across Time

Traffic stops are defined as any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person’s body or property in the person’s possession or control. Officers are required to inform the individual being stopped of the reason for the stop (RFS) before starting any questioning related to a criminal investigation or traffic violation.

Pretextual traffic stops occur when a law enforcement officer uses reasonable suspicion or probable cause of a minor traffic code as a pretext to investigate a different, more serious crime unrelated to that violation. Law enforcement officers are not to conduct pretextual traffic stops unless acting upon “articulable information,” which may or may not amount to reasonable suspicion.

Between April 1, 2022 and September 30, 2025, 762,548 individuals were subject to a traffic stop in the City, of which 72,047 were categorized as pretextual. Traffic stops involving pedestrians, vehicle drivers, and bicycle riders are recorded pursuant to State law, with law enforcement personnel collecting information such as their perceived age, perceived gender, perceived race, and the corrective action pursued.

A summary of the entire LAPD traffic stop data that includes all individuals subject to both types of traffic stops is included in Figure 1:

Investigative Type	Non-Pretextual AFDRs	Pretextual AFDRs	Total
Bicycle Rider	8,731	990	9,721
Motor Vehicle Driver	627,077	58,346	685,423
Motor Vehicle Passenger	39,559	10,768	50,327
Pedestrian	15,134	1,943	17,077
Total	690,501	72,047	762,548

As shown in Figure 1, the overwhelming majority of individuals subject to traffic stops are motor vehicle drivers (685,423), which comprises 89.88 percent of all records. Individuals subject to

pretextual traffic stops (72,047) account for 9.4 percent of all individuals subject to traffic stops in the City across all investigative category types.

Figure 2 displays identical information to that shown in Figure 1 minus motor vehicle passenger records (50,327). Approximately 8.6 percent of all traffic stops conducted by LAPD have been categorized as pretextual (Figure 2).

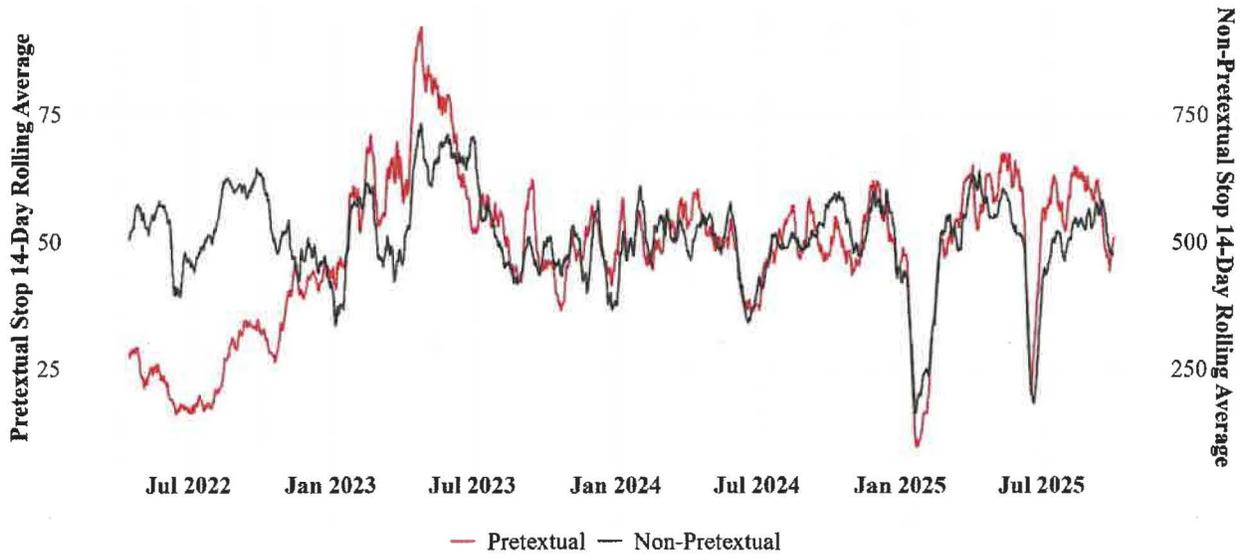
Subsequent figures in this report will refer to either all individuals subject to traffic stops (Figure 1) or all traffic stops (Figure 2). Traffic stops are measured without motor vehicle passenger data for two reasons. First, motor vehicle passenger data elements are not required to be recorded unless the passenger is suspected of violating the Vehicle Code or the law enforcement officer conducted a search of the individual or their property. Second, many traffic stops include multiple individuals with different racial or gender categories within the same vehicle, which precludes our Office from assigning a single racial or gender identifier to a particular stop.

Figure 2: Traffic Stop Types			
Investigative Type	Non-Pretextual Stops	Pretextual Stops	Total
Bicycle Rider	8,731	990	9,721
Motor Vehicle Driver	627,077	58,346	685,423
Pedestrian	15,134	1,943	17,077
Total	650,942	61,279	712,221

Figure 3 below plots 14-day rolling averages of all pretextual traffic stops and non-pretextual traffic stops conducted by LAPD within City boundaries between April 1, 2022 and September 30, 2025. The observations displayed in Figure 3 use the data displayed in Figure 2, which omits vehicle passengers (50,327) and includes 712,221 total traffic stops.

In Figure 3, the periods between February 2023 and July 2023 see noticeable corresponding increases and decreases in the number of both non-pretextual traffic stops and pretextual traffic stops. Similarly, late 2024 through early 2025 see sharp reductions in the number of pretextual traffic stops and non-pretextual traffic stops.

Figure 3: Traffic Stops Across Time



Vehicle Manufacturer and Traffic Stops

Figure 4 isolates the traffic stop data to include only motor vehicle drivers (685,423) because vehicle manufacturer data is not present for individuals riding bicycles.

The data presented below in Figure 4 includes a multitude of blank values for the manufacturer of vehicles subject to traffic stops with over 60 percent of non-pretextual traffic stops and over 93 percent of pretextual traffic stops not identifying the vehicle manufacturer. Toyota, Honda, Ford, Chevrolet, and Nissan are the five most common cars associated with non-pretextual stops of motor vehicle drivers, which represents 47 percent of all known vehicles subject to non-pretextual motor vehicle stops.

LAPD has advised our Office that while State law does not require the collection of vehicular information during traffic stops, such information may still be collected in certain instances.

Manufacturer	Non-pretexual Stops		Pretexual Stops	
	# of Stops	% of Total	# of Stops	% of Total
Toyota	48,642	7.76	479	0.82
Honda	32,557	5.19	433	0.74
Ford	16,968	2.71	280	0.48
Chevrolet	16,807	2.68	306	0.52
Nissan	16,364	2.61	228	0.39
BMW	14,207	2.27	290	0.50
Mercedes-Benz	13,925	2.22	293	0.50
Kia	9,057	1.44	113	0.19
Lexus	8,991	1.43	121	0.21
Dodge	7,698	1.23	254	0.44
All other manufacturers	60,915	9.71	1,087	1.86
Blanks/Missing Values	380,946	60.75	54,462	93.34
Total	627,077	100.00	58,346	100.00

Corrective Action Pursued for Individuals Subject to Traffic Stops

LAPD records at least one of the following 10 different corrective actions resulting from each traffic stop: 1) No action; 2) Warning; 3) Citation for infraction; 4) In-field cite and release; 5) Custodial arrest pursuant to outstanding warrant; 6) Custodial arrest without warrant; 7) Field interview card completed; 8) Noncriminal transport or caretaking transport; 9) Contacted parent/legal guardian or other person responsible for minor; and 10) Psychiatric hold.

A traffic stop resulting in more than one corrective action, such as an individual being cited for an infraction and a field interview card, is counted under the “Multiple Corrective Action Categories.” The overwhelming majority of traffic stops result in only one of the corrective action categories displayed in Figure 5.

Figure 5 tabulates the total number of individuals subject to traffic stops (Figure 1) with the corrective action pursued.

Figure 5: All Individuals and Corrective Action Pursued

Corrective Action	Non-pretexual Stops		Pretexual Stops	
	# of AFDRs	% of Total	# of AFDRs	% of Total
No action (1)	20,017	2.90	353	0.49
Warning (2)	248,696	36.02	48,504	67.32
Citation for Infraction (3)	372,070	53.88	8,307	11.53
In-field cite and release (4)	1,136	0.16	160	0.22
Custodial arrest with warrant (5)	1,400	0.20	309	0.43
Custodial arrest without warrant (6)	5,684	0.82	1,017	1.41
Field interview card completed (7)	9,602	1.39	3,301	4.58
Noncriminal transport/caretaking transport (8)	61	0.01	14	0.02
Contacted parent/legal guardian (9)	45	0.01	11	0.02
Psychiatric hold (10)	19	0.00	0	0.00
Multiple Corrective Action Categories	28,111	4.07	9,718	13.49
Blanks/Missing Values	3,660	0.53	353	0.49
Total	690,501	100	72,047	100

A majority of individuals subject to non-pretexual vehicular traffic stops receive a citation for an infraction, whereas less than 12 percent of individuals subject to pretextual traffic stops receive one. Over 67 percent of individuals subject to a pretextual traffic stop received a warning with no additional corrective action, whereas 36.02 percent of individuals subject to a non-pretexual stop received a warning. Thus, individuals subject to pretextual traffic stops are nearly twice as likely to receive a warning than individuals subject to a non-pretexual traffic stop.

Traffic Stops by Council District

Pretexual and non-pretexual traffic stops are collected at the reporting district level, which are non-overlapping geographical units utilized by LAPD to record statistics relating to crime across the City. The nearly 1,200 reporting districts across the City are based upon 2000 Decennial Census tract boundaries. Reporting district boundaries have not been redrawn since their initial inception, which has led to reported estimates in Figure 6 that do not exactly match Figure 2 totals because hundreds of reporting districts span multiple Council Districts as of 2025.²

² In the event a reporting district overlaps multiple Council Districts, our Office has divided the number of traffic stops by the number of overlapping Council Districts. For example, if a reporting district includes 1,000 traffic stops and overlaps two (2) Council District boundaries, each overlapping Council District is assigned 500 stops. This method has led to rounding differences of 3 and 2, respectively, between the total number of non-pretexual and pretextual traffic stops in Figures 6 and 7.

Figure 6: Traffic Stops by Council District

CD	Non-pretexual Stops		Pretexual Stops	
	# of Stops	% of Total	# of Stops	% of Total
1	27,516	4.23	3,633	5.93
2	29,028	4.46	2,355	3.84
3	33,274	5.11	2,002	3.27
4	30,903	4.75	1,449	2.36
5	41,895	6.44	1,498	2.44
6	51,103	7.85	4,359	7.11
7	35,693	5.48	3,550	5.79
8	45,050	6.92	5,376	8.77
9	78,157	12.01	11,347	18.52
10	51,405	7.9	4,009	6.54
11	43,698	6.71	1,582	2.58
12	39,739	6.1	2,594	4.23
13	38,208	5.87	4,460	7.28
14	68,303	10.49	7,705	12.57
15	36,967	5.68	5,358	8.74
Total	650,939	100	61,277	100

As shown in Figure 6, the percentage of individuals subject to non-pretexual traffic stops across the City has a maximum of 12.01 percent (Council District 9) and a minimum of 4.23 percent (Council District 1). Thus, the range between the minimum and maximum percentage of non-pretexual stops across all Council Districts is 7.78 percentage points.

Pretexual traffic stops are more concentrated in Council Districts 8, 9, 14, and 15, which together contain 48.6 percent of all pretexual traffic stops in the City. In contrast, the percentage of non-pretexual traffic stops in Council Districts 8, 9, 14, and 15 is 35.1 percent. Pretexual traffic stops also have a wider range: Council District 4 comprises 2.36 percent of all pretexual stops, whereas Council District 9 includes 18.52 percent of all traffic pretexual stops, a range of 16.16 percentage points.

Traffic Stops and Perceived Ethnicity/Race

Figure 7 displays the number of non-pretexual and pretexual traffic stops alongside perceived ethnicity/race, which is collected by LAPD personnel pursuant to State law. Non-pretexual stops include 50.5 percent of individuals officers perceived to be Hispanic or Latino, which is approximately 3.5 percentage points higher than the percent of people Citywide that identify as Hispanic or Latino. Pretexual stops include a higher percentage of Hispanic/Latino individuals: over 56 percent of pretexual stops were perceived to be Hispanic or Latino.

Black/African American comprise 8.2 percent of the Citywide population but account for 19.77 and 30.57 percent, respectively, of the non-pretextual and pretextual traffic stops. Taken together, individuals perceived to be Black/African American and Hispanic/Latino comprise 86.88 percent of all pretextual traffic stops in the City.

Figure 7: Traffic Stops and Ethnicity/Race

Perceived Ethnicity/Race	Citywide % ³	Non-Pretextual Stops		Pretextual Stops	
		# of Stops	% of Total	# of Stops	% of Total
Asian	11.8	28,156	4.33	675	1.1
Black/African American	8.2	128,678	19.77	18,738	30.58
Hispanic/Latino(a)	47.2	328,899	50.53	34,512	56.32
Middle Eastern/South Asian	-	36,067	5.54	1,443	2.35
Native American	0.2	337	0.05	15	0.02
Pacific Islander	0.1	1,639	0.25	73	0.12
White	28.3	121,468	18.66	5,437	8.87
Multiple Perceived Ethnicities/Other	4.1	5,698	0.88	386	0.63
Total	100	650,942	100	61,279	100

People Citywide that identify as White account for nearly 29 percent of all individuals in Los Angeles, and 18.66 and 8.87 percent, respectively, of non-pretextual traffic stops and pretextual traffic stops in the City.

Traffic Stops and Perceived Age

Figure 8 displays the median perceived age across all traffic stops by Council District. As shown below, in all 15 Council Districts the median perceived age for pretextual traffic stops is lower than that for non-pretextual traffic stops. Whereas the median age for all individuals subject to pretextual traffic stops across the City is 30, the median age of individuals subject to non-pretextual traffic stops is 32. Both of these median ages are lower than the median Citywide age of 37.

³ Citywide race averages have been gathered from the American Community Survey (ACS) 2023 5-Year estimates, which are self-reported measures. Recording perceived ethnicity/race is required of traffic officers pursuant to State law.

Figure 8: Traffic Stops and Perceived Age by Council District

CD	Median Age		
	Non-pretexual Stop	Pretexual Stop	All Residents
1	32	30	37
2	35	32	37
3	35	33	41
4	35	32	41
5	35	30	38
6	34	30	36
7	34	30	38
8	30	30	36
9	30	30	31
10	33	30	38
11	35	30	39
12	35	30	43
13	32	30	37
14	32	30	36
15	31	30	36
Citywide	32	30	37

Traffic Stops and Perceived Gender

Figure 9 disaggregates the percentage of traffic stops in all Council Districts presented in Figure 6 by perceived gender. Total values for all recorded categories are withheld in Figure 9 due to space constraints; the tabulations presented omit the additional perceived gender categories of “Transgender man/boy,” “Transgender woman/girl,” and “Nonconforming” because they collectively comprise less than 1 percent of all traffic stops.

The percentages below indicate that individuals perceived as male are more likely to be involved in a pretextual traffic stop than female; 72.85 percent of all individuals subject to non-pretexual traffic stops are perceived to be male, whereas 84.67 percent of individuals subject to pretextual traffic stops are perceived to be male. Each row indicates what percentage of all individuals subject to a vehicular traffic stop between April 1, 2022 and September 30, 2025 can be classified as either male or female across the City.

For example, Figure 9 indicates that 15.83 percent—approximately 9,700 out of 61,277—of pretextual stops can be attributed to individuals perceived as male in Council District 9.

Figure 9: Traffic Stops and Perceived Gender by Council District				
CD	Non-Pretextual Stops (% of Total)		Pretextual Stops (% of Total)	
	Male	Female	Male	Female
1	3.24	0.99	5.06	0.86
2	3.41	1.05	3.32	0.52
3	3.54	1.56	2.61	0.65
4	3.26	1.48	1.96	0.39
5	4.11	2.32	2.02	0.42
6	6.01	1.83	6.16	0.95
7	4.23	1.25	5.10	0.7
8	4.94	1.98	7.24	1.54
9	9.55	2.45	15.83	2.68
10	5.64	2.26	5.45	1.08
11	4.38	2.33	2.01	0.57
12	4.24	1.86	3.64	0.6
13	4.5	1.37	6.32	0.95
14	7.76	2.72	10.65	1.92
15	4.04	1.63	7.30	1.45
Total	72.85	27.08	84.67	15.28


 Henry Flatt
 Analyst

Attachments:

- A. Transportation and Public Safety Committees Report
- B. The Racial and Identity Profiling Act of 2015 (AB 953)
- C. LAPD Board of Police Commissioners Special Order 3

File No. 20-0875

TRANSPORTATION and PUBLIC SAFETY COMMITTEES REPORT relative to the Traffic Enforcement Alternatives Project.

Recommendations for Council action:

1. INSTRUCT the Los Angeles Department of Transportation (LADOT), with the assistance of the Department of Public Works, Bureau of Engineering (BOE), the Department of Public Works, Bureau of Street Services (BSS), the Department of City Planning (DCP), City Attorney and in consultation with racial justice and equity advocates, to report in 90 days on how to develop and implement self-enforcing infrastructure as part of The Healthy Streets LA ballot measure (HLA) implementation plan (Council file Nos. 24-0131 and 24-0173) and future Mobility Plan, Community Plan, and other specific plan and overlay zone updates with said report to include a plan to evaluate self-enforcing infrastructure projects to quantify the impacts to public safety after a project has been implemented, as well as development of a multi-departmental disciplinary team that includes racial justice and equity advocates, safe streets advocates, the Los Angeles Police Department (LAPD), and the Los Angeles Fire Department (LAFD), to develop standards and review self-enforcing infrastructure projects.
2. INSTRUCT the Chief Legislative Analyst (CLA) and the City Administrative Officer (CAO), in consultation with the LADOT, the BOE, the City Attorney, the LAPD, other relevant departments, community experts, and other members of the Traffic Enforcement Alternatives Advisory Task Force, to report in 90 days an evaluation criteria matrix that analyzes the impact of non-moving and equipment violations, and moving violations on traffic safety, and identify what violations that do not pose a demonstrative public safety threat or concern.
3. REQUEST the LAPD Inspector General to report in 90 days on:
 - a. An evaluation of the 2022 pretextual stop policy, including all available data on all traffic stops conducted since the 2022 policy change. This report should also include an analysis of pending state legislation that would have the potential to ban or curtail pretextual stops, as well as information on other jurisdictions that have banned or significantly reduced pretextual stops.
 - b. All oversight protocols law enforcement officers are required to follow at all stages before, during, or after a traffic stop. The report should include a list of all traffic safety reasons why law enforcement would currently pull someone over, as well as the prioritization for handling traffic safety issues
4. INSTRUCT the LADOT, Community Investment for Families Department (CIFD), and the CAO to report in 90 days on Council file No. 23-1189 (Soto-Martinez – Harris-Dawson – Hutt – Lee) as part of the Traffic Enforcement Alternatives Project

(Council file No. 20-0875), which requires report consistent with the Traffic Enforcement Alternatives Advisory Task Force recommendations and discussions with respect to Fines and Fees, Adjustments, Alternative Methods, and the potential for a Fines and Fees Task Force. This report should, in addition to addressing budgetary impacts, include who sets the fee or fine, if the local government has the ability to create an alternative or adjustment, and whether a low income or unhoused program can be created or expanded. The report should also include an analysis of the traffic citation processing contracts as well.

5. INSTRUCT the CLA, in collaboration with the CAO, the LADOT, the City Attorney, the LAPD, any other relevant departments, community experts, and other members of the Traffic Enforcement Alternatives Advisory Task Force, to report with an assessment of the fines and fees models for vehicle citations, in connection to Council file No. 23-1189, and all types micro-mobility vehicles and devices in the City of Los Angeles and determine an equitable, means-based model to issue fines and fees. The report should also investigate the following:
 - a. Other comparable municipalities that have implemented alternative models for fines and fees.
 - b. Provide recommendations on a framework to create a revolving door fund that earmarks a proportion of the fines and fees revenue for a vehicle repair voucher, clinic program, and Traffic school voucher program.
 - c. Curate a criterion of motorists that could qualify.
6. INSTRUCT the CLA and the CAO, with assistance from the LADOT, City Attorney, the LAPD, and other relevant departments to report in 90 days with an analysis of other comparable jurisdictional programs and municipalities that have initiated pilot programs, frameworks, and alternative programs to traffic enforcement models that utilize care-centered teams and unarmed civilians for traffic safety issues such as, but not limited to Berkeley, CA; Oakland, CA; Pittsburgh, PA and Philadelphia, PA. The report should focus on the steps necessary to allow unarmed civilians and care-based teams to undertake traffic enforcement and traffic safety, published evaluations of the impact of these programs, cost, size and safety considerations.
7. INSTRUCT the LADOT to report with an analysis of other jurisdictions, including but not limited to Indianapolis, IN, that have cross-disciplinary crash review teams who investigate all serious crashes in order to recommend infrastructural interventions that would prevent future crashes.
8. INSTRUCT the CLA, in collaboration with the Personnel Department, CAO, and City Attorney, and with assistance from the LADOT, to report in 90 days on required measures to implement an unarmed civilian and care-based teams focused exclusively on road safety and responding to traffic-related calls, including crash investigations. The report should include the following information:

- a. Define the feasible roles and responsibilities of these unarmed civilian and care-based teams, specifying their contributions to enforcing traffic safety and responding to traffic-related calls.
 - b. Clarify the parameters and limitations with establishing these teams in alignment to State law.
 - c. Identify any existing classification (e.g. the Crisis Response workforce) eligible for reclassification within the City to form the unarmed civilian and care-based teams, along with a suitable department that could house these personnel, such as the Office of Unarmed Response or LADOT.
 - d. Conduct an analysis of necessary steps to developing a new classification for unarmed civilian and care-based teams and the additional components, such as training, certifications, and other resources that would be required for these personnel.
 - e. Administer a cost-benefit analysis between using existing structures and classifications or creating new classifications for the unarmed civilian and care-based teams.
 - f. An estimation of the size of the workforce needed for citywide implementation based on the information garnered from the findings.
 - g. Convene with relevant labor unions on the feasibility of both the creation of a new classification and use of existing classifications.
9. INSTRUCT the CLA, in collaboration with the LAPD, City Attorney, and any other relevant department, to report in 90 days on the existing moving and non-moving equipment and administrative violations applicable to all types of micro-mobility modes of transportation (e.g., scooters, bicycles, etc.) and direct impact on mitigating traffic safety concerns. This analysis should include how each micro-mobility mode of transportation is classified and cited, and any potential recommendations to reform the interaction and citation processes for micro-mobility modes of transportation.
10. INSTRUCT the CLA, with assistance from the LAPD, CAO, City Controller, and any other relevant agencies, to report in 90 days with an analysis of pretextual stops and citations disaggregated by the following criteria:
- a. Types of vehicles (make, model, and year)
 - b. Corrective action pursued, such as if the driver received a citation, warning, or any other action
 - c. Council District

d. Census Tracts

11. INSTRUCT the LADOT, with assistance from the Department of Public Works, the LAPD, and any other relevant agencies, to report with a definition of a “Self-enforcing Infrastructure” score or filter for public right-of-way design elements. The report should also define what data would be used to prioritize the implementation of design elements which would include a “Self-enforcing Infrastructure” lens (or a higher-scoring “Self-enforcing Infrastructure” lens) over design elements that would not include a “Self-enforcing Infrastructure” lens or would have a lower-scoring lens.
12. INSTRUCT the LADOT, the LAPD, and any other relevant agencies to collaborate with the University of California Davis, Institute of Transportation Studies’ analysis of police stop data, roadway infrastructure and vehicle crashes, and to identify any additional research questions needed, if any, to evaluate the relationship between distinct moving violations, the locations they have occurred, the underlying roadway conditions, and crash patterns adjacent to nearby said locations as a City of Los Angeles-led effort. Whereas the “Alternative to Traffic Enforcement and Community Task Force Recommendations” report identified the relationship between traffic stops and the High Injury Network in the aggregate, this, deeper review, would build upon that work and look at distinct locations and corridor segments.
13. REQUEST the City Attorney, in coordination with their Risk Management Division and LAPD General Counsel, to report on the state laws that govern traffic enforcement, including who may enforce and what types of enforcement they may conduct, as well as the liability and risk exposure that could result from unarmed or civilian enforcement.

Fiscal Impact Statement: The LADOT reports that there is no fiscal impact.

Community Impact Statement: Yes

For:

Arroyo Seco Neighborhood Council
Los Feliz Neighborhood Council
North Westwood Neighborhood Council

Summary:

On December 6, 2023, the Transportation Committee considered a November 30, 2023 LADOT report relative to the Traffic Enforcement Alternatives Project. According to the LADOT, in February 2021, Council directed the LADOT, with assistance of the CAO, CLA, LAPD, and the City Attorney to develop and issue a Request for Proposals (RFP) seeking a consultant to conduct a study on the feasibility of utilizing civilian enforcement of traffic laws for motorists, cyclists, and other forms of transportation occurring within the City.

They specified that the RFP considers existing state and local laws, existing best practices, and the size and diversity of the City.

In addition to the RFP, Council directed the LADOT to convene an Advisory Task Force to make recommendations to the City for traffic safety alternatives and convene community meetings to solicit feedback in regards to community needs. The LADOT received funding in the Fiscal Year 2021-2022 budget to issue the RFP and manage a consultant contract.

In partnership with the LAPD, CAO, CLA, and the City Attorney, the LADOT released a TOS in August 2021, selected a consultant team led by Estolano Advisors in February 2022, and began soliciting for advisory task force participation. The project kicked off in March 2022 and the advisory task force began meeting in June of that year. From June 2022 until September 2023, the Consultant team facilitated a series of Task Force meetings with the support of a City working group that included LADOT, CAO, CLA, LAPD, and the City Attorney. While the Consultant team led the qualitative and quantitative analysis, the Advisory Task Force informed and ultimately approved the final recommendations included in the report. The task force finalized their recommendations in September 2023, and Estolano Advisors submitted the final deliverables (i.e. report) to the City in November 2023. After consideration and having provided an opportunity for public comment, the Committee moved to continue the matter.

Subsequently, on February 21, 2024, the Transportation Committee once again considered this matter and a further continued this matter. On April 3, 2024, the Transportation further considered this matter and after further consideration and having provided an opportunity for public comment, moved to make a series of recommendations that are detailed above.

On June 11, 2024, the Public Safety Committee considered this item and after consideration and having provided an opportunity for public comment, moved to concur with the Transportation Committee. This matter is now submitted to Council for its consideration.

Respectfully Submitted,
Transportation Committee

COUNCILMEMBER VOTE

HUTT: YES
PARK: YES
HERNANDEZ: YES
RAMAN: ABSENT
YAROSLAVSKY: YES

Public Safety Committee

COUNCILMEMBER VOTE

RODRIGUEZ: YES
LEE: YES
PARK: YES
PRICE: YES
SOTO-MARTINEZ: YES

ARL
6/11/24

-NOT OFFICIAL UNTIL COUNCIL ACTS-



Assembly Bill No. 953

CHAPTER 466

An act to add Section 12525.5 to the Government Code, and to amend Sections 13012 and 13519.4 of the Penal Code, relating to racial profiling.

[Approved by Governor October 3, 2015. Filed with Secretary of State October 3, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 953, Weber. Law enforcement: racial profiling.

Existing law creates the Commission on Peace Officer Standards and Training and requires it to develop and disseminate guidelines and training for all law enforcement officers, as described. Existing law prohibits a peace officer from engaging in racial profiling and requires the training to prescribe patterns, practices, and protocols that prevent racial profiling, as defined. Existing law requires the Legislative Analyst's Office to conduct a study of the data that is voluntarily collected by jurisdictions that have instituted a program of data collection with regard to racial profiling.

This bill would enact the Racial and Identity Profiling Act of 2015, which would, among other changes, revise the definition of racial profiling to instead refer to racial or identity profiling, and make a conforming change to the prohibition against peace officers engaging in that practice.

The bill would require, beginning July 1, 2016, the Attorney General to establish the Racial and Identity Profiling Advisory Board (RIPA) to eliminate racial and identity profiling and improve diversity and racial and identity sensitivity in law enforcement. The bill would specify the composition of the board. The bill would require the board, among other duties, to investigate and analyze state and local law enforcement agencies' racial and identity profiling policies and practices across geographic areas in California, to annually make publicly available its findings and policy recommendations, to hold public meetings annually, as specified, and to issue the board's first annual report no later than January 1, 2018.

The bill would require each state and local agency that employs peace officers to annually report to the Attorney General data on all stops, as defined, conducted by the agency's peace officers, and require that data to include specified information, including the time, date, and location of the stop, and the reason for the stop. The bill would require an agency that employs 1,000 or more peace officers to issue its first annual report by April 1, 2019. The bill would require an agency that employs 667 or more but less than 1,000 peace officers to issue its first annual report by April 1, 2020. The bill would require an agency that employs 334 or more but less than 667 peace officers to issue its first annual report by April 1, 2022. The bill

would require an agency that employs one or more but less than 334 peace officers to issue its first annual report by April 1, 2023.

By imposing a higher level of service on local entities that employ peace officers, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the Racial and Identity Profiling Act of 2015.

SEC. 2. Section 12525.5 is added to the Government Code, to read:

12525.5. (a) (1) Each state and local agency that employs peace officers shall annually report to the Attorney General data on all stops conducted by that agency's peace officers for the preceding calendar year.

(2) Each agency that employs 1,000 or more peace officers shall issue its first round of reports on or before April 1, 2019. Each agency that employs 667 or more but less than 1,000 peace officers shall issue its first round of reports on or before April 1, 2020. Each agency that employs 334 or more but less than 667 peace officers shall issue its first round of reports on or before April 1, 2022. Each agency that employs one or more but less than 334 peace officers shall issue its first round of reports on or before April 1, 2023.

(b) The reporting shall include, at a minimum, the following information for each stop:

- (1) The time, date, and location of the stop.
- (2) The reason for the stop.
- (3) The result of the stop, such as, no action, warning, citation, property seizure, or arrest.
- (4) If a warning or citation was issued, the warning provided or violation cited.
- (5) If an arrest was made, the offense charged.
- (6) The perceived race or ethnicity, gender, and approximate age of the person stopped, provided that the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped. For motor vehicle stops, this paragraph only applies to the driver, unless any actions specified under paragraph (7) apply in relation to a passenger, in which case the characteristics specified in this paragraph shall also be reported for him or her.
- (7) Actions taken by the peace officer during the stop, including, but not limited to, the following:

(A) Whether the peace officer asked for consent to search the person, and, if so, whether consent was provided.

(B) Whether the peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any.

(C) Whether the peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property.

(c) If more than one peace officer performs a stop, only one officer is required to collect and report to his or her agency the information specified under subdivision (b).

(d) State and local law enforcement agencies shall not report the name, address, social security number, or other unique personal identifying information of persons stopped, searched, or subjected to a property seizure, for purposes of this section. Notwithstanding any other law, the data reported shall be available to the public, except for the badge number or other unique identifying information of the peace officer involved, which shall be released to the public only to the extent the release is permissible under state law.

(e) Not later than January 1, 2017, the Attorney General, in consultation with stakeholders, including the Racial and Identity Profiling Advisory Board (RIPA) established pursuant to paragraph (1) of subdivision (j) of Section 13519.4 of the Penal Code, federal, state, and local law enforcement agencies and community, professional, academic, research, and civil and human rights organizations, shall issue regulations for the collection and reporting of data required under subdivision (b). The regulations shall specify all data to be reported, and provide standards, definitions, and technical specifications to ensure uniform reporting practices across all reporting agencies. To the best extent possible, such regulations should be compatible with any similar federal data collection or reporting program.

(f) All data and reports made pursuant to this section are public records within the meaning of subdivision (e) of Section 6252, and are open to public inspection pursuant to Sections 6253 and 6258.

(g) (1) For purposes of this section, “peace officer,” as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, is limited to members of the California Highway Patrol, a city or county law enforcement agency, and California state or university educational institutions. “Peace officer,” as used in this section, does not include probation officers and officers in a custodial setting.

(2) For purposes of this section, “stop” means any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person’s body or property in the person’s possession or control.

SEC. 3. Section 13012 of the Penal Code is amended to read:

13012. (a) The annual report of the department provided for in Section 13010 shall contain statistics showing all of the following:

- (1) The amount and the types of offenses known to the public authorities.
- (2) The personal and social characteristics of criminals and delinquents.

(3) The administrative actions taken by law enforcement, judicial, penal, and correctional agencies or institutions, including those in the juvenile justice system, in dealing with criminals or delinquents.

(4) The administrative actions taken by law enforcement, prosecutorial, judicial, penal, and correctional agencies, including those in the juvenile justice system, in dealing with minors who are the subject of a petition or hearing in the juvenile court to transfer their case to the jurisdiction of an adult criminal court or whose cases are directly filed or otherwise initiated in an adult criminal court.

(5) (A) The total number of each of the following:

(i) Citizen complaints received by law enforcement agencies under Section 832.5.

(ii) Citizen complaints alleging criminal conduct of either a felony or misdemeanor.

(iii) Citizen complaints alleging racial or identity profiling, as defined in subdivision (e) of Section 13519.4. These statistics shall be disaggregated by the specific type of racial or identity profiling alleged, such as based on a consideration of race, color, ethnicity, national origin, religion, gender identity or expression, sexual orientation, or mental or physical disability.

(B) The statistics reported under this paragraph shall provide, for each category of complaint identified under subparagraph (A), the number of complaints within each of the following disposition categories:

(i) "Sustained," which means that the investigation disclosed sufficient evidence to prove the truth of allegation in the complaint by preponderance of evidence.

(ii) "Exonerated," which means that the investigation clearly established that the actions of the personnel that formed the basis of the complaint are not a violation of law or agency policy.

(iii) "Not sustained," which means that the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint.

(iv) "Unfounded," which means that the investigation clearly established that the allegation is not true.

(C) The reports under subparagraphs (A) and (B) shall be made available to the public and disaggregated for each individual law enforcement agency.

(b) It shall be the duty of the department to give adequate interpretation of the statistics and so to present the information that it may be of value in guiding the policies of the Legislature and of those in charge of the apprehension, prosecution, and treatment of the criminals and delinquents, or concerned with the prevention of crime and delinquency. The report shall also include statistics which are comparable with national uniform criminal statistics published by federal bureaus or departments heretofore mentioned.

(c) Each year, on an annual basis, the Racial and Identity Profiling Board (RIPA), established pursuant to paragraph (1) of subdivision (j) of Section 13519.4, shall analyze the statistics reported pursuant to subparagraphs (A) and (B) of paragraph (5) of subdivision (a) of this section. RIPA's analysis of the complaints shall be incorporated into its annual report as required by

paragraph (3) of subdivision (j) of Section 13519.4. The reports shall not disclose the identity of peace officers.

SEC. 4. Section 13519.4 of the Penal Code is amended to read:

13519.4. (a) The commission shall develop and disseminate guidelines and training for all peace officers in California as described in subdivision (a) of Section 13510 and who adhere to the standards approved by the commission, on the racial and cultural differences among the residents of this state. The course or courses of instruction and the guidelines shall stress understanding and respect for racial, identity, and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a diverse racial, identity, and cultural environment.

(b) The course of basic training for peace officers shall include adequate instruction on racial, identity, and cultural diversity in order to foster mutual respect and cooperation between law enforcement and members of all racial, identity, and cultural groups. In developing the training, the commission shall consult with appropriate groups and individuals having an interest and expertise in the field of racial, identity, and cultural awareness and diversity.

(c) For the purposes of this section the following shall apply:

(1) "Disability," "gender," "nationality," "religion," and "sexual orientation" have the same meaning as in Section 422.55.

(2) "Culturally diverse" and "cultural diversity" include, but are not limited to, disability, gender, nationality, religion, and sexual orientation issues.

(3) "Racial" has the same meaning as "race or ethnicity" in Section 422.55.

(4) "Stop" has the same meaning as in paragraph (2) of subdivision (g) of Section 12525.5 of the Government Code.

(d) The Legislature finds and declares as follows:

(1) The working men and women in California law enforcement risk their lives every day. The people of California greatly appreciate the hard work and dedication of peace officers in protecting public safety. The good name of these officers should not be tarnished by the actions of those few who commit discriminatory practices.

(2) Racial or identity profiling is a practice that presents a great danger to the fundamental principles of our Constitution and a democratic society. It is abhorrent and cannot be tolerated.

(3) Racial or identity profiling alienates people from law enforcement, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people whom law enforcement is sworn to protect and serve.

(4) Pedestrians, users of public transportation, and vehicular occupants who have been stopped, searched, interrogated, and subjected to a property seizure by a peace officer for no reason other than the color of their skin, national origin, religion, gender identity or expression, housing status, sexual orientation, or mental or physical disability are the victims of discriminatory practices.

(5) It is the intent of the Legislature in enacting the changes to this section made by the act that added this paragraph that additional training is required to address the pernicious practice of racial or identity profiling and that enactment of this section is in no way dispositive of the issue of how the state should deal with racial or identity profiling.

(e) "Racial or identity profiling," for purposes of this section, is the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description. The activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.

(f) A peace officer shall not engage in racial or identity profiling.

(g) Every peace officer in this state shall participate in expanded training as prescribed and certified by the Commission on Peace Officers Standards and Training.

(h) The curriculum shall be evidence-based and shall include and examine evidence-based patterns, practices, and protocols that make up racial or identity profiling, including implicit bias. This training shall prescribe evidenced-based patterns, practices, and protocols that prevent racial or identity profiling. In developing the training, the commission shall consult with the Racial and Identity Profiling Advisory Board established pursuant to subdivision (j). The course of instruction shall include, but not be limited to, significant consideration of each of the following subjects:

(1) Identification of key indices and perspectives that make up racial, identity, and cultural differences among residents in a local community.

(2) Negative impact of intentional and implicit biases, prejudices, and stereotyping on effective law enforcement, including examination of how historical perceptions of discriminatory enforcement practices have harmed police-community relations and contributed to injury, death, disparities in arrest detention and incarceration rights, and wrongful convictions.

(3) The history and role of the civil and human rights movement and struggles and their impact on law enforcement.

(4) Specific obligations of peace officers in preventing, reporting, and responding to discriminatory or biased practices by fellow peace officers.

(5) Perspectives of diverse, local constituency groups and experts on particular racial, identity, and cultural and police-community relations issues in a local area.

(6) The prohibition against racial or identity profiling in subdivision (f).

(i) Once the initial basic training is completed, each peace officer in California as described in subdivision (a) of Section 13510 who adheres to the standards approved by the commission shall be required to complete a refresher course every five years thereafter, or on a more frequent basis if

deemed necessary, in order to keep current with changing racial, identity, and cultural trends.

(j) (1) Beginning July 1, 2016, the Attorney General shall establish the Racial and Identity Profiling Advisory Board (RIPA) for the purpose of eliminating racial and identity profiling, and improving diversity and racial and identity sensitivity in law enforcement.

(2) RIPA shall include the following members:

(A) The Attorney General, or his or her designee.

(B) The President of the California Public Defenders Association, or his or her designee.

(C) The President of the California Police Chiefs Association, or his or her designee.

(D) The President of California State Sheriffs' Association, or his or her designee.

(E) The President of the Peace Officers Research Association of California, or his or her designee.

(F) The Commissioner of the California Highway Patrol, or his or her designee.

(G) A university professor who specializes in policing, and racial and identity equity.

(H) Two representatives of human or civil rights tax-exempt organizations who specialize in civil or human rights.

(I) Two representatives of community organizations who specialize in civil or human rights and criminal justice, and work with victims of racial and identity profiling. At least one representative shall be between 16 and 24 years of age.

(J) Two religious clergy members who specialize in addressing and reducing racial and identity bias toward individuals and groups.

(K) Up to two other members that the Governor may prescribe.

(L) Up to two other members that the President Pro Tempore of the Senate may prescribe.

(M) Up to two other members that the Speaker of the Assembly may prescribe.

(3) Each year, on an annual basis, RIPA shall do the following:

(A) Analyze the data reported pursuant to Section 12525.5 of the Government Code and Section 13012 of the Penal Code.

(B) Analyze law enforcement training under this section.

(C) Work in partnership with state and local law enforcement agencies to review and analyze racial and identity profiling policies and practices across geographic areas in California.

(D) Conduct, and consult available, evidence-based research on intentional and implicit biases, and law enforcement stop, search, and seizure tactics.

(E) Issue a report that provides RIPA's analysis under subparagraphs (A) to (D), inclusive, detailed findings on the past and current status of racial and identity profiling, and makes policy recommendations for eliminating racial and identity profiling. RIPA shall post the report on its Internet Web

site. Each report shall include disaggregated statistical data for each reporting law enforcement agency. The report shall include, at minimum, each reporting law enforcement agency's total results for each data collection criteria under subdivision (b) of Section 12525.5 of the Government Code for each calendar year. The reports shall be retained and made available to the public by posting those reports on the Department of Justice's Internet Web site. The first annual report shall be issued no later than January 1, 2018. The reports are public records within the meaning of subdivision (d) of Section 6252 of the Government Code and are open to public inspection pursuant to Sections 6253, 6256, 6257, and 6258 of the Government Code.

(F) Hold at least three public meetings annually to discuss racial and identity profiling, and potential reforms to prevent racial and identity profiling. Each year, one meeting shall be held in northern California, one in central California, and one in southern California. RIPA shall provide the public with notice of at least 60 days before each meeting.

(4) Pursuant to subdivision (e) of Section 12525.5 of the Government Code, RIPA shall advise the Attorney General in developing regulations for the collection and reporting of stop data, and ensuring uniform reporting practices across all reporting agencies.

(5) Members of RIPA shall not receive compensation, nor per diem expenses, for their services as members of RIPA.

(6) No action of RIPA shall be valid unless agreed to by a majority of its members.

(7) The initial terms of RIPA members shall be four years.

(8) Each year, RIPA shall elect two of its members as cochairpersons.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 3

March 9, 2022

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON March 1, 2022

SUBJECT: POLICY - LIMITATION ON USE OF PRETEXTUAL STOPS – ESTABLISHED

BACKGROUND: Members of our community and communities around the country have expressed concern regarding the manner and frequency with which officers are stopping individuals (pedestrians, cyclists, and motorists) for perceived minor violations to investigate other crimes (a subset of which are known as and approved by the United States Supreme Court as “pretextual stops”). Their fears stem in large measure from a belief that such enforcement activities are arbitrary, capricious, and a reflection of an individual officer’s implicit or explicit bias(es). Moreover, some community members question the impact such pretextual stops have on crime reduction.

The Department continually assesses community concerns and expectations with respect to its responsibility to ensure public safety. The Department works regularly with various City entities (e.g., City of Los Angeles’ Vision Zero for 2025 initiative) to identify and resolve problematic street corridors, which requires that officers actively engage motorists, bicyclists, and pedestrians – via education and enforcement of California Vehicle Code violations (e.g., red light and stop sign violations, distracted driving, unsafe speed, driving under the influence) to improve roadway safety in all communities throughout the City of Los Angeles. In addition, the increase in violent crime necessitates proactive and vigilant enforcement efforts to ensure public safety.

In fulfilling its mission to increase safety and reduce the incidence and fear of crime, the Department seeks to eliminate bias in any form from within its ranks and practices. The Department also strives to reduce and, if possible, ultimately eliminate any perception of bias within the LAPD. For these reasons, the Department seeks to hone the focus of its traffic enforcement and crime prevention strategies to reduce traffic injuries and fatalities, and address crime (especially violent crime) while also facilitating trust and improving community relations. This mandate requires the judicious use of our legitimate authority as we endeavor to protect the various communities we serve. Therefore, absent intelligence or information connecting an individual to a crime or public safety concern, less attention should be given to observations of vehicle equipment violations where no strong causal connection to collisions – and hence public safety – exists. This re-prioritization of efforts and other Department policies (e.g., *Policy Prohibiting Biased Policing*) as well as training are part of the Department’s goal of eliminating any actual or perceived disparities in treatment.

PURPOSE: The purpose of this Order is to establish Department Manual Section 1/240.06, *Policy - Limitation on Use of Pretextual Stops*. The policy provides parameters and responsibilities for Department personnel when utilizing pretextual stops so that they remain in compliance with the 4th and 14th Amendments to the United States Constitution.

PROCEDURE:

- I. POLICY - LIMITATION ON USE OF PRETEXTUAL STOPS – ESTABLISHED.** Department Manual Section 1/240.06, *Policy - Limitation on Use of Pretextual Stops*, has been established and is attached.

AMENDMENTS: This Order adds Section 1/240.06 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

If you have any questions, you may contact the Office of Constitutional Policing and Policy, at (213) 486-8730.



MICHEL R. MOORE
Chief of Police

Attachment

DISTRIBUTION "D"

**DEPARTMENT MANUAL
VOLUME I
Established by Special Order No. 3, 2022**

240. 06 POLICY - LIMITATION ON USE OF PRETEXTUAL STOPS

PREAMBLE. *While the exercise of an officer's discretion in initiating a "stop" or conducting a detention is authorized under the law, it should reflect the necessary balance of the role of law enforcement in the prevention of crime and receiving and thereafter maintaining the community's trust that the officer's actions are fair and without bias. Conducting a vehicle or pedestrian stop and/or detention can promote public safety and the protection of the public from serious and sometimes violent crime. Such stops can also subject motorists and pedestrians to inconvenience, confusion, and anxiety, and strain relationships between law enforcement and the community because some members of the community perceive stops as biased, racially motivated, or unfair. To maintain public trust, the Department's use of pretext stops as a crime reduction strategy must be measured, in furtherance of achieving the necessary balance between the perception of fairness and identifying those engaged in serious criminal conduct.*

Pretext Stops Defined. *A pretextual or pretext stop is one where officers use reasonable suspicion or probable cause of a minor traffic or code violation (e.g., Municipal Code or Health and Safety Code) as a pretext to investigate another, more serious crime that is unrelated to that violation.*

Policy.

Use of Traffic/Pedestrian Stops - General. *Traffic or pedestrian stops made for the sole purpose of enforcing the Vehicle Code or other codes are intended to **protect public safety**. Therefore, officers should make stops for minor equipment violations or other infractions only when the officer believes that such a violation or infraction significantly interferes with public safety.*

Note: *The public safety reason for all traffic/pedestrian stops, citations and warnings should be articulated on body-worn video (BWV) and should include an officer's response to any questions posed by the individual stopped.*

Pretext Stops – Restricted. *It is the Department's policy that pretextual stops shall not be conducted **unless** officers are acting upon articulable information in addition to the traffic violation, which may or may not amount to reasonable suspicion, regarding a serious crime (i.e., a crime with potential for great bodily injury or death), such as a Part I violent crime, driving under the influence (DUI), reckless driving, street racing, street takeovers, hit and run, human or narcotics trafficking, gun violence, burglary, or another similarly serious crime. Such decisions should not be based on a mere hunch or on generalized characteristics such as a person's race, gender, age, homeless circumstance, or presence in a high-crime location.*

**DEPARTMENT MANUAL
VOLUME I
Established by Special Order No. 3, 2022**

Department personnel seeking one or more specific persons who have been identified or described in part by one or more of these characteristics may rely on them only in combination with other appropriate identifying factors.

***Note:** The reason for all pretext stops, and the citations and warnings resulting from them, should be articulated on BWV and should include an officer's response to any questions posed by the individual stopped.*

***Note:** An officer's training, experience and expertise may be used in articulating the additional information the officers used to initiate the stop.*

***Note:** A failure to sufficiently articulate the information which – in addition to the traffic violation – caused the officer to make the pretext stop, shall result in progressive discipline, beginning with counseling and retraining. Discipline shall escalate with successive violations of this mandate.*

***Duration and Scope of All Stops.** Officers' actions during all stops (e.g., questioning, searches, handcuffing, etc.) shall be limited to the original legal basis for the stop, absent articulable reasonable suspicion or probable cause of criminal activity that would justify extending the duration or expanding the scope of the detention. Officers shall not extend the duration or expand the scope of the detention without additional reasonable suspicion or probable cause (beyond the original legal basis for the stop).*

***Conduct During the Stop.** Officers are to ensure their conduct during the course of any stop demonstrates the tenets of Procedural Justice, fairness, and impartiality. Consistent with the Department's procedural justice and community engagement initiatives, when tactics, operational security, and investigative continuity permit, officers shall, as early as practicable, provide the detainee(s) with the information that caused officers to stop them. These precepts are further discussed in the Department Training Bulletins, such as:*

- *Legal Contacts with the Public, dated February 2001;*
- *Contacts with the Public – Part II, Procedural Justice, dated April 2020; and,*
- *Contacts with the Public – Part I, Legal Considerations, dated March 2021.*

***Note:** Training Bulletins are often revised over time. Personnel are encouraged to query the Department Local Area Network (LAN) to ensure review of the most current information.*