



CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

CONSENT CALENDAR  
 June 14, 2022

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Rigel Robinson, Mayor Jesse Arreguin  
 Subject: Support for SB 1389: Low-Level Vehicle Infractions

RECOMMENDATION

Send a letter to Senator Steven Bradford, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Senate Bill 1389, which would prohibit peace officers from initiating traffic stops for certain low-level infractions unless there is a separate, independent basis to initiate the stop.

BACKGROUND

SB 1389, introduced by Senator Bradford, would amend the California Vehicle Code to state that “a peace officer shall not initiate a motor vehicle stop for a low-level infraction unless there is a separate, independent basis to initiate the motor vehicle stop.” Low-level infractions are defined as any of the following:

- A violation related to the registration of a vehicle or vehicle equipment or the operation of a bicycle.
- A violation pertaining to a license plate not securely fastened to the vehicle, but the plate is otherwise clearly displayed.
- A violation for lighting equipment not illuminating, but the violation is limited to a single brake light, headlight, or running light or a single bulb in a larger light of the same.

This bill does not include vehicle registrations that have expired for more than six months or violations relating to commercial vehicles; thus, peace officers may still stop vehicles for those infractions.

Traffic stops are the most common form of interaction between American civilians and law enforcement. Low-level traffic stops are often used as pretext to stop a vehicle and investigate the driver for other possible crimes, giving officers vast discretion and contributing to racial disparities in policing. A 2019 analysis of RIPA data by the Public Policy Institute of California showed that during traffic stops, Black people were twice as likely as White people to be searched and twice as likely to experience some form of escalation, such as use of force or being asked to step out of the vehicle.<sup>1</sup>

<sup>1</sup> <https://www.ppic.org/publication/policy-brief-racial-disparities-in-law-enforcement-stops/>

71 transportation safety, transportation equity, racial equity, civil rights, police and transformative justice reform organizations nationwide have signed onto a letter requesting that the U.S. Department of Transportation and Department of Justice reexamine agency-sponsored programs that encourage law enforcement reliance on pretextual stops.<sup>2</sup> For example, the “Data-Driven Approaches to Crime & Traffic Safety” (DDACTS) program teaches police departments to use pretextual traffic stops as a tool to stop crime by focusing enforcement in “high crime” areas. The coalition letter reads, “Although deemed constitutional by the Supreme Court, pretextual stops are particularly harmful—they result in racial inequities that far exceed disparities in traffic stops aimed at road safety; they result in particularly invasive questioning and searches. The DDACTS approach sounds in Broken Windows policing and other strategies that have wrought incredible harm, predominantly in communities of color, under the name of targeting high-crime neighborhoods.”

Conducting stops for low-level traffic violations that do not pose a threat to public safety takes away valuable officer time from addressing more serious offenses, including violent crime and dangerous moving violations. SB 1389 would reduce racial disparities, cut down on unnecessary and negative community interactions with the police, and limit the use of pretextual stops as an investigative tool.

In February 2021, Council voted unanimously on direction to the City Manager to adopt the recommendations of the Mayor’s Fair and Impartial Policing Working Group, which included focusing the basis of traffic stops on safety and deprioritizing enforcement of minor traffic violations. Council should reaffirm its support for pretextual stop reform by endorsing SB 1389 and sending the attached letter of support to Senator Steven Bradford, Senator Nancy Skinner, and Assemblymember Buffy Wicks.

#### FINANCIAL IMPLICATIONS

None.

#### ENVIRONMENTAL SUSTAINABILITY

No impact.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Angie Chen, Legislative Assistant

#### Attachments:

1: Letter of support

2: Bill text

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB1389](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB1389)

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<sup>2</sup> [https://www.april-rural.org/2022/Coalition\\_Letter\\_on\\_Pretex - DOT\\_DOJ\\_02\\_22\\_2022.pdf](https://www.april-rural.org/2022/Coalition_Letter_on_Pretex - DOT_DOJ_02_22_2022.pdf)

June 14, 2022

The Honorable Steven Bradford  
California State Senate  
State Capitol, Room 7210  
Sacramento, CA 95814

**RE: City of Berkeley's Support for SB 1389**

Dear Senator Steven Bradford,

The Berkeley City Council would like to convey our full support for Senate Bill 1389, which would reduce racially-biased pretextual traffic stops and unnecessary contact with law enforcement by prohibiting peace officers from enforcing specified low-level infractions.

The use of pretextual stops as an investigative tool is an invasive practice that too often opens the door for racial profiling and disparate use of force, without measurably improving public safety. Conducting stops for low-level traffic violations also takes valuable officer time away from addressing more serious offenses, including violent crime and moving violations that result in severe or fatal injuries on our streets. By preventing police officers from enforcing minor traffic infractions, SB 1389 would curtail the practice of pretextual stops and allow jurisdictions to focus on more critical issues in their communities.

As cities across California embark on the long journey of reimagining public safety and the role of policing, Berkeley thanks you for your statewide leadership in spearheading this important piece of legislation.

Sincerely,  
The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks

