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From: William M. Paparian [REDACTED]
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Dear CPOC:

Attached please find my comments.

Very Respectfully,

William Paparian
Former Mayor of Pasadena

It is time for the City of Pasadena to finally take a meaningful stand in support of criminal justice reform and put an end to the racially discriminatory practice of using minor vehicle equipment violations as a justification to detain and interrogate motorists and search their vehicles.

In 1996, the United States Supreme Court held that it is lawful to detain a motorist upon the belief that he or she has violated traffic laws. The Court's decision has given rise to what have come to be known as "pretext stops," a practice in which a police officer uses a minor traffic violation as a pretext to stop a vehicle when what they really want to do is investigate other crimes.

And so, Pasadena police officers routinely stop drivers in our city for such low-level offenses as tinted windows, no front license plate, or objects hanging from a rearview mirror. There are many vehicles in our city with no front license plates. In the more affluent neighborhoods such as Hastings Ranch, the likelihood of these motorists being stopped by the Pasadena Police Department is extremely remote. But with a change of neighborhood demographics, the likelihood of a vehicle missing a front license plate in Northwest Pasadena being the subject of a pretext stop is much higher.

And therein is where the criticism of pretext stops arises, from the disparate impact on communities of color. In 2020, the Stanford Open Policing Project published an analysis of almost one hundred million police traffic stops. A central finding of the study was that "police stopped and searched Black and Hispanic drivers on the basis of less evidence used in stopping white drivers, who are searched less but more likely to be found with illegal items." More than that, traffic stops for routine traffic violations often become deadly. In 2021, the New York Times investigation concluded that in the preceding 5 years, police officers had killed at least four hundred unarmed drivers and passengers who were not being pursued for violent crimes. The same investigation found that sixty police officers had been murdered by motorists who had been pulled over.

In March of 2022, the LAPD adopted a policy to curtail pretext stops. Now police officers in Los Angeles can only make stops for minor equipment violations or other infractions when the officer believes the violation significantly interferes with public safety. The policy also requires the officer to state the public safety reason for such stops on their body-worn camera.

A 2022 study of Sheriff's deputies in Los Angeles County found that pretext stops have failed to meaningfully improve public safety. The study found that the LASD spent nine out of every 10 hours on stops initiated by deputies rather than responding to calls for help. Amongst those deputy-initiated stops, approximately 80 percent were for traffic violations.

Following the fatal shooting of Anthony McClain by Pasadena police officers in August of 2020 after a traffic stop for no front license plate, the city hired the Office of Independent Review Group (OIR) to review Pasadena Police Department policies. On May 15, 2023, the City Council received their report. One recommendation stood out: reconsideration of pretext stops, especially for minor equipment violations.

In addressing the fatal shooting of Anthony McClain, Michael Gennaco, of the OIR Group said, “...the officers were instructed to police this area because of some crime problems but it was a license plate that was not correct that caused the basis for this stop, eventually the detention, ultimately the use of deadly force.” He went on to say, “All data that I have seen from the RIPA (Racial Identity and Profiling Act) suggests that these stops are disproportionate. They tend to be conducted in a way that they impact people of color more than others.”

As we approach the fourth anniversary this August of the fatal shooting of Anthony McClain after a traffic stop for no front license plate, the Pasadena Police Department is still conducting pretextual stops for no front license plate, tinted windows, and objects hanging from a rear-view mirror. They will continue to use the pretense of making a traffic stop to investigate gang affiliation or to recover firearms under the guise of proactive policing. They will say that giving our officers discretion on who to stop and for what reason is an effective tool that reduces crime rates, curtails gang activity, and takes illegal firearms off the street. Nevertheless, the continuing use of pretext stops as a law enforcement tool has resulted in disparate treatment for communities of color in Pasadena and the erosion of the public trust and the danger to public safety inherent in pretext stops. When it comes to vehicle equipment violations, traffic enforcement by Pasadena police officers must be separated from criminal investigations. That will be the first step toward rebuilding trust and confronting the racial disparities in our criminal justice system.

William Paparian is the former Mayor of Pasadena