

One Minute Brief

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TOPIC: Racial Justice Act

ISSUE: Does the Racial Justice Act allow a defendant to challenge an officer's subjective motivations for a traffic stop? What are the penalties?

Under the Fourth Amendment, an officer's subjective reasons for a traffic stop are irrelevant, so long as there is an objective reason for the detention. (*Whren v. United States* (1996) 517 U.S. 806, 813 [116 S.Ct. 1769, 135 L.Ed.2d 89].) But a different law allows a defendant to claim that an officer subjectively considered his or her race, ethnicity, or national origin when conducting a traffic stop.

Under the Racial Justice Act (RJA), the state may not "seek or obtain a criminal conviction or seek, obtain, or impose a sentence on the basis of race, ethnicity, or national origin." (Pen. Code, § 745, subd. (a).) A defendant may claim an RJA violation when, among other things, "a law enforcement officer involved in the case ... exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin." (Pen. Code, § 745, subd. (a)(1).) This applies not only to purposeful discrimination, but also to unconscious or implied bias. This includes any bias in traffic stops. (See *Finley v. Superior Court* (2023) 95 Cal.App.5th 12.)

For example, in *Bonds v. Superior Court* (2024) 99 Cal.App.5th 821, an officer assigned to a gang enforcement unit made a U-turn to stop a car for a covered rear plate. After some banter, the defendant asked the officer if he pulled him over because he was black. The officer replied that "part of it" was because of the "hoodies up and stuff." The defendant eventually told the officer that there was a firearm in the vehicle, leading to his arrest.

The defendant brought an RJA motion alleging the officer had pulled him over based on race. The trial court denied the motion, crediting the officer's testimony that he did not see the race of the car's occupants before the stop. But the Court of Appeal reversed, emphasizing that the RJA dealt with unconscious bias. It remanded for the trial court to reconsider whether the officer had "unintentionally" assumed the race of the driver "based on their clothing, their presence in the neighborhood, or other subtle factors."

RJA cases have also considered facts that are either irrelevant or plainly permissible under the Fourth Amendment, such as:

- Immediately asking the driver about guns and drugs, rather than the traffic violation (*Jackson v. Superior Court* (2025) 109 Cal.App.5th 372);
- Having stopped a driver for the same infraction (*Jackson*);
- Referring to an area as a “high-crime area” (*Finley*).

Officers: In so-called “pretext” or “wall” stops, investigators have traditionally not had to disclose the “real” reason for the stop. Under the RJA, however, investigators might need to disclose this information to show that the stop was not based on race, or else invoke official privileges to avoid disclosing it to the defense.

What happens if the court finds an RJA violation? Although suppression is **not** an RJA remedy, the court might **dismiss** charges or enhancements. (Pen. Code, § 745, subd. (k)(1).) **Prosecutors:** Do not let defendants litigate RJA issues during a 1538.5 motion. An officer’s subjective motivations are still irrelevant under the Fourth Amendment. (See *People v. Valle* (2024) 105 Cal.App.5th 195, 203.) Defendants must file an RJA motion to litigate RJA issues.

BOTTOM LINE:

An officer’s subjective motivations for a traffic stop are irrelevant under the Fourth Amendment, but they are relevant under the RJA. Officers and prosecutors may have to defend stops in court beyond simply proving a traffic violation.

This information was current as of publication date. It is not intended as legal advice. It is recommended that readers check for subsequent developments and consult legal advisors to ensure currency after publication. Local policies and procedures regarding application should be observed.