

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

**SUBJECT: STATING THE REASON FOR A
TRAFFIC OR PEDESTRIAN STOP**

DATE: March 15, 2024

APPROVED

Memo# 2024-006

BACKGROUND

On January 1, 2024, Assembly Bill 2773 went into effect as California Vehicle Code section 2806.5 (subdivisions a and b), which says:

(a) A peace officer making a traffic or pedestrian stop, before engaging in questioning related to a criminal investigation or traffic violation, shall state the reason for the stop. The officer shall document the reason for the stop on any citation or police report resulting from the stop.

(b) Subdivision (a) does not apply when the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including, but not limited to, cases of terrorism or kidnaping.

Pre-existing Department policy (Duty Manual section L2604—Violator Contact) states that when an officer makes a traffic enforcement stop, they shall identify themselves and state the reason for the stop as soon as time and circumstances permit. This continues to be Department policy. However, the new law mandates that, unless the officer making the stop (including pedestrian stops) reasonably believes that disclosing this information presents an imminent threat to life or property, they shall disclose the information prior to engaging in any questioning regarding the violation or investigation. This includes, but is not limited to, asking the person being detained if they know why they were stopped.

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*. Deletions are shown in ~~strike through~~ form.

L 2406

~~VIOLATOR CONTACT~~ VEHICLE AND PEDESTRIAN STOPS:

Revised 03-15-24

~~Traffic violation enforcement is one of~~ *Vehicle and pedestrian stops are among* the many routine tasks performed by officers, but for ~~violators~~ *the person who is stopped* it frequently is an emotionally traumatic experience. In many cases this is the only

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contact that a person has with our Department. Officers should be aware of these conditions and should strive to make each contact educational and to leave the violator with the impression that the officer has performed a necessary task in a professional and friendly manner.

Officers shall, as soon as time and circumstances permit, identify themselves and provide the reason for the vehicle contact. *In accordance with state law, officers making a traffic or pedestrian stop shall not engage the person being detained in questioning related to a criminal investigation or traffic violation until after they have informed the person of the reason for the stop unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat. The officer shall document the reason for the stop on any citation or police report resulting from the stop.*

When an officer chooses to release a violator without a citation, the officer should consider providing the violator with a report receipt or a business card with their name and badge included. When identification is requested by the violator, officers will refer to Duty Manual section C 1409 - SUPPLYING IDENTIFICATION.

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual section.



Anthony Mata
Chief of Police

AM:PH