23-06 - AB 2773 (2022) â€“ Stating and Documenting the Reason for the Stop

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services

AB 2773 (2022) – STATING AND DOCUMENTING

THE REASON FOR THE STOP

PURPOSE

The purpose of this Newsletter is to update Department Personnel with traffic stop procedures required by California Assembly Bill 2773, effective January 1, 2024.

BACKGROUND

Assembly Bill 2773, signed into law on September 29, 2022, amends Government Code Section 12525.5, Vehicle Code Section 1656.3, and adds to the Vehicle Code Section 2806.5.

Legal Requirement Upon Contact

Assembly Bill 2773 requires that an officer(s) conducting a traffic or pedestrian stop advise the detainee of the reason for the stop prior to engaging them in questioning related to a criminal investigation or a traffic violation. This requirement 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 kidnapping.

Legal Requirement for Documentation

Per the bill, law enforcement officers are required to document the reason for the stop on any citation or police report resulting from the stop. Per MPP 5-05/030.05, The Judicial Council of the State of California establishes the format of the citation or Notice to Appear (SH-CR-66) form. The Department must comply with the format and revisions established by the Council. The Judicial Council has amended the Notice to Appear to conform to the new legislation. The legislation states failure to make the required statement is grounds for filing a motion to suppress using the procedures established in Penal Code section 1538.5. See the below citation guide for guidance.

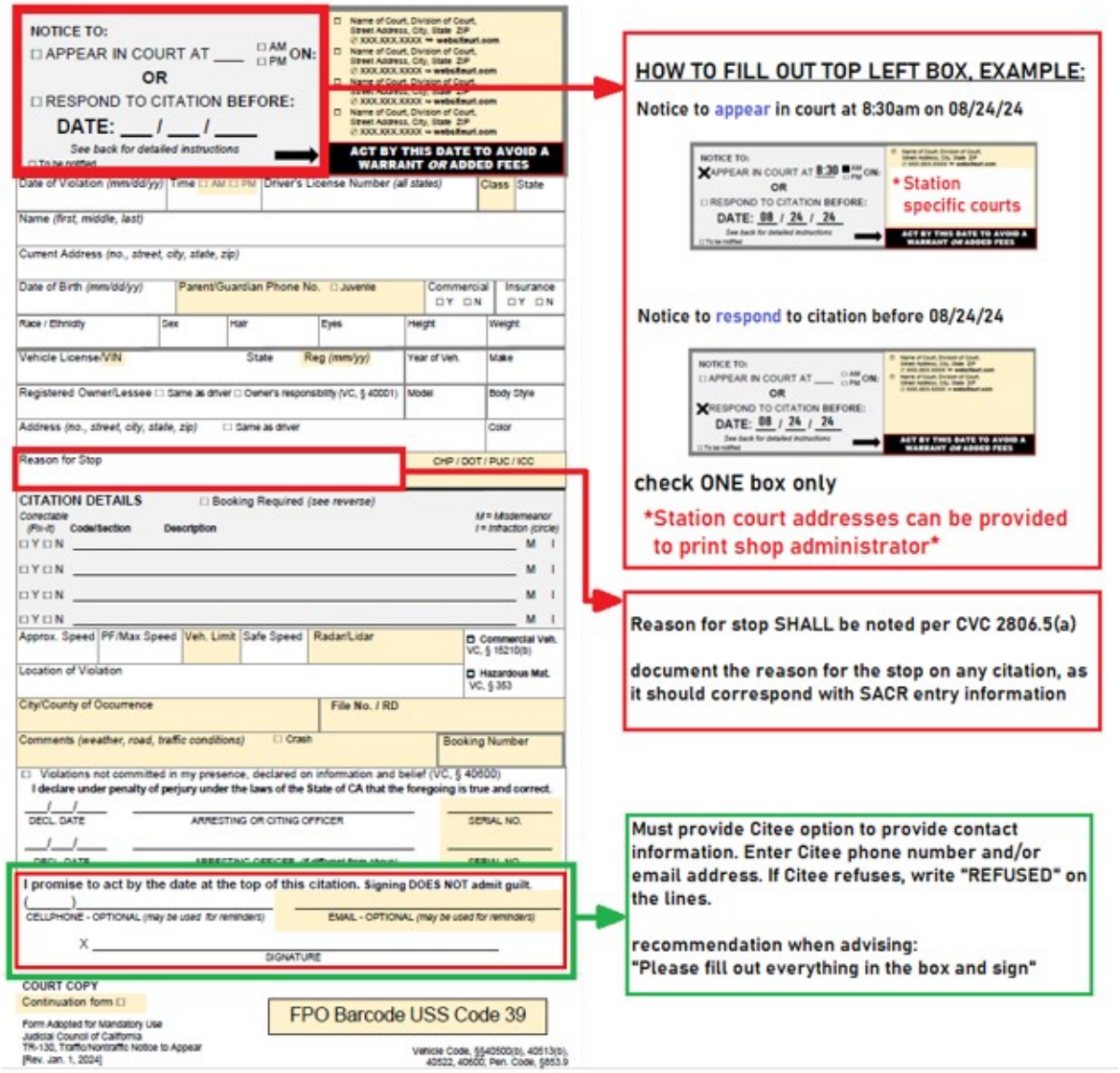
Department members are reminded, per MPP section 3-01/000.05, Bias – Free Policing, that Deputies should draw upon their training and critical decision-making skills to assess whether there is criminal conduct and be aware of implicit bias by proxy while carrying out their duties. Deputies conducting investigative stops

shall:

- Establish reasonable suspicion or probable cause using actual and credible description(s) of a specific suspect or suspects in any criminal investigation;
- Only conduct investigatory stops when they have reasonable suspicion that a person has been, is, or is about to be engaged in the commission of a crime;
- Refrain from using racial or identity profiling in exercising their discretion to conduct a search, except as part of actual and reliable information, and description of a specific suspect or suspects in any criminal investigation;
- Refrain from initiating stops or other field contacts because of an individual’s actual or perceived immigration status;
- Ensure requests to conduct consent searches are reasonable, and be able to articulate a valid reason under the law and policy for initially having stopped an individual; and
- Only conduct searches of individuals based on probation or parole status when knowledge of a probation or parole search condition has been established.

Persons that are contacted during consensual encounters shall be free to leave at all times, and the contact shall be voluntary. A consensual encounter can transform into a detention if a reasonable person believes they are not free to leave.

NEW CITATION FORM (TR-130)



If you require further information, contact Field Operations Support Services at [REDACTED TEXT]

ATTACHMENTS

Citation Guide

REFERENCES

Bill Text - AB-2773 Stops: Notification by Peace Officers - California Legislative Information

MPP 5-05/030.05 - Issuance of Citations

MPP 5-09/205.00 - Code 9 and Pre-Stop Coordination

MPP 3-01/000.05 – Bias – Free Policing