

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

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Los Angeles County Sheriff's Department

### NEWSLETTER

Field Operations Support Services

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### 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)**

The main citation form (TR-130) includes the following sections:

- NOTICE TO:**
  - APPEAR IN COURT AT \_\_\_\_  AM  PM ON:
  - OR**
  - RESPOND TO CITATION BEFORE:
  - DATE: \_\_/\_\_/\_\_
  - See back for detailed instructions
  - To be notified
- ACT BY THIS DATE TO AVOID A WARRANT OR ADDED FEES**
- Reason for Stop:** (Red box highlights this field)
- CITATION DETAILS:**
  - Booking Required (see reverse)
  - Connectable (Pin-ID) Code/Section Description
  - M = Misdemeanor / I = Infraction (circle)
  - Approx. Speed PF/Max Speed Veh. Limit Safe Speed Radar/Lidar
  - Location of Violation
  - City/County of Occurrence File No. / RD
  - Comments (weather, road, traffic conditions)  Crash Booking Number
  - Violations not committed in my presence, declared on information and belief (VC, § 40000)
  - I declare under penalty of perjury under the laws of the State of CA that the foregoing is true and correct.
  - DECL. DATE ARRESTING OR CITING OFFICER SERIAL NO.
  - DECL. DATE ARRESTING OFFICER (if different from above) SERIAL NO.
- Signature Section:**
  - I promise to act by the date at the top of this citation. Signing DOES NOT admit guilt.
  - CELLPHONE - OPTIONAL (may be used for reminders)
  - EMAIL - OPTIONAL (may be used for reminders)
  - X \_\_\_\_\_ SIGNATURE
- COURT COPY:** Continuation form
- FPO Barcode USS Code 39**

**HOW TO FILL OUT TOP LEFT BOX, EXAMPLE:**

Notice to **appear** in court at 8:30am on 08/24/24

Example of the top left box for 'appear in court':

- NOTICE TO:
- APPEAR IN COURT AT **8:30**  AM  PM ON:
- OR**
- RESPOND TO CITATION BEFORE:
- DATE: **08 / 24 / 24**
- See back for detailed instructions
- To be notified
- \* Station specific courts**
- ACT BY THIS DATE TO AVOID A WARRANT OR ADDED FEES**

Notice to **respond** to citation before 08/24/24

Example of the top left box for 'respond to citation':

- NOTICE TO:
- APPEAR IN COURT AT \_\_\_\_  AM  PM ON:
- OR**
- RESPOND TO CITATION BEFORE:
- DATE: **08 / 24 / 24**
- See back for detailed instructions
- To be notified
- ACT BY THIS DATE TO AVOID A WARRANT OR ADDED FEES**

check **ONE** box only

**\*Station court addresses can be provided to print shop administrator\***

Reason for stop **SHALL** be noted per CVC 2806.5(a)

document the reason for the stop on any citation, as it should correspond with SACR entry information

Must provide Citee option to provide contact information. Enter Citee phone number and/or email address. If Citee refuses, write "REFUSED" on the lines.

recommendation when advising: "Please fill out everything in the box and sign"

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](#)

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