

## 3-01/140.00 - Deputy Stops - Government Code Section 12525.5

California law requires a peace officer making a stop, before engaging in questioning related to a criminal investigation or traffic violation, to state the reason for the stop. An exception to the law exists where the peace 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.

For the purposes of this policy, a stop means any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person's body or property in the person's possession or control.

This policy establishes procedures for personnel to follow in order to comply with California Government Code (GC) section 12525.5 and California Vehicle Code (CVC) section 2806.5. All personnel are reminded when making contact with the public that all applicable Department policies are to be followed.

### **Sworn Personnel**

Shall ensure the following is completed:

- When safe to do so, activate their Body Worn Camera (BWC) prior to initiating, or upon conducting the stop in accordance with MPP 3-06/200.08 (Body Worn Camera-Activation). This will serve as a record of the disclosures provided to the person stopped.
- State the reason for the stop to the person detained:
  - This communication should be clear and direct, citing the specific law, ordinance or suspicious activity that justified the stop.
  - If a reason for the stop was not given to the person stopped because of a reasonable belief that withholding the reason for the stop is necessary to protect life or property from imminent threat, state or document the basis for that reasonable belief;
- Document the reason for the stop on any citation given, or on any written report;
- Input the reason for the stop in Computer Aided Dispatch (CAD) or Sheriff's Automated Contact Reporting System (SACR);
- Document the following information for the stop:
  - The time, date, and location of the stop;
  - The reason for the stop;
  - The reason given to the person for the stop at the time of the stop, or the basis for the reasonable belief that not giving the reason to the person for the stop was necessary to protect life or property from imminent threat;

- The result of the stop, such as no action, warning, citation, property seizure, or arrest;
  - If a warning or citation was issued, the warning provided or violation cited;
  - If an arrest was made, the offense charged;
  - The perceived race or ethnicity, gender, and approximate age of the person stopped. Such information shall be based on the observation and perception of the personnel making the stop. The information shall not be requested from the person stopped. For motor vehicle stops, this information shall be documented only as to the driver, unless a passenger was asked for consent to search their person or property, a search of the passenger was actually conducted, and/or property was seized from the passenger;
  - Actions taken by the peace officer during the stop, including, but not limited to the following:
    - Whether the personnel asked for consent to search the person, and if so, whether consent was provided;
    - Whether the personnel searched the person or any property, and if so, the basis for the search and the type of contraband or evidence discovered, if any;
    - Whether the personnel seized any property, and if so, the type of property that was seized and the basis for seizing the property.
  - If more than one personnel performs a stop, only one personnel is required to collect and report the above information.
- Ensure the data input into the CAD and SACR system are consistent and accurate.

### **Supervisors with the rank of Sergeant or higher**

Shall ensure the following were completed:

- When reviewing any citation or written report during a random audit ensure that personnel documented the reason for the stop and that the reason meets department policy and procedures, along with legal standards.
- Confirm personnel stated a reason for the stop to the person they stopped, or documented their reasonable belief that withholding the reason for the stop was necessary to protect life or property from imminent threat:
  - E.g., warn and advise, violation of local ordinance, state law, or federal law, or reasonable suspicion.
- Confirm that the additional information required by this policy regarding the person stopped was documented in SACR;

- If discrepancies or inconsistencies are found, determine if these items can be rectified or conduct an inquiry as to whether the stop was legal.
- Audit the stop in SACR.
  - Ensure a reason for the stop was noted in SACR;
  - Ensure the data input into the CAD and SACR system is consistent and accurate; and
  - Ensure that personnel activated their Body Worn Camera (BWC) in accordance with MPP 3-06/200.08 (Body Worn Camera-Activation) and personnel provided the reason for the stop to the person stopped or articulated circumstances for not providing the reason.

### **Lieutenant, Area Lieutenant or Watch Commander**

Shall ensure the following were completed:

- Ensure that personnel are briefed on a quarterly basis on this policy and log activity in the Watch Commanders Log;
- During SACR audits, ensure the reason (violation of local ordinance, state law, or federal law, or reasonable suspicion) for the stop to the person they stopped is noted, or if the reason for the stop was not given to the person stopped because of a reasonable belief that withholding the reason for the stop is necessary to protect life or property from imminent threat, the basis for that reasonable belief is noted;
- Upon audit or review of BWC, ensure the reason for the stop was given, or the basis for not providing a reason for the stop was articulated, or the BWC depicts the circumstances that gives a basis for not providing a reason for the stop (e.g. instances of critical incidents, or medical emergencies, deputy involved in an unexpected fight/ambush, use of force that damages BWC or unintentionally causes BWC to become removed/inoperable). If the BWC does not depict such circumstances, ensure that the basis for not providing a reason for the stop is adequately documented in the SACR; and
- If discrepancies or inconsistencies are found, determine if these items can be rectified or conduct an inquiry as to whether the stop was legal.
- Audits under this policy shall be conducted randomly and not directed at any particular employee to check general performance activities or issues.

### **Unit Commander**

Shall ensure the Department adheres to 12525.5 GC and 2806.5 CVC in the following areas:

- Personnel are adhering to the laws' requirements;
- Conduct at least 2 audits a year on Supervisors' review and approval of reports; and

- Ensure Scheduling and Training units are providing necessary training to line personnel and supervisors to meet the requirements of GC 12525.5 and CVC 2806.5.

References:

[Newsletter 23-06 AB 2773 \(2022\) – Stating and Documenting the Reason for Traffic Stops](#)

[California Government Code section 12525.5](#)

[California Vehicle Code section 2806.5](#)

[FOD 18-004 Sheriff's Automated Contact Reporting \(SACR\)](#)

[SACR User Guide](#)

[SACR SH-R-636 Form \(Offline Manual Form\)](#)

[Station / Bureau Administration Portal](#)

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