



FAIRFIELD POLICE DEPARTMENT ROLL CALL TRAINING

September 06, 2023

“Reason for Stop” Notifications AB-2773

Assembly Bill 2773, signed into law on 9/29/2022, adds a requirement that officers state the reason for a “stop” before engaging in questioning related to the contact.

The requirement is a “SHALL” notify BEFORE continuing the investigation, unless the officer believes that withholding the notification is necessary due to imminent threat to life or property. The reason for the stop “SHALL” be documented.

AB-2773 adds the following section to the Vehicle Code, along with additional CVC sections related to the California Driver’s Handbook and the Government Code.

CVC 2806.5

(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.

(c) This section shall become operative on January 1, 2024.

While this is codified in the Vehicle Code, the wording of the AB-2773 and CVC 2806.5 specifies “criminal investigation or traffic violation.” The wording of the section, without a clarifying case law decision, implies that the section is applicable to all detentions and traffic stops. CVC 2806.5(b) allows an officer to withhold the reason for the stop to protect life or property and gives examples of “terrorism or kidnaping.”

Amendments to CVC 1656.3 add the notification requirement to the California Driver’s Handbook, along with the right to file a complaint against an officer.

CVC 1656.3

(a) The department shall include within the California Driver’s Handbook, as specified in Section 1656, information regarding each of the following:

(4) A person's civil rights during a traffic stop. The information shall address the extent and limitations of a peace officer's authority during a traffic stop and the legal rights of drivers and passengers, including, but not limited to, the right to file complaints against a peace officer. The information to be included in the handbook shall be developed by the civil rights section of the Department of Justice in consultation with the Department of Motor Vehicles, the Department of the California Highway Patrol, the Commission on Peace Officer Standards and Training, and civil rights organizations, including community-based organizations.

Upon completion of the contact, the reason for the stop shall be documented in Stop Data, which will be updated in RIMS to reflect the changes in law. The officer shall **also** document the reason for the stop on any citation or police report resulting from the stop. Officers shall document the reason given for the stop in writing on the back of any citation generated.

Some recommended methods of initiating contacts, in line with the strategic communications style, include:

“Good morning, I’m Officer Jones. I stopped you for speeding...”

“Sir, we received a call about a domestic dispute, do you live...”

Upon initial contact and prior to advising the stopped person of the reason for the stop, officers are advised to avoid asking:

“Do you know why I stopped you?”

“Do you have your license, registration, and insurance?”

Officers may continue to ask these questions after providing the reason for the stop.

Generally, “felony stops” or “high risk stops” are conducted when there is an imminent threat to life or property. However, once a stopped person is safely detained and the scene is secure, officers shall provide a reason for the stop to the stopped person prior to any questioning.

The law states that the reason for the stop shall be given, “before engaging in any questioning.” This does not mean that an officer must provide the reason for the stop prior to a stopped person submitting to detention or arrest.

Specifics surrounding this requirement will be refined as case law develops; the Training Unit understands that numerous hypotheticals could be conjured. At this time, officers should always provide a reason for the stop absent exigent circumstances. For example, an Officer may stop a vehicle or person wanted in connection with a violent or other significant crime. That vehicle or person may also display or commit a minor violation. For

safety reasons, the Officer may advise the stopped person of the minor violation if necessary for safety or to allow a fluid situation to develop. The officer may be waiting for additional cover units or for more witness information to be developed. DOJ is currently establishing a procedure in Stop Data for officers to log the reason provided for the stop versus other reasons for the stop. This portion of the training bulletin may be updated in the future.

The implication here is that detentions, arrests, and traffic citations could be challenged for procedural reasons at the citizen complaint level and during court proceedings. Review of body camera video could provide defense attorneys with material to have a case thrown out and/or an officer impeached.

This legislation becomes effective January 1st, 2024. Bottom line – let people know why they have been stopped unless there is an imminent threat to life or property. Officers are advised to attempt to put the upcoming requirements into practice to build familiarity prior to the effective date.

Author: Training Unit

**Source: California Legislature, California Vehicle Code,
Department of Justice Title 11, Division 1, Chapter 19, Article 3 – Racial
and Identity Profiling Act of 2015**

Coordinated With: City Attorney

Distribution: All employees