



Departmental Memorandum

Volume 23-7

To: All Personnel
From: Professional Standards Unit

Katherine Lester, Chief of Police

AB2773 Peace Officer Notifications During Enforcement Stops

12-23-2023

There is currently a general order being drafted to cover traffic stops. This memorandum shall be effective immediately upon publication and serves to fulfil the requirements of AB2773 until the order is published. Please direct your questions to the Professional Standards Unit.

Assembly Bill (AB) 2773

AB2773 was signed into law September 29, 2022 and takes effect **January 1, 2024**. The bill amends and adds sections to both the Government and Vehicle Code regarding enforcement stops made by officers and information that will be included in the California Driver's Handbook. AB2773 requires the department to report additional information to the California Department of Justice (DOJ) and requires officers to provide certain information to persons during enforcement stops. The updated requirements are posted for the public's information on the DOJ website.

Currently, the department collects and submits data to DOJ pursuant to California Government Code §12525.5, under the Racial and Identity Profiling Act (RIPA). AB2773 amends sub-section (b)(3) to include, "The reason given to the person stopped at the time of the stop." The RIPA entry update for 2024 will include this as a required field to be completed.

AB2773 also adds § 2806.5 to the California Vehicle Code (VC) which reads as follows:

2806.5. (a) A peace officer making a traffic or pedestrian stop, **before** (emphasis added) 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 kidnapping.

Effective immediately, officers who make a traffic or pedestrian stop shall, before engaging in questioning related to a criminal investigation or traffic violation, state 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, and shall document the reason for the stop on any citation or police report resulting from the stop.

CLAYTON BUCHANAN, CAPTAIN
PROFESSIONAL STANDARDS

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