



2024 LEGAL UPDATES

STATUTORY LAW

Stops: Notifications by Peace Officers

Gov. Code § 12525.2 (Amend, Repeal and Add) and Veh Code §§ 1656.3 (Add), 2806.5 (Add)
Effective Date: January 1, 2024

SUMMARY:

Requires, beginning January 1, 2024, a peace officer making a traffic or pedestrian stop to state the reason for the stop before asking any questions related to a criminal investigation or traffic violation, unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat.

HIGHLIGHTS:

- The limitation on peace officer questioning before stating the reason for the stop applies to questions related to a criminal investigation or a traffic violation.
- Requires each state and local agency to include in its annual report to the Attorney General of data on stops to include the reason given to the person stopped at the time of the stop.

Pedestrians

Veh. Code §§ 21451, 21452, 21453, 21456, 21461.5, 21462, 21950, 21953, 21954, 21955, 21956, 21961, and 21966 (Amend) and 21949.5 (Add and Repeal)
Effective Date: January 1, 2023

SUMMARY:

Provides that a peace officer shall not stop a pedestrian for a violation involving an illegal crossing of the street unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

Vehicles: Registration

Veh Code §§ 4000, 5204, and 40225 (Amended)
Effective Date: July 1, 2024

Section 4000 VC and 5204: Beginning July 1, 2024, a violation of expired registration or improper display of tabs shall not be the sole basis for any enforcement action before the second month after the month of expiration of the vehicle's registration. Law enforcement may take an enforcement action for having an expired vehicle registration before the second month of expiration only if the driver is stopped for any other violation of the vehicle code. These changes do not apply to fleet vehicles.

Reminder - Section 5204 VC: Prior to issuing a citation for expired/improper tabs displayed, a law enforcement officer shall verify, using available department records, that no current registration exists for that vehicle. A citation shall not be issued for failure to comply with this section against any vehicle that has a current registration on file.



VENTURA COUNTY COMMUNITY COLLEGE DISTRICT
POLICE DEPARTMENT

TRAINING OUTLINE

Custodial Interrogation

W&I Code §§ 627 (Amend) and 625.7 (Add)
Effective Date: January 1, 2024

SUMMARY:

Commencing January 1, 2024, the new provisions prohibit law enforcement officers from employing threats, physical harm, deception, or psychologically manipulative interrogation tactics, as specified, during a **custodial interrogation** of a person 17 years of age or younger.

HIGHLIGHTS:

- Does not apply to interrogations of a person 17 years of age or younger if both of the following criteria are met:
 - The law enforcement officer who questioned the person reasonably believed the information the officer sought was necessary to protect life or property from an imminent threat.
 - The questions by law enforcement officers were limited to those questions that were reasonably necessary to obtain information related to the imminent threat.
- Does not prevent an officer from using a lie detector test as long it is voluntary and was not obtained through the use of threats, physical harm, deception, or psychologically manipulative interrogation tactics as defined herein, and the officer does not suggest that the lie detector results are admissible in court or misrepresent the lie detector results to the person.

Definitions:

“Deception,” includes, but is not limited to, the knowing communication of false facts about evidence, misrepresenting the accuracy of the facts, or false statements regarding leniency.

“Psychologically manipulative interrogation tactics” include, but are not limited to the following:

- Maximization and minimization and other interrogation practices that rely on a presumption of guilt or deceit.
 - Maximization includes techniques to scare or intimidate the person by repetitively asserting the person is guilty despite their denials, or exaggerating the magnitude of the charges or the strength of the evidence, including suggesting the existence of evidence that does not exist.
 - Minimization involves minimizing the moral seriousness of the offense, a tactic that falsely communicates that the conduct is justified, excusable, or accidental. ○ Making direct or indirect promises of leniency, such as indicating the person will be released if the person cooperates.
- Making direct or indirect promises of leniency, such as indicating the person will be released if the person cooperates.
- Employing the “false” or “forced” choice strategy, where the person is encouraged to select one of two options, both incriminatory, but one is characterized as morally or legally justified or excusable.



TRAINING OUTLINE

- Requires a probation officer, no later than 2 hours after a minor has been taken into custody, to immediately notify the public defender or if there is no public defender, the indigent defense provider for the county, that the minor has been taken into custody.

Vehicle Removal: Expired Registration

Veh Code § 22651 (Amended)

Effective Date: January 1, 2024

Requires a peace officer or traffic enforcement official to verify with DMV that no current vehicle registration exists before towing a vehicle for having expired registration longer than 6 months and prohibits the vehicle from being towed if the officer or traffic enforcement official does not have immediate access to those records. A vehicle shall not be removed for VC §22651(o)(1)(A) if it has a current registration on file with the DMV, regardless of whether it is in compliance with the requirement that registration tabs be displayed.

Emergency Notification: Ebony Alert: Missing Black Youth

Gov Code § 8594.14 (Added)

Effective Date: January 1, 2024

SUMMARY:

Establishes the Ebony Alert system to aid in the location of missing Black youths, including young women and girls, who are reported missing under unexplained or suspicious circumstances, at risk, developmentally disabled, cognitively impaired, or who have been abducted.

Vehicles: Stopping, Standing, and Parking

Veh Code § 22500 (Repealed and Added)

Effective Date: January 1, 2025

Prohibits a person from parking a vehicle within 20 feet of either side of any marked or unmarked crosswalk, or within 15 feet of any crosswalk where a curb extension is present but permits a local government to allow parking for bicycles or motorized scooters within 20 feet of a crosswalk. Prior to January 1, 2025, jurisdictions may only issue a warning, and shall not issue a citation, for a violation unless the violation occurs in an area marked using paint or a sign.



CASE LAW

FOURTH AMENDMENT: AUTHORITY FOLLOWING THE EVAPORATION OF REASONABLE SUSPICION

People v. Suggs (2023) 93 Cal.App.5th 1360: When the initial reasonable suspicion for a traffic stop evaporates, may a peace officer ask a driver for license, registration, and proof of insurance?

RULE: Once the initial reasonable suspicion for a traffic stop disappears, an officer is only permitted to tell the driver the reason for the stop. The officer may not ask for license, registration, and proof of insurance.

FACTS: An officer stopped a car for displaying paper dealer plates without temporary registration. Upon walking up, he saw temporary registration inside the darkly tinted rear window. The officer asked about the vehicle's purchase and intended destination. He asked the driver and passenger for identification, and explained the reason for the stop. A records check revealed that the driver's license was suspended and the passenger was on searchable probation. A probation search of the car yielded a gun and meth.

HELD: The detention was unduly prolonged. Once the initial reasonable suspicion for the traffic stop had disappeared, the officer was only permitted to tell the driver the reason for the stop. No further inquiries were permitted absent additional reasonable suspicion or probable cause.

FOURTH AMENDMENT: REASONABLE SUSPICION FOR TRAFFIC STOP

People v. Holiman (2022) 76 Cal.App.5th 825: Can an officer stop a vehicle for the failure to activate a turn signal before stopping at a stop sign?

RULE: The failure to signal continuously for the last 100 feet before a limit line is not a distinct traffic offense. It must be linked to the requirement that another vehicle is affected by the unsignaled movement.

FACTS: An officer began following a car due to hunch about a "furtive look" the driver gave her. The driver came to a full stop at a three-way intersection, signaled a right turn, and then turned right. Based on this, an officer conducted a traffic stop and found contraband. Defendant moved to suppress the evidence.

HELD: The stop was unlawful. The failure to signal is a traffic offense (Veh. Code §§ 22107, 22108) if another vehicle could have been affected by the non-signaling vehicle's movement. Here, the officer's car was the other vehicle, and defendant's use of right-turn signal after the stop—as opposed to before—could not possibly have affected the safety of the officer's car. Thus, there was no reasonable suspicion that a traffic violation had occurred.



FOURTH AMENDMENT: COMMUNITY CARETAKING FOR TOWS

Coalition on Homelessness v. City and County of San Francisco (2023) 93 Cal.App.5th 928: Does towing a legally parked car for accruing unpaid parking tickets further a community caretaking function under the Fourth Amendment?

RULE: Towing a legally parked car to collect unpaid citation fees and deter future parking violations does not further a community caretaking purpose.

FACTS: San Francisco used automated license plate readers to identify legally parked vehicles that had accrued five or more unpaid parking citations. Then, the city would tow those cars pursuant to Vehicle Code section 22651, subdivision (i)(1). A lawsuit was filed to challenge the practice.

HELD: The Fourth Amendment and Vehicle Code require that a tow must further a community caretaking need, such as the need to ensure the safe flow of traffic or to protect property from theft or vandalism. (Veh. Code, § 22650, subd. (b).) Towing a legally parked car for the accrual of unpaid parking citations does not serve a community caretaking need. It is an unconstitutional seizure. A warrant is required to tow a legally parked vehicle that does not pose a hazard to public safety or convenience.

NOTE: The law does not authorize the issuance of a warrant to seize a legally parked vehicle with accrued unpaid fines that is not a public nuisance. (See Pen. Code, § 1524, subd. (a); Veh. Code, § 22659.5.)

FOURTH AMENDMENT: PAT-SEARCH FOR WEAPONS DURING TRAFFIC STOP

People v. Pantoja (2022) 77 Cal.App.5th 483: Can an officer pat-search a suspect for weapons during a traffic stop because he is wearing baggy clothes in the winter, the officer knows he had a history of arrests for weapons crimes, and the area is known for high crime?

RULE: There is no reasonable suspicion justifying a pat-search because a suspect is wearing baggy clothes, is stopped in a high crime area, and the officer remembers that the suspect has a violent criminal history.

FACTS: An officer conducted a lawful traffic stop for a broken tail light and broken license plate light. Defendant declined to consent to a search. The officer conducted a pat-search because defendant was wearing baggy clothes with “bulges,” and the officer knew that the suspect had a prior “history of violence and weapons possession.” Officer found a loaded gun. Defendant moved to suppress.

HELD: The pat-search was unlawful. A pat-search must be based on reasonable suspicion that the suspect is armed. Defendant’s baggy clothes did not justify this, given that the weather was cold and the clothes were appropriate. Defendant made no suspicious statements or movements or attempts to hide a weapon. Nor did the officer’s memory that defendant had prior arrests or convictions for weapons offenses justify the search. The offenses were years old, and the officer had no recent information or reason to believe defendant was still violent or armed. Lastly, that it was a high-crime neighborhood, by itself, did not justify the pat down, particularly since defendant was pulling into his own apartment.



FOURTH AMENDMENT: UNLAWFULLY PROLONGED TRAFFIC STOP

People v. Ayon (2022) 80 Cal.App.5th 926: Was a traffic stop unlawfully prolonged where officers did not investigate the traffic infractions and did not write a ticket while they waited for a narcotics dog to alert to the presence of drugs?

RULE: A traffic stop cannot last longer than is necessary to effectuate its purpose.

FACTS: After police saw the defendant commit two minor traffic violations, they conducted a traffic stop. Within the first four minutes of the stop, officers had gathered the defendant's ID and completed the necessary records checks but did not do anything else to investigate the traffic infractions, and no one wrote a ticket. When the defendant refused to consent to a search of his vehicle, the officers requested assistance from a narcotics dog. The dog arrived at the scene about 13 minutes after the traffic stop began and alerted to the presence of drugs 6 minutes later. The police searched the car and found cocaine, methamphetamine, currency, and a scale. After the search, the defendant asked about the traffic violations, and the officer told him that his intent when initiating a traffic stop was not to issue tickets, but to uncover evidence of other crimes.

HELD: The search violated the Fourth Amendment because the traffic stop was unduly prolonged. Officers did not diligently pursue an investigation of the traffic infractions during the time they were waiting for the narcotics dog to arrive and while the dog was working prior to alerting.

FOURTH AMENDMENT: UNLAWFULLY PROLONGED TRAFFIC STOP

People v. Gyorgy (2023) 93 Cal.App.5th 659: Will a delay of more than 10 minutes, spent on inquiries collateral to the observed traffic violation, constitute an unlawfully prolonged detention for Fourth Amendment purposes?

RULE: A lawful traffic stop violates the Fourth Amendment's prohibition of unreasonable seizures if an officer's actions prolong the stop beyond the time reasonably required to issue a citation for a traffic violation and attend to related safety concerns. The scope of the detention may be expanded only if police develop reasonable suspicion of some other criminal activity.

FACTS: An officer pulled Defendant's truck over for making an unsafe lane change. For the first four to five minutes of the contact, the officer asked Defendant various questions about his legal status and residence, and then had him exit and sit on the curb. Another officer arrived a minute or two later; then the first officer performed a pat search after telling Defendant why he was pulled over. About seven and a half minutes into the stop, the original officer told Defendant he was going to have his K-9 partner sniff the truck and made various preparations. Nearly 12 minutes into the stop, the K-9 alerted to the presence of narcotics. The officers searched Defendant's truck and found drugs, an unlawful firearm, and ammunition.

HELD: The length of the delay rendered the detention unlawfully prolonged. While police may perform investigations unrelated to the traffic infraction—like dog sniffs—during a traffic stop, such efforts must not prolong the detention. Here, the primary officer did almost nothing to process the traffic infraction, which would ordinarily include tasks such as writing the citation, verifying the validity of a driver's license, checking vehicle registration and proof of insurance, or running a warrant check. Instead, the officer spent time asking collateral questions and walking a K-9 around the vehicle. Those detours prolonged the traffic stop's duration beyond the time necessary to effectuate the stop's purpose, thus violating the Fourth Amendment's prohibition against unreasonable seizures.



FOURTH AMENDMENT: PROBABLE CAUSE FOR VEHICLE SEARCH BASED ON ODOR OF MARIJUANA; VEHICLE IMPOUND AND INVENTORY

Blakes v. Superior Court (2021) 72 Cal.App.5th 904: When does the smell of marijuana provide probable cause to search a vehicle? Does driving on a suspended license permit a vehicle impound and inventory?

RULE: Just the smell of burnt marijuana during a traffic stop without facts pointing to driving under the influence or driving with an open container does not permit a search of a car. A vehicle impound must be based on “community caretaking,” and **a stated desire to further investigate defendant and search for evidence of criminal activity invalidates a vehicle inventory.**

FACTS: Defendant was driving with illegally tinted windows on a suspended license. He did not immediately stop when officers tried to pull him over. Officers smelled burnt marijuana coming from the car but could not tell if it was freshly burned. They decided to tow the car because it was common to tow the vehicle of someone driving on a suspended license and because the officers believed “something else was going on.” The officers searched the car, both because they believed the smell of marijuana gave them probable cause to do so, and to conduct an inventory prior to the impound. The search revealed a gun and indicia of drug sales.

HELD: The odor of burnt marijuana alone, without any facts of driving under the influence or driving with an open container, did not provide probable cause that the car contained contraband or evidence of illegal activity. Nor was there probable cause based on the tinted windows, the fact that the car did not pull over immediately, driving on a suspended license, or the driver’s prior arrest for being a felon in possession of a firearm. Driving on a suspended license was not valid community caretaking rationale to impound the vehicle. The decision to impound was a pretext to conduct an investigative search.

FOURTH AMENDMENT: THE AUTOMOBILE EXCEPTION

People v. Castro (2022) 86 Cal.App.5th 314: When does the smell of marijuana provide probable cause to search a vehicle?

RULE: When an officer smells burnt marijuana coming from a car and knows the occupants are underage, it constitutes probable cause that a crime has been committed and justifies a warrantless search.

FACTS: An officer contacted three suspects in a parked car to investigate the scent of burning marijuana. The officer recognized two of them from prior encounters, and knew they were under the age of 21, hence were prohibited from possessing marijuana. One suspect admitted that he was 20 years old, and he had smoked marijuana two hours earlier. Upon searching the vehicle, in the trunk the officer found contraband, including a gun.

HELD: Under the automobile exception, warrantless search of a vehicle is permitted if there is probable cause to believe it contains contraband or evidence of a crime. The odor of burnt marijuana emanating from the car, combined with officer’s knowledge that two occupants were under 21 years old, plus the admission of one suspect that he had been smoking two hours earlier, constituted probable cause to search the car for marijuana. Despite Prop. 64’s legalization of adult recreational marijuana use, it did not legalize marijuana possession by a person under the age of 21, let alone their smoking of marijuana in public. All that is required to satisfy the automobile exception is probable cause of a crime—including an infraction—and not probable cause to arrest. It doesn’t matter that the infraction wasn’t “arrestable.”



FOURTH AMENDMENT: PROBABLE CAUSE TO SEARCH A CAR TRUNK

People v. Leal (2023) 93 Cal.App.5th 1143: Did probable cause exist to search a Honda Civic trunk when a juvenile got into the passenger compartment with a gun in his waistband, walking stiffly, and got out walking normally, but no gun was found during a search of the passenger compartment?

RULE: Probable cause does not exist to search a car's trunk when there are no facts suggesting that the gun could have been transferred to the trunk from the passenger compartment.

FACTS: A detective surveilling a gang funeral saw a minor with a handgun tucked into his pants. The minor twice lingered at the closed trunk of defendant's Honda Civic. He walked to the rear driver's side door and sat down stiffly. He lied down on the back seat, reached toward his waist, and moved his hand up to his chest. He got out—no longer moving stiffly or holding his waistband. Officers searched the passenger compartment; no gun was found. An officer knew that the trunk of a Civic could be accessed from the passenger compartment by folding down the rear seat, if its levers are unlocked. The officer found a loaded Glock in the trunk.

HELD: There was no probable cause to search the trunk because there were no facts that the minor accessed the trunk or that the rear seat was unlocked.

FOURTH AMENDMENT: SEARCH OF AREA IN A VEHICLE NOT ACCESSIBLE TO A PAROLEE

Claypool v. Superior Court (2022) 85 Cal.App.5th 1092: Does the scope of a vehicle search based on the backseat passenger's parole status extend to a locked glove box?

RULE: A search of a car based on a passenger's status as a parolee requires a nexus between the area or item searched and the parolee.

FACTS: Officers stopped a car in an area known for gang activity. When officers contacted the driver, the vehicle's keys were in his lap. A backseat passenger said he was on parole, so they conducted a parole search of the passenger compartment. Police used a key on the driver's keychain—which also held the ignition key—to open the glove box. They found a loaded firearm. The driver, charged with various firearm offenses, brought a motion to suppress claiming that the parole search exceeded its legitimate scope.

HELD: The glove box search was unlawful. The reasonableness of a parole search must take into account all attendant circumstances, such as the driver's legitimate expectation of privacy in closed compartments, the parolee's proximity to them, and whether they were locked or otherwise secured. Here, it was not objectively reasonable to believe that the parolee, a backseat passenger, might have hidden a gun in the glove box after he saw police. Nor was there evidence of furtive movements in the car after the occupants saw they were under police scrutiny that could have suggested the parolee passed the gun to a front seat occupant who hid it in the glove box.

FOURTH AMENDMENT: SCOPE OF PAT DOWN SEARCH

United States v. Baker (9th Cir. 2023) 58 F.4th 1109: Does the seizure of a car key from a suspect's belt loop exceed the permissible bounds of a *Terry* stop?

RULE: A pat down must be confined in scope to the outer clothing in an attempt to discover weapons.



TRAINING OUTLINE

FACTS: One week after an armed robbery of a Sprint store in Los Angeles, Baker was stopped and frisked by the Los Angeles Police Department. Although no weapons or contraband were found, an officer took a car key from his belt loop and walked to a nearby parking lot in search of the car associated with the key. Baker denied having a car. When officers found a red Buick whose flashing headlights responded to the key fob, Baker fled and was apprehended a short distance away. A handgun was recovered from the car and later introduced at Baker’s trial as the weapon used in the Sprint store robbery.

HELD: Officers exceeded the scope of a legal pat down by seizing the car key. The handgun was the product of the Fourth Amendment violation—the “fruit of the poisonous tree”—and should have been suppressed.

FOURTH AMENDMENT: USE OF A SPOTLIGHT

People v. Tacardon (2022) 14 Cal.5th 235: When pulling behind a parked car at night, does the use of a spotlight effect a detention?

RULE: Illuminating a parked car with a spotlight, without additional facts, does not constitute a detention.

FACTS: At 8:45 p.m., a San Joaquin County Deputy was patrolling an area known for narcotics sales and weapons possession. Three people were sitting in a legally parked car with smoke emanating from its cracked open windows. The deputy parked 15-20 feet behind the car and turned on his spotlight. After he walked up and the rear passenger got out, the deputy smelled fresh marijuana, and he saw three bags of marijuana on the rear floorboard.

HELD: Shining a spotlight on a parked vehicle does not, standing alone, effect a detention of the occupants. But how a spotlight was used—solid beam or flashing, shined at the rear, side, or front of a vehicle—is one factor a court will consider in determining whether a detention occurred.

NOTE: An unresolved question was whether the driver was detained because he heard the officer issue orders to the passenger who had jumped out of the car. The case was remanded to the trial court to develop facts on that point.

FOURTH AMENDMENT: WARRANTLESS BLOOD DRAW BASED ON EXIGENCY

People v. Nault (2021) 72 Cal.App.5th 1144: Can officers order a blood draw to test for alcohol content when a suspect is unconscious following an auto accident?

RULE: Officers can order a blood draw without a search warrant when the suspect is unconscious and injured and cannot be asked to consent to a breath test.

FIFTH AMENDMENT: INTERROGATION TECHNIQUES

People v. Zabelle (2022) 80 Cal.App.5th 1098: Does an officer improperly pressure a suspect to confess by saying that being honest might lead to a better sentence?

RULE: An officer may urge a suspect to tell the truth and point out the benefits that might naturally flow from a truthful confession.



TRAINING OUTLINE

FACTS: Defendant was recorded on video surveillance committing a robbery. Officers stopped him and gave him Miranda advisements. After denying his involvement, the officer told defendant, “there is a very critical time where you can earn possibly some consideration,” “we can’t make any guarantees but sometimes being honest and up front, admitting your involvement . . . can go a ways to showing your remorse,” and, “sometimes that works in your favor.” Defendant then confessed.

HELD: Defendant’s statement was voluntary and properly admitted. The officer’s statements were not implied promises of leniency but discussed the “truthful” effects of being honest.

FIFTH AMENDMENT: TRANSLATING *MIRANDA* WARNINGS INTO SPANISH AND CONSIDERING WHETHER SUSPECT UNDERSTANDS HIS RIGHTS

People v. Miranda-Guerrero (2022) 14 Cal.5th 1: What circumstances are relevant when evaluating the validity of a *Miranda* waiver by a suspect who does not speak fluent English, and whether his statements were improperly coerced?

RULE: When a suspect who does not speak English is advised of *Miranda* warnings in Spanish, conveys that he understands his rights when waiving them, and is not improperly coerced into making incriminating statements, his waiver of rights is valid.

FACTS: A murder suspect was interrogated three times. His first question to officers was whether they spoke Spanish, so the officers provided a translator. *Miranda* advisements were given in Spanish (although at first not using an official translation of the advisements), and the suspect spoke to officers for several hours. Officers woke the suspect after midnight and reminded him of his rights in Spanish, and the second interview proceeded. He made some incriminating statements. Two days later, the third interview took place, and opened with reading of *Miranda* advisements again, this time from an official translation.

HELD: The defendant’s waiver of *Miranda* rights was lawful and the interrogations were not improperly coercive.

Regarding *Miranda*:

a) Officers were not required to fully re-advise the suspect of *Miranda* rights at the start of the second interview, as it was less than 40 hours after the first one (only 14 hours), and the suspect was briefly reminded of those rights.

Regarding voluntariness of confession:

a) The second interview took place late at night when the suspect said he was “very sleepy.” However, this did not render his statements involuntary because suspect was given numerous breaks, drinks, and food, and the officers did not promise leniency or threaten harsher penalty to induce him to confess.

Material in this outline was taken from the 2024 California Peace Officers’ Association Legislative and Legal Digest.