



DEPARTMENT NOTICE

24-007

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New TR-130 Notice to Appear

The Judicial Council of California has adopted a new TR-130 Notice to Appear form. Once the new TR-130 Notice to Appear “citations” are ***distributed***, only the new citations, with a revision date of 1/1/2024 shall be used.

Officers are permitted to continue to use e-Citation until the new paper citations are distributed. If e-Citation is not ready with the new revision by the time the paper citations are distributed, members will be required to issue only paper citations during that time. However, once the newly formatted e-Citation goes live, officers should use e-Citation instead of paper citations when at all possible.

Two new fields have been added to the TR-130 Notice to Appear that require further explanation: ***Reason for Stop*** and ***Safe Speed*** (See attached for an updated guide to all the TR-130 Notice to Appear fields).

1. **Reason for Stop**. This refers to the reason for the stop ***given*** to the stopped person at the time of the stop as required under Vehicle Code section 2806.5. The reason given to the stopped person may be different from, or the same as, the primary reason for the stop. ***Note that this field differs from the BDCS field for “Reason for Stop.”***

The “Reason for Stop” field on a citation pursuant to 2806.5(a) CVC is the “Reason Given” to the stopped person.

- For Traffic violations: **Identify the primary code section with subdivision and short description.**
- For Probable Cause to arrest or search: **Identify the primary code section with subdivision and short description.**
- Other reasons to identify, where a primary code section is not applicable, include, but not limited to:
 - “Known to be on [parole/probation/PCRS/mandatory supervision].”
 - “Truancy investigation.”
 - “Consensual encounter.”
 - “Possible conduct under Education Code sections [48900, 48900.2, 48900.3, 48900.4, 48900.7].”
 - “Investigate potential school policy violation.”

Vehicle Code section 2806.5(a) states, “*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.*”

Vehicle Code section 2806.5(b) states, “*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.*”


- a. Withholding the primary reason for the stop must be supported by law. If the primary reason for the stop is withheld, the required documentation per 2806.5(a) CVC and the legal justification for doing so shall be documented in the incident report.
 - b. Absent a reason covered by 2806.5(b) CVC to withhold this information, the “Reason for Stop” field on the Notice to Appear shall be completed when issuing a citation even when an incident report is written.
 - c. When a stop results in a custodial arrest, document the "Reason for Stop" in the incident report.
 - d. Completing the “Reason for Stop” field on the citation does not substitute for charging the violation. So, the violation to be charged must also be listed in the citation details field directly below it.
 - e. Additionally, completing the “Reason for Stop” on the Notice to Appear does not substitute for the separate BDCS requirement to report both the reason for the stop and the reason given to the stopped person via Benchmark Analytics.
2. Safe Speed. When the observed conditions (i.e., weather, traffic, visibility, road conditions, presence of pedestrians, etc.) appear to justify a reduction in speed, below the Prima Facie or maximum speed limit, the speed determined to be the “safe speed” limit is entered in this field. **Officers must be able to articulate and justify the reason they determined the safe speed to be lower than the PF/max speed.**

Vehicle Code section 22350 states, “*No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.*”

Vehicle Code section 22351(a) states, “*The speed of any vehicle upon a highway not in excess of the limits specified in Section 22352 or established as authorized in this code is lawful unless clearly proved to be in violation of the basic speed law.*”

3. Order and Color of Copies. The current order of citation copies is Court Copy, Defendant Copy, Agency Copy, then D.A. Copy. This order has been changed as follows: Court Copy (white), D.A./Police Agency Copy (pink), Officer’s Copy (green), then Defendant’s Copy (yellow).
- a. Carefully select the correct copy (yellow) to give to the defendant and ensure your handwriting is both legible and firmly applied for transferring neatly to all copies.
 - b. Use the back of the green Officer’s Copy to memorialize details of the incident when no report is prepared. Retain the Officer’s Copy for 2 years if notes are made on the back. If requested as part of discovery, provide a copy of the back with notes to the defendant.

4. Proper Forwarding. It is imperative that the original, white Court Copy is properly forwarded to ensure timely filing with the court.
 - a. Misdemeanor citations: Forward the original, white Court Copy and pink D.A./Police Agency Copy to the appropriate office (*non-traffic* to Narcotics Misdemeanor Re-Booking Unit, *traffic* to Traffic Admin Misdemeanor Re-Booking Unit, *CJC* to I.D. Bureau Room 475). When there are both traffic and non-traffic misdemeanor violations, forward to the Narcotics Misdemeanor Re-Booking Unit.
 - b. Infraction-only citations (traffic and non-traffic): Forward the original, white Court Copy to S.F. Superior Court Traffic Division, Room 145. If mixed infraction and misdemeanor violations, send as instructed above for misdemeanor citations. Never send citations with misdemeanor violations along with infraction-only citations to Room 145.


WILLIAM SCOTT
Chief of Police

Per DN 23-152, all sworn & non-sworn Members shall electronically acknowledge this Department document in PowerDMS within (30) thirty calendar days of issuance. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be sent to sfpd.writtendirectives@sfgov.org, who will provide additional information.