



El Segundo Police Department

Professional Standards Division

348 Main Street, El Segundo, CA 90245
Phone (310) 524-2200 / Fax (310) 640-7683

TRAINING BULLETIN

Training Subject: **The LADA has adopted new policy on the prosecution of 12500(a) offenses.**
Date Distributed: **December 22, 2015**
Written By: Sergeant Villarreal

Please review the attached training bulletin regarding prosecution of 12500(a) offenses committed on or after January 1, 2016. This is within jurisdictions where LADA prosecutes misdemeanor offenses. Sergeants please ensure your personnel view the following attached LADA policy change.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

JACKIE LACEY • District Attorney

JOHN K. SPILLANE
Chief Deputy District Attorney

December 18, 2015

Chief Mitch Tavera
El Segundo Police Department
348 Main Street
El Segundo, California 90245

Dear Chief Tavera:

The Los Angeles County District Attorney's Office (LADA) has adopted a **uniform policy concerning the prosecution of Vehicle Code (VC) § 12500(a) offenses**. The policy applies to all VC § 12500(a) offenses committed on or after January 1, 2016, within jurisdictions where LADA prosecutes misdemeanor offenses.

Vehicle Code section § 40000.11(b) requires all VC § 12500(a) offenses to be cited and prosecuted as misdemeanors. However, Penal Code §§ 19.8 and 17(d) authorize a prosecutor to determine that a violation of VC § 12500(a) may be prosecuted as an infraction.

With respect to offenses committed on or after January 1, 2016, LADA will presume a violation of VC § 12500(a) to be an infraction when both of the following circumstances are met:

- Where the suspect does not have any prior convictions of a violation of VC § 12500(a) or VC § 14601 et seq., (i.e., the suspect is a first-time VC § 12500(a) offender); and
- Where the violation of VC § 12500(a) was not committed in conjunction with another misdemeanor or felony offense.

If both of the above circumstances exist, a law enforcement officer may issue the citation as an infraction and file the matter in traffic court for processing and adjudication. The above policy is presumptive. If circumstances exist that appear to justify a misdemeanor charge, a law enforcement officer may issue the VC § 12500(a) citation as a misdemeanor and submit the offense to LADA for charge evaluation.

A law enforcement officer shall issue the VC § 12500(a) citation as a misdemeanor when either of the following circumstances exist:

- Where the suspect has one or more prior violations of VC § 12500(a) or VC § 14601.1 et seq.; or
- Where the offense was committed in conjunction with another misdemeanor or felony offense.

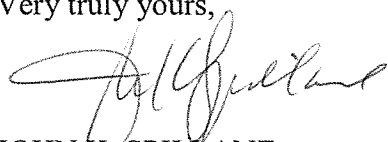
Hall of Justice
211 West Temple Street
Los Angeles, CA 90012
(213) 257-2928

Chief Mitch Tavera
December 18, 2015
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If either of the above circumstances exist, a law enforcement officer shall issue the VC § 12500(a) citation as a misdemeanor and submit the offense to LADA for charge evaluation.

All VC § 12500(a) offenses submitted to LADA for charge evaluation shall be accompanied by a standard filing packet that includes a written narrative establishing the facts of the offense and the probable cause for the arrest, as well as documents containing the suspect's CLETS, CCHRS, and DMV criminal history.

Very truly yours,

A handwritten signature in black ink, appearing to read "John K. Spillane", written over a horizontal line.

JOHN K. SPILLANE
Chief Deputy District Attorney

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