

**DEPARTMENT TRAFFIC COORDINATOR
COUNTER-TERRORISM AND SPECIAL OPERATIONS BUREAU**

NOTICE
16.2

July 23, 2015

TO: All Commanding Officers

FROM: Department Traffic Coordinator, Counter-Terrorism and Special Operations Bureau

SUBJECT: ENFORCEMENT OF VEHICLES DISPLAYING PAPER PLATES

PURPOSE

The Department has recently noticed a significant increase in the number of vehicles involved in criminal activity with paper plates. The purpose of this Notice is to remind Department personnel of the key California Vehicle Code (VC) sections that pertain to enforcing vehicles displaying paper plates.

BACKGROUND

Since 1905, the State of California has required license plates on vehicles. Over time, many variations have been developed and issued by the Department of Motor Vehicles (DMV). The purpose of license plates is to identify the type of registration that a vehicle has and provides law enforcement with a means of locating the registered or legal owner through DMV records.

When an individual purchases a vehicle, the dealer will provide the buyer with a "Purchaser's Temporary Identification Copy" of the registration form. This copy is typically placed either on the lower right corner of the rear windshield or the lower right corner of the front windshield. Pursuant to Section 4456(c) VC, this temporary card is valid until the license plates and registration card for the vehicle are either received by the purchaser, or 90 days, whichever comes first. Unlike other states, the DMV does not issue temporary license plates.

Section 5200(a) VC requires that when two license plates have been issued by the DMV, the plates are required to be attached to the vehicle to which they have been issued. One license plate is affixed on the front of the vehicle and one on the rear of the vehicle. Section 4000(a) VC mandates that "a person shall not drive, move, or leave standing upon a highway, or in an off-street public parking facility, any motor vehicle, trailer, semitrailer, unless it is registered and the appropriate fees have been paid."

Note: An off-street parking facility is considered any publicly-owned parking facility or any privately-owned parking facility where a fee is not charged for parking and where it is open for the common public use of retail customers.

CASE LAW

The issuance of paper plates has been brought before the California Supreme Court in the case of *California v. Raymond C.* In this case, an officer stopped a vehicle with paper plates and ultimately arrested the driver. The officer did not see any temporary registration in the rear windshield and was unable to see the Purchaser's Temporary Identification Copy on the front windshield. The defendant argued that the officer should have driven around to see all of the windows, and not just the rear windshield. The court determined that *"such maneuvering would require driving alongside the [suspect's vehicle] on both sides and driving ahead of it while scanning the windshield in the officer's rearview mirror. Even assuming the officer could have engaged in these potentially dangerous maneuvers, he was not required to do so."*

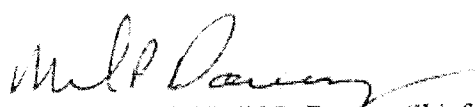
It is important to remember that the United States Supreme Court has ruled, in numerous decisions, that officers need only "Reasonable Suspicion" to conduct a traffic stop. In *Terry v. Ohio*, the court held that police can stop and briefly detain a person for investigative purposes if the officer has a reasonable suspicion that is supported by articulable facts that criminal activity is afoot, even if the officer lacks probable cause to arrest. In *Terry v. Ohio*, the court noted that a temporary investigative detention is less of an infringement of a person's liberty than arresting them and taking them into custody. Consequently, the police do not have to have as much justification for this lower level of restraint as the probable cause that would have been required to make an arrest.


PROCEDURE

When a vehicle is observed without a Purchaser's Temporary Identification Copy or license plates, as required by Section 5200(a) VC, officers have the authority to conduct a traffic stop to conduct further investigation. In situations when officers observe a vehicle displaying a Purchaser's Temporary Identification Copy, officers must take into account the totality of the situation before conducting a traffic stop for Section 5200(a) VC. Officers should consider the apparent age of the vehicle, the cleanliness of the vehicle, and other factors based on their training and experience that would lead a reasonable officer to believe that the vehicle is driving in violation of Section 5200(a) VC. Often license plates are concealed by paper plates, which is a violation of Section 5201.1(b) VC. This Section states that no person shall operate a vehicle with a product that obscures the reading or recognition of a license plate.

If you have any questions regarding this Notice, please contact Traffic Coordination Section, Emergency Operations Division, at (213) 486-0690.

APPROVED:


MICHAEL P. DOWNING, Deputy Chief
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DISTRIBUTION "B"