

CHAPTER 5
ENFORCEMENT SPEED-UP
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CHAPTER 5

ENFORCEMENT SPEED-UP

1. DEFINITION. An “enforcement speed-up” is a concerted effort by sworn personnel of the California Highway Patrol (CHP) to be overly strict in their enforcement efforts by taking inappropriate enforcement actions. The philosophy behind such a movement is the belief the resulting public indignation will force the state to capitulate to the demands of the involved employees. Enforcement activity that coincides with CHP enforcement policy, regardless of the volume involved, does not fall within the foregoing definition.

2. RESPONSIBILITIES.

a. Departmental Policy. Should it become apparent to a commander that personnel within their command are issuing enforcement documents in conflict with departmental policy, the commander shall notify the Division Chief of the situation who, in turn, will advise the Assistant Commissioner, Field, and the Office of Employee Relations.

b. Shift Meetings. Commanders should meet with the officers assigned to each shift as a group and discuss with them their grievance(s) or dissatisfaction. The meetings should be conducted in a positive manner with the commander primarily listening, giving the officers an opportunity to air their problems. During such meetings, the commander should stress unreasonable or inappropriate enforcement action against the public is unjust and would have a long-lasting, detrimental effect on the CHP as a whole. Although low-key, it should be made clear during these meetings the Department will void, if necessary, enforcement activity which is not in keeping with departmental policy; and, if appropriate, disciplinary action against the officers involved may result.

c. Forms Review. Commanders shall immediately initiate procedures for the judicious review of all enforcement documents issued by personnel under their commands and the segregation of those enforcement documents which appear to conflict with departmental policy. Departmental policy as contained in Highway Patrol Manual (HPM) 100.68, Traffic Enforcement Policy Manual; HPM 82.5, Registration Enforcement Manual; HPM 100.9, Enforcement Documents Manual; and HPM 70.17, Bicycle Patrol Manual, should be utilized in this review process. A prompt review is essential to minimize inconvenience to citizens.

d. Officer Explanation. Supervisors shall ask every officer who has issued questionable enforcement documents why they took the action. If, after listening to the officer's explanation, the commander believes inappropriate enforcement action was deliberately taken, the interrogation procedures set forth in HPM 10.2, Internal

Investigations Manual, should be followed and the officer shall be ordered, both verbally and in writing, to comply with departmental enforcement policy (refer to Annex A of this chapter).

3. CONTINUED DEFIANCE.

a. Document Support Information. When, after verbal and written direction to the contrary, a sworn member continues to participate in an enforcement speed-up, the commander should document evidence and apprise the Division Chief of their findings and recommendations.

b. Adverse Action Planning. If it is determined through the chain of command, after consultation with California Department of Human Resources, adverse action is necessary during an enforcement speed-up, the commander will prepare and forward an adverse action request in accordance with HPM 10.2.

4. VOIDING ENFORCEMENT DOCUMENTS.

a. Basis for Voiding. To avoid public confusion, commanders shall ensure the voiding of enforcement documents during an enforcement speed-up are limited to those documents which were obviously issued to alienate the public.

b. District Attorney and Court Conferences. Prior to voiding questionable enforcement documents during an enforcement speed-up, the commander should confer with the local district attorney and the involved courts to explain the Department's position in order to avoid any misunderstandings.

c. Special Provisions. The voiding of enforcement documents shall be accomplished in the manner provided for in HPM 100.9, with the following exceptions:

(1) The original of the involved documents shall be retained as evidence should adverse action proceedings be initiated.


(2) With the concurrence of Division, the violator's copy need not be retrieved.

(3) The violator will be notified of the commander's action (Annex B).

5. SUPERVISORY INTERROGATIONS. Each employee suspected of being involved in an enforcement speed-up shall be interrogated by a supervisor following the procedures described in HPM 10.2.

ANNEX A



EXAMPLE OF AN INAPPROPRIATE ENFORCEMENT MEMORANDUM

State of California	Transportation Agency
M e m o r a n d u m	
Date:	May 19, 2018
To:	James Labor, 056789 Officer
From:	DEPARTMENT OF CALIFORNIA HIGHWAY PATROL Yuba-Sutter Area
File No.:	XXX.12345.A12345.285
Subject:	INAPPROPRIATE ENFORCEMENT
<p>You are hereby advised your enforcement activity is (is in part) contrary to departmental policy as evidenced by: (Enter specific incidents of noncompliance.)</p> <p>You are directed to conform with departmental enforcement policy and your failure to do so will constitute grounds for disciplinary action as provided for in California Government Code Section 19572.</p>	
_____ (Signature of Commander)	_____ (Date)
_____ (Signature of Employee)	_____ (Date)
_____ (Signature of Employee)	_____ (Date)
Original to employee, retain copy for file.	
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ANNEX B

LETTER CANCELLING ENFORCEMENT DOCUMENT

State of California—Transportation Agency	EDMUND G. BROWN Jr., Governor
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL P. O. Box 942898 Sacramento, CA 94298 (Phone) (800) 735-2929 (TT/TDD) (800) 735-2922 (Voice)	
(Date)	
File No.:	
(Name) (Address) (City and State)	
Dear _____:	
On (Date) _____, you received citation (Number) _____ from an officer of this command. This citation has been voided in the interest of justice. No further action on your part is required.	
Sincerely,	
NAME AND RANK Commander Concerned Area/Section	
	
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