

Exhibit "HH"

N 003 ALL COMMANDERS
122691 1115 PST

*** BRIEFING REQUIRED ***

SUBJECT: MOTORCYCLE HELMET ENFORCEMENT

CALIFORNIA'S MANDATORY MOTORCYCLE HELMET LAW BECOMES EFFECTIVE JANUARY 1, 1992. BECAUSE THIS LAW HAS THE POTENTIAL TO PREVENT GREAT HUMAN TRAGEDY, THERE WILL BE NO TRADITIONAL "CONDITIONING OR GRACE PERIOD" WITH REGARD TO ENFORCEMENT. HOWEVER, OFFICER DISCRETION, AS WITH MOST ENFORCEMENT CONTACTS, REMAINS UNAFFECTED BY THIS POLICY. THE DECISION TO ISSUE A CITATION RESTS WITH THE OFFICER BASED ON THE ATTENDANT CIRCUMSTANCES AND HIS/HER JUDGMENT.

THERE HAVE BEEN STATEMENTS BY MOTORCYCLE ENTHUSIASTS WHO OBJECT TO THE HELMET LAW, THAT THEY WILL SEEK TO CREATE AN INCIDENT OR CONFRONTATION WITH LAW ENFORCEMENT OFFICERS OVER ENFORCEMENT OF THE STATUTE (I.E., LARGE NUMBERS OF MOTORCYCLE RIDERS IN A GROUP, NOT WEARING HELMETS, FLAUNTING NON-COMPLIANCE IN FRONT OF OFFICERS). TO PRECLUDE GIVING THESE INDIVIDUALS SUCH AN OPPORTUNITY, OFFICERS ARE TO APPLY THE "COMMON SENSE" DOCTRINE, BOTH FOR THEIR OWN AS WELL AS THE PUBLIC SAFETY. ACCORDINGLY, THE FOLLOWING GUIDELINES IN DEALING WITH THIS MATTER ARE PROVIDED.

POLICY

- o UNTIL FURTHER NOTICE, IN THE INTEREST OF THE SAFETY OF ALL CONCERNED, OFFICERS ARE DISCOURAGED FROM MAKING ENFORCEMENT STOPS ON LARGE GROUPS OF UNHELMETED RIDERS SOLELY FOR A VIOLATION OF THE MANDATORY HELMET LAW.
- o UNTIL FURTHER NOTICE, IF A VIOLATOR REFUSES TO SIGN THE NOTICE TO APPEAR FOR SECTION 27803 VC, AS A FORM OF PROTEST TO THE STATUTE, OFFICERS SHOULD UTILIZE THE COMPLAINT PROCESS (ENTER "COMPLAINT TO BE FILED" ON VIOLATORS SIGNATURE LINE) INSTEAD OF MAKING AN IN-CUSTODY ARREST; UNLESS A SUPERVISOR OF OFFICER-IN-CHARGE DIRECTS OTHERWISE.
- o UPON ISSUING A CITATION, VIOLATORS SHALL BE INFORMED THAT FAILURE TO WEAR A HELMET IS A CONTINUING VIOLATION. VIOLATORS SHOULD NOT BE CITED A SECOND TIME FOR THIS OFFENSE UNTIL THEY HAVE HAD A REASONABLE OPPORTUNITY TO SECURE AN APPROVED HELMET.
- o SECTION 27803(b) VC SHOULD BE USED TO CITE THE OPERATOR OF A MOTORCYCLE, MOTOR-DRIVEN CYCLE, OR MOTORIZED BICYCLE FOR NOT WEARING AN APPROVED SAFETY HELMET.
- o SECTION 27803(c) VC SHOULD BE USED TO CITE THE PASSENGER ON A MOTORCYCLE, MOTOR-DRIVEN CYCLE, OR MOTORIZED BICYCLE FOR NOT WEARING AN APPROVED SAFETY HELMET.