

OFFICE OF THE CHIEF OF POLICE

NOTICE 1.14

August 16, 2024

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: HIGH-RISK STOPS BASED SOLELY ON BELIEF THAT VEHICLE MAY BE STOLEN

The purpose of this Notice is to notify Department personnel of a Ninth Circuit Court of Appeals decision in Chinaryan v. City of Los Angeles that eliminates an officer's qualified immunity when stopping a vehicle using high-risk tactics based on nothing more than a reasonable suspicion that the vehicle is stolen.

As a reminder, officers shall not conduct high risk vehicle stops based *solely* on a suspicion that a vehicle is stolen or cold-plated. High risk stops shall not routinely be used for every stop of a suspected stolen or cold-plated vehicle. Instead, officers need specific articulation of the occupants posing an immediate threat or risk to officer safety to justify the need for high-risk tactics (e.g., yelling threats of violence, stop conducted after a vehicle pursuit, visible weapons, refusing to follow commands, etc.). The generic dangers posed by stopping a suspected stolen or cold-plated vehicle are insufficient to justify the use of high-risk tactics.

Note: A vehicle returning as stolen in the Stolen Vehicle System is only reasonable suspicion and not, in and of itself, probable cause to arrest. The investigation after the stop often leads to probable cause to arrest but should not be confused with the initial reasonable suspicion for the stop.

If officers have no specific justification for a high-risk stop, such as those described above, and decide to pull over a suspected stolen vehicle, then they can conduct an investigative stop and direct the occupants out of the vehicle without using high-risk tactics.

Investigative vehicle stops are typically conducted when an officer has reasonable suspicion that one or more occupants of the vehicle are involved in criminal activity. During such stops, vehicle positioning is similar to that of a high-risk stop and officers must adhere to the Department's policy on drawing and exhibiting firearms. If firearms are drawn, they shall be held in the low ready position. Officers are to be reminded that in the low ready position the muzzle is maintained in a manner that does not physically cover the occupants, unless doing so can be justified.

Thereafter, officers will instruct the occupants of the vehicle to exit and move to a safe location, such as the sidewalk, where the officers have a tactical advantage. The occupants should not be ordered to

lay face down on the ground during these types of stops unless the circumstances change and there are articulable reasons justifying this tactic. Once all occupants are outside the vehicle, officers should conduct a visual search of the interior of the vehicle for any other occupants that may be hiding, before engaging with the occupants and continuing their investigation. However, tactics are fluid and officers need to be prepared to transition to a high-risk stop if the circumstances change.

If you have any questions regarding this Notice, please contact the Office of Constitutional Policing and Policy, at (213) 486-8730.

A handwritten signature in black ink, appearing to read "D. Choi".

DOMINIC H. CHOI
Chief of Police

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