

INTRADEPARTMENTAL CORRESPONDENCE

November 15, 2013
14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: VEHICLE PURSUIT AUDIT (IAID NO. 13-028)

RECOMMENDED ACTIONS

1. It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Vehicle Pursuit Audit.
2. It is recommended that the Board of Police Commissioners REVIEW and APPROVE the attached Executive Summary thereto.

DISCUSSION

Internal Audits and Inspections Division conducted the Vehicle Pursuit Audit to evaluate the Department's supervisory oversight of vehicle pursuits as well as the administrative review processes.

If additional information regarding this inspection is required, please contact Gerald L. Chaleff, Special Assistant for Constitutional Policing, at (213) 486-8730.

Respectfully,



CHARLIE BECK
Chief of Police

Attachment

LOS ANGELES POLICE DEPARTMENT

***VEHICLE PURSUIT AUDIT
FOURTH QUARTER, FY 2012/13***

(IAID NO. 13-028)



CONDUCTED BY

INTERNAL AUDITS & INSPECTIONS DIVISION

CHARLIE BECK
Chief of Police

Fourth Quarter, FY 2012/13

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**VEHICLE PURSUIT AUDIT
EXECUTIVE SUMMARY
Conducted by Internal Audits and Inspections Division
Fourth Quarter, Fiscal Year 2012/13**

PURPOSE

In accordance with the Los Angeles Police Department (Department) Audit and Inspection Plan for Fiscal Year (FY) 2012/13, Internal Audits and Inspections Division (IAID) conducted the Vehicle Pursuit Audit to evaluate adherence with Department policies and procedures. The audit included a review of procedures that occurred during the vehicle pursuit, such as supervisory oversight, notifications, and subsequent training.

Internal Audits and Inspections Division conducted this audit under the guidance of generally accepted government auditing standards, specifically pertaining to performing the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on the audit objectives. Internal Audits and Inspections Division has determined that the evidence obtained provides a reasonable basis for the findings and conclusions based on our audit objectives.

PRIOR AUDIT

Internal Audits and Inspections Division reviews the processes and procedures for vehicle pursuits annually. The last Vehicle Pursuit Audit was completed in the Fourth Quarter, FY 2011/2012. Within this prior audit, the Department met the standards relative to reporting and documentation of vehicle pursuit procedures. However, areas for improvement were identified in the administrative review process. Table No. 1 below summarizes the prior and current audit results. No recommendations were made.

SUMMARY OF FINDINGS

TABLE NO. 1 – SUMMARY OF FINDINGS

Objective No.	Description of Audit Objectives	RESULTS	
		FY 2011/12	FY 2012/13
Pursuit Procedures			
1	Initiation of Vehicle Pursuits Justified	46/46 (100%)	38/38 (100%)
2	Supervisory Oversight of Vehicle Pursuits	47/47 (100%)	37/38 (97%)
3	Tracking of Vehicle Pursuits	4/4 (100%)	6/6 (100%)
4	Additional Unit(s) in Vehicle Pursuits	6/7 (86%)	3/4 (75%)
5	Authorized Vehicle(s) in Pursuit	47/47 (100%)	38/38 (100%)
Administrative Review Process			
6	Final Vehicle Pursuit Classification	47/47 (100%)	38/38 (100%)
7	Administrative Actions Reflected in Employees' TEAMS II Records	39/40 (98%)	33/35 (94%)
8	Vehicle Pursuit Reports Approved by the Commanding Officer and Forwarded in a Timely Manner	25/47 (53%)	22/38 (58%)

Out of Policy Vehicle Pursuits for the Year 2012			
9	Initiation of Vehicle Pursuits Justified	N/A	Performance Information 4/8 (50%)
10(a)	Supervisory Oversight of Vehicle Pursuits	N/A	Performance Information 7/8 (88%)
10(b)	Administrative Actions Reflected in Employees' TEAMS II Records – Out of Policy Pursuits	N/A	34/34 (100%)
Vehicle Intervention Techniques Training 2012			
11(a)	Authorization to Employ Vehicle Intervention Techniques	19/19 ¹ (100%)	Performance Information 11/15 (73%)
11(b)	Vehicle Intervention Techniques Training	N/A	13/15 (87%)
11(c)	Administrative Actions Reflected in Employees' TEAMS II Records –Vehicle Intervention Techniques Pursuits	N/A	37/37 (100%)

RECOMMENDATIONS

1. It is recommended that Emergency Operations Division and Planning and Research Division revisit LAPD Manual Section 3/201.30 - Pursuits Classified as Out of Policy, to include the requirement that the employee, whose actions during a vehicle pursuit were determined to be Out of Policy, be directed to training in a timely manner in conjunction with the initiation of a personnel complaint investigation. The current policy does not require training for Out of Policy vehicle pursuits. However, those pursuits classified as “In-Policy/Training” and “In-Policy/No Action with Training” require directed training within a set time period.
2. It is recommended that Planning Research Division revisit Department Manual Section 4/205.20 - Vehicle Intervention Techniques, to consider a change in verbiage from “should” obtain Incident Commander approval prior to employing a Vehicle Intervention Technique, to reflect an authoritative requirement in obtaining approval prior to employing a Tire Deflation Device. While it is understood that the Pursuit Intervention Technique (PIT) may necessitate a quick decision to employ the technique, and may not allow enough time to obtain supervisory approval, the Tire Deflation Device requires pre-planning to some degree, and therefore provides ample time to obtain supervisory approval in each instance. This recommendation was based on feedback with Emergency Vehicle Operations Unit, given the associated risks in Tire Deflation Devices.
3. It is recommended that Planning Research Division revisit Department Manual Section 4/205.20, Vehicle Intervention Technique, and explore whether the preferred method of training that would certify an officer to employ a PIT should be a practical hands-on training versus an online training course. Currently, the four-hour course involves hands-on application, thus allowing the officer to practice the PIT maneuver at the Davis Training Facility with Emergency Vehicle Operations personnel. Also offered is the

¹ The total Vehicle Intervention Techniques (VITs) employed during the year 2011.

one-hour Learning Management System training which is entirely computer-based with no hands-on learning.

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

1. The audit findings were validated with of the respective Area Commanding Officers, who expressed general agreement.
2. On August 13, 2013, LAID personnel discussed the audit report with representatives from the Vehicle Pursuit Unit, in which they expressed general agreement with the audit findings.
3. The audit report was presented to the Assistant to the Director, Office of Operations and the Director, Office of Administrative Services; both of which expressed general agreement with the audit findings and the recommendations.

VEHICLE PURSUIT AUDIT
Conducted by
Internal Audits and Inspections Division
Fourth Quarter, FY 2012/13

PURPOSE

In accordance with the Los Angeles Police Department (Department) Audit and Inspection Plan for Fiscal Year (FY) 2012/13, Internal Audits and Inspections Division (IAID) conducted the Vehicle Pursuit Audit to evaluate adherence with Department policies and procedures. The audit included a review of procedures that occurred during the vehicle pursuit, such as supervisory oversight, notifications, and subsequent training.

Internal Audits and Inspections Division conducted this audit under the guidance of generally accepted government auditing standards, specifically pertaining to performing the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on the audit objectives. Internal Audits and Inspections Division has determined that the evidence obtained provides a reasonable basis for the findings and conclusions based on our audit objectives.

PRIOR AUDIT

Internal Audits and Inspections Division reviews the processes and procedures for vehicle pursuits annually. The last Vehicle Pursuit Audit was completed in the Fourth Quarter, FY 2011/2012. Within this prior audit, the Department met the standards relative to reporting and documentation of vehicle pursuit procedures. However, areas for improvement were identified in the administrative review process. Table No. 1 on the following page summarizes the prior and current audit results. No recommendations were made.

METHODOLOGY

Internal Audits and Inspections Division obtained a data run that identified all vehicle pursuits that occurred from October 1, 2012 through December 31, 2012.¹ This list identified 98 vehicle pursuits for the selected time period. Internal Audits and Inspections Division randomly selected a statistically valid sample from the population, resulting in 38 vehicle pursuits.²

Audio and video recordings (when available) of each vehicle pursuit, along with corresponding documentation for the audit time period, were reviewed to determine if officers/supervisors adhered to Department policy and procedures during the actual vehicle pursuit, evaluated the administrative review process, and verified that the directed training had been completed and documented.

Additionally, all Vehicle Intervention Techniques (VITs) employed during 2012, and all vehicle pursuits initiated during 2012, and classified as Out of Policy, were also reviewed as indicated above.³

¹ The data was obtained from the Pursuit Review Unit who oversees the Department's vehicle pursuits. The data run included In-Car Videos from Operations - South Bureau units, currently the only bureau with In-Car Videos.

² The sample size was obtained by utilizing a one-tail test with a 95% confidence level and a 5% error rate.

³ Objective Nos. 9 – 11(c).

SUMMARY OF FINDINGS

TABLE NO. 1 – SUMMARY OF FINDINGS

Objective No.	Description of Audit Objectives	RESULTS	
		FY 2011/12	FY 2012/13
Pursuit Procedures			
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4	Additional Unit(s) in Vehicle Pursuit	6/7 (86%)	3/4 (75%)
5	Authorized Vehicle(s) in Pursuit	47/47 (100%)	38/38 (100%)
Administrative Review Process			
6	Final Vehicle Pursuit Classification	47/47 (100%)	38/38 (100%)
7	Administrative Actions Reflected in Employees' TEAMS II Records	39/40 ⁴ (98%)	33/35 ⁵ (94%)
8	Vehicle Pursuit Reports Approved by the Commanding Officer and Forwarded in a Timely Manner	25/47 (53%)	22/38 (58%)
Out of Policy Vehicle Pursuits for the Year 2012			
9	Initiation of Vehicle Pursuits Justified	N/A	Performance Information 4/8 (50%)
10(a)	Supervisory Oversight of Vehicle Pursuits	N/A	Performance Information 7/8 (88%)
10(b)	Administrative Actions Reflected in Employees' TEAMS II Records – Out of Policy Pursuits	N/A	34/34 (100%)
Vehicle Intervention Techniques Training for the Year 2012			
11(a)	Authorization to Employ Vehicle Intervention Techniques	19/19 ⁶ (100%)	Performance Information 11/15 (73%)
11(b)	Vehicle Intervention Techniques Training	N/A	13/15 (87%)
11(c)	Administrative Actions Reflected in Employees' TEAMS II Record	N/A	37/37 (100%)

⁴ Twenty vehicle pursuits involved a total of 40 employees (officers/supervisors) that required administrative action.

⁵ Eighteen vehicle pursuits involved a total of 36 employees (officers/supervisors) that require administrative actions. One of the 36 officers has yet to complete the required training, however he/she is still within the allotted 90-day time period for completion. This one officer's training could not be assessed and was removed from this objective.

⁶ The total VITs employed during the year 2011.

DETAILED FINDINGS

Pursuit Procedures

Each vehicle pursuit was examined to determine if all vehicle pursuit procedures were properly documented and evaluated.

Objective No. 1 - Initiation of Vehicle Pursuits Justified

Criteria

Department Manual Section 1/555.10, Initiation of a Vehicle Pursuit - states, *"Officers may pursue felons and misdemeanants...If reasonable suspicion or probable cause exists that a misdemeanor (with the exception of misdemeanor evading or reckless driving in response to enforcement action by Department personnel) or felony has occurred, is occurring or is about to occur, employees may pursue a suspect vehicle."*

Audit Procedures

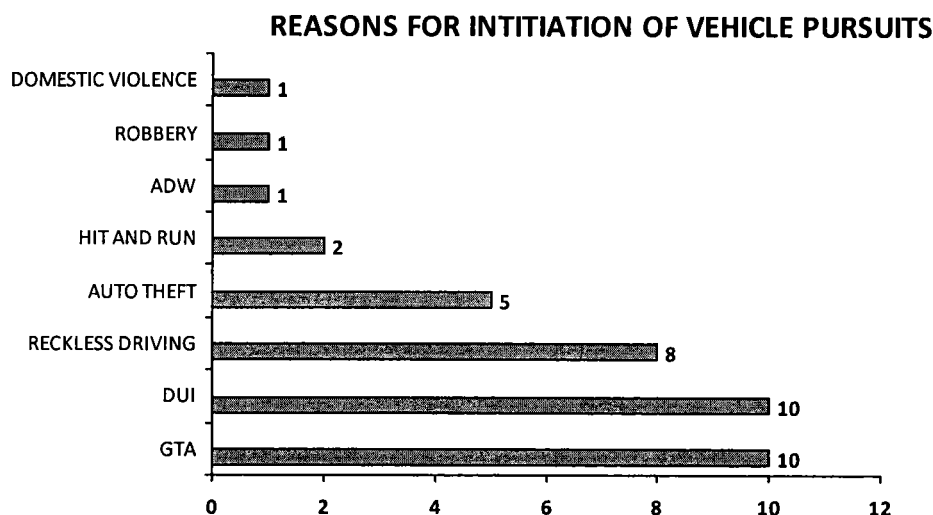
Internal Audits and Inspections Division examined each of the 38 Vehicle Pursuit Reports (VPRs) to determine whether the involved officers who initiated the pursuit had reasonable suspicion or probable cause that justified the pursuit.

The Department met the standards if the vehicle pursuit was initiated according to Department policy.

Findings

Each (100%) of the 38 vehicle pursuits met the standards for this objective.

Of the 38 vehicle pursuits, 18 (47%) were initiated because officers witnessed a felony or believed a felony was occurring or about to occur. In 20 (53%) of the pursuits, initiation was due to a misdemeanor crime (not committed in response to enforcement action).



Objective No. 2 - Supervisory Oversight of Vehicle Pursuits

Criteria

Department Manual Section 4/205.10, Control of a Vehicle Pursuit - states, *"Once a supervisor is assigned to a pursuit he/she shall respond immediately and upon arrival, declare themselves as Incident Commander...he/she shall be responsible for the management and control of the pursuit and post incident management. The Incident Commander shall monitor the pursuit and continuously assess the situation and ensure that the pursuit is conducted within Department guidelines."*

Audit Procedures

Internal Audits and Inspections Division examined the 38 VPRs to determine whether a supervisor was managing the vehicle pursuit via radio or as a participant within the pursuit.

The Department met the standards if a supervisor managed the vehicle pursuit via the radio or as a participant within the pursuit.

Findings

Thirty-seven (97%) of the 38 vehicle pursuits met the standards for this objective. The one VPR (VTD, Pursuit No. 389-12) indicated the following inconsistencies:

- The VPR face sheet indicated "N/A" in the "Supervisor Controlling Pursuit" field (box).
- The narrative of the VPR indicated that a VTD supervisor monitored the pursuit via radio.
- The audio of the pursuit gave no indication that a supervisor was responding/monitoring the pursuit. The first audio indication was the watch commander responding to the supervisor request after the suspect was in custody.

Table No. 2 illustrates the manner in which supervisory oversight was provided.

TABLE NO. 2 – SUPERVISORY OVERSIGHT OF VEHICLE PURSUITS

Pursuit Supervision	Results
Joined in Vehicle Pursuit	7 (18%)
Monitored Via Radio	31 (82%)
Total No. of Vehicle Pursuits	38(100%)

Objective No. 3 – Tracking of Vehicle Pursuits

Criteria

Department Manual Section 4/205.15, Air Support Tracking a Pursuit – states, *"Whenever possible, air units shall assume responsibility for tracking a suspect vehicle. In the absence of exigent circumstances, which may require pursuing units to remain in pursuit of the suspect's vehicle, authorized ground units shall continue Code Three, and attempt to remain out of the suspect's line of sight, but remain in close proximity to the suspect's vehicle."*

Audit Procedures

Internal Audits and Inspections Division reviewed the VPRs and determined that six of the 38 pursuits required tracking by the air unit. In cases where tracking was not utilized, VPRs were reviewed to determine if there was articulation as to why tracking was not utilized by the Incident Commander.

The Department met the standards if tracking was utilized during the pursuit when warranted and when tracking was not utilized, the reason was articulated in the report.

Findings

Each (100%) of six VPRs met the standards for this objective.

Table No. 3 illustrates the reasons for the 32 pursuits not being tracked by the air unit.

Table No. 3 - Reasons Why Vehicle Pursuits Were Not Tracked

Reason	No. of Pursuits
Vehicle Pursuit Ended Prior to Air Unit's Arrival or Shortly After	27
Exigent Circumstances (i.e. 187/245 suspects) Possibly armed	1
Air Unit did not Offer and Incident Commander did not Request	1
Other ⁷	3

Objective No. 4 – Additional Units in Vehicle Pursuit

Criteria

Department Manual Section 4/205.10, Control of a Vehicle Pursuit - states, *"The Incident Commander shall monitor the pursuit and continuously assess the situation and ensure that the pursuit is conducted within Department guidelines. If necessary, the supervisor shall direct specific units out of the pursuit, reassign the primary or secondary units, assign an available air unit, terminate the pursuit, or determine the necessity of employing a VIT. Code Three vehicle operation is authorized for the supervisor, at the supervisor's discretion, to properly monitor and direct the pursuit."*

Audit Procedures

The VPRs were reviewed to determine whether additional units beyond the primary, secondary, and supervisor were authorized by the Incident Commander.

The VPRs indicated four (11%) of the 38 pursuits had additional units join in the vehicle pursuit other than the primary, secondary, and supervisor.

⁷ Pursuit No. 288-12 (FTHL): An air unit was over the incident waiting for backup units to arrive in order to track. Pursuit No 299-12 (CENT) An air unit offered to track, primary unit acknowledged to track, however pursuit ended. Pursuit No. 313-12 (SOE): No air unit available.

The Department met the standards if reasonable justification was documented for the additional units engaged in the vehicle pursuit, and if authorization was given to join the pursuit by the Incident Commander/Watch Commander.

Findings

Three (75%) of the four vehicle pursuits met the standards for this objective. One VPR (CENT, Pursuit No. 299-12) indicated that one police unit did not obtain authorization from a supervisor to join in the pursuit.⁸

Objective No. 5 – Authorized Vehicle(s) in Pursuit

Criteria

Department Manual Section 4/205.01, Notifying Communications Division – states, *“Unmarked units without emergency equipment shall not engage in a pursuit. However, officers in unmarked units without emergency equipment may become involved in emergency activities involving a serious crime or a life-endangering situation. In those rare instances, it may be necessary to follow a suspect vehicle while summoning assistance from a black-and-white, four-wheeled unit equipped with external roof-mounted emergency lights.”*

Department Manual Section 1/555.10, - states, *“Unmarked units shall not engage in a pursuit. Dual purpose hybrid vehicles and motorcycles may engage in a vehicle pursuit, however the unit shall relinquish the role of primary unit when a black and white vehicle arrives on scene.”*

Audit Procedures

The VPRs were reviewed to determine if employees used authorized vehicles to initiate a vehicle pursuit. The Department met the standards if the pursuit was initiated by an employee in an authorized Department vehicle (motorcycle, hybrid, dual-purpose, black-and-white).

Findings

Each (100%) of the 38 pursuits met the standards for this objective.

Administrative Review Process

Each vehicle pursuit was examined to determine if all of the post incident procedures were properly documented and evaluated.

⁸ This finding was identified during the administrative review process.

Objective No. 6 – Final Vehicle Pursuit Classification

Criteria

Department Manual Section 3/201.20, Commanding Officer, Emergency Operations Division Responsibilities - states, *"The Commanding Officer, Emergency Operations Division, shall review the Vehicle Pursuit Report to determine compliance with Department policy and procedures;...and make the final determination on the classification of the pursuit..."*

Audit Procedures

Internal Audits and Inspections Division examined each of the 38 VPRs and their related documents to determine whether the vehicle pursuit's final determinations were appropriate for the circumstances of the pursuit.

The Department met the standards if the VPRs final determination reflected the circumstances of the pursuit.

Findings

Each (100%) of the 38 vehicle pursuits met the standards.

Table No. 4 illustrates the final classification of each of the 38 vehicle pursuits.

Table No. 4 – Final Vehicle Pursuit Classifications

Classification	Results
In-Policy/Training	16
In-Policy/No Action	22
Out of Policy ⁹	0
Total No. of Pursuits	38 (100%)

Objective No. 7 - Administrative Actions Reflected in Employees' TEAMS II Records

Criteria

Department Manual Section 3/201.25, Training/Documentation as a Result of a Vehicle Pursuit - states, *"When notified that training is directed, the Area/division commanding officer shall ensure that training is completed within 90 calendar days of notification. Upon completion of the directed training by the involved officer, the Area/division commanding officer shall ensure that the training is entered into the Learning Management System (LMS)..."*

⁹ Only pertains to the sample for the audit time period of October 1, 2012 through December 31, 2012.

Department Manual Section 201.30, Pursuits Classified as Out of Policy - states, *...the CO, EOD, shall direct the involved employee's commanding officer to initiate a Complaint Form, Form 1.28.00...the original Vehicle Pursuit Report shall note that a complaint investigation has been initiated."*

Audit Procedures

Internal Audits and Inspections Division identified 18 of the 38 VPRs which required administrative actions in the form of directed training and/or the initiation of an administrative personnel complaint investigation.¹⁰ Eighteen VPRs were classified as In-Policy/No Action, 16 VPRs were classified as In-Policy/Training, four were classified as In Policy/No Action (with training) and none of the VPRs were classified as Out of Policy.¹¹

The 18 vehicle pursuits involved a total of 36 officers/supervisors whose actions during the pursuits were determined by their respective commanding officers as requiring directed training related to actions that were determined to be corrective. All 36 officers/supervisors required directed training. None required the initiation of personnel complaint investigations.

An initial review of the 36 officers/supervisors TEAMS II records indicated that one officer's time frame to complete the directed training was still within the allotted 90-day period and could not be assessed, and was therefore, removed from this objective. The remaining 35 TEAMS II records were reviewed to verify that directed training was received and documented when required.

The Department met the standards if directed training was received and documented.

Findings

Thirty-three (94%) of the 35 TEAMS II records reviewed met the standards for this objective. The remaining three employees did not complete the directed training within the 90-day requirement.

- Southwest Area – Pursuit No. 368-12, one detective
- Hollywood Area – Pursuit No. 321-12, two officers

Objective No. 8 – Vehicle Pursuit Reports Approved by the Commanding Officer and Forwarded in a Timely Manner

Criteria

Department Manual Section 3/201.05, Commanding Officer's Responsibility – states, *"The commanding officer (CO) from the Area or division to which the pursuing officers are assigned shall:*

- *Sign the Vehicle Pursuit Report; and,*

¹⁰ Two vehicle pursuits were part of the original sample of 40 vehicle pursuits to be reviewed. The two vehicle pursuits (1 TDD/1 PIT) involved eight officers, whose actions required administrative action; were removed from this objective and will be addressed in the VIT portion of this audit, Objective Nos. 11(a-c).

¹¹ There were no Out of Policy vehicle pursuits that were part of the sample, however, there were eight Out Of Policy vehicle pursuits that occurred during the year 2012 and are addressed in Objective Nos. 9 through 10(b).

- *Forward all related reports to the bureau commanding officer within 20 calendar days of the pursuit.*

Audit Procedures

Internal Audits and Inspections Division reviewed the 38 VPRs for the CO's approval signatures and their corresponding dates. Although in most cases, there are two divisional CO signatures (Area and Patrol), the latter date of the two signatures was utilized as the end date to assess this objective. The date the CO approved and signed the VPR was determined to be the same date the VPR was forwarded to the bureau CO.

The Department met the standard if the VPRs were approved and forwarded to the bureau CO within 20 calendar days of the vehicle pursuit.

Findings

Twenty-two (58%) of the 38 VPRs met the standards for this objective. The remaining 16 VPRs that were not approved and forwarded to the bureau CO within the 20-calendar day requirement are illustrated below.

Table No. 5 – Number of Days VPRs were Overdue

Number of Days Overdue	Number of Pursuits
Less than 20	13 (81%)
21 – 40	3 (19%)
Total No. of Overdue VPRs	16 (100%)

Out of Policy Vehicle Pursuits for the Year 2012

Objective No. 9 - Initiation of Vehicle Pursuits Justified

Criteria

Department Manual Section 1/555.10, Initiation of a Vehicle Pursuit - states, *"Officers may pursue felons and misdemeanants...If reasonable suspicion or probable cause exists that a misdemeanor (with the exception of misdemeanor evading or reckless driving in response to enforcement action by Department personnel) or felony has occurred, is occurring or is about to occur, employees may pursue a suspect vehicle."*

Audit Procedures

Internal Audits and Inspections Division reviewed each of the eight Out of Policy VPRs for the year 2012 to determine whether the involved officers, who initiated the pursuit, had reasonable suspicion or probable cause that justified the vehicle pursuit.

This objective provides performance information pertaining to those Out Of Policy vehicle pursuits, wherein, the vehicle pursuit was initiated according to Department policy.

Findings

Four (50%) of the eight Out Of Policy vehicle pursuits were adjudicated as Out Of Policy for reasons other than initiation of the vehicle pursuit being justified. The remaining four Out Of Policy vehicle pursuits involved suspects driving recklessly in response to enforcement actions taken by the officers. The findings are identified as follows:¹²

Table No. 6 – Rationales for Out of Policy Vehicle Pursuits for the Year 2012

Out of Policy – Initiation of Vehicle Pursuit Not Justified		
Geographic Area	Pursuit No./DR No.	Violation
Wilshire	048-12 / DR No. 1207-05853	Tinted Windows – 26708(a)(1)VC, Infraction
Hollenbeck	055-12 / DR No. 1204-06099	Modified Exhaust – 27151VC, Infraction
Hollenbeck	194-12 / DR No. 1204-12392	Illegal U-Turn – 22102VC, Infraction
Pacific	260-12 / DR No. 1214-00892	Defective License Plate Light – 24252(a)VC, Infraction
Out of Policy – Other Reasons		
77 th Street Area	109-12 / 1212-11325	Driving Against Direction of Travel
Harbor	159-12 / 1218-12825	Joined Vehicle Pursuit without Authorization
Southwest	179-12 / 1211-13919	Failed to Relinquish Responsibility & Terminate Vehicle Pursuit
Southeast	261-12 / 1118-0115	Vehicle Pursuit not Broadcasted to Communications Division

Objective No. 10(a) - Supervisory Oversight of Vehicle Pursuits

Criteria

Department Manual Section 4/205.10, Control of a Vehicle Pursuit - states, *"Once a supervisor is assigned to a pursuit, he/she shall respond immediately and upon arrival, declare themselves as Incident Commander... he/she shall be responsible for the management and control of the pursuit and post incident management. The Incident Commander shall monitor the pursuit and continuously assess the situation and ensure that the pursuit is conducted within Department guidelines."*

Audit Procedures

Internal Audits and Inspections Division examined the eight Out Of Policy VPRs to determine whether a supervisor was managing the vehicle pursuit via radio or as a participant within the vehicle pursuit. The eight Out Of Policy vehicle pursuits were identified as requiring supervisory oversight.

The Department met the standards if a supervisor managed the vehicle pursuit via the radio or as a participant within the pursuit.

¹² These findings were identified during the administrative review process.

Findings

Seven (88%) of the eight Out Of Policy vehicle pursuits met the standards for this objective. The remaining one Out Of Policy vehicle pursuit is described as follow:

- Southeast Area (Pursuit No. 261-12 / DR No. 1118-01159) – The primary and secondary units failed to broadcast their vehicle pursuit during the pursuit and immediately after the conclusion of their pursuit. Supervisors were made aware of the pursuit due to the subsequent arrest of the pursued suspect.

Objective No. 10(b) - Administrative Actions Reflected in Employees' TEAMS II Records – Out of Policy Pursuits

Criteria

Department Manual Section 3/201.25, Training/Documentation as a Result of a Vehicle Pursuit - states, *"When notified that training is directed, the Area/division commanding officer shall ensure that training is completed within 90 calendar days of notification. Upon completion of the directed training by the involved officer, the Area/division commanding officer shall ensure that the training is entered into the Learning Management System (LMS)..."*

Department Manual Section 3/201.30, Pursuits Classified as Out of Policy - states, *"... the CO, EOD, shall direct the involved employee's commanding officer to initiate a Complaint Form, Form 1.28.00...the original Vehicle Pursuit Report shall note that a complaint investigation has been initiated."*

Audit Procedures

Internal Audits and Inspections Division reviewed eight Out Of Policy VPRs. The eight Intradepartmental Correspondences, Form 15.2.00, from EOD notified the respective commands of the final classifications of the vehicle pursuits and identified the officers that required administrative actions in the form of directed training and/or the initiation of administrative personnel complaint investigations. The eight Intradepartmental Correspondences, Form 15.2.00, identified a total of 34 officers that required administrative action. Of the 34 officers, 25 employees' actions required the initiation of personnel complaint investigations and nine officers' actions required directed training. A review was conducted of the employees' TEAM II records to verify that directed training was received, and/or that personnel complaint investigations were initiated and documented, as required. The Department met the standards if the directed training was received, and/or personnel complaint investigations were initiated and documented.

Overall Findings

Each (100%) of the 34 TEAMS II records reviewed met the standards for this objective.

Detailed Findings - Personnel Complaint Investigations

Each (100%) of the 25 employees' TEAMS II records reviewed met the standards for this objective.

Other Related Matter - Directed Training

Department policy does not require that employees whose actions were determined to be Out Of Policy, be directed to training.¹³ Nevertheless, the audit assessed whether or not training was provided and received. A review was conducted of the 25 employees TEAMS II records to determine if related training was received. Ten (60%) of the 25 employees received related training.

The Office of Administrative Services indicated they are currently in the process of developing a standardized training for all officers that is akin to the training provided after a use of force. Here, officers would undergo training as soon as practical after being involved in a vehicle pursuit. In the majority of cases the training will be conducted at the Divisional level. In the event of a significant incident such as a serious traffic collision, the training would be conducted by Training Division.

Additional Information – Rationales for Out of Policy Determinations

A review was conducted of the rationale for the Out Of Policy determinations. This review was to determine whether there were any patterns or commonalities of risk.

TABLE NO. 7 – RATIONALES FOR OUT OF POLICY DETERMINATIONS

Pursuit No.	Area	Rationale for Out of Policy Determinations
048-12	WIL	The suspect's reckless driving was in response to enforcement action taken by officers based upon vehicle code infractions.
055-12	HOBK	
194-12	HOBK	
260-12	PAC	
109-12	77 th Street	Driving against the flow of traffic on city streets.
159-12	HARB	Several units joined the vehicle pursuit without authorization.
179-12	SOW	The initiating primary one-officer unit did not relinquish to a 2-officer unit. The supervisor failed to discontinue pursuit due to a danger to the public. A lieutenant watch commander failed to identify issues and address them properly for the vehicle pursuit.
261-12	SOE	Two police units failed to notify Communications Division that they were in pursuit of a motorcycle. Consequently there was no supervisor, backup, or air unit.

¹³ Planning and Research Division and the Emergency Vehicle Operations Center (EVOC) advised that there is no requirement, per Department policy, to require officers whose actions during a vehicle pursuit that were determined to be Out of Policy, be directed to receive training.

Vehicle Intervention Techniques Training for the Year 2012

Objective No. 11(a) - Authorization to Employ Vehicle Intervention Techniques

Criteria

Department Manual Section 4/205.20, Vehicle Intervention Techniques - states, *"Officers should obtain Incident Commander approval prior to employing a Vehicle Intervention Technique (VIT). In rare instances where exigent circumstances exist that require immediate action and preclude officers from seeking prior supervisor approval, a VIT may be employed. The Incident Commander or the Watch Commander of the primary unit may authorize a pursuit's termination by employing a VIT. The decision to employ a VIT shall be based on careful consideration of the situation, while maintaining a significant regard for public and officer safety."*

Audit Procedures

This objective is a performance assessment and not a compliance assessment as Department policy states that "officers *should* obtain Incident Commander approval prior to employing a Vehicle Intervention Technique."

Internal Audits and Inspections Division reviewed all VIT VPRs that were employed during the year 2012. There were a total of 13 vehicle pursuits that employed a total of 15 VITs (four Tire Deflation Devices [TDD] and 11 Pursuit Intervention Techniques [PIT]). All 15 VITs were reviewed for this objective.¹⁴

The review examined whether the officer obtained authorization from the Incident Commander/Watch Commander prior to the use of a VIT, unless exigent circumstances existed.

Findings

Eleven (73%) of the 15 VITs indicated supervisory approval had been obtained prior to deploying the VIT. The remaining four VITs did not receive authorization from a supervisor to be employed. The VPRs cited the continued movement of the suspect vehicle would further endanger the public. The findings are identified as follows:

- Central Area, Pursuit No. 128-12 (TDD) – According to the VPR, the primary unit and the air unit requested the use of the TDD. One officer took the initiative to place the TDD in a strategic location in the path of the pursued vehicle. "Several minutes later" the suspect vehicle drove over the TDD. The pursuit was approximately five minutes in duration.
- Devonshire Area, Pursuit No. 205-12 (PIT) – According to the VPR, a supervisor was in the vehicle pursuit. The suspect vehicle made an unexpected turn and a short window of opportunity presented itself to conduct the PIT. The officers believed they were in a sound

¹⁴ Two of the involved vehicle pursuits had each employed the VIT twice.

tactical position to conduct the maneuver with minimal danger to the public. The pursuit was approximately 90 seconds in duration.

- Central Area, Pursuit No. 299-12 - Central Area Felony Hit and Run suspect pursuit continued into Hollenbeck Area, whereby, Hollenbeck officers employed the TDD. The VPR indicated that the TDD was employed due to "Driver was observed driving erratically and placing pedestrians in harm's way." The pursuit was approximately six minutes in duration.
- North Hollywood Area, Pursuit No. 322-12 – The Incident Commander was actively involved in the vehicle pursuit from the onset. Officers had the opportunity to request prior approval to employ the PIT. The pursued vehicle was identified in the arrest report as an "Assault with a Deadly Weapon suspect." The VPR indicated that the PIT was employed citing the suspect's driving was a danger to the public. The pursuit was approximately nine minutes in duration.

Objective No. 11(b) - Vehicle Intervention Techniques Training

Criteria

Department Manual Section 4/205.20, Vehicle Intervention Technique (VIT) - states, *"Only officers who have successfully completed Department approved training are authorized to employ these methods."*

Audit Procedures

The 13 vehicle pursuits involved 15 VITs (PIT/TDD). The VITs identified a total of 17 officers who utilized either a TDD or PIT. Of the 17 officers, ten (drivers) employed the PIT while seven officers deployed the TDD. Two of the officers were not identified in the VPR or associated documents, therefore the TEAMS II reports of 15 officers were reviewed to determine if he/she successfully completed the respective TDD or PIT training.¹⁵

The Department met the standard if the respective training was documented in the officer's TEAMS II report.

Findings

Thirteen (87%) of the 15 officers involved in the deployment of either the TDD or PIT met the standards for this objective. The remaining two officers' TEAMS II records did not indicate the required training was received. The findings are identified as follows:

- Van Nuys Area – Pursuit No. 117-12 (TDD) – One officer - The VPR indicated that two TDDs were deployed during the vehicle pursuit. The VPR did not identify the units or the officers involved. The pursuit audio was unable to provide information on the units involved in the deployment of the TDD. A review of the "Incident Recall" only identified a Hollywood patrol unit involved in the deployment of one of the two TDDs. The second unit remained unknown and, therefore, a review of the involved officers training could not be conducted. A review of

¹⁵ One VPR (CENT, Pursuit No. 299-12) identified the police unit and both officers involved in the deployment of the TDD. As such, both officers' TEAMS II records were examined for TDD training.

the two Hollywood officers' TEAMS II reports indicated that only one of the officers received TDD training.

- Central Area – Pursuit No. 299-12 (TDD) – One officer – A review of the TEAMS II report did not indicate the officer received TDD training.

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Other Related Matter – Pursuit Intervention Technique Training

While assessing the TEAMS II reports for VPRs under this objective, it was noted the Department has two types of training in which officers may take pertaining to PITs. One type of training, a 4-hour course, is titled, "Driver Training – EVOC PIT". The other type of training, a 1-hour course, is titled, "Pursuit Intervention Techniques for Officers". Further inquiry with Emergency Vehicle Operations Unit regarding the difference between these two PIT trainings indicated that the four hour course is conducted at the Davis Training Facility, and is hands-on, where officers practice the PIT maneuvers on the track. The one hour PIT training is an online training over the Learning Management System with no hands-on. Of the 15 officers in the sample for this objective, there was one officer (77th Street Area – Pursuit No. 350-12) involved in a vehicle pursuit, who executed a PIT, and had taken the one hour LMS training.¹⁶

Objective No. 11(c) - Administrative Actions Reflected in Employees' TEAMS II Records – Vehicle Intervention Techniques Pursuits

Criteria

Department Manual Section 3/201.25, Training/Documentation as a Result of a Vehicle Pursuit - states, *"When notified that training is directed, the Area/division commanding officer shall ensure that training is completed within 90 calendar days of notification. Upon completion of the directed training by the involved officer, the Area/division commanding officer shall ensure that the training is entered into the Learning Management System (LMS)..."*

Department Manual Section 3/201.30, Pursuits Classified as Out of Policy - states, *"... the CO, EOD, shall direct the involved employee's commanding officer to initiate a Complaint Form, Form 1.28.00...the original Vehicle Pursuit Report shall note that a complaint investigation has been initiated."*

Audit Procedures

Internal Audits and Inspections Division reviewed 13 VPRs that employed VITs. The 13 Intradepartmental Correspondences, Form 15.2.00, from EOD notified the respective commands of the final classifications of the vehicle pursuits and identified the officers that required administrative actions in the form of directed training and/or the initiation of an administrative personnel complaint investigation. The 13 Intradepartmental Correspondences, Form 15.2.00, identified a total of 37 officers that required administrative action. Of the 37 officers, 32 required directed training and five required the initiation of a personnel complaint investigation. A review was conducted of the

¹⁶ Commencing in 2007, all recruit officers receive the hands-on training while in the academy.

employees' TEAM II records to verify that directed training was received, and/or that personnel complaint investigations were initiated and documented, as required.

The Department met the standards if the directed training was received, and/or personnel complaint investigations were initiated and documented.

Overall Findings

Each (100%) of the 37 TEAMS II reports reviewed met the standards for this objective. Thirty-two officers' TEAMS II reports reflected the required training had been fulfilled, and five officers' TEAMS II reports reflected a personnel complaint investigation had been initiated.

Other Related Matter - Administrative Actions Reflected in Employees' TEAMS II Records – Out of Policy Vehicle Intervention Technique Pursuits

Department policy does not require that employees whose actions were determined to be Out Of Policy be directed to training. Nonetheless, the audit assessed whether or not training was provided, received and documented. Directed training is normally documented on an Intradepartmental Correspondence, Form 15.2.00. A review of the vehicle pursuit (SOE, Pursuit No. 210-12) package that involved the five officers who were subjected to personnel complaint investigations, did not contain an Intradepartmental Correspondence, Form 15.2.00, or any other document to indicate that training was directed, provided, or received. A review of the TEAMS II reports for the five employees who were subjected to a personnel complaint investigation was conducted to determine if related training was received. There was no documentation to indicate any of the five employees received the emergency vehicle operations training provided by EVOC.

RECOMMENDATIONS

1. It is recommended that Emergency Operations Division and Planning and Research Division revisit LAPD Manual Section 3/201.30 - Pursuits Classified as Out of Policy, to include the requirement that the employee, whose actions during a vehicle pursuit were determined to be Out of Policy, be directed to training in a timely manner in conjunction with the initiation of a personnel complaint investigation. The current policy does not require training for Out of Policy vehicle pursuits. However, those pursuits classified as 'In-Policy/Training' and 'In-Policy/No Action with Training' require directed training within a set time period.
2. It is recommended that Planning Research Division revisit Department Manual Section 4/205.20 - Vehicle Intervention Techniques, to consider a change in verbiage from "should" obtain Incident Commander approval prior to employing a Vehicle Intervention Technique, to reflect an authoritative requirement in obtaining approval prior to employing a Tire Deflation Device. While it is understood that the Pursuit Intervention Technique (PIT) may necessitate a quick decision to employ the technique, and may not allow enough time to obtain supervisory approval, the Tire Deflation Device requires pre-planning to some degree, and therefore provides ample time to obtain supervisory approval in each instance. This recommendation was based on feedback with Emergency Vehicle Operations Unit, given the associated risks in Tire Deflation Devices.

3. It is recommended that Planning Research Division revisit Department Manual Section 4/205.20, Vehicle Intervention Technique, and explore whether the preferred method of training that would certify an officer to employ a PIT should be a practical hands-on training versus an online training course. Currently, the four-hour course involves hands-on application, thus allowing the officer to practice the PIT maneuver at the Davis Training Facility with Emergency Vehicle Operations personnel. Also offered is the one-hour Learning Management System training which is entirely computer-based with no hands-on learning.

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

1. The audit findings were validated with of the respective Area Commanding Officers, who expressed general agreement.
2. On August 13, 2013, IAID personnel discussed the audit report with representatives from the Vehicle Pursuit Unit, in which they expressed general agreement with the audit findings.
3. The audit report was presented to the Assistant to the Director, Office of Operations and the Director, Office of Administrative Services; both of which expressed general agreement with the audit findings and the recommendations.