

INTRADPARTMENTAL CORRESPONDENCE

April 27, 2016
14.2

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: VEHICLE PURSUIT AUDIT (AD NO. 14-069)

RECOMMENDED ACTIONS

1. That the Board of Police Commissioners REVIEW and APPROVE the attached Vehicle Pursuit Audit – Third Quarter, Fiscal Year 2014/15.
2. That the Board of Police Commissioners REVIEW and APPROVE the attached Executive Summary thereto.

DISCUSSION

Pursuant to the Department's Annual Audit Plan, Fiscal Year 2014/15, Audit Division completed the Department-wide Vehicle Pursuit Audit to assess the Department's adherence to policies and procedures.

If additional information regarding this audit is required, please contact Arif Alikhan, Director, Office of Constitutional Policing and Policy, at (213) 486-8730.

Respectfully,



CHARLIE BECK
Chief of Police

Attachment

LOS ANGELES POLICE DEPARTMENT

VEHICLE PURSUIT AUDIT

(AD No. 14-069)



Conducted by
AUDIT DIVISION

CHARLIE BECK
Chief of Police

April 2016

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**EXECUTIVE SUMMARY
VEHICLE PURSUIT AUDIT
Conducted by
Audit Division
Fiscal Year 2014/15**

PURPOSE

In accordance with the Los Angeles Police Department (Department) Annual Audit Plan for fiscal year 2014/15, Audit Division conducted the Vehicle Pursuit Audit to evaluate adherence with Department policies and procedures. The audit included a review of procedures that occurred during and after vehicle pursuits, such as supervisory oversight, notifications, and training.

AUDIT SCOPE AND METHODOLOGY

Audit Division obtained a data run that identified all vehicle pursuits that occurred from July 1, 2013, through December 31, 2013, which identified 192 vehicle pursuits.¹ Audit Division randomly selected a statistically valid sample, resulting in 95 vehicle pursuits.²

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

SUMMARY OF FINDINGS

The audit consisted of ten objectives, and the Department had 95 percent or higher compliance in seven objectives:

- Initiation of Vehicle Pursuits Justified (99%)
- Supervisory Oversight of Vehicle Pursuits (100%)
- Tracking of Vehicle Pursuits (99%)
- Authorized Vehicle(s) in Pursuit (99%)
- Final Vehicle Pursuit Classification (100%)
- Administrative Actions Reflected in Employees' Training Evaluation and Management System II Records (100%)
- Vehicle Intervention Techniques Training (95%)

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

²The stratified sample size was obtained by utilizing a one-tail test with a 95 percent confidence level and a four percent error rate. The sample yielded 74 vehicle pursuits, and 21 additional vehicle pursuits were included that involved multiple units and/or the deployment of a Vehicle Intervention Technique.

An 80 percent or higher compliance was achieved in the following objective:

- Additional Unit(s) in Vehicle Pursuit (83%)
- Authorization to Employ Vehicle Intervention Techniques (89%)³

A 50 percent or higher compliance was achieved in the following objective:

- Vehicle Pursuit Reports (VPR) Approved by the Commanding Officer and Forwarded in a Timely Manner (56%)

One objective was assessed as performance information because the criteria indicated “should” obtain Incident Commander approval; 89 percent of the vehicle pursuits reviewed indicated officers obtained Incident Commander approval prior to employing a vehicle intervention technique.

RECOMMENDATION

It is recommended the Office of Operations collaborate with Policies and Procedures Division to determine whether Department Manual Section 3/201.05, Commanding Officer’s Responsibility, should be changed to a 30 day requirement for vehicle pursuit reports to be forwarded to the bureau commanding officer (*Objective No. 8*).

ACTIONS TAKEN/MANAGEMENT’S RESPONSE

1. The findings were validated with the commanding officers of each Area/division.
2. The audit report was provided to and discussed with the Commanding Officer, Emergency Operations Division, and the Assistant to the Director, Office of Operations; both indicated general agreement with the audit findings.

³Currently not mandated policy, and therefore considered Performance Information only.

VEHICLE PURSUIT AUDIT
Conducted by
Audit Division
Fourth Quarter, Fiscal Year 2014/15

PURPOSE

In accordance with the Los Angeles Police Department (Department) Annual Audit Plan for fiscal year (FY) 2014/15, Audit Division (AD) conducted the Vehicle Pursuit Audit to evaluate adherence with Department policies and procedures. The audit included a review of procedures that occurred during and after vehicle pursuits, such as supervisory oversight, notifications, and training.

Audit Division conducted this audit under the guidance of Generally Accepted Government Auditing Standards,¹ 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. Audit Division has determined that the evidence obtained provides a reasonable basis for the findings and conclusions based on our audit objectives.

PRIOR AUDITS

Audit Division performs an annual review of the processes and procedures for vehicle pursuits Department-wide. The last Vehicle Pursuit Audit was completed in the fourth quarter, FY 2012/13. Within the prior audit, the Department met the standard relative to justifying the initiation of vehicle pursuits, using tracking mode, the use of units in the pursuit with proper authorization, and appropriate classification of vehicle pursuits. However, areas for improvement were identified in the administrative review process.

Three recommendations were made as follows:

- 1. It is recommended that Emergency Operations Division and Planning and Research Division (PRD) 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.*

Status: Pending. Per Policies and Procedures Division (PPD, formerly Planning and Research Division), this recommendation has been approved by the Department and is pending approval by the Los Angeles Police Protective League (League). Once approved by the League and Board of Police Commissioners, the recommended changes will be published.

¹U.S. Government Accountability Office, Generally Accepted Government Auditing Standards, December 2011 Revision.

- It is recommended that Planning [and] 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.*

Status: Pending. Per PPD, this recommendation has been approved by the Department and is pending approval by the League. Once approved by the League and Board of Police Commissioners, the recommended changes will be published.

- It is recommended that Planning [and] 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.*

Status: Pending. Per PPD, this recommendation has been approved by the Department and is pending approval by the League. Once approved by the League and Board of Police Commissioners, the recommended changes will be published.

METHODOLOGY

Audit Division obtained a data run that identified all vehicle pursuits that occurred from July 1, 2013, through December 31, 2013, which identified 192 vehicle pursuits.² Audit Division selected a statistically valid random sample, resulting in 95 vehicle pursuits.³

Audio and video recordings of each vehicle pursuit, along with corresponding documentation, were reviewed to determine if officers/supervisors adhered to Department policy and procedures during the vehicle pursuit, evaluated the administrative review process, and verified that the directed training was documented.

²The data was obtained from the Pursuit Review Unit, which oversees the Department's vehicle pursuits and included In-Car Videos from Operations-South Bureau units; the only bureau with In-Car Videos during the audit period.

³The stratified sample size was obtained by utilizing a one-tail test with a 95 percent confidence level and a four percent error rate. The sample yielded 74 vehicle pursuits, and 21 additional vehicle pursuits were included that involved multiple units and/or the deployment of a Vehicle Intervention Technique.

SUMMARY OF FINDINGS

The audit consisted of ten objectives, and the Department had 95 percent or higher compliance in seven objectives:

- Initiation of Vehicle Pursuits Justified (99%)
- Supervisory Oversight of Vehicle Pursuits (100%)
- Tracking of Vehicle Pursuits (99%)
- Authorized Vehicle(s) in Pursuit (99%)
- Final Vehicle Pursuit Classification (100%)
- Administrative Actions Reflected in Employees' Training Evaluation and Management System (TEAMS) II Records (100%)
- Vehicle Intervention Techniques Training (95%)

An 80 percent or higher compliance was achieved in the following objective:

- Additional Unit(s) in Vehicle Pursuit (83%)
- Authorization to Employ Vehicle Intervention Techniques (89%)⁴

A 50 percent or higher compliance was achieved in the following objective:

- Vehicle Pursuit Reports Approved by the Commanding Officer and Forwarded in a Timely Manner (56%)

One objective was assessed as performance information because the criteria indicated "should" obtain Incident Commander approval; 89 percent of the vehicle pursuits reviewed indicated officers obtained Incident Commander approval prior to employing a vehicle intervention technique. Table No. 1 on the following page provides a summary of findings by objective, and comparison to the previous audit.

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⁴Currently not mandated policy, and therefore considered Performance Information only.

Table No. 1 – Summary of Findings

Objective No.	Description of Audit Objectives	Results ⁵	
		FY 2012/13	FY 2014/15
Pursuit Procedures			
1	Initiation of Vehicle Pursuits Justified	38/38 (100%)	94/95 (99%)
2	Supervisory Oversight of Vehicle Pursuits	37/38 (97%)	95/95 (100%)
3	Tracking of Vehicle Pursuits	6/6 (100%)	94/95 (99%)
4	Additional Unit(s) in Vehicle Pursuit	3/4 (75%)	24/29 (83%)
5	Authorized Vehicle(s) in Pursuit	38/38 (100%)	94/95 (99%)
Administrative Review Process			
6	Final Vehicle Pursuit Classification	38/38 (100%)	95/95 (100%)
7	Administrative Actions Reflected in Employees' TEAMS II Records	33/35 (94%)	187/187 (100%)
8	Vehicle Pursuit Reports Approved by the Commanding Officer and Forwarded in a Timely Manner	22/38 (58%)	53/95 (56%)
Vehicle Intervention Techniques			
9	Authorization to Employ Vehicle Intervention Techniques	Performance Information	Performance Information ⁶
10	Vehicle Intervention Techniques Training	13/15 (87%)	18/19 (95%)
Out of Policy Vehicle Pursuits			
	Initiation of Vehicle Pursuits Justified	Performance Information 4/8 (50%)	Reported within Objective No. 1
	Supervisory Oversight of Vehicle Pursuits	Performance Information 7/8 (88%)	Reported within Objective No. 2
	Administrative Actions Reflected in Employees' TEAMS II Records	34/34 (100%)	Reported within Objective No. 7

⁵A scope of three months was used for the FY 2012/13 audit; six months was used for the current audit.

⁶Currently not mandated policy, and therefore considered Performance Information only.

DETAILED FINDINGS

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 including law violators who exhibit behaviors of illegally driving under the influence of drugs or alcohol. 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.”

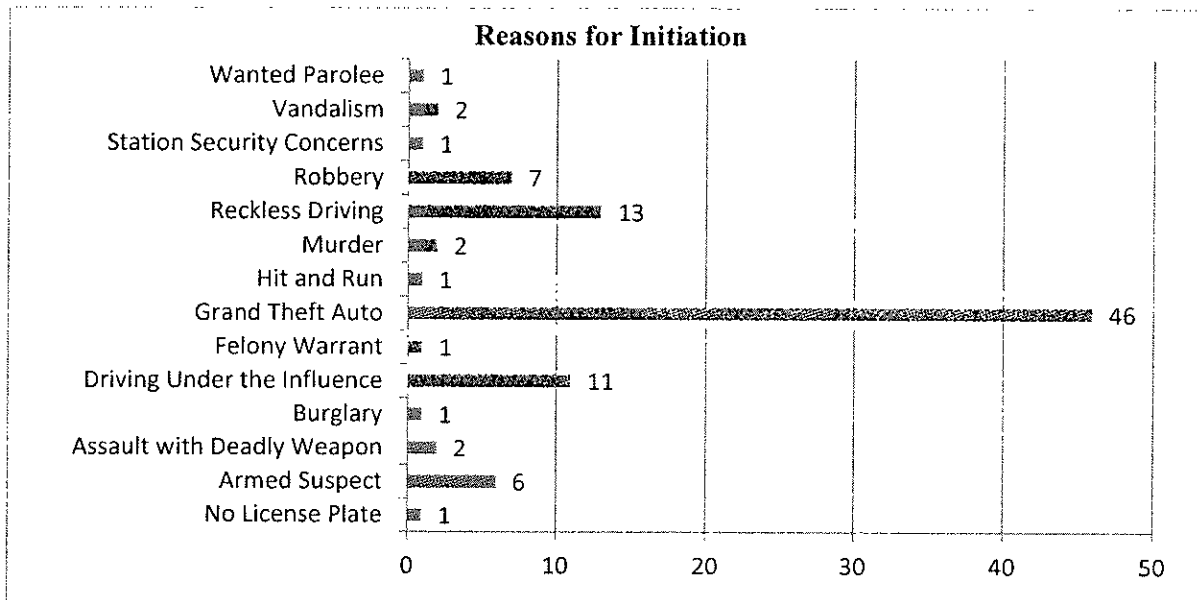
Audit Procedures

Audit Division examined the 95 Vehicle Pursuit Reports (VPRs) to determine whether the officers initiating the pursuit had reasonable suspicion or probable cause that justified the pursuit. The Department met the standard if the vehicle pursuit was initiated according to Department policy.

Findings

Ninety-four (99%) of the 95 vehicle pursuits met the standard for this objective. One vehicle pursuit was initiated because the suspect vehicle had no front license plate (Harbor Area, Pursuit No. 374-13); this pursuit was terminated by the supervisor. Figure No. 1 summarizes the reasons for the initiation of the vehicle pursuits reviewed.

Figure No. 1 – Reasons for Initiation



Out of Policy Vehicle Pursuits

Audit Division identified four VPRs that were classified Out of Policy. Three (75%) of the four Out of Policy vehicle pursuits were adjudicated as Out of Policy for reasons other than initiation of the vehicle pursuit not being justified. The one Out of Policy vehicle pursuit involved an infraction for no license plates. Table No 2 summarizes of the rationales for out of policy vehicle pursuits reviewed.⁶

Table No. 2 – Rationales for Out of Policy Vehicle Pursuits

Area	Pursuit No.	Rationale
Out of Policy – Initiation of Vehicle Pursuit Not Justified		
Harbor Area	374-13	No License Plate, Infraction
Out of Policy – Other Reasons		
Southwest Area	292-13	Officers attempted a traffic stop due to reckless driving. However, the DICVS ⁷ revealed to the Commanding Officer that the suspect was not driving reckless.
West Valley Area	353-13	Possible stolen (bent plates on motorcycle). Officers did not broadcast pursuit in a timely manner.
Mission Area	350-13	Grand Theft Auto. Officer initiated traffic stop on stolen vehicle suspect before back-up arrived. The pursuit reached speeds of over 100 mph by the suspect and officer, posing unreasonable risk to public safety. No exigent circumstances existed to justify the supervisor rejecting airship's offer to track the suspect vehicle.

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 via broadcast to Communications Division. 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.”

⁶These findings were identified during the vehicle pursuit administrative review process.

⁷Digital In-Car Video System

Audit Procedures

Audit Division examined the 95 VPRs to determine whether a supervisor managed the vehicle pursuit via radio or as a participant.

The Department met the standard if a supervisor managed and controlled vehicle pursuit.

Findings

Each (100%) of the 95 vehicle pursuits met the standard for this objective. Table No. 3 summarizes the supervisory oversight.

Table No. 3 – Supervisory Oversight of Vehicle Pursuits

Pursuit Supervision	Results
Joined in Vehicle Pursuit	31 (33%)
Managed Via Radio	62 (65%)
Not Managed by Supervisor	2 (2%) ⁸
Total No. of Vehicle Pursuits	95 (100%)

OTHER RELATED MATTERS

Of the 93 vehicle pursuits that were managed by a supervisor, the supervisor did not declare himself/herself as “Incident Commander” for 61, upon arrival or termination of the pursuit. Of the 61 supervisors, 18 were directed to receive training. Forty-three were classified as In Policy/No Action. Based on this analysis, there is indication of inconsistencies with the manner in which the Department addresses supervisors who fail to declare themselves Incident Commander.

Out of Policy Vehicle Pursuits

Audit Division examined the four Out of Policy VPRs to determine whether a supervisor managed the vehicle pursuit or was a participant. The four Out of Policy vehicle pursuits were identified as requiring supervisory oversight. Each (100%) of the four Out of Policy vehicle pursuits met the standard for this objective.

⁸One vehicle pursuit was not managed by a supervisor; however, reasonable justification was documented for the lack of supervisory oversight and was not held out as a finding. The other vehicle pursuit was concluded prior to a supervisor having the opportunity to become involved.

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 (e.g., armed suspect, murder suspect, hostage situation, etc.), 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

Audit Division reviewed the VPRs and determined that six of the 38 pursuits required tracking by an air unit. In cases where tracking was not utilized, VPRs were reviewed to determine if there was documentation as to why tracking was not requested/utilized by the Incident Commander.

The Department met the standard if tracking was requested/utilized during the pursuit when warranted, and when tracking was not requested/utilized, the reason was documented.

Findings

Ninety-four (99%) of the 95 VPRs met the standard for this objective. Tracking was requested/utilized in 17 pursuits, and not requested/utilized in 77 pursuits; however, the reason was documented. For the one pursuit (Mission Area, Pursuit No. 399-13) an air unit was present; however, tracking was not utilized, nor was a reason documented. Table No. 4 summarizes the reasons for the 77 pursuits not being tracked by an air unit.

Table No. 4 - Reasons Why Vehicle Pursuits Were Not Tracked

Reason	No. of Pursuits
Vehicle Pursuit Ended Prior to Air Unit’s Arrival	49
Vehicle Pursuit Ended Shortly After Air Unit’s Arrival	7
Exigent Circumstances (i.e., 187/245 suspects) Possibly armed	10
Slow/Moderate speed of pursuit	4
Air units not available (i.e., not operating due to weather/early hours)	3
Impractical for Air unit (i.e., high rise buildings, fog)	4

Objective No. 4 – Additional Unit(s) 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 29 (31%) of the 95 pursuits had additional units in the vehicle pursuit.

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

Findings

Twenty-four (83%) of the 29 vehicle pursuits met the standard for this objective. The five vehicle pursuits that did not meet the standard are as follows:

- Newton Area (Pursuit No. 236-13) – The third unit joined the pursuit without authorization. The third unit officers received directed training as a result.
- Southwest Area (Pursuit No. 396-13) – The third unit joined the pursuit without authorization. This unit was the third unit during the initial *following* of the suspect vehicle and it should have discontinued and kept a distance as soon as the pursuit was initiated unless its involvement was requested. The third unit officers received directed training as a result.
- 77th Street Area (Pursuit No. 340-13) – The fourth and fifth units joined the pursuit without authorization. This finding was identified during the vehicle pursuit administrative review process.
- Southeast Area (Pursuit No. 391-13) – The fourth and fifth units joined the pursuit without authorization. These units were involved during the initial *following* of the suspect vehicle and they should have discontinued once the pursuit was initiated unless their involvement was requested. This finding was identified during the vehicle pursuit administrative review process.

- West Valley Area (Pursuit No. 269-13) – The fourth, fifth and sixth units joined the pursuit without authorization. This finding was identified during the vehicle pursuit administrative review process.

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 standard if an employee in an authorized Department vehicle initiated the pursuit; motorcycle, dual-purpose hybrid vehicle (no light bar on roof), black-and-white.

Findings

Ninety-four (99%) of the 95 pursuits met the standard for this objective. The vehicle pursuit that did not meet the standard is as follows:

- Olympic Area (Pursuit No. 231-13) – The primary unit was a hybrid. The secondary unit was a black-and-white with roof-mounted lights. The primary unit did not relinquish its role to the secondary unit. This finding was addressed during the vehicle pursuit 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 CO, EOD, shall:*

- *Review the Vehicle Pursuit Report to determine compliance with Department policy and procedures;”*
- *”Make the final determination on the classification of the pursuit within 30 calendar days of receipt of the vehicle pursuit for adjudication;”*

Audit Procedures

Audit Division examined the 95 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 standard if the VPRs final determination reflected the circumstances of the pursuit.

Findings

Each (100%) of the 95 vehicle pursuits met the standard. Table No. 5 summarizes the final classification of the 95 vehicle pursuits.

Table No. 5 – Final Vehicle Pursuit Classifications

Classification	Results
In-Policy/Training	37
In-Policy/No Action	54
Out of Policy ⁹	4
Total No. of Pursuits	95 (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)

⁹Only pertains to the sample for the audit period of July 1, 2013, through December 31, 2013.

along with the corresponding reference number, which is generally a Division of Records (DR) number, and notify the C/O, EOD, regarding the date the training was completed, along with a copy of the officer's LMS report documenting the completion of training."

Department Manual Section 201.30, Pursuits Classified as Out of Policy, states, *"If approved, the C/O, EOD, shall direct the involved employee's commanding officer to initiate a Complaint Form, Form 1.28.00. A copy of the Vehicle Pursuit Report shall be attached to the complaint investigation and the original Vehicle Pursuit Report shall note that a complaint investigation has been initiated."*

Audit Procedures

Audit Division identified 188 officers/supervisors who required administrative actions in the form of directed training and/or the initiation of administrative personnel complaint investigations. The 188 employees involved 53 VPRs. One-hundred-forty-one employees were classified as In-Policy/Training and required directed training; however, one employee's training records was not available for review due to the employee's sensitive assignment and as a result directed training could not be determined (West Valley Area, Pursuit No. 269-13). Therefore, one-hundred-forty employees classified as In-Policy/Training were reviewed. Forty-seven employees were classified as Out of Policy and required the initiation of personnel complaint investigations.

The 187 TEAMS II and Learning Management System (LMS) records were reviewed to verify that directed training was documented, or that an administrative personnel complaint investigation was initiated when required. The Department met the standard if directed training was documented and if administrative personnel complaints were initiated and documented within 90 days.

Findings

Each (100%) of the 187 TEAMS II records reviewed, met the standard for this objective.

Out of Policy Vehicle Pursuits

Audit Division reviewed four Out of Policy VPRs. The four Intradepartmental Correspondences 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 four Intradepartmental Correspondences identified 16 officers that required administrative action. Of the 16 officers, two employees' actions required the initiation of personnel complaint investigations as well as directed training. The 14 employees' actions only required the initiation of a personnel complaint investigation. A review was conducted of the employees' TEAM II records to verify that directed training was documented, and/or that personnel complaint investigations were initiated and documented.

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

Fifteen (94%) of the 16 employees' TEAMS II records reviewed met the standard for this objective. The one employee's TEAMS II record did not reflect a personnel complaint investigation. It should be noted that in the prior VPR audit, it was recommended that directed training be provided to all VPRs classified as Out of Policy. This recommendation was still pending at the time of the audit fieldwork, and therefore, AD was unable to conduct follow-up testing.

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 from the Area or division to which the pursuing officers are assigned shall*":

- "*Sign the Vehicle Pursuit Report;*
- "*Forward all related reports to the bureau commanding officer within 20 calendar days of the pursuit*";

Audit Procedures

Audit Division reviewed the 95 VPRs for the commanding officer's (CO's) approval signatures and their corresponding dates. Although in most cases, there were 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

Fifty-three (56%) of the 95 VPRs met the standard for this objective. The 42 VPRs that were not approved and forwarded to the bureau CO within the 20-calendar day requirement are summarized in Table No. 6.

Table No. 6 – Number of Days VPRs were Overdue

Number of Days Overdue	Number of Pursuits
Less than 20	34 (81%)
21 – 41	6 (14%)
69-148	2 (5%)
Total No. of Overdue VPRs	42 (100%)

Objective No. 9 - 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 "officers *should* obtain Incident Commander approval prior to employing a Vehicle Intervention Technique."

The VPRs indicated ten (11%) of the 95 pursuits had a VIT employed with a total of 18 VITs (eight Tire Deflation Devices [TDD] and ten Pursuit Intervention Techniques [PIT]). All 18 VITs were reviewed for this objective.¹⁰

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

Findings

Sixteen (89%) of the 18 VITs indicated supervisory approval had been obtained prior to deployment. There were three VITs employed for West Valley Area, Pursuit No. 269-13. During the pursuit, the supervisor rescinded his authorization to use a PIT (after one VIT attempt had been made) because the suspect was wanted for armed robbery; however, officers employed the PIT twice later in the pursuit, subsequent to the supervisor rescinding his initial approval.

Objective No. 10 - Vehicle Intervention Techniques Training

Criteria

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

¹⁰One of the vehicle pursuits employed a VIT four times; two employed it three times; and, one employed it twice.

Audit Procedures

The ten vehicle pursuits involved 18 VITs (PIT/TDD). The VITs identified 20 officers who utilized either a TDD or PIT. Of the 20 officers, seven (drivers) employed the PIT while 13 officers deployed the TDD. One of the officers deployed a TDD but was not identified in the VPR or associated documents. Therefore the TEAMS II reports and LMS of 19 officers (seven deployed PITs and 12 deployed TDDs) were reviewed to determine if they successfully completed the TDD or PIT training. The TDD and PIT training were incorporated into the employees' academy training in May 2005 and is entitled "Basic Course-Intensive" on TEAMS II.

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

Findings

Eighteen (95%) of the 19 officers involved in the deployment of either the TDD or PIT met the standard for this objective. For one officer (West Valley Area, Pursuit No. 269-13), the TEAMS II report did not indicate whether the officer received TDD training.

RECOMMENDATION

It is recommended the Office of Operations collaborate with Policies and Procedures Division to determine whether Department Manual Section 3/201.05, Commanding Officer's Responsibility, should be changed to a 30 day requirement for vehicle pursuit reports to be forwarded to the bureau commanding officer (*Objective No. 8*).

ACTIONS TAKEN/MANAGEMENT'S RESPONSE

1. The findings were validated with the commanding officers of each Area/division.
2. The audit report was provided to and discussed with the Commanding Officer, Emergency Operations Division, and the Assistant to the Director, Office of Operations; both indicated general agreement with the audit findings.