



# DEPARTMENT NOTICE

24-173

Published: 10/31/24

Expires: 10/31/27

## **Ninth Circuit Opinion on Suspected Stolen Vehicle Stops**

Tactical Refresher from the Training Division

The purpose of this Department Notice is to notify sworn personnel of the Ninth Circuit opinion in *Chinaryan v. City of Los Angeles* which denied qualified immunity to LAPD officers, because of their actions during a traffic stop of a suspected stolen vehicle, exposing them to potential civil liability. In this case, the Court found that having cause to believe a vehicle is stolen (or “cold-plated”) is insufficient by itself to justify the tactics used by LAPD officers during the ensuing stop, without articulable reason to believe the occupants were armed or otherwise dangerous. *Chinaryan* expands on the Ninth Circuit case of *Green v. City and County of San Francisco* (9th Cir. 2014) 751 F.3d 1039 and is in line with SFPD’s training on vehicle stops and use of firearms.

The incident began when a black Chevrolet Suburban was stolen, and the LAPD received a signal from the vehicle’s LoJack device. Officers in the area spotted a similar-looking vehicle and mistakenly believed it to be the stolen car. During the ensuing stop, based only on the reasonable suspicion that the vehicle might be stolen, the officers pointed firearms at the occupants and ordered them prone onto the ground. LAPD officers stated that they applied these same tactics to every traffic stop they identified as “high-risk.” Based upon this case and SFPD policy, officers shall not routinely point firearms at people and order them to the ground for every stolen vehicle stop and should instead continue to follow SFPD policy and training as set forth below.

### **SFPD Training and Tactical Refresher**

A high-risk vehicle stop is one in which officers reasonably perceive an elevated risk to themselves or others. The government intrusion imposed upon the occupants by the officers' tactical decisions and conduct during such a stop—which could reasonably include pointing a firearm at an occupant or directing an occupant to the ground—must be proportional with the government's interest in effecting the seizure. Officers must therefore have specific and articulable facts to justify their tactics, including any use of force.

Department policy aligns with this legal standard. Department General Order 5.01.02.D, “Proportionality” directs officers to “balance the severity of the offense committed and the level of resistance, based on the totality of circumstances known to or perceived by the officer at the time, with the level of force used and its likely injury outcome.” Furthermore, Department General Order 5.01.08.G.1.d states, “No officer shall point a firearm at a person unless there is an objectively reasonable cause to believe the situation may escalate to justify deadly force.”

Officers need specific articulation of the threat posed to the officers or public to justify the tactics used in the specific stop. Such considerations might include: knowledge that the occupant(s) are armed or otherwise dangerous; the occupant(s) are refusing to follow commands; the occupant(s) are yelling threats of violence; the stop is conducted following a vehicle pursuit; and so on.

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Officers need to practice sound officer safety principles based on the specific circumstances they encounter (e.g., “Code 33,” additional backup request, communication, coordination, vehicle positioning, less lethal element, etc.). Tactics are fluid, and officers need to be prepared to transition to escalate or de-escalate tactics and tools as the circumstances change.

There are a variety of ongoing training courses offered for officers to attend that cover high-risk vehicle/pedestrian stops, including:

- EVOC and FTFO are hosting tire deflation device training (Stop Stick Course: SF271) at Pier 96. Contact your station Stop Stick Coordinator.
- FTFO hosts both Critical Mindset Coordinated Response (SF246) and Active Shooter/Violent Intruder (SF054).

For questions regarding vehicle stop tactics or to inquire about training opportunities, please contact the Field Tactics Force Options Unit at [sfpd.ftfo@sfgov.org](mailto:sfpd.ftfo@sfgov.org).

  
WILLIAM SCOTT  
Chief of Police

*Per DN 23-152, all sworn & non-sworn members shall electronically acknowledge this Department document in PowerDMS within (30) thirty calendar days of issuance. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be sent to [sfpd.writtendirectives@sfgov.org](mailto:sfpd.writtendirectives@sfgov.org) who will provide additional information.*