



Departmental Memorandum

Volume 24-8

To: All Personnel
From: PSU

Katherine Lester, Chief of Police

HIGH-RISK VEHICLE STOPS (FELONY VEHICLE STOPS)

9/20/2024

The purpose of this departmental memorandum is to notify Sacramento Police Department (SPD) personnel of a Ninth Circuit Court of Appeals decision, Chinaryan v. City of Los Angeles. This decision modifies when officers may conduct high-risk tactics (felony vehicle stops) without meeting the criteria below.

The opinion of this case found that Los Angeles Police Department officers are not entitled to qualified immunity after they utilized high-risk tactics (felony vehicle stop or high-risk vehicle pullover tactics) when they encountered a suspected stolen and cold-plated vehicle. Officers pointed firearms at the occupants, ordered the driver to a prone position in the roadway, and handcuffed all occupants of the suspected stolen vehicle. The opinion of the court also highlighted that officers did not act properly when they prolonged the detention by failing to remove the handcuffs once they established that a crime was not committed.

When conducting high-risk stops, including the use of the prone position and firearms pointed at occupants, peace officers must evaluate the totality of the circumstances and shall consider the following:

1. The severity of the crime.
2. The occupant poses an immediate threat to the safety of officers or others (a generic threat alone is not enough).
Officers must be able to articulate a reasonable belief that the occupant of the vehicle is armed or dangerous or any other special circumstances.
3. The suspect must be actively resisting or attempting to evade arrest by flight.

Facts or special circumstances to consider on whether a high-risk stop is appropriate may include, but are not limited to:

1. Information that the suspect is armed.
2. Visible weapons.
3. The stop is conducted at the conclusion of a pursuit.
4. Refusal to follow commands or orders.
5. If the vehicle was recently involved in a crime of violence.

Nothing in this memorandum has changed SPD's initial response to a high-risk (felony) stop. However, officers should keep in mind that situations are fluid, and additional information may be developed causing a transition away from the use of high-risk stop tactics.

If a peace officers lack specific justification for a high-risk stop (felony vehicle stop or high-risk vehicle pullover tactics) they shall consider the totality of the circumstances and use tactics consistent with the threat posed by the occupants.

In accordance with General Order 580.02 (Use of Force), nothing shall preclude a peace officer from drawing a firearm when the officer reasonably believes it necessary for their safety or the safety of another person.

In accordance with Reference Manual 523.02 (Search and Handcuff Manual), the prone search should be used when the officer knows or has reason to believe that the occupant is dangerous.



Departmental Memorandum

Volume 24-5

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Chinaryan v. City of Los Angeles:

Opinion: <https://cdn.ca9.uscourts.gov/datastore/opinions/2024/08/14/21-56237.pdf>

Video: <https://www.ca9.uscourts.gov/media/video/?20230721/21-56237/>