

**HIGH-RISK STOPS ON SUSPECTED STOLEN VEHICLES**

This training bulletin is designed to notify Department members of recent case law (*Chinaryan v. City of Los Angeles*, 2024) that requires the establishment of new procedures for traffic stops of vehicles based solely on reasonable suspicion that the vehicle is stolen. Establishment of these new procedures is paramount, as the Los Angeles Police Department (LAPD) officers in that case were not granted qualified immunity.

BACKGROUND INFORMATION

Chinaryan v. City of Los Angeles, No. 21-56237, 9th Cir. 2024

On June 16, 2019, Hasmik Chinaryan was driving home in a black Chevrolet Suburban limousine with her teenage daughter and a friend when LAPD officers mistook her vehicle as stolen. Earlier that week, officers had detected a LoJack® signal for a stolen Suburban in an industrial area and later spotted Chinaryan's similar-looking vehicle nearby. After checking the license plate and finding it registered to a different vehicle, officers suspected it was "cold-plated" (i.e., plates on the vehicle do not match Department of Motor Vehicle [DMV] returns/records) and initiated a high-risk felony traffic stop. Chinaryan, unaware she was the target, pulled over, at which point officers ordered her out at gunpoint, forced her to lie on the ground, and handcuffed her. Her passengers were also removed from the vehicle at gunpoint, handcuffed, and detained, with Chinaryan's daughter experiencing extreme distress. After verifying the vehicle's VIN and confirming it was not stolen, officers released Chinaryan and her passengers after 24 minutes. They removed the license plates and advised her to contact the DMV for new plates. Following the incident, Chinaryan and her passengers sued the City of Los Angeles, alleging excessive force and false arrest.

The district court granted partial summary judgment in favor of the individual officers, ruling they were entitled to qualified immunity, but allowed the case to proceed to trial against the LAPD and the City of Los Angeles. A jury ultimately found in favor of the LAPD and the City, rejecting the plaintiffs' claims of municipal liability. On appeal, the Ninth Circuit Court of Appeals affirmed the district court's ruling in favor of the City and LAPD but reversed the grant of qualified immunity for the individual officers. The court emphasized that qualified immunity protects government officials unless they violate a clearly established federal statutory or constitutional right.

The Ninth Circuit Court of Appeals ruled that the officers' use of high-risk tactics during the stop violated the Fourth Amendment. While intrusive measures like drawing firearms and handcuffing may be justified in certain situations, the court found that no "special circumstances" warranted such actions in this case. Chinaryan and her passengers complied with all commands, posed no immediate threat, and were not attempting to flee. Furthermore, once officers discovered the vehicle was not stolen, the continued detention further weakened any justification for their actions. Consequently, the Ninth Circuit reversed the district court's grant of qualified immunity for the officers and remanded the case for trial against them.



PROCEDURES

The following procedures and guidelines should be adhered to by officers conducting high-risk traffic stops on vehicles based solely on the reasonable suspicion that the vehicle is stolen or “cold-plated” and no other probable cause for an arrest exists (e.g., the vehicle returns stolen in the CLETS Stolen Vehicle System and there are no additional violations). These procedures are designed to protect officers from inadvertently violating an individual’s rights. Nothing in this training bulletin is intended to prohibit officers from engaging in high-risk tactics if there is a justifiable reason to believe such tactics are warranted.

1. INITIAL CONTACT

- a. **Vehicle Placement:** Position the vehicle as you would in a high-risk stop.
- b. **Stay Back:** Begin the interaction from your patrol vehicle. Use the patrol vehicle’s public address (PA) system, if necessary, to call the driver and any occupants out of the vehicle.
- c. **Provide Reason for Stop:** In accordance with § 2806.5 CVC, use the patrol vehicle’s PA system, if necessary, to inform the driver and any occupants of the reason for the stop. If a PA system is not used, the reason for the stop must be loud enough for the occupants to hear.
- d. **Give Directions/Commands:** Provide clear directions to the driver and any occupants of the vehicle, gauging their level of cooperation and compliance.
- e. **Display of Weapons and Control Devices:** Keep all weapons and control devices in a “low ready” position. Do not point weapons or control devices directly at the driver or any occupants unless there is a reasonable belief that a threat exists. See the Displaying of Firearms subsection of the Use of Force Policy for guidelines (§ 300.4.2).

2. CONDUCTING PAT-DOWNS/FRISKS/CURSORY SEARCHES

- a. **Reasonable Suspicion Required:** Perform a pat-down/frisk/cursory search only if there is a clear, articulable reason to believe the driver and/or any occupants may be armed. Review Training Bulletin #23-004, titled *Search and Seizure Review*, for details.
- b. **Avoid Handcuffing:** Do not handcuff the driver or any occupants unless there are specific reasons to believe they pose a danger to themselves, officers, or bystanders, or that the driver and/or any occupants may flee.

3. DETAINING THE OCCUPANT(S)

- a. **Detention Only:** Clearly inform the driver and any occupants that they are not under arrest. If necessary, request that they sit on a curb, patrol vehicle push bar, or in the back of the patrol vehicle while continuing the investigation.
- b. **Release:** If it is determined that the vehicle is not stolen or that no crime has occurred, release the driver and any occupants as soon as practicable to minimize unnecessary detention.

**4. ESCALATION TO HIGH-RISK TACTICS**

- a. **High-Risk Stop Protocol:** Only escalate the traffic stop to include high-risk tactics if additional circumstances, including but not limited to, evidence of a violent crime, an immediate threat, or attempts to resist or evade justify using additional force. If the circumstances justify the use of high-risk tactics, then standard high-risk actions may be appropriate and initiated (e.g., pointing of firearms, commands for a prone position, handcuffing, etc.).

CONSIDERATIONS

INVESTIGATIVE STOPS: An investigative stop should be conducted when stopping vehicles based solely on a reasonable suspicion that they may be stolen, similar to any other traffic enforcement stop, but with additional officer safety considerations.

HIGH-RISK TACTICS: High-risk tactics should not be used for every stop of a suspected stolen or "cold-plated" vehicle. Specific, articulable threats or risks to officer safety should justify the use of such tactics.

REASONABLE SUSPICION VS. PROBABLE CAUSE: A vehicle returning as stolen in the CLETS Stolen Vehicle System provides reasonable suspicion that a vehicle may be stolen, but it does not equate to probable cause for an arrest. Investigation after the stop may lead to probable cause, but this should not be confused with the initial suspicion for justifying the traffic stop.

CONCLUSION

Officers can be held liable for excessive use of force and/or false arrest when conducting a traffic stop on a vehicle with high-risk tactics based on nothing more than a reasonable suspicion that the vehicle may be stolen. Officers should carefully evaluate the totality of the circumstances before escalating a traffic stop with high-risk tactics. The use of force should be proportionate to the actual threat presented, and less intrusive options should be prioritized to ensure compliance with legal standards and the protection of individuals' civil rights. Officers should use time and distance, develop a plan, and communicate it clearly with all other officers involved.

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