

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT



VEHICLE PURSUIT EVALUATION AUDIT
PATROL OPERATIONS
SOUTH PATROL DIVISION
2018-2-A

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June 20, 2018

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
Audit and Accountability Bureau

VEHICLE PURSUIT EVALUATION AUDIT
PATROL OPERATIONS – SOUTH PATROL DIVISION
Project No. 2018-2-A
AUDIT REPORT

PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Vehicle Pursuit Evaluation Audit, Patrol Operations, South Patrol Division (SPD), under the authority of the Sheriff of Los Angeles County.¹ The audit was performed to determine how the Los Angeles County Sheriff's Department (Department) adhered to the Department's policies and procedures related to management's evaluation of vehicle pursuits.

The AAB conducted this audit under the guidance of Generally Accepted Government Auditing Standards.² The AAB determined the evidence obtained was sufficient and appropriate to provide a reasonable basis for the findings and conclusions based on the audit objectives.

BACKGROUND

Vehicle pursuits represent a significant risk exposure for the Department and the County of Los Angeles. Comprehensive reviews of vehicle pursuits allow the Department to increase its capacity to mitigate liability concerns which may arise from vehicle pursuits. In its 2016-2017 Final Report, the Los Angeles County Civil Grand Jury concluded vehicle pursuits pose a potential risk of injury or death to officers and innocent bystanders, and also have unintended consequences of serious injury and death.³ Public opinion has shifted from viewing pursuits as a necessary method to apprehend felony suspects to the perception that pursuits are a dangerous way of arresting traffic offenders.⁴

The California Commission on Peace Officer Standards and Training (POST)⁵ under Penal Code §13519.8⁶ was directed to establish guidelines and training for law enforcement's response to vehicle pursuits. Subsequently, Senate Bill 719 (SB719)⁷

¹ The SPD Sheriff's Stations include Carson, Cerritos, Lakewood, Lomita, Norwalk, and Pico Rivera.

² United States Government Accountability Office – By the Comptroller General of the United States, December 2011, Government Auditing Standards, 2011 Revision.

³ 2016-2017 Los Angeles County Civil Grand Jury Final Report, pp. 143-162.

⁴ Eisenberg, Clyde & Fitzpatrick, Cynthia, "An Alternative to Police Pursuits," FBI Law Enforcement Bulletin, 65, 8, August 1996.

⁵ The California Commission on Peace Officer Standards and Training (POST) was established by the Legislature in 1959 to set minimum selection and training standards for California law enforcement agencies.

⁶ In 1993, Senate Bill 601 (Marks) was passed in 1993 added to the Penal Code §13519.8, which required POST to establish guidelines and training for law enforcement's response to vehicle pursuits.

⁷ On October 4, 2005, Governor Arnold Schwarzenegger signed Senate Bill 719 (Romero and Margett). This law, which went into effect January 1, 2006, required law enforcement agencies to establish pursuit policies, continually

VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A

was passed and it expanded Penal Code §13519.8 and Vehicle Code §17004.7 to include annual training requirements for peace officers on pursuit policy and guidelines.

The Department follows POST guidelines by requiring documentation to evaluate pursuits objectively and comprehensively. Following a pursuit, it is the responsibility of the watch commander in command of the pursuit to ensure the operation is fully debriefed, assess the performance and tactics utilized, strategies which may be improved in future pursuits, and to create training materials for other personnel.⁸

The unit commander is responsible for evaluating vehicle pursuits to determine if the conduct of personnel was within Department policy, and if the tactics involved were consistent with Department training. If the pursuit or tactics are deemed out of policy, or if the need for additional training was identified, management must take a proactive approach toward correcting the matter.

In its efforts to upholding lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after vehicle pursuits, the Department has incorporated many of the standards from the POST California Law Enforcement Vehicle Pursuit Guidelines⁹ into its policies:

Policy Governing Pursuits

It is the policy of the Sheriff's Department that pursuits are permitted only when the necessity of immediate apprehension outweighs the degree of danger created by the pursuit, and only when in compliance with this policy and applicable state laws.

The purpose of this policy is to secure a balance between protecting the public against personal injury, death, or property damage and law enforcement's duty to enforce the law and apprehend violators. It is also intended to provide guidance for the management, control, and tactics associated with pursuit operations as required by state law. Since there are numerous situations which arise in law enforcement that are unique, it is impossible for this policy or any standard operating procedure to anticipate all possible circumstances. Therefore, this policy is intended to direct as well as guide a sworn member's discretion in matters of vehicular pursuits.

provide pursuit training to their officers, and ensure all pursuits are documented and submitted to the California Highway Patrol within 30 days.

⁸ MPP §5-09/210.30, Pursuit Evaluation and Reporting, December 2013.

⁹ California Law Enforcement Vehicle Pursuit Guidelines, California Commission on Peace Officer Standards and Training, Published December 1995, Revised February 2007.

VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A

Initiating Deputies, Supervisors, and Watch Commanders engaged in any pursuit operation will be responsible for providing the Unit Commander objective reasons for initiating, continuing, and terminating a vehicle pursuit. Consideration must be given to the extent of danger the suspect poses to the public beyond the act of evasion itself.¹⁰

PRIOR AUDIT

This is the first Vehicle Pursuit Evaluation Audit conducted by the AAB.

METHODOLOGY

Scope

The Department defines a vehicle pursuit as an active attempt by the driver of a Departmental vehicle to stop a moving vehicle whose driver is attempting to avoid apprehension through evasive driving tactics or, after a reasonably short period of time, fails to stop after red light and siren have been activated.¹¹

The audit encompassed ten main objectives regarding the evaluation and management of vehicle pursuit incidents occurring at the SPD Sheriff's Stations. The applicable Manual of Policy and Procedures (MPP) sections, California Vehicle Code (CVC) sections and Penal Code (PC) sections were used in reviewing the selected vehicle pursuit incidents to determine whether they were properly managed and evaluated.

The audit included an evaluation of Vehicle Pursuit packages which were reviewed and approved by the respective station's unit commander, and further reviewed and approved at the division level by a commander. A Vehicle Pursuit package consists primarily of a Department Pursuit Evaluation Form (SH-R-454-REV), a copy of the Watch Commander's log for the affected shift, an Incident Report (SH-R-49) and Supplemental Reports (SH-R-77) documenting the crime and/or arrest of a suspect(s), a Traffic Collision Report (CHP 555) if applicable, copies of shift In-service rosters documenting personnel assigned to a given shift at each station, and audio and video files. Audio files include recordings of radio transmissions (Aero Bureau¹², primary

¹⁰ MPP §5-09/210.00, Pursuits, December 2013.

¹¹ MPP §5-09/210.00, Pursuits, December 2013.

¹² Aero Bureau is the Department's patrol aircraft fleet. Their primary mission is focused on aerial reconnaissance, surveillance, and ground support.

VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A

units, participating patrol stations/units), and “cold line”¹³ communication with the watch commander and the Sheriff’s Communication Center (SCC).¹⁴

Auditors also examined “SB 719 Pursuit Policy Training Attestation” (SB 719) forms as they related to personnel training records for those Department members who were actively involved in the vehicle pursuit incidents presented in this audit. Pursuant to CVC §17004.7(b)(2), peace officers of a public agency must certify in writing that they have received, read, and understood the Department’s vehicle pursuit policies.

In conducting this audit, auditors assessed what conditions existed, and whether there was evidence the watch commander and unit commander evaluated the pursuit according to the criteria, taking into account all relevant information about the incident. Auditors also reviewed Unit Performance Log (UPL) entries¹⁵, recommendations for additional training, administrative investigations, and station level inquiries in order to identify the corrective action unit commanders employed in those instances where a training issue was identified, or where a pursuit was found to be out of policy.

Audit Time Period

The audit time period was from April 1, 2017, through June 30, 2017.

Audit Population

Auditors obtained Vehicle Pursuit packages from each of the SPD Sheriff’s Stations. Auditors reconciled the vehicle pursuit incidents to the Station/Bureau Administration Portal (SBAP),¹⁶ and Vehicle Pursuit packages which were forwarded to the Traffic Services Detail (TSD).¹⁷

For Objectives No. 1 through No. 9, auditors identified 26 vehicle pursuit incidents that occurred at the SPD Sheriff’s Stations during the audit time period. All 26 Vehicle Pursuit packages were completed at the station level, and approved at the division level by a division commander. Auditors evaluated whether the Department members

¹³ The “cold line” is an automatic ring circuit between a patrol station and SCC.

¹⁴ The Sheriff’s Communications Center (SCC) serves as the main communications relay link in the Sheriff’s Department’s communications system.

¹⁵ Unit Performance Log entries document a supervisor’s observations about an individual’s performance, and/or documents discussions between the supervisor and a subordinate.

¹⁶ The SBAP is a data entry system designed to collect and track data related to risk management incidents at patrol stations. The system includes data on use of force, traffic collisions, public comments, vehicle pursuits, administrative investigations, employee injuries, and lawsuits/claims.

¹⁷ The TSD investigates any traffic collision, pursuit, Code 9 - surveillance mode, and/or Code 3 operation which involves a Department vehicle or Department on-duty employee when there is a death (to any person). The unit also, maintains all Department pursuit and traffic related data as well as distributes periodic statistical reports.

**VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A**

involved in these vehicle pursuits were within the Department’s vehicle pursuit policy. Table No. 1 represents the number of vehicle pursuits per station.

Table No. 1 - Audit Population

| Sheriff Station | Number of Vehicle Pursuits |
|------------------------|-----------------------------------|
| Carson | 3 |
| Cerritos | 1 |
| Lakewood | 7 |
| Lomita | 7 |
| Norwalk | 5 |
| Pico Rivera | 3 |
| TOTAL | 26 |

For Objective No. 10, Pursuit Training, auditors evaluated whether the Department members involved in these vehicle pursuits, certified in writing they had received training on the Department’s vehicle pursuit policies.

Based on the Vehicle Pursuit packages, auditors identified 72 Department members who were involved in the vehicle pursuit incidents. Of the 72, four deputies were excluded because they were assigned to a station outside of SPD. Therefore, 68 sworn Department members were evaluated for this objective.

SUMMARY OF AUDIT FINDINGS

The management and staff at each of the audited stations were accommodating and cooperative in providing the necessary information, and in validating the findings.

The SPD achieved excellent results in the following areas:

- Control of a Pursuit – Field Sergeant Responsibility
- Termination of a Pursuit
- Field Sergeant – Post Pursuit Response
- Unit Commander Evaluation

The SPD achieved varied results for the remaining objectives, which did not meet the desired standard. The results are summarized in Table No. 2 on the following page.

VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A

Table No. 2 - Summary of Audit Findings

| Objective No. | Audit Objectives | Met the Standard |
|----------------------|--|-------------------------|
| 1 | CODE 9 AND PRE-STOP COORDINATION | |
| | <i>Determine if pre-stop coordination began prior to attempting a vehicle stop and ended with the activation of red light and siren.</i> | 93% |
| 2 | INITIATION OF A PURSUIT | |
| | <i>Determine if the pursuit was an authorized pursuit.</i> | 96% |
| 3 | EMERGENCY DRIVING POLICIES | |
| | <i>Determine if all personnel involved in a vehicle pursuit utilized a red light and sounded a siren, as was reasonably necessary, with due regard for the safety of all persons on the highway.</i> | 96% |
| 4 | CONTROL OF A PURSUIT | |
| 4(a) | <i>Primary Unit Responsibility</i> | 81% |
| 4(b) | <i>Assisting Unit Authorization</i> | 67% |
| 4(c) | <i>Field Sergeant Responsibility</i> | 100% |
| 4(d) | <i>Watch Commander Responsibility</i> | 96% |
| 5 | TERMINATION OF A PURSUIT | |
| | <i>Determine if the pursuit was terminated per any of the conditions listed in the policy.</i> | 100% |
| 6 | FIELD SERGEANT POST PURSUIT RESPONSE | |
| | <i>Determine if the field sergeant responded to the terminus of the pursuit and ensured compliance with Department policies.</i> | 100% |
| 7 | UNIT COMMANDER EVALUATION | |
| | <i>Determine if the unit commander evaluated the pursuit incident and recommended an appropriate response if the pursuit was found to be out of Department policy or improperly managed.</i> | 100% |
| 8 | PURSUIT EVALUATION AND REPORTING | |
| | <i>Determine if the unit commander submitted the Department Pursuit Evaluation Form to the Traffic Services Detail within 15 business days.</i> | 19% |
| 9 | TRAFFIC COLLISION RESPONSE TEAM | |
| | <i>Determine if the unit commander or watch commander immediately notified the Traffic Services Detail and the station traffic supervisor when the pursuit resulted in a traffic collision.</i> | 67% |
| 10 | PURSUIT TRAINING | |
| | <i>Determine if pursuant to state law, all sworn members who were involved in the pursuit, certified, in writing, that they received, read, and understood the policy.</i> | 88% |

**VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A**

Objective No. 1 - Code 9 and Pre-Stop Coordination

Criteria

Manual of Policy and Procedures, Section 5-09/205.00, Code 9 and Pre-Stop Coordination, (December 2013), states:

The tactics employed prior to attempting a vehicle stop are separate and distinct from those in a pursuit operation. Certain field situations require “pre-stop coordination” prior to initiating a vehicle stop including, but not limited to, a single Deputy who observes a vehicle suspected of a crime. In such situations, the Deputy shall coordinate additional units to assist in a subsequent vehicle stop.

Pre-stop coordination is not a pursuit activity and should not be confused with “following only” as referenced in the policy. Pre-stop coordination begins prior to attempting a vehicle stop and ends with the activation of lights and siren.

To facilitate pre-stop coordination, personnel shall advise they are “Code 9” on a vehicle and, once given the duplex patch, give the reason for the stop, exact location, current direction of travel, and vehicle description.

Audit Procedures

Auditors evaluated the Vehicle Pursuit packages to identify whether a Code 9 or pre-stop coordination occurred prior to the activation of lights and siren in those instances where it was required as stated in the criteria. Auditors evaluated documentation and listened to audio recordings of radio transmissions to determine whether pre-stop coordination began prior to attempting a vehicle stop and ended with the activation of red lights and siren.

Of the 26 Vehicle Pursuit packages, 12 were excluded because the incident evolved rapidly into a pursuit, and Department personnel were unable to initiate a Code 9 or pre-stop coordination. Therefore, 14 Vehicle Pursuit packages were evaluated for this objective.

Findings

Thirteen of the 14 (93%) Vehicle Pursuit packages met the standard for this objective. One did not meet the standard because the deputy continued to state he was Code 9 behind the fleeing vehicle, but failed to recognize he was actually in pursuit.

VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A

During the pursuit evaluation, both the watch commander and unit commander identified the pursuit was not in policy and addressed the matter by recommending an administrative investigation.

Objective No. 2 - Initiation of a Pursuit

Criteria

Manual of Policy and Procedures, Section 5-09/210.02, Initiation of a Pursuit, (December 2013), states:

A pursuit may be initiated under the following conditions:

- *known or suspected serious felony suspect(s).*

NOTE: “Serious felony” as used in this section includes: the attempt or act of murder, mayhem, serious or violent sex crimes, robbery, arson, kidnapping, carjacking, assault with a deadly weapon, first-degree burglary, major narcotics violations, and terrorist acts.

NOTE: Possession of narcotics/drugs in amounts associated with common personal use or street-level sales does not warrant the initiation of a vehicular pursuit.

- *a confirmed Grand theft, vehicle; or*
- *misdemeanor suspects only in the following situations:*
 - *where the suspect(s) has been observed by a Deputy or reliable witness(s) to be displaying a firearm in an assaultive manner reasonably contemporaneous to the initiation of the pursuit; or*
 - *where there is reasonable suspicion to believe the suspect is driving under the influence of alcohol or drugs, or is otherwise impaired, and the suspect's driving prior to the attempted stop is so flagrantly reckless that he presents a clear and present danger to other users of the highway, and failure to apprehend the violator would likely pose an imminent and life threatening danger to the public.*

VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A

NOTE: Examples of such flagrantly reckless driving include, but are not limited to, collisions with other vehicles or objects, forcing other vehicles to take evasive action to avoid collision, failure to stop at controlled intersections without slowing, or driving on the wrong side of the highway. Following the pursuit, personnel shall provide the Watch Commander with a full and specific explanation of the hazardous acts that led to the decision to pursue.

Audit Procedures

Auditors evaluated the Vehicle Pursuit packages to determine whether the pursuit was initiated as specified in the criteria. Any pursuit initiated under conditions other than those in the criteria were considered unauthorized pursuits.

Findings

Twenty-five of the 26 (96%) Vehicle Pursuit packages met the standard for this objective. One pursuit did not meet the standard because the deputy's reason for the pursuit did not fall under the conditions outlined in the criteria.

During the pursuit evaluation, both the watch commander and unit commander identified the pursuit was not in policy and addressed the matter by recommending an administrative investigation.

Objective No. 3 - Emergency Driving Policies

Criteria

Manual of Policy and Procedures, Section 5-09/200.00, Emergency Driving Policies, (June 2007), states:

It is the policy of this Department to perform all Code 3 responses in accordance with applicable laws, utilizing red light and sounding a siren, as may be reasonably necessary, with due regard for the safety of all persons using the highway.

Code 3 responses include pursuits as well as all other types of Code 3 operations resulting from dispatched information or request/information from other units.

**VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A**

Audit Procedures

Auditors evaluated the Vehicle Pursuit packages to determine whether all personnel involved in Code 3 operations during a vehicle pursuit utilized red lights and sounded a siren.

Findings

Twenty-five of the 26 (96%) Vehicle Pursuit packages met the standard for this objective. One pursuit did not meet the standard because the deputy failed to acknowledge he was in pursuit and did not activate his red lights and siren.

During the pursuit evaluation, both the watch commander and unit commander identified the pursuit was not in policy and addressed the matter by recommending an administrative investigation.

Objective No. 4 - Control of a Pursuit

Objective No. 4(a) - Primary Unit Responsibility

Criteria

Manual of Policy and Procedures, Section 5-09/210.10, Control of a Pursuit, (December 2013), states:

Primary Unit Responsibility

The Deputy initiating a pursuit is the primary unit and shall, in all cases, immediately provide the Station/Unit Watch Commander with the following information through the Sheriff's Communications Center (SCC):

- *unit identification;*
- *location, speed and direction of travel;*
- *the specific reason for the pursuit, including known laws violated;*
- *vehicle description, including license number, if known;*
- *number of occupants; and*
- *traffic conditions, including the description of any hazardous driving by the suspect.*

VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A

Manual of Policy and Procedures, Section 5-09/210.12, Aero Bureau Responsibility (December 2013), states:

Once the Aero unit is in a position to maintain visual contact with the pursued vehicle, they shall notify SCC. Radio broadcast responsibility and coordination of law enforcement activity on the ground then shifts to the Aero unit.

Audit Procedures

Auditors evaluated the Vehicle Pursuit packages to determine whether the primary unit provided the watch commander the required pursuit broadcast information. In instances where an Aero unit took over the radio broadcast of the pursuit, the primary deputy was not evaluated for any information which may not have been relayed to the watch commander.

When evaluating this objective, auditors took into account Department policy which states there are few law enforcement operations which require as high a degree of common sense and sound judgment than vehicle pursuits. Deputies must effectively perform in an atmosphere where long-range consequences may hinge upon the soundness of split-second decisions. The immediate apprehension of the violator is not more important than the safety of uninvolved bystanders, other motorists, or deputy personnel.¹⁸

Findings

Twenty-one of the 26 (81%) Vehicle Pursuit packages met the standard for this objective. Five did not meet the standard because the primary unit failed to provide all of the required pursuit broadcast information. In two of the five pursuits, the deputy failed to provide the number of occupants. In one pursuit, the deputy failed to provide traffic and weather conditions. In another pursuit, the deputy failed to provide the vehicle description. In the fifth pursuit, the deputy failed to recognize he was in pursuit and only provided his unit identification. Table No. 3 on the following page represents the detailed findings for this objective.

¹⁸ MPP § 5-09/210.02, Initiation of a Pursuit, December 2013.

**VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A**

Table No. 3 - Detailed Findings for Objective No. 4(a)

| Station | Findings | Met the Standard |
|-------------|----------|------------------|
| Carson | 2 of 3 | 67% |
| Cerritos | 1 of 1 | 100% |
| Lakewood | 7 of 7 | 100% |
| Lomita | 6 of 7 | 86% |
| Norwalk | 3 of 5 | 60% |
| Pico Rivera | 2 of 3 | 67% |

Taking into consideration the dynamic situation of the vehicle pursuits, auditors found that of the five vehicle pursuits mentioned above, one lacked the entirety of the required broadcast information causing the watch commander to order the termination of the pursuit.

During the pursuit evaluation, both the watch commander and unit commander identified the fifth pursuit was not in policy and addressed the matter by recommending an administrative investigation.

Objective No. 4(b) - Assisting Unit Authorization

Criteria

Manual of Policy and Procedures, Section 5-09/210.10, Control of a Pursuit, (December 2013), states:

Assisting Unit Responsibility

The active pursuit shall normally consist of no more than three units: the primary vehicle unit and two back-up units. A Field Supervisor’s vehicle, if involved in the pursuit, is not counted toward the three-unit limit. If additional assistance is specifically requested, the level will be determined by:

- *nature of crime;*
- *number of suspects;*
- *whether participating units are one or two-person cars; and*
- *other clear and articulated facts that would warrant the increased number of units.*

Only a Field Supervisor or Watch Commander may authorize more than three units to engage in a pursuit. All other units will remain aware of the direction and progress of the pursuit, but shall not actively participate and shall not respond

**VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A**

Code 3 unless specifically authorized. No unit shall parallel the pursuit on adjacent streets, Code 3 or otherwise.

Audit Procedures

Auditors evaluated the Vehicle Pursuit packages to determine whether the field supervisor or watch commander authorized more than three units in the pursuit. Of the 26 vehicle pursuits, 23 were excluded because they did not involve more than three units. Therefore, three vehicle pursuits were evaluated for this objective.

Findings

Two of the three (67%) Vehicle Pursuits packages met the standard for this objective. One did not meet the standard because there were more than three units involved in the pursuit without authorization.

During the pursuit evaluation, both the watch commander and unit commander did not address that the pursuit was not in policy nor did they recommend any form of administrative investigation or UPL entries.

Objective No. 4(c) - Field Sergeant Responsibility

Criteria

Manual of Policy and Procedures, Section 5-09/210.10, Control of a Pursuit, (December 2013), states:

Supervisory Responsibility - Field Sergeant

The Field Sergeant of the initiating unit, or the unit assisting an outside agency, shall acknowledge and actively monitor the pursuit. If there is no Field Sergeant, the Watch Commander shall deploy the Watch Sergeant, or request the assistance of the Field Sergeant of the Station/Unit nearest the pursuit.

Audit Procedures

Auditors evaluated the Vehicle Pursuit packages to determine whether the field sergeant acknowledged the pursuit. Auditors reviewed documentation and audio recordings to determine whether the field sergeant acknowledged the call and actively monitored the pursuit. Of the 26 Vehicle Pursuit packages, one was excluded because

**VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A**

the sergeant was the initiating unit. Therefore, 25 Vehicle Pursuit packages were evaluated for this objective.

Findings

All 25 (100%) vehicle pursuit packages met the standard for this objective.

Objective No. 4(d) - Watch Commander Responsibility

Criteria

Manual of Policy and Procedures, Section 5-09/210.10, Control of a Pursuit, (December 2013), states:

Supervisory Responsibility - Watch Commander

The Watch Commander of the patrol unit initiating the pursuit shall maintain overall command of the operation. This command responsibility shall include all Department units involved in the pursuit.

The Watch Commander shall respond to the desk area and immediately take command. In order to maintain operational command and control, the Watch Commander, either directly or through subordinate personnel, shall establish “cold line” communications with the SCC Watch Sergeant, who shall immediately and directly carry out the orders of the Watch Commander.

The Watch Commander shall make a decision regarding the continuation or termination of the pursuit based upon the information received, including weather and traffic conditions. In the absence of immediate information from the field, the Watch Commander shall order termination of the pursuit.

Audit Procedures

Auditors evaluated the Vehicle Pursuit packages to determine whether the watch commander assumed command responsibility by establishing “cold line” communications with the SCC watch sergeant, making a decision regarding the continuation or termination of the pursuit based upon the information received, including weather and traffic conditions, and maintaining overall command of the operation.

Findings

Twenty-five of the 26 (96%) Vehicle Pursuits packages met the standard for this objective. One did not meet the standard because the watch commander failed to

VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A

maintain overall command of the pursuit including the “surveillance mode” aspect of the operation.¹⁹ During the pursuit evaluation, the unit commander identified the watch commander was not in policy and addressed the matter by issuing a UPL.

Objective No. 5 - Termination of a Pursuit

Criteria

Manual of Policy and Procedures, Section 5-09/210.05, Termination of a Pursuit, (December 2013), states:

A pursuit shall be terminated:

- *when there is an unreasonable danger to the Deputy or other users of the highway. An unreasonable danger exists (but is not limited to) when a Deputy's and/or suspect's speed dangerously exceeds the normal flow of traffic, when the suspect enters a one-way street or highway the wrong way, or when the existence of other vehicular or pedestrian traffic necessitates dangerous maneuvering;*
- *when weather conditions, visibility, road conditions, traffic conditions, including the volume of pedestrian and vehicular traffic or other factors, such as the availability of air support and the quality of radio communications, indicate unwarranted risk to uninvolved bystanders, other motorists or personnel engaged in the pursuit;*
- *when the violator can be identified to the point where apprehension may be more safely made at a later time;*
- *when the primary unit has lost sight of the pursued vehicle and visual contact is not immediately regained. This does not include the momentary loss of visual contact caused by the pursued vehicle turning a corner;*
- *when action is taken by another police department traversing our jurisdiction and our assistance is no longer needed;*
- *after a reasonably short period of time when it has been determined that the only reason for the pursuit is a known reported stolen vehicle. The term “reasonably short period of time” applies only to those pursuits wherein the driver is not driving dangerously. If the suspect is driving*

¹⁹ MPP §5-09/210.15, Pursuit - Vehicle Operation and Tactics, June 2007, defines “surveillance mode” as the authorized aerial surveillance of a suspect vehicle by an Aero unit after ground units have ceased their vehicle pursuit operation. Surveillance Mode is a separate tactical operation from the preceding ground pursuit and is not considered a continuation of the pursuit. However, it must be managed with the same diligence and priority as a pursuit.

VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A

- recklessly or at excessive speeds the pursuit shall be terminated immediately; or*
- when there is insufficient objective information to indicate that the suspect(s) is wanted for any crime inclusive of the approved felonies and misdemeanors described in MPP, Section 5-09/2 10.02.*

Audit Procedures

Auditors evaluated the Vehicle Pursuit packages to determine whether the pursuits were terminated for any of the reasons as stated in the criteria.²⁰ Of the 26 Vehicle Pursuit packages, 11 were excluded because they did not result in a pursuit termination. Therefore, 15 Vehicle Pursuit packages were evaluated for this objective.

Findings

All 15 (100%) Vehicle Pursuit packages met the standard for this objective. Auditors found the vehicle pursuits were terminated, either by the station watch commander, the field sergeant, or the primary unit (deputy), because a condition listed in the criteria existed. Table No. 4 represents the primary reason for the pursuit termination and the person(s) terminating the vehicle pursuit.

Table No. 4 - Pursuits Terminated

| Control No.* | Reason for Termination | By Whom |
|---------------------|---|----------------------------|
| Carson 1 | Known Reported Stolen Vehicle | Watch Commander |
| Carson 2 | Unsafe Speeds | Deputy |
| Lakewood 1 | Unsafe Speeds | Field Sergeant |
| Lakewood 2 | Unreasonable Danger | Watch Commander |
| Lakewood 3 | Unsafe Speeds | Watch Commander |
| Lakewood 5 | Unsafe Speeds | Watch Commander |
| Lakewood 6 | Unreasonable Danger | Deputy |
| Lomita 2 | Unreasonable Danger | Deputy |
| Lomita 5 | Unreasonable Danger | Deputy |
| Lomita 6 | Unsafe Speeds | Field Sergeant |
| Norwalk 1 | Insufficient objective information to indicate suspect(s) were wanted for a crime (Vehicle Burglary) | Watch Commander |
| Norwalk 2 | Unreasonable Danger (Stolen Vehicle) | Watch Commander |
| Norwalk 3 | Unreasonable Danger (Poor Radio Traffic) | Watch Commander |
| Norwalk 5 | Unreasonable Danger | Watch Commander and Deputy |
| Pico Rivera 1 | Insufficient objective information to indicate suspect(s) were wanted for a crime (Unreported Stolen Vehicle) | Watch Commander |

**Control number represents the identifier assigned to each of the vehicle pursuit incidents evaluated.*

²⁰ Auditors noted the term “terminated” and “cancelled” as they relate to pursuits are used interchangeably on the Vehicle Pursuit Evaluation forms. For the purposes of this audit, auditors used “terminated” as stated in the MPP.

**VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A**

Objective No. 6 - Field Sergeant Post Pursuit Response

Criteria

Manual of Policy and Procedures, Section 5-09/210.16, Post Pursuit Tactics, (June 2007), states:

The Field Sergeant shall respond (Code 3 if necessary), to the terminus of the pursuit and oversee post pursuit tactics and assert control when warranted. The Sergeant shall further ensure compliance with all Department policies, specifically as they relate to the use of force and field tactics.

Audit Procedures

Auditors evaluated the Vehicle Pursuit packages to determine whether the field sergeant responded to the terminus of the pursuit, oversaw post-pursuit tactics, and asserted control when needed. Of the 26 Vehicle Pursuit packages, 11 were excluded because no pursuit terminus occurred. Therefore, 15 Vehicle Pursuit packages were reviewed for this objective.

Findings

All 15 (100%) Vehicle Pursuit packages met the standard for this objective.

Objective No. 7 - Unit Commander Evaluation

Criteria

Manual of Policy and Procedures, Section 5-09/210.30, Pursuit Evaluation and Reporting (December 2013), states:

- *the Unit Commander charged with command responsibility for the Sheriff's vehicle engaged in the pursuit shall review the Department Pursuit Evaluation Form. The purpose of the Unit Commander's review is to determine if the pursuit was within Department policy and whether the pursuit was properly managed.*

Audit Procedures

Auditors examined the Vehicle Pursuit packages to determine whether the unit commander evaluated the vehicle pursuit and made a determination as to whether it was within Department policy and properly managed. Auditors examined documentation provided by the investigating watch commander, the watch

VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A

commander's recommendation regarding the evaluation of the vehicle pursuit, and all other relevant evidence to determine whether there was a reasonable basis for the unit commander's overall evaluation of the pursuit.

Findings

All 26 (100%) Vehicle Pursuit packages met the standard for this objective. In one of the 26 packages, the unit commander found the pursuit was not within policy, and subsequently initiated an administrative investigation.

Auditors found that where a training issue was identified, managers took corrective action by documenting a UPL. Auditors identified five UPLs issued for the following reasons. In one incident, three deputies failed to broadcast their participation in the pursuit, and one of the three deputies was additionally counseled for allowing a victim to remain in their patrol vehicle during a Code 9 operation. In another incident, a sergeant failed to take overall command of a pursuit operation. In the last incident, a deputy did not disengage from a pursuit after it was terminated and failed to broadcast clear and accurate information.

Objective No. 8 - Pursuit Evaluation and Reporting

Criteria

Manual of Policy and Procedures, Section 5-09/210.30, Pursuit Evaluation and Reporting, (December 2013), states:

- *the Unit Commander charged with command responsibility for the Sheriff's vehicle engaged in the pursuit shall review the Department Pursuit Evaluation Form. The purpose of the Unit Commander's review is to determine if the pursuit was within Department policy and whether the pursuit was properly managed. If the pursuit involved personnel not assigned to a Patrol Station, a copy of the completed form shall be sent to the involved personnel's Unit Commander for review;*
- *in all cases, the Unit Commander shall cause the Department Pursuit Evaluation Form to be submitted to the Traffic Services Detail within 15 business days...*

Audit Procedures

Auditors evaluated the Vehicle Pursuit packages to determine whether the unit commander submitted the Department Pursuit Evaluation Form to TSD within 15 business days after the incident date. Auditors utilized the date TSD documented their

**VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A**

received date and compared it to the date of the incident to determine whether it was submitted within 15 business days.

Findings

Five of the 26 (19%) Vehicle Pursuit packages met the standard for this objective. Twenty-one Vehicle Pursuit packages were submitted to TSD beyond 15 business days after the incident date.

Objective No. 9 - Traffic Collision Response Team

Criteria

Manual of Policy and Procedures, Section 5-05/010.00, Traffic Collision Response Team, (February 2015), states:

The Traffic Services Detail shall be notified and respond to investigate any traffic collision, pursuit, Code 9 - surveillance mode, and/or Code 3 operation which involves a Department vehicle or Department on-duty employee when the incident results in the death or death-imminent status of any person.

Unit Commander's and Watch Commander's Responsibilities

The unit commander or watch commander shall immediately notify Traffic Services Detail and the station/unit traffic supervisor whenever the following circumstances exist:

- *a Department vehicle or on-duty mileage permittee vehicle is involved in a traffic collision which results in complaint of pain, injury, death (to any person involved in the collision), substantial property damage or any collision which results from a pursuit, Code 9, surveillance mode, and/or Code 3 Operation...*

Audit Procedures

Auditors evaluated the Vehicle Pursuit packages to determine whether the unit commander or watch commander immediately notified the Traffic Services Detail and the station traffic supervisor when a traffic collision occurred as a result of a pursuit. Auditors examined TSD and station documentation to determine when the notifications were made. A notification was considered to be immediate if it occurred contemporaneously with the pursuit incident.

**VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A**

Of the 26 Vehicle Pursuit packages, 17 were excluded because the pursuit did not result in a traffic collision. Therefore, nine Vehicle Pursuit packages were evaluated for this objective.

Findings

Six of the nine (67%) Vehicle Pursuit packages met the standard for this objective. Three did not meet the standard because the unit commander or watch commander did not notify TSD and the station traffic supervisor when a traffic collision occurred as a result of a pursuit. Table No. 5 below represents the detailed findings for this objective.

Table No. 5 - Detailed Findings for Objective No. 9

| Station | Findings | Met the Standard |
|-------------|----------|------------------|
| Carson | 0 of 1 | 0% |
| Cerritos | None | N/A |
| Lakewood | 2 of 2 | 100% |
| Lomita | 1 of 2 | 50% |
| Norwalk | 2 of 3 | 67% |
| Pico Rivera | 1 of 1 | 100% |

Objective No. 10 - Pursuit Training

Criteria

Manual of Policy and Procedures, Section 5-09/210.00, Pursuits, (December 2013), states:

The Sheriff's Department's pursuit policy is a comprehensive plan to ensure that pursuits, when necessary, are managed as safely as possible and adhere to all applicable State laws. Because the policy is comprehensive, sworn personnel must understand it in its entirety. This will ensure proper coordination between Units, Bureaus, supervisors and managers. Pursuant to state law, all sworn members shall certify, in writing, that they have received, read, and understand this policy. In addition, the Department shall provide regular and periodic training regarding this policy.

California Vehicle Code, Section 17004.7(b)(2), states:

Promulgation of the written policy under paragraph (1) shall include, but is not limited to, a requirement that all peace officers of the public agency certify in writing that they have received, read, and understand the policy. The failure of

VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A

an individual officer to sign a certification shall not be used to impose liability on an individual officer or a public entity.

Audit Procedures

Auditors evaluated the Vehicle Pursuit packages to identify SPD members involved in the vehicle pursuits. Auditors examined documentation to determine whether the sworn members certified, in writing, that they received, read, and understood the vehicle pursuit policy. Auditors obtained copies of the involved Department members’ SB 719 Pursuit Policy Training Attestations forms from the SPD stations’ training and personnel files. Auditors examined whether the attestation forms were signed and dated to signify the SPD member received the pursuit policy training for the 2017 calendar year. The population for this objective was obtained from the 26 Vehicle Pursuit packages and yielded a total of 72 involved sworn personnel. Of the 72, four deputies were excluded because they were assigned to a patrol station outside of the scope of this audit.²¹ Therefore, 68 sworn personnel were evaluated for this objective.

Findings

Sixty of the 68 (88%) personnel met the standard for this objective. Eight Department members did not meet the standard because the deputies or sergeants involved in the pursuit did not have a signed SB 719 Pursuit Policy Training Attestation form in their training file. Table No. 6 below represents the detailed findings for this objective.

Table No. 6 - Detailed Findings for Objective No. 10

| Pursuit Training | | |
|------------------|----------|------------------|
| Station | Findings | Met the Standard |
| Carson | 5 of 5 | 100% |
| Cerritos | 6 of 7 | 86% |
| Lakewood | 15 of 17 | 88% |
| Lomita | 18 of 20 | 90% |
| Norwalk | 10 of 12 | 83% |
| Pico Rivera | 6 of 7 | 86% |

ADDITIONAL INFORMATION

Auditors examined the Vehicle Pursuit packages to identify trends related to the vehicle pursuits. Table No. 7 on the following page represents additional information which was

²¹ The four deputies were assigned to Compton Sheriff’s Station. Auditors found that all four had a completed SB 719 Pursuit Policy Training Attestation form on file.

**VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A**

requested by SPD management regarding certain conditions which may have existed in the vehicle pursuit incidents.

Table No. 7 - Summary of Additional Information

| Incident | Number of Incidents | Action |
|---------------------|----------------------------|---|
| Barricaded Suspect | 1 | Arrested without incident |
| Seatbelt Violations | None | N/A |
| Shooting | None | N/A |
| Traffic Collisions | 9 | Suspect collisions only No deputy traffic collisions |
| Use of Force | 1 | Dog Bite (K-9 Handle) |

Aero Bureau's Availability

In all 26 Vehicle Pursuit packages, an Aero unit was requested or was advised of the pursuit. In six pursuits, an Aero unit did not respond due to weather conditions or because of an extended time of arrival.

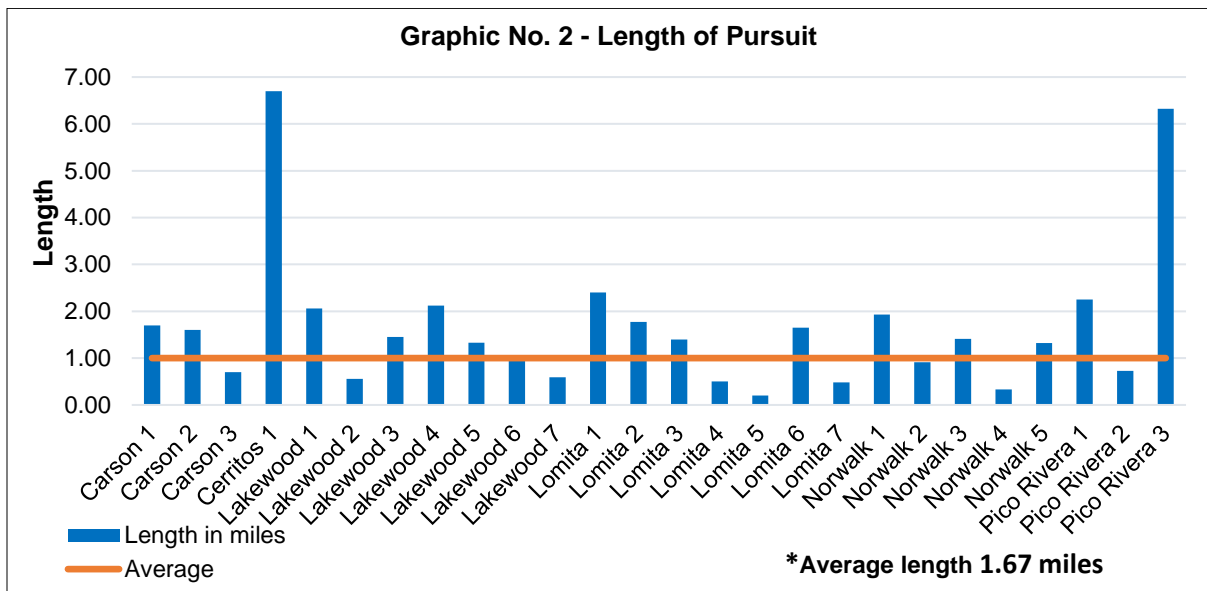
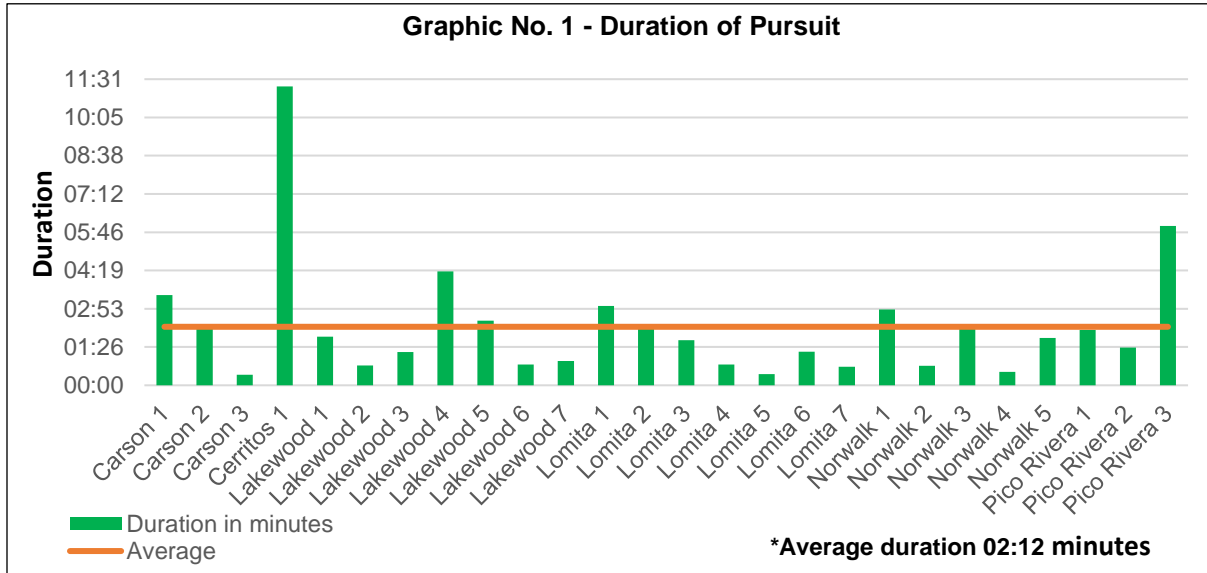
Re-Initiation of a Pursuit

Two of the 26 Vehicle Pursuit packages were re-initiated by outside agencies after the Department's watch commander or initiating deputy terminated the pursuit. None were reinitiated by Department members.

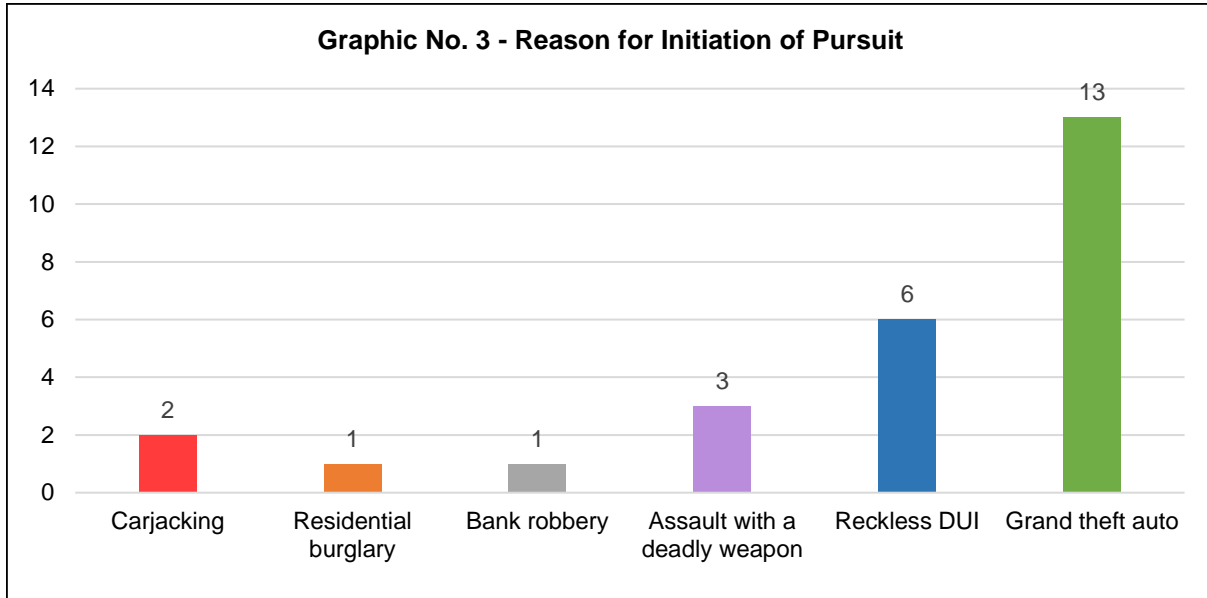
The graphics (No. 1 through No. 5) on the following pages present additional information regarding the vehicle pursuits in the audit.

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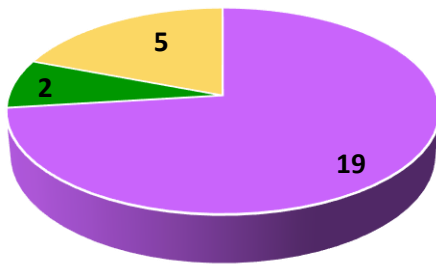
VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A



VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A



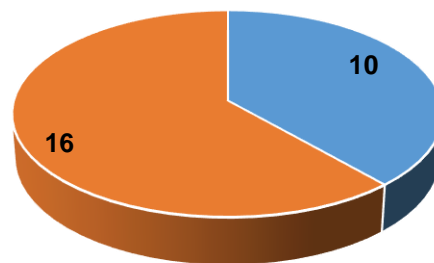
Graphic No. 4 - Arrest Analysis



- Suspect arrested (Non-DUI)
- DUI arrest
- Suspect not arrested

*Population 26

Graphic No. 5 - Suspect Evaded Apprehension



- Yes
- No

*Population 26

VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A

OTHER RELATED MATTERS

Other related matters are pertinent issues discovered during the audit, but were not objectives which were measurable against Department policies or procedures.

Vehicle Pursuit Training Attestation Form

Department policy and state law require that sworn personnel must certify in writing they have received vehicle pursuit training. Auditors found some patrol stations did not maintain a written record of the completed training. However, auditors confirmed completed training in the Learning Management System (LMS).²² Auditors further noted the SB 719 Pursuit Policy Training Attestation form was not available for print on LMS, Microsoft Outlook All Forms,²³ or the Department's Intranet site.²⁴ This issue appears to create a conflict between what Department policy and state law require.

Field Operations Training for Supervisors

Through a dialogue with SPD management, an inquiry regarding field supervisor training was discussed.

Auditors found that most supervisors involved in vehicle pursuits or managing a vehicle pursuit had not attended the Sergeant Field Operations School. Auditors noted that while POST certifies this training for field supervisors, there is no mandate they complete the training. However, supervisors are mandated to attend the POST Supervisory Course within 12 months of promotion or appointment to a first-level supervisory position.

Station training personnel cited that due to lack of staffing coverage and lack of available field operation training courses, supervisors are unable to attend Sergeant Field Operations School.

Station Bureau Administrative Portal Data Entry

Auditors found that entry dates, vehicle pursuit incidents, and dates listed in the Vehicle Pursuit Evaluation form were often entered several days, weeks, or months after the date of the incident into the SBAP. Some of the information was incomplete or the entry was missing from the Portal all together. The Portal was developed to help stations manage their work flow and report information to their station superiors. There is no

²² Learning Management System (LMS) is the Department's electronic network training center.

²³ Microsoft Outlook All Forms is the Department's electronic forms library integrated within the email system.

²⁴ The Los Angeles Sheriff's Department intranet site is the secured internal web site for Department personnel.

VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A

policy or unit order which mandates the station to make entries in a timely manner into the system.

CONCLUSIONS

Auditors conducted an assessment as to whether Department managers properly evaluated vehicle pursuits. The evidence collected provides a reasonable assurance that management has made significant efforts to comply with Department policies and state mandates. Furthermore, there is reasonable assurance Department managers are objectively evaluating the performance of their personnel involved in vehicle pursuits, and are taking appropriate corrective action when necessary.

RECOMMENDATIONS

The AAB considers the results of this audit to be a helpful management tool for all Department personnel and therefore makes the following recommendations:

1. It is recommended that SPD management be re-briefed on MPP Section 5-09/210.30, Pursuit Evaluation and Reporting, in order to ensure compliance with Department policy by submitting the Vehicle Pursuit Evaluation forms to TSD within the mandated 15 business days. (Objective No. 8)
2. It is recommended that all sergeants and lieutenants assigned as a watch commander receive recurrent training on MPP Section 5-05/010.00, Traffic Collision Response Team, in order to comply with Department policy requirements as it relates to notifying TSD and the station traffic supervisor when a traffic collision occurs during a vehicle pursuit. (Objective No. 9)
3. It is recommended that the Department make the SB 719 Pursuit Policy Training Attestation Form available to print, in order to comply with MPP Section 5-09/210.00, Pursuits, and state law requiring written certification of pursuit training. (Objective No. 10 and Other Related Matters)
4. It is recommended that SPD stations develop a unit order to retain copies of the SB 719 Pursuit Policy Training Attestation Form for a minimum of two years, in order to ensure compliance per MPP Section 5-09/210.00, Pursuits, and state law requiring written certification of pursuit training. (Objective No. 10 and Other Related Matters)

**VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A**

Views of Responsible Officials

On June 26, 2018, the South Patrol Division command staff submitted a formal response to AAB concurring with the audit findings. A copy of the report was provided to the Office of Inspector General.

**VEHICLE PURSUIT EVALUATION AUDIT – PATROL OPERATIONS
SOUTH PATROL DIVISION
Project No. 2018-2-A**

This audit was submitted on this 20 day of June 2018, by the Audit and Accountability Bureau.

Original signature on file at AAB

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