



San Diego County Sheriff

Training Bulletin

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Legal Update: High-Risk Vehicle Stops

This training bulletin provides an overview of *Chinaryan v. City of Los Angeles*, a Ninth Circuit opinion¹ that eliminates qualified immunity for an officer who uses high-risk tactics during a vehicle stop based solely on reasonable suspicion that the vehicle is stolen. The court defined a "high-risk vehicle stop" as an investigatory stop that included officers drawing and holding weapons in a low ready position and placing suspects in a prone position.

This case *does not* preclude law enforcement officers from using high-risk tactics during a vehicle stop. It simply requires something more than suspicion that a vehicle has been stolen or cold-plated to justify the use of such tactics.

FACTUAL BACKGROUND:

Chinaryan was driving home in her husband's 2018 black Chevrolet Suburban limousine when an LAPD sergeant saw her and mistakenly suspected the vehicle to be stolen. A 2015 black Chevrolet Suburban limousine had been stolen a few days prior and its LoJack signal detected less than half a mile from where Chinaryan was spotted. The sergeant radioed a request for DMV information and learned that the license plate belonged to a Dodge Ram which had not been reported stolen. Believing the vehicle to be "cold-plated," he called for backup. He followed the Suburban for about 10 minutes, during which time the driver did not exceed the speed limit, drive evasively, or violate any traffic laws.

Although it was daytime, the vehicle's heavily tinted windows made it difficult for officers to determine how many individuals were in the car. Only two individuals were visible through the front windshield. The LoJack receiver did not register a signal during this time, but officers reasoned that LoJack systems can be disabled. Approximately a dozen officers and a helicopter unit were following the vehicle when it pulled over. Several officers had their firearms pointed at or near Chinaryan in a low-ready position as she was ordered to turn off the vehicle, throw her keys outside, step out, and keep her hands up. She was instructed to walk away from the vehicle and lie down on her stomach in the street. She was on the ground for three minutes while officers cleared the car, after which they holstered their weapons and handcuffed her. Chinaryan's two passengers, one of whom was her teenage daughter, were also ordered out of the vehicle at

¹ Click [HERE](#) to read the full opinion.

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gunpoint and handcuffed. Officers ultimately determined the mismatched plates had been DMV error. The entire incident lasted 24 minutes.

Chinaryan and her two passengers (plaintiffs) sued several of the individual officers claiming they had violated their Fourth Amendment rights and state law by arresting them without probable cause and using excessive force. Plaintiffs also claimed that the City and LAPD were liable for failing to adequately train the officers. The district court ruled that the officers were entitled to qualified immunity because it was not clearly established that their conduct violated Plaintiffs' Fourth Amendment rights, nor was there evidence that the defendants had the specific intent to violate such constitutional rights. Plaintiffs appealed.

LEGAL ANALYSIS:

The Ninth Circuit reversed the district court's findings. The Court found that, based on the totality of circumstances, a jury could find the officers' tactics were not justified and that they had acted with reckless disregard for plaintiff's rights. The Court held that the officers had "no articulable basis to suspect that Plaintiffs posed a threat to anyone." That the vehicle was believed to be stolen "did not increase the likelihood that the [suspects] were armed or dangerous or that any other special circumstances called for the use of high-risk tactics."

Further, plaintiffs had not displayed any behavior that raised "a reasonable possibility of danger or flight" either prior to the stop or at the scene. On the contrary, they cooperated completely. Even if the vehicle had been stolen as the officers suspected, the passage of time meant that the vehicle's occupants may be unconnected to the crime of vehicle theft. Lastly, the Court took issue that the plaintiffs remained handcuffed for an additional 9 minutes after officers realized the DMV error. Thus, under the totality of the circumstances, the officer's reasonable suspicion that the vehicle was stolen was not enough to justify the use of such intrusive tactics.

WHAT THIS MEANS:

Suspicion that a vehicle is stolen or cold-plated *alone* is not enough to justify the use of high-risk tactics. Running a license plate through dispatch that comes back as stolen and matches the vehicle make and model, for example, is just one factor to consider. This alone would not justify the use of high-risk tactics. However, a stolen license plate plus one other factor may well justify the use of such tactics. This will inevitably depend on the facts of your case.

Additional factors that could justify the use of high-risk tactics include uncooperative subjects; actions that raise a reasonable possibility of danger or flight at any time; information that subjects are armed; indication of a serious or violent crime (not the vehicle theft in itself); or any other objective reason specific to the situation or suspects.

The information in this Training Bulletin was provided by the Legal Affairs Unit. For specific questions related to this bulletin please contact Sheriff's Legal Affairs at 858-974-2255.

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If deputies do not have justification to conduct a high-risk stop, they may still conduct an investigative stop and direct the occupants out of the vehicle.

Deputy safety comes first. Deputies should continue to respond as the situation calls for and make sure to document the incident in detail. Use of Force Guidelines are located in [Section 11 of the San Diego Sheriff's Office's Policy and Procedure](#).

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