

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT



FOOT PURSUIT AUDIT
NO. 2014-8

JIM McDONNELL
SHERIFF

August 5, 2015

Internal Monitoring, Performance Audits and Accountability Command
FOOT PURSUIT AUDIT
Project No. 2014-8-A

PURPOSE

In accordance with recommendations provided to the Los Angeles County Sheriff's Department (Department), by personnel from the Office of Inspector General (OIG), the Internal Monitoring, Performance Audits and Accountability Command (IMPAAC) conducted the Foot Pursuit Audit. This audit determined the Department's adherence to policies and procedures related to the initiation, management, reporting procedures, and overall evaluation of foot pursuit incidents.

The IMPAAC conducted this audit under the guidance of generally accepted government auditing standards, specifically pertaining to performing the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for the findings and conclusions based on the audit objectives.¹ The IMPAAC determined the evidence obtained provided a reasonable basis for the findings and conclusions based on the audit objectives.

BACKGROUND

The OIG requested the IMPAAC to perform the Foot Pursuit Audit because they had questions concerning what action is taken by Department supervisors as a result of foot pursuits which were not consistent with existing Department policy. The Department Manual of Policy and Procedures, 5-09/220.50, Definitions, Foot Pursuit Defined, states *"A foot pursuit is an attempt by a Department member to follow or track, on foot, a fleeing person who is attempting to avoid arrest, detention, or observation."*

During the audit process, it was discovered that the Department does not require the Foot Pursuit Evaluation Form to be completed for each foot pursuit. However, the Watch Commander is required to complete the form if the foot pursuit is part of a force or shooting incident. The Department Manual of Policy and Procedures, 5-09/220.50, Evaluation and Reporting, states, *"If the foot pursuit is an integral part of a force or shooting incident being handled by the Internal Affairs Bureau (IAB) Force/Shooting Response Team, the Executive Force Review Committee shall be responsible for determining whether or not the foot pursuit was within policy. The Watch Commander or Court Services Area Lieutenant shall complete the Department Foot Pursuit Evaluation Form and immediately submit the form and other pertinent documents and audio files to the IAB Force/Shooting Response Team handling the incident."*

It is important to note that although the Foot Pursuit Evaluation Form is not required

¹ United States Government Accountability Office – By the Comptroller General of the United States, December 2011, Government Auditing Standards 2011 Revision.

Foot Pursuit Audit - Project No. 2014-8-A

for each incident, auditors did obtain an evaluation form for each of the foot pursuit incidents selected for review. This is the first Foot Pursuit Audit conducted by the IMPAAC.

METHODOLOGY

Scope and Audit Time Period

The IMPAAC reviewed all foot pursuit incidents occurring in Patrol Operations for the time period October 1, 2013 through September 30, 2014.² All related foot pursuit Incident Reports (Form SH-R-49), Foot Pursuit Evaluation Forms, supplemental reports and digital files were included in the audit review. Additionally, use of force occurrences associated with the foot pursuits were examined.

Five objectives were formulated for this audit.

Audit Population

A total audit population of 149 foot pursuits were examined. The foot pursuit incident packages were initially identified through the use of the Los Angeles County Sheriff's Department Station Administration Portal, Risk Management Tracker. After review of this database, it was discovered not all patrol stations participated in its use, thus, IMPAAC personnel contacted each patrol station to verify the method(s) used to maintain records relevant to foot pursuits. The IMPAAC personnel responded to 22 patrol stations and obtained the foot pursuit documentation.³ Due to the geographic location of Avalon Station, foot pursuit packages were hand delivered to the IMPAAC Personnel by the Avalon Station Unit Commander.

Foot pursuits which were investigated by Internal Affairs Bureau (IAB) were deselected from this audit.

SUMMARY OF AUDIT FINDINGS

The Department did well with personnel establishing and articulating a legal basis for the foot pursuits. Additionally, the Department did well in several areas of Supervisory Overview. However, the audit identified areas for improvement in regard to the following areas:

- Initiation of and required criteria during radio broadcasts;
- Current policy related to potential risk for "One-Person Foot Pursuit";
- Watch Commander Established "Cold Line"⁴ communications; and
- Use of the Foot Pursuit Database.

² Two additional reports were selected from September 2013 and three reports were selected from October 2014.

³ Altadena Station and Crescenta Valley Station had no foot pursuits which met the criteria for the audit period.

⁴ The "cold-line" is an automatic ring circuit, between the station and Sheriff's Communications Center

Table No. 1 - Summary of Foot Pursuit Audit Findings and Other Related Matters⁵

OBJECTIVE No.	OBJECTIVE DESCRIPTION	MET STANDARDS
1	Basis for Foot Pursuit	
1(a)	<i>Legal Standing</i>	100%
2	Radio Broadcast	
2(a)	<i>Initiation of a Radio Broadcast</i>	82%
2(b)	<i>Required Broadcast Criteria</i>	60%
3	One-Person Foot Pursuit	
3(a)	<i>Attempt to Close and Apprehend</i>	69%
3(b)	<i>Compromised Visual</i>	86%
3(c)	<i>Chasing Suspect Into Building</i>	50%
3(d)	<i>Termination After Lost Communication</i>	0%
4	Supervisory Overview	
4(a)	<i>Watch Commander Established Cold Line</i>	52%
4(b)	<i>Sergeant Acknowledgement and Response to the Terminus of the Foot Pursuit</i>	99%
4(c)	<i>Foot Pursuit Debriefing</i>	100%
5	Foot Pursuit Database	
5(a)	<i>Use of the Foot Pursuit Database</i>	70%
OTHER RELATED MATTERS (Issues not governed by policy)		
<i>The Foot Pursuit Evaluation Form and Foot Pursuit Package</i>		
<i>Unit Commander's Signature and Disposition on the Foot Pursuit Evaluation Form</i>		
<i>Foot Pursuit Within Policy</i>		

DETAILED FINDINGS

Objective No. 1 - Basis for Foot Pursuit

Objective No. 1(a) - Legal Standing

Criteria

The California Peace Officers Legal Sourcebook, Revision Packet No. 171- November 2013," pages 2.7 and 2.8, The California Department of Justice, Published by Copware Software for Peace Officers states the following:

III. DETENTIONS/STOPS

A. Definition and Purpose

A temporary "detention" or "stop" is an exertion of authority that is something less than a full-blown arrest but more substantial than a simple "contact" or "consensual encounter."

⁵ "Other Related Matters" are pertinent issues that were discovered during the audit process that are considered reportable conditions but conditions in which the Department cannot be measured as there is not an existing Department policy or procedure. Therefore these issues are addressed within "Other Related Matters."

Foot Pursuit Audit - Project No. 2014-8-A

A "detention" occurs whenever a reasonable--and innocent--person would believe he is not free to leave or otherwise disregard the police and go about his business. (Hodari D. (1991) 499 U.S. 621, 627-628; Bostick (1991) 501 U.S. 429, 434; Souza (1994) 9 Cal.4th 224, 229.) Such a belief may result from physical restraint, unequivocal verbal commands, or words or conduct by you that clearly relate to the investigation of specific criminal acts. (Brueckner (1990) 223 Cal.App.3d 1500, 1505.)...

B. Reasonable Suspicion

For an investigative stop or detention to be valid, you must have "reasonable suspicion" that: (1) criminal activity may be afoot and (2) the person you are about to detain is connected with that possible criminal activity. (Wardlow (2000) 528 U.S. 119; Ornelas (1996) 517 U.S. 690, 695-696; Sokolow (1989) 490 U.S. 1, 7-8; Bennett (1998) 17 Cal.4th 373, 386.)...

Audit Procedures

The IMPAAC personnel reviewed Incident Reports, Form SH-R-49, to determine if there was a legal basis to initiate the foot pursuit. In instances where an Incident Report was not completed (i.e. suspect was not captured), and the legal standing was documented in the Foot Pursuit Evaluation Form and/or audio recording, the incident was determined to have met the criteria. Additionally, Incident Reports were reviewed to determine the classification of the legal basis (felony, misdemeanor, infraction, or other) for the detention.

Findings

Each (100%) of the 149 Foot Pursuits met the criteria for this objective.

Table No. 2 – 6 Illustrate the total number of foot pursuits for each station, and the results of this objective.

THIS SECTION INTENTIONALLY LEFT BLANK

Table No. 2 - North Patrol Division Results

STATION	LEGAL STANDING/TOTAL
Lancaster	15/15
Malibu/Lost Hills	1/1
Palmdale	27/27
Santa Clarita	12/12
West Hollywood	4/4
TOTAL	59/59 (100%)

Table No. 3 - Central Patrol Division Results

STATION	LEGAL STANDING/TOTAL
Avalon	2/2
Century	18/18
Compton	6/6
East Los Angeles	3/3
Marina Del Rey	1/1
South Los Angeles	8/8
TOTAL	38/38 (100%)

Table No. 4 - South Patrol Division Results

STATION	LEGAL STANDING/TOTAL
Carson	10/10
Cerritos	1/1
Lakewood	10/10
Lomita	1/1
Norwalk	5/5
Pico Rivera	6/6
TOTAL	33/33 (100%)

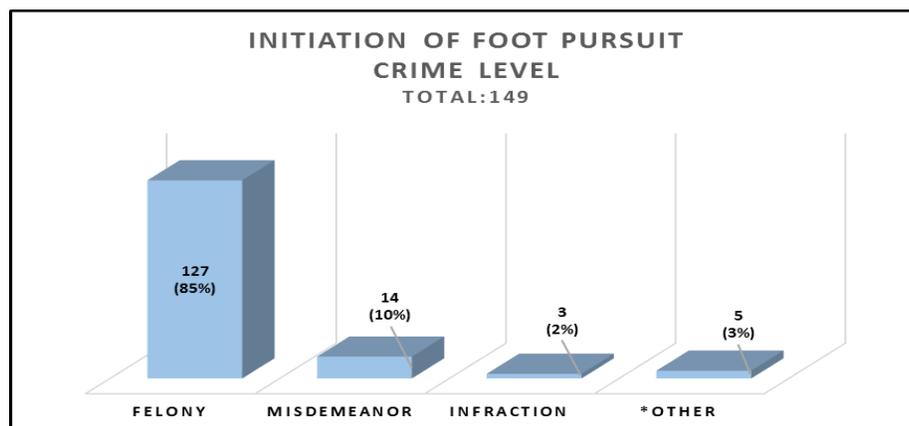
Table No. 5 - East Patrol Division Results

STATION	LEGAL STANDING/TOTAL
Altadena	0/0
Crescenta Valley	0/0
Industry	8/8
San Dimas	4/4
Temple	6/6
Walnut	1/1
TOTAL	19/19 (100%)

Table No. 6 - Patrol Division Totals

DIVISION	LEGAL STANDING/TOTAL
NORTH	59/59
CENTRAL	38/38
SOUTH	33/33
EAST	19/19
TOTAL	149/149 (100%)

Figure No. 1 Illustrates the crime classification for legal standing.



*Other- includes Mentally Ill Persons (2), Suspicious Circumstances-person ran from deputies, assist California Highway Patrol with escaped prisoner, and a disturbance call for service.

Objective No. 2 - Radio Broadcast

Objective No. 2(a) - Initiation of a Radio Broadcast

Criteria

Department Manual of Policy and Procedures 5-09/220.50, Foot Pursuits, Procedures, Initiating Deputies' Responsibilities, states, *"Deputy personnel initiating a foot pursuit shall broadcast the following information over the radio, using the dispatch frequency, to SCC within the first few seconds."*

Audit Procedures

Audio recordings assigned with the sampled Foot Pursuit Evaluation packages were reviewed to determine if the pursuing deputy made a broadcast to the Sheriff's Communications Center (SCC). The testing for this objective was limited to addressing if a deputy broadcasted they were in foot pursuit.⁶

Of the 149 foot pursuits reviewed, thirteen foot pursuits were excluded and therefore 136 foot pursuits were reviewed for this objective. Excluded foot pursuits included those incidents which were five seconds or less, station's inability to transmit to SCC, and operating on a tactical frequency.

Findings

One hundred eleven (82%) of the 136 foot pursuits reviewed met the criteria for this objective. For the remaining 25 foot pursuits, the initiation of a foot pursuit was not broadcasted. Auditors determined the following to be the reasons as to why the

⁶ Department policy does not specifically define what is meant by "first few seconds."

Foot Pursuit Audit - Project No. 2014-8-A

initiation of the foot pursuits were not broadcasted:

- The pursuing deputy had his/her radio on the incorrect frequency;
- Radio malfunction (dead battery, broken radio);
- Deputy personnel assumed their partner was broadcasting; and/or,
- Deputy did not perceive the incident was a foot pursuit (at the time).

Objective No. 2(b) - Required Elements of a Radio Broadcast

Criteria

Department Manual of Policy and Procedures 5-09/220.50, Foot Pursuits, Initiating Deputies' Responsibilities requires the following information to be broadcasted:

- *“unit identifier or name of Deputy in pursuit;*
- *suspect location and direction;*
- *reason for the foot pursuit;*
- *suspect description;*
- *whether or not the suspect is armed, if known.”⁷*

Audit Procedures

Audio recordings of the foot pursuits were reviewed to determine if the pursuing deputy broadcast all required information to SCC. These procedures were applied to the same population of incidents for Objective No. 2(a).

THIS SECTION INTENTIONALLY LEFT BLANK

⁷ The final requirement, “whether or not the suspect is armed, if known”, is excluded from the testing of this objective however it is addressed in Additional Information.

Findings

Eighty-one (60%) of the 136 foot pursuits met the criteria for this objective.

Table No. 7 Illustrates the total number of foot pursuits where an emergency broadcast to SCC was initiated and whether all required information was provided.

Table No. 7

STATION	INITIAL RADIO BROADCAST	REQUIRED ELEMENTS BROADCASTED
NORTH PATROL DIVISION		
Lancaster	12/14 (86%)	7/14 (50%)
Malibu/Lost Hills	1/1 (100%)	0/1 (0%)
Palmdale	24/26 (92%)	18/26 (69%)
Santa Clarita	10/12 (83%)	9/12 (75%)
West Hollywood	3/4 (75%)	3/4 (75%)
TOTAL	50/57 (88%)	37/57 (65%)
CENTRAL PATROL DIVISION		
Avalon	N/A	N/A
Century	14/16 (88%)	15/16 (94%)
Compton	6/6 (100%)	6/6 (100%)
East Los Angeles	3/3 (100%)	2/3 (67%)
Marina Del Rey	0/1 (0%)	0/1 (0%)
South Los Angeles	5/7 (71%)	3/7 (43%)
TOTAL	28/33 (85%)	26/33 (79%)
SOUTH PATROL DIVISION		
Carson	5/7 (71%)	0/7 (0%)
Cerritos	0/1 (0%)	0/1 (0%)
Lakewood	9/10 (90%)	5/10 (50%)
Lomita	N/A	N/A
Norwalk	2/5 (40%)	1/5 (20%)
Pico Rivera	5/5 (100%)	2/5 (40%)
TOTAL	21/28 (75%)	8/28 (29%)
EAST PATROL DIVISION		
Altadena	N/A	N/A
Crescenta Valley	N/A	N/A
Industry	6/7 (86%)	7/7 (100%)
San Dimas	2/4 (50%)	1/4 (25%)
Temple	4/6 (67%)	1/6 (17%)
Walnut/Diamond Bar	0/1 (0%)	1/1 (100%)
TOTAL	12/18 (67%)	10/18 (56%)
PATROL DIVISION TOTALS		
NORTH	50/57 (88%)	37/57 (65%)
CENTRAL	28/33 (85%)	26/33 (79%)
SOUTH	21/28 (75%)	8/28 (29%)
EAST	12/18 (67%)	10/18 (56%)
TOTAL	111/136 (82%)	81/136 (60%)

Objective No. 3 - One-Person Foot Pursuit

Criteria

Department Manual of Policy and Procedures 5-09/220.50, Foot Pursuits, Procedures, defines a One-Person Foot Pursuit below:

“One-Person Foot Pursuits

One-person foot pursuits and the splitting of partners during foot pursuits present additional dangers to the Deputies involved. The decision to pursue must weigh the dangers of the pursuits against the necessity to apprehend.

If a lone Deputy initiates a foot pursuit, the objective of the pursuit shall be to apprehend by use of a containment, subject to valid emergency exceptions.

Should the decision to initiate a one-person foot pursuit occur, the Deputy shall adhere to the following guidelines which include but are not limited to:

- *do not attempt to close and apprehend but maintain visual contact only;*
- *do not continue to pursue if visual confirmation is compromised;*
- *do not chase a suspect into a building;*
- *should a containment be established and the suspect is within the containment, termination of the foot pursuit should be considered; and⁸*
- *should communication with SCC be lost, the pursuing Deputy shall immediately terminate the pursuit.”*

Additionally, the Department manual defines partner splitting.

Partner Splitting

Department Manual of Policy and Procedures 5-09/220.50, Foot Pursuits, states, *“‘Partner splitting’ during a foot pursuit occurs when loss of visual contact, distance, or obstacles, separates partners to a degree that they cannot immediately assist each other should a confrontation take place. For the purposes of this policy, ‘partner splitting’ does not pertain to lone Deputies assigned to static containment positions.”*

A partner split occurred for ten of the 149 foot pursuits reviewed and were therefore analyzed within this objective.

⁸ This guideline is not tested within this objective however is captured under Performance Information.

Audit Procedures

The audit addressed the following guidelines as sub-objectives within Objective No. 3.

<u>OBJECTIVE No.</u>	<u>OBJECTIVE DESCRIPTION</u>
3	One-Person Foot Pursuit
3(a)	<i>Attempt to Close and Apprehend</i>
3(b)	<i>Compromised Visual</i>
3(c)	<i>Chasing Suspect Into Building</i>
3(d)	<i>Termination After Lost</i>

Forty of the 149 foot pursuits examined were determined to be One-Person Foot Pursuits, and therefore assessed in this objective.

Objective No. 3(a) - Attempt to Close and Apprehend

Criteria

Department Manual of Policy and Procedures 5-09/220.50, Foot Pursuits, Procedures, One-Person Foot Pursuits states,

- *“do not attempt to close and apprehend but maintain visual contact only”*

Audit Procedures

The IMPAAC personnel reviewed the audio recordings and/or accompanying documentation for any indication that the deputies did not attempt to close or apprehend suspects, but maintained visual contact only.

Of the 40 One-Person Foot Pursuits, one foot pursuit was excluded from this objective because it did not meet the criteria and therefore 39 foot pursuits were reviewed for this objective.⁹

Findings

Twenty-seven (69%) of the 39 One-Person Foot Pursuits examined, met the criteria for this objective.

⁹ The one foot pursuit excluded involved a mentally ill suspect who was a danger to himself and required immediate apprehension.

Objective No. 3(b) - Compromised Visual

Criteria

Department Manual of Policy and Procedures 5-09/220.50, Foot Pursuits, Procedures, One-Person Foot Pursuits, states,

- *“do not continue to pursue if visual confirmation is compromised”*

Audit Procedures

The IMPAAC personnel reviewed the audio recordings and/or accompanying documentation that indicated deputies did not continue to pursue after visual confirmation was compromised.

Of the 40 One-Person Foot Pursuits, 11 foot pursuits were excluded from this objective because they did not meet the criteria. Therefore 29 foot pursuits were reviewed for this objective.

Findings

Twenty-five (86%) of the 29 One-Person Foot Pursuits examined, met the criteria for this objective. The remaining four foot pursuits involved an incident in which the deputy continued to pursue despite the visual confirmation being compromised.

THIS SECTION INTENTIONALLY LEFT BLANK

Foot Pursuit Audit - Project No. 2014-8-A

Table No. 8 Illustrates One-Person Foot Pursuits that did not attempt to close the distance/apprehend and did not continue after lost visual.

STATION	DID NOT CLOSE THE DISTANCE/APPREHEND Objective 2(a)	DID NOT CONTINUE AFTER LOST VISUAL Objective 2(b)
NORTH PATROL DIVISION		
Lancaster	6/8 (75%)	5/7 (71%)
Malibu/Lost Hills	N/A	N/A
Palmdale	9/10 (90%)	8/8 (100%)
Santa Clarita	3/3 (100%)	3/3 (100%)
West Hollywood	1/1 (100%)	1/1 (100%)
TOTAL	19/22 (86%)	17/19 (89%)
CENTRAL PATROL DIVISION		
Avalon	0/1 (0%)	N/A
Century	N/A	N/A
Compton	2/2 (100%)	2/2 (100%)
East Los Angeles	0/1 (0%)	N/A
Marina Del Rey	N/A	N/A
South Los Angeles	1/2 (50%)	1/2 (50%)
TOTAL	3/6 (50%)	3/4 (75%)
SOUTH PATROL DIVISION		
Carson	1/3 (33%)	1/2 (50%)
Cerritos	N/A	N/A
Lakewood	3/4 (75%)	3/3 (100%)
Lomita	N/A	N/A
Norwalk	0/1 (0%)	N/A
Pico Rivera	N/A	N/A
TOTAL	4/8 (50%)	4/5 (80%)
EAST PATROL DIVISION		
Altadena	N/A	N/A
Crescenta Valley	N/A	N/A
Industry	1/2 (50%)	1/1 (100%)
San Dimas	N/A	N/A
Temple	0/1 (0%)	N/A
Walnut/Diamond Bar	N/A	N/A
TOTAL	1/3 (33%)	1/1 (100%)
PATROL DIVISION TOTALS		
NORTH	19/22 (86%)	17/19 (89%)
CENTRAL	3/6 (50%)	3/4 (75%)
SOUTH	4/8 (50%)	4/5 (80%)
EAST	1/3 (33%)	1/1 (100%)
TOTAL	27/39 (69%)	25/29 (86%)

Objective No. 3(c) - Chasing Suspect Into Building

Criteria

Department Manual of Policy and Procedures 5-09/220.50, Foot Pursuits, Procedures, One-Person Foot Pursuits, states,

- *“do not chase a suspect into a building”*

Audit Procedures

The IMPAAC personnel reviewed the audio recordings and/or accompanying documentation to determine if deputies did not chase the suspect(s) into the building.

Of the 40 One-Person Foot Pursuits, six involved a suspect entering a building during a foot pursuit. Of the six foot pursuits, two were excluded as each noted a valid emergency exception and therefore four incidents were evaluated for this objective.¹⁰

Findings

Two (50%) of the four, One-Person Foot Pursuits examined, met the criteria for this objective. Listed below are the One-Person Foot Pursuits where the deputy did not terminate the pursuit after the suspect entered a building;

- Lancaster 14-03408-11: Suspect ran into the rear of a building; and,
- Carson 13-12189-16: Suspect ran into a mechanics bay.

Objective No. 3(d) - Termination After Lost Communication

Criteria

Department Manual of Policy and Procedures 5-09/220.50, Foot Pursuits, Procedures, One-Person Foot Pursuits, states,

- *“should communication with SCC be lost, the pursuing Deputy shall immediately terminate the pursuit.”*

Audit Procedures

The IMPAAC personnel reviewed the audio recordings and/or accompanying documentation to determine if deputies terminated the foot pursuit after loss of communication with SCC.

Of the 40 One-Person Foot Pursuits examined, two were identified as having lost

¹⁰ One foot pursuit documented an armed suspect who ran into a crowded store and the other documented a suspect who ran into a crowded arcade. Auditors determined both documented a valid emergency exception.

Foot Pursuit Audit - Project No. 2014-8-A

communication with SCC.

Findings

Neither (0%) of the two, One-Person Foot Pursuits, met the criteria for this objective as documented below:

- Lancaster 14-12774-11: Incident involved an off duty detective. Deputy communicated the foot pursuit via cell phone. Responding deputies only broadcasted suspect location.
- Palmdale 14-01530-26: Deputy was initially on the wrong frequency. Deputy was following a stolen vehicle. The suspect ran from the vehicle. A foot pursuit broadcast was initiated at the request of SCC approximately one minute after the foot pursuit began.

Performance Information

The final item for Department Manual of Policy and Procedures 5-09/220.50, Foot Pursuits, Procedures, One-Person Foot Pursuits, states,

- *“should a containment be established and the suspect is within the containment, termination of the foot pursuit should be considered”¹¹*

Sixteen of the 40 One-Person Foot Pursuits where a containment was established and the suspect was within the containment were evaluated. Each (100%) of the 16 foot pursuits indicated the foot pursuit was terminated.

Objective No. 4 - Supervisory Overview

Objective No. 4(a) - Watch Commander Established Cold Line

Criteria

Department Manual of Policy and Procedures 5-09/220.50 Foot Pursuits, Procedures, Watch Commander or Court Services Area Lieutenant Responsibilities, states, *“The Station/Unit Watch Commander shall respond to the desk area and immediately take command either by establishing "cold line" communications with the SCC Watch Sergeant or via Station/Unit transmitting capabilities. Station/Unit Watch Commanders shall make a decision based upon their assessment of the information received regarding the continuation or termination of the foot pursuit. In subsequent reviews for policy compliance, Watch Commanders shall be prepared to clearly articulate the circumstances which supported their decision.*

¹¹ The policy includes the word “should” as opposed to “shall,” and therefore it was not evaluated for compliance. The results are documented as performance information.

Foot Pursuit Audit - Project No. 2014-8-A

Should the Watch Commander be in the field during a foot pursuit, they may authorize the Watch Sergeant to assume operational control of the incident from the desk. This does not alleviate the Watch Commander's overall responsibility for the pursuit."

Audit Procedures

The audio recordings of the radio transmission, Foot Pursuit Evaluation Form and corresponding reports were reviewed to determine the establishment of the "cold line" communication, or other station/unit transmitting capabilities, and whether there was overall supervisory control. In cases where the watch commander was unable to establish a "cold line" and justification was articulated within the associated foot pursuit documents, the criteria was met for this objective.

Of the 149 foot pursuits reviewed, 139 were reviewed for this objective. Ten foot pursuits were excluded from this objective due to the following:

- No broadcast was initiated and the watch commander was unaware of the incident;
- Station was on self-dispatch;
- Supervisor was not notified of the foot pursuit in a timely manner; and,
- Incident was being controlled by a command post and field units were operating on a tactical frequency.

Findings

Seventy-two of the 139 (52%) foot pursuits reviewed met the criteria for this objective. The remaining 67 foot pursuits did not indicate a cold line or other station/unit transmitting capabilities were established.

Objective 4(b) - Sergeant Acknowledgement and Response to the Terminus of the Foot Pursuit

Criteria

Department Manual of Policy and Procedures 5-09/220.50, Foot Pursuits, Procedures, Field Sergeant or Court Services Branch Supervisor Responsibilities, states, *"As with any tactical incident, the Sergeant or Court Services Branch Supervisor does not have to be physically present to assert control over the situation and may order the termination of the pursuit based upon information received. In subsequent reviews for policy compliance, supervisory personnel shall be prepared to clearly articulate the circumstances which supported their decision to terminate, or to allow the continuation of a foot pursuit. The Sergeant or Branch Supervisor shall immediately respond to the terminus of the foot pursuit, oversee post-foot pursuit discipline, and assert control as needed. The Sergeant or Branch Supervisor will ensure compliance with all Department policies, specifically those relating to the use of force."*

Audit Procedures

The audio recordings of the radio transmission, Foot Pursuit Evaluation Forms and corresponding reports were reviewed to determine if a supervisor responded to the terminus of the foot pursuit.

Of the 149 One-Person Foot Pursuits, 147 foot pursuits were examined for this objective. Two foot pursuits were excluded from this objective because in one incident, a supervisor was not notified in a timely manner and for another a broadcast was not made by deputies and, therefore, a supervisor did not respond.

Findings

One hundred and forty-five (99%) of the 147 foot pursuits examined, met the standard for this objective. The remaining two did not meet the standard:

- Carson 14-01902-16: A broadcast was made by the deputy, however there was no indication a supervisor responded.
- Carson 14-08384-16: Foot Pursuit Evaluation Form, "FIELD SGT. ACK/RESPOND" box was not checked. No indication of supervisory response on audio recording or accompanying documents.

Objective No. 4(c) - Foot Pursuit Debriefing

Criteria

Department Manual of Policy and Procedures 5-09/220.50, Foot Pursuits, Evaluation and Reporting, states, *"All foot pursuits shall be debriefed. It shall be the responsibility of the Watch Commander or Court Services Area Lieutenant supervising the foot pursuit to conduct a debriefing of the incident with all personnel involved. The debriefing may be conducted by the Field Sergeant or Branch Supervisor and discussed with the Watch Commander or Court Services Area Lieutenant who will document the debriefing in the Foot Pursuit Database. Watch Commanders or Court Services Area Lieutenant shall ensure that Field Supervisors or Branch Supervisors discuss debriefed foot pursuits at regular Unit briefings. The Foot Pursuit Database printout shall be forwarded to the Unit Commander for his/her review."*

Audit Procedures

Foot Pursuit Evaluation Forms were reviewed to determine if the Watch Commander completed the form by noting the "Debriefing Date" and who the debriefing was "Conducted By."

Foot Pursuit Audit - Project No. 2014-8-A

Findings

Each (100%) of the 149 foot pursuits met the criteria for this objective.

Objective No. 5 - Foot Pursuit Database

Objective No. 5(a) - Use of Foot Pursuit Database

Criteria

The criteria for Objective No. 4(c), Department Manual of Policy and Procedures 5-09/220.50, Foot Pursuits, Evaluation and Reporting is applied to this objective.

Audit Procedures

The IMPAAC personnel conducted a review of the Station/Bureau Administration Portal-Risk Management Tracker (also referred to by the "Foot Pursuit Database" by Field Operations Support Services) to determine if each station was entering foot pursuit information into the database during the audit period.

Findings

Sixteen (70%) of the 23 patrol stations entered their foot pursuits into the Foot Pursuit Database. It is important to note that the Department issued a Sheriff's Department Memorandum dated September 23, 2014 entitled "*Mandated Use of Risk Management Tracker*" which required the use of the Station Administration Portal's Risk Management Tracker. The memorandum retracted its' mandated use a month later with Sheriff's Department Memorandum dated October 22, 2014 entitled "*Update – Mandated Use of Risk Management Tracker/CARS*".

The following seven stations, during the period under review, did not utilize the database and/or created their own tracking system via spreadsheet or handwritten documents:

- Altadena
- Avalon
- Cerritos
- Malibu/Lost Hills
- Marina Del Rey
- Palmdale
- Walnut

OTHER RELATED MATTERS

The Foot Pursuit Evaluation Form and Foot Pursuit Package

The Foot Pursuit Evaluation Form is required, by policy, to be completed only if it is part of a force or shooting incident. However, during this audit, each Foot Pursuit reviewed included a Foot Pursuit Evaluation Form which appears to be standard Department practice for all instances and for this reason elements of the form were evaluated. Auditors discovered several inconsistencies as well as lack of completed sections within the evaluation form.

Consistency of Information

The entire foot pursuit package, including the Foot Pursuit Evaluation Form, audio recordings (if any) and all related documentation were reviewed to ensure consistency throughout all items within the package. Listed below are examples of noted inconsistencies:

- Incorrect dates,
- Incorrect locations/direction of travel,
- Foot Pursuit Evaluation Form indicates a containment was established when only the suspect's location was broadcast,
- Inaccurate documentation of Deputies' radio broadcast, and
- Incident reports lack consistent documentation as captured in the audio recording.

Completion of Tactical Summary

The Foot Pursuit Evaluation Form lists three areas where tactical issues are addressed:

- *"Describe tactics used during the operation."*
- *"Could the tactics that were used, be improved upon?"*
- *"Could there have been other tactics for this particular operation?"*

Auditors determined there is a reasonable expectation that a response should be documented for each of the above sections. Of the foot pursuits reviewed, 144 accurately completed the "Tactical Summary" section of the form.

Listed below are the foot pursuits which did not completely address all tactical areas nor were alternative tactics suggested as requested in the Foot Pursuit Evaluation Form:

- Santa Clarita 14-03703-06: Foot pursuit was not broadcasted as deputies were assisting an outside agency and did not believe they were in foot pursuit. No alternative tactics were suggested.
- Santa Clarita 14-11747-06: The deputy could have exited his/her vehicle prior

Foot Pursuit Audit - Project No. 2014-8-A

- to making contact with the suspect. No alternative tactics were suggested.
- West Hollywood 13-06062-09: Foot pursuit was not broadcasted. A sergeant and four deputies were present when the suspect fled. No alternative tactics were suggested.
 - Temple 13-11767-05: There was an incomplete radio broadcast. No alternative tactics were suggested.
 - Temple 14-08362-05: Foot pursuit was not broadcasted. No alternative tactics were suggested.

Supervisor Review and Watch Commander's Signature

The Foot Pursuit Evaluation Form lists:

- "Supervisor Completing Form"
- "Employee #" and,
- "Watch Commander's Signature"
- "Employee #"

Each of the 149 foot pursuits contained the requested information within the form.

Inclusion of Audio Recording

The foot pursuit administrative packages were reviewed to determine if audio recordings of communication during the foot pursuit were included as part of the completed file. The Foot Pursuit Policy in its entirety does not require the inclusion of an audio recording of the incident, therefore, it was not evaluated for compliance. Of the 149 foot pursuit incidents, eleven foot pursuits were excluded from this analysis because there was no emergency radio broadcast initiated and therefore 138 foot pursuits were reviewed.

One hundred and thirty-four (97%) of 138 included an audio recording with the foot pursuit package. An audio recording could not be located for the remaining four.

Unit Commander's Signature and Disposition on Foot Pursuit Evaluation Form

The Foot Pursuit Evaluation Form lists:

- "Unit Commander's Signature"
- "Employee #"
- "Date Signed"
- "Disposition"

Auditors reviewed whether the Unit Commander indicated that he/she reviewed and concurred with the recommendations by signing the Foot Pursuit Evaluation Form

Foot Pursuit Audit - Project No. 2014-8-A

with the date and their employee number. Additionally, the form was reviewed to determine whether a disposition was noted, and the type of disposition documented by the Unit Commander.

In each of the 149 foot pursuits, the Unit Commander signed the form; however, only 45 documented a disposition.

Post-Incident Disposition Implemented

Auditors reviewed the forms to determine if post incident action, if any, was conducted and documented based on the Unit Commander's disposition and recommendation (e.g., training, discipline, performance log entry).

Fourteen of the 149 foot pursuits contained a recommendation within the Unit Commander's disposition. Twelve of the 14 foot pursuits documented compliance with the recommendation. The two foot pursuits listed below had no indication and/or documentation that the recommendation was completed:

- West Hollywood 13-06062-09: Additional training was recommended.
- West Hollywood 14-00940-09: Additional tactics training was recommended.

Foot Pursuit Within Policy

The foot pursuit policy lacks guidance for Department supervisors and managers to make determinations on when a foot pursuit should be deemed "within policy" or "out of policy." Auditors reviewed Foot Pursuit Evaluation Forms and related memoranda to capture the following information:

- There is a "Policy Issues" box on the Foot Pursuit Evaluation Form, however:
 - Several reports had this box checked and the disposition indicated "in policy," "no further action;"
 - Several reports had this box checked and there was no documented disposition;
- There were obvious policy issues noted where the "Policy Issues" box was not checked; and,
- There were contradictions among supervisory levels of review between the Foot Pursuit Evaluation Form and the Unit Commander's disposition.

ADDITIONAL INFORMATION

Listed below is statistical data that was obtained during the audit. This analysis represents statistics for all 149 foot pursuits reviewed and was collected outside the scope of the audit objectives:

Foot Pursuit Audit - Project No. 2014-8-A

- **Duration of Foot Pursuit** - The average foot pursuit was 0:38 seconds in duration. The shortest pursuit was 0:02 seconds. The longest pursuit was 4:22.
- **Days to Completion of Foot Pursuit Package** – (Date of incident to Unit Commander Signature date).
 - 0-7 days 9 (6%)
 - 8-14 days 26 (17%)
 - 15-30 days 47 (32%)
 - 31+ days, 67 (45%)
- **Use of Force** - Forty-six (31%) included a use of force.
- **Injury to Deputy** - Fourteen (9%) resulted in injury to a deputy.
- **Injury to Suspect** - Fifty-four (36%) resulted in an injury to the suspect.
- **Internal Affairs Bureau Notification** - Thirty-six (24%) resulted in an Internal Affairs Bureau notification.
- **Vehicle Pursuit** - Nineteen (13%) were preceded by a vehicle pursuit.
- **Termination of Pursuit** – Sixty-nine (46%) were terminated by Department Personnel.
- **Containment Established** - Seventy-three (49%) had a containment established.
- **Aero Response** - Sixty (40%) had an airship respond.
- **Canine Request** - Thirty-two (21%) requested a canine unit respond.
- **Canine Deployment** - Twenty-one (14%) had a canine deployment.
- **Parolee** - Twenty-two (15%) suspects were identified as a parolee.
- **Drug/Alcohol** - Sixty-nine (46%) incidents involved the use/possession of drugs/alcohol.
- **Gang Member** - Forty-three (29%) suspects were identified as gang members.
- **Weapons** - Table No. 9 Illustrates the foot pursuits in which weapons were alleged and/or recovered.

Table No. 9

Foot Pursuit - Weapons		
Firearm Alleged	37	25%
Firearm Recovered	10	7%
Other Weapon Alleged	15	10%
Other Weapon Recovered	18	12%
No Weapon Alleged or Recovered	69	46%
Total	149	100%

CONCLUSIONS AND RECOMMENDATIONS

During the course of this audit, the IMPAAC personnel performed analysis and made assessments to identify several areas for improvement. There were challenges posed in measuring the performance of the Foot Pursuit Evaluation Form, along with other

Foot Pursuit Audit - Project No. 2014-8-A

aspects of the Department's requirements for foot pursuits due to the lack of clarity within the policy. This made it difficult to address the concerns of the OIG; however, the IMPAAC considers the results of this audit to be a helpful management tool for all Department personnel and therefore makes the following conclusions and recommendations:

1. The Foot Pursuit Policy regarding radio broadcast states the deputy shall broadcast all required information to SCC within the "first few seconds." It is recommended the Foot Pursuit Policy clearly define the time allowed to broadcast the required information. The policy should also mandate, that if the deputy was unable to make the broadcast within the specified timeframe, that he articulate those reasons within the report. *(Objective No. 2)*
2. In instances where one deputy is on foot and the assisting deputy is in the vehicle, there is no guidance as to whether this incident should be classified as a One-Person Foot Pursuit, or Multiple Deputy Foot Pursuit. It is recommended the Department revise the Foot Pursuit Policy to clarify the limitations pertaining to One-Person foot pursuits in instances when one deputy is on foot and the assisting deputy is in the vehicle. *(Objective No. 3)*
3. Department Manual of Policy and Procedures 5-09/220.50, Foot Pursuits, Procedures, defines the One-Person foot pursuit, however, it does not provide clear guidance for Multiple Deputy Foot Pursuits. It is recommended the Department revise the Foot Pursuit Policy to provide greater guidance and specificity for the Multiple Deputy Foot Pursuits. *(Objective No. 3)*
4. It is recommended the Foot Pursuit Policy require, in addition to a "cold line" being established, that the Watch Commander document and articulate, in the evaluation form why a "cold line" was not established. *(Objective No. 4(a))*
5. The Foot Pursuit Policy refers to a Foot Pursuit Database, however, it is unclear which database should be utilized to capture the foot pursuit information. It is recommended the Foot Pursuit Policy require a uniform database wherein all foot pursuits shall be documented and information recorded. *(Objective 5(a))*
6. The audit report documents a disparity of timelines for when the Foot Pursuit package was completed. It is recommended the Foot Pursuit Policy requires a specific timeframe when the foot pursuit evaluation package must be completed and approved by the Unit Commander. *(Additional Information)*
7. It is recommended the Foot Pursuit Policy require a distribution list for the Foot Pursuit Evaluation Form/Package to ensure supervisory review. *(Additional Information)*
8. The Foot Pursuit Evaluation Form contains training questions which do not allow for the evaluating supervisor to capture and document those risk management issues which can hinder other reviewing supervisors from making a proper

Foot Pursuit Audit - Project No. 2014-8-A

opinion, disposition and recommendation. It is recommended that the Department re-evaluate the entire form to include the following sections and mandate the sections to be completed:

- Narrative
- Tactics Review
- Disposition and Recommendation(s)
- Unit Commander Concurs or Disagrees (*Other Related Matters*)

9. The policy does not require the Foot Pursuit Evaluation Form to be completed for each foot pursuit. It is recommended the Department require the Foot Pursuit Evaluation Form to be completed for each incident. Additionally, the Department should authorize the form with an official Department form number. (*Other Related Matters*)
10. Currently, the Foot Pursuit Policy only requires a determination by the Executive Force Review Committee as to whether the foot pursuit is “within policy,” when it involves a part of a force or shooting incident. There is no requirement to determine whether the case is “within policy” for all other instances. It is recommended the current Foot Pursuit Policy be expanded to require the Unit Commander to document a disposition as to whether he/she has determined the incident to be “within policy” or “out of policy” and articulate those reasons to support his/her decision. (*Other Related Matters*)
11. It is suggested the Unit Commander document recommendations, if any, and perform follow-up to track and evaluate if those recommendations were completed as mandated. (*Other Related Matters, Additional Information*)