

VEHICLE PURSUIT POLICY

9472

(No. 9 September 2007)

PURPOSE AND SCOPE

9472.1

(No. 9 September 2007)

Vehicle pursuits of suspected or known violators of the law expose innocent citizens, law enforcement officers and fleeing violators to serious injury or death. The primary purpose of this policy is to provide officers guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce and minimize the potential for pursuit related vehicle accidents. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where Department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An individual's unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

VEHICLE PURSUIT DEFINED

9472.1.1

(No. 9 September 2007)

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed driving or other evasive tactics such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

OFFICER RESPONSIBILITIES

9472.2

(No. 9 September 2007)

It is the policy of this department that a motor vehicle pursuit shall only be conducted with red light and siren as required by Vehicle Code § 21055 for exemption from compliance with the rules of the road. The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Vehicle Code § 21056.

WHEN TO INITIATE A PURSUIT

9472.2.1

(No. 9 September 2007)

Keeping in mind that the majority of Cal Fire's Peace Officers conduct their business within the jurisdictional boundaries of other law enforcement agencies and that in most instances, our involvement in vehicle pursuits will be as an assist to those agencies, officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) Apparent nature of the fleeing suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety).
- (d) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time.
- (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
- (f) Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (i) Vehicle speeds.

- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) Availability of other resources such as helicopter assistance.
- (l) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner(s) in the police vehicle.

WHEN TO TERMINATE A PURSUIT

9472.2.2

(No. 9 September 2007)

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect(s)' escape.

The factors listed in Section 9472.2.1 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s).

In addition to the factors listed in Section 9421.2.1 the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing officers and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance
- (b) Pursued vehicle's location is no longer definitely known
- (c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive
- (d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged
- (e) Hazards to uninvolved bystanders or motorists
- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) Directed by a supervisor

SPEED LIMITS

9472.2.3

(No. 9 September 2007)

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of continuing the pursuit:

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

PURSUIT UNITS

9472.3

(No. 9 September 2007)

Pursuit units should be limited to two vehicles; however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

VEHICLES WITHOUT EMERGENCY EQUIPMENT

9472.3.1

(No. 9 September 2007)

Vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit. Officer(s) in such vehicles, however, may become involved in emergency activities or life threatening situations. The exemptions provided by Vehicle Code § 21055 do not apply to officers using vehicles without emergency equipment.

PRIMARY UNIT RESPONSIBILITIES

9472.3.2

(No. 9 September 2007)

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.

Notify the Communications Center that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

- (a) Reason for the pursuit.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of known occupants.
- (f) The identity or description of the known occupants.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and in order to concentrate on pursuit driving, the primary officer should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit.

SECONDARY UNIT(S) RESPONSIBILITIES

9472.3.3

(No. 9 September 2007)

The second officer in the pursuit is responsible for the following:

- (a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit
- (c) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise

PURSUIT DRIVING TACTICS

9472.3.4

(No. 9 September 2007)

The decision to use or not use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle;

- (b) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from an air unit.
 - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - 3. Requesting other units to observe exits available to the suspect(s).
- (c) Notifying the California Highway Patrol and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.
- (d) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or requested to do so by the primary unit.

TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

9472.3.5

(No. 9 September 2007)

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road. The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

PURSUIT TRAILING

9472.3.6

(No. 9 September 2007)

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

SUPERVISORY CONTROL AND RESPONSIBILITY

9472.4

(No. 9 September 2007)

It is the policy of this department that available supervisory and management control will be exercised over all motor vehicle pursuits involving officers from this department.

The Fire Prevention Bureau Supervisor, or the most senior Peace Officer acting on his behalf, or if unavailable, the Duty Chief, will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
- (b) Exercising management and control of the pursuit even if not engaged in it.
- (c) Ensuring that no more than the numbers of required units needed are involved in the pursuit under the guidelines set forth in this policy.
- (d) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- (e) Ensuring the notification and/or coordination of outside agencies.
- (f) Control and manage units when a pursuit enters another jurisdiction.

FIRE PREVENTION SUPERVISOR RESPONSIBILITY

9472.4.1

(No. 9 September 2007)

Upon becoming aware that a pursuit has been initiated, the supervisor shall monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Supervisor has the final responsibility for the coordination, control and termination of a motor vehicle pursuit and shall be in overall command.

COMMUNICATIONS

9472.5

(No. 9 September 2007)

Radio communications will be conducted on a Command Frequency unless instructed otherwise by a supervisor or the Emergency Command Center, or unless your Unit utilizes a separate Law Enforcement Dispatch Center.

EMERGENCY COMMAND CENTER RESPONSIBILITIES 9472.5.1 (No. 9 September 2007)

Upon notification that a pursuit has been initiated, the Emergency Command Center will:

- (a) Notify and coordinate with other involved or affected agencies as practical;
- (b) Assign an incident number and log all pursuit activities;
- (c) Notify the Duty Chief as soon as practical.

*Note: This section of the policy does not apply to those Units who utilize a separate Law Enforcement Dispatch Center.

LOSS OF PURSUED VEHICLE 9472.5.2 (No. 9 September 2007)

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

ASSUMPTION OF PURSUIT BY ANOTHER AGENCY 9472.6 (No. 9 September 2007)

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and our assistance is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and CHP units, a request for CHP assistance will mean that they will assume responsibilities for the pursuit.

PURSUIT INTERVENTION

9472.7

(No. 9 September 2007)

Cal Fire has considered the use of Vehicle Pursuit Intervention Techniques and rejects their use by our Peace Officers. However, nothing in this policy shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

CAPTURE OF SUSPECTS

9472.7.1

(No. 9 September 2007)

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

REPORTING REQUIREMENTS

9472.8

(No. 9 September 2007)

The following reports should be completed to comply with appropriate local and state regulations:

- (a) The primary officer shall complete an LE - 30.
- (b) Pursuant to Vehicle Code § 14602.1(b), the primary officer shall complete form CHP 187A, Allied Agency Vehicle Pursuit Report, to be reviewed by the Fire Prevention Supervisor and filed with the CHP either electronically or on paper not later than 30 days after the pursuit. This pursuit report shall minimally contain the following information:
 1. Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the officers involved.
 2. The violation(s) that caused the pursuit to be initiated.
 3. The identity of the officers involved in the pursuit.
 4. The means or methods used to stop the suspect being pursued.
 5. The charges filed with the court by the district attorney.
 6. The conditions of the pursuit, including, but not limited to, all of the following:
 - (a) Duration
 - (b) Mileage
 - (c) Number of officers involved

- (d) Maximum number of units involved
 - (e) Time of day
 - (f) Weather conditions
 - (g) Maximum speeds
7. Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party and the corresponding number of persons involved.
 8. Whether the pursuit involved multiple agencies.
 9. How the pursuit was terminated.
- (c) After first obtaining available information, the Fire Prevention Bureau Supervisor shall promptly complete a Supervisor's Log, briefly summarizing the pursuit to his/her Duty Chief. This memo should minimally contain the following information:
1. Date and time of pursuit
 2. Length of pursuit
 3. Involved units and officers
 4. Initial reason for pursuit
 5. Starting and termination points
 6. Disposition: arrest, citation, etc. Arrestee information should be provided if applicable
 7. Injuries and/or property damage
 8. Medical treatment
 9. Name of supervisor at scene
 10. A preliminary determination, simply stating whether or not the pursuit appears to be in compliance with this policy
 11. Determine the need for any additional review and/or follow up

REGULAR AND PERIODIC PURSUIT TRAINING

9472.8.1

(No. 9 September 2007)

In addition to initial and supplementary POST training on pursuits required by Penal Code § 13519.8, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others. (Vehicle Code § 17004.7(d)).

POLICY REVIEW

9472.8.2

(No. 9 September 2007)

Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

APPLICATION OF MOTOR VEHICLE PURSUIT POLICY

9472.9

(No. 9 September 2007)

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the 1995 POST Vehicle Pursuit Guidelines.

(see next section)

(see HB Table of Contents)

(see Forms or Forms Samples)