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vehicle pursuit

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California Law Enforcement Vehicle Pursuit Guidelines

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Preface

The passage of Senate Bill 601 (Marks) in 1993 added to the Penal Code §13519.8, which required the Commission on Peace Officer Standards and Training (POST) to establish guidelines and training for law enforcement's response to vehicle pursuits. Representatives of more than 120 law enforcement agencies contributed their experience, ideas, and suggestions in the development of the guidelines. Draft guidelines were reviewed by law enforcement executives and trainers, legal advisors, communication center managers and public representatives several times before they were approved by the Commission and published in 1995.

Senate Bill 719 (Romero) was passed and signed into law by Governor Schwarzenegger on October 4, 2005. Among other changes, Senate Bill 719 expands Penal Code §13519.8 and the related Vehicle Code §17004.7, which provides public agencies immunity from civil liability resulting from vehicle pursuits. Agencies must now adopt and annually train their peace officers on a pursuit policy that addresses each of the pursuit guidelines (from Penal Code §13519.8) in order to qualify for immunity under Vehicle Code §17004.7.

As a result of Senate Bill 719, POST assembled law enforcement trainers, managers and executives, as well as public members to update the *California Law Enforcement Vehicle Pursuit Guidelines 1995*. This update provides "factors to consider" and "additional resources" including case decisions and publications relevant to law enforcement pursuits.

The guidelines and associated discussion present information that is important for law enforcement executives to consider when addressing the broad range of issues that are related to vehicle pursuits. *These guidelines do not constitute a pursuit policy.* The Commission intends that these guidelines provide a resource for each executive to use in the creation of a specific policy the agency will adopt that reflects the needs of the agency, the jurisdiction it serves, and contemporary law.

The law also requires the Commission to prepare training concerning the law enforcement response to vehicle pursuits. In addition to training currently presented in the Basic Course, specifications have been developed for in-service, management, and executive training. These training requirements, and related material, are also contained in this document.

Questions or comments concerning the guidelines or curricula may be directed to the Training Program Services Bureau at 916 227-4885.

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Executive Director

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Introduction

The Legislature has found and declared that thousands of crime suspects flee each year, often resulting in law enforcement officers in California engaging in motor vehicle pursuits. Many pursuits result in accidents, property damage, serious injuries, and death to innocent third parties, peace officers, and fleeing suspects. Penal Code §13519.8 requires the Commission on Peace Officer Standards and Training (POST) to establish guidelines and training for law enforcement's handling of vehicle pursuits.

The original guidelines were published in 1995. This 2006 update reflects changes in the law (Penal Code §13519.8, Vehicle Code §17004.7 et al.) following the passage of Senate Bill 719 (Romero – Police Pursuits, 2005). The 2006 update was developed with the assistance of representatives of the California Legislature, law enforcement agencies, legal advisors, and members of the public, and incorporates and includes the 1995 guidelines. Representatives of numerous law enforcement agencies contributed their experience, ideas, and suggestions in the development of the guidelines. Draft guidelines were reviewed by law enforcement executives and trainers, legal advisors, and public representatives several times before they were approved by the Commission.

The guidelines and associated discussion present information that is important for law enforcement executives to consider when addressing the broad range of issues that are related to vehicle pursuits. *Senate Bill 719 established the guidelines as minimum standards for any agency wishing to avail itself of the immunity specified in Vehicle Code §17004.7. These guidelines do not constitute a pursuit policy.* The Commission intends these guidelines to provide a resource for each executive to use in the creation of a specific policy the agency will adopt that reflects the needs of the agency, the community it serves, and contemporary law.

The law also requires the Commission to prepare training on law enforcement's handling of vehicle pursuits. In addition to training currently presented in the Basic Course, specifications have been developed for in-service, management and executive training. These training specifications, and related material, are also contained in this document. Other materials, including a POST telecourse and line-up training (2007) are available to the field.

The material in this document is designed to assist law enforcement executives in addressing the broad range of issues surrounding vehicle pursuits. The service priorities, policies, and procedures of each law enforcement agency should reflect the environment and community in which the agency functions. Accordingly, the guidelines are intended to promote discussion, analysis, and review of the agency's pursuit policy. It is recommended that these policies be developed in concert with agency legal counsel.

Since there are numerous situations that arise in law enforcement that are unique, it is impossible for these guidelines to anticipate all possible circumstances. Therefore, additional provisions may be appropriate. The guidelines describe each area an agency's pursuit policy must address. Where an agency's policy does not adequately address these subjects, that agency may not have immunity protections afforded by the Vehicle Code.

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Section **One**

Vehicle Pursuit Guidelines

1. *When to Initiate a Pursuit*

Penal Code §13519.8(b)(1) | Vehicle Code §17004.7(c)(1)

Discussion: The "Balance Test" should be used as a guide in determining whether or not to pursue. An officer's reasonable suspicion must be based upon the facts perceived by the officer at that time. Factors, which can be used in continuously assessing the need for apprehension versus risk created by the pursuit, are set forth below. Other factors may be considered in addition to those criteria listed below.

The policy should remain consistent with applicable Federal and State case law relative to law enforcement pursuits. Case law interpreting §17004.7 prior to the amendments of Senate Bill 719 (2005) has upheld a number of policies, which include a list of factors for officers to consider when initiating a pursuit.

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

Guideline:

Determine under what circumstances to initiate a pursuit. The policy shall define a "pursuit," articulate the reasons for which a pursuit is authorized, and identify the issues that should be considered in reaching the decision to pursue. It should also address 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 peace officers, innocent motorists, and others to protect the public.

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Pursuit Defined

Pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspected or actual violator of the law in a motor vehicle while the driver is using evasive tactics, such as high speed driving, driving off a highway, turning suddenly, or driving in a legal manner but failing to yield to the officer's signal to stop.

Balance Test – Factors to be Considered

- Public safety
- Nature of offense and apparent circumstances
- Officer safety
- Vehicle Code requirements
- Passenger in officer's vehicle (e.g., citizen, witness, prisoner)
- Pedestrian and vehicular traffic patterns and volume
- Other persons in or on pursued vehicle (e.g., passengers, co-offenders, hostages)
- Location of the pursuit (e.g., school zone, playground, residential, downtown, jurisdiction)
- Time of day
- Speed of fleeing suspect
- Weather and visibility
- Road conditions
- Identity of offender (if known)/offender can be located at a later time
- Capabilities of law enforcement vehicle(s)
- Ability of officer(s) driving
- Availability of additional resources
- Whether supervisory approval is required
- Officer's/supervisor's familiarity with the area of the pursuit
- Quality of radio communications (e.g., out of range, garbled, none)

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2. *Number of Involved Law Enforcement Units Permitted*

Penal Code §13519.8(b)(2) | Vehicle Code §17004.7(c)(2)

Discussion: Research has shown that the more law enforcement units actively participating in a pursuit increases the likelihood of a collision. The policy should describe the number and types of law enforcement vehicles authorized to engage in pursuit at any one time. Such units may include the primary, secondary, supervisor, and other agency authorized units. Public safety should be the foremost consideration when determining the number of units permitted.

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

Guideline:

Determine the total number of law enforcement vehicles authorized to participate in a pursuit. Establish the authorized number of law enforcement units and supervisors who may be involved in a pursuit.

Factors to Consider

- Type of units (marked/unmarked, motorcycles, canine, etc.) authorized to participate in a pursuit
- Types of units confined to limited roles
- Tactics and techniques authorized for units approved to "trail" or parallel a pursuit (e.g., traffic control in advance of the pursuit)
- Number of suspects in fleeing vehicle
- Number of officers per unit/vehicle
- Nature of violation/suspected offense
- Characteristics of the location/area
- Availability of air support
- Availability of assisting agencies/jurisdictions
- Traffic conditions

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Vehicle Code Issues

Conditions and requirements of an authorized emergency vehicle can be found in:

Vehicle Code §17004 | Vehicle Code §21055) | Vehicle Code §165

3. *Responsibilities Of Primary And Secondary Law Enforcement Units*

Penal Code §13519.8(b)(3) | Vehicle Code §17004.7(c)(2)

Discussion: The policy should address the fact that a law enforcement pursuit is a rapidly changing event. The responsibility of each authorized unit engaged in pursuit may change depending on the circumstances. The need for continually assessing the role of involved units should be considered.

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

Guideline:

Describe the responsibility of each authorized unit and the role of each peace officer and supervisor, and specify if and when additional units are authorized.

Factors to Consider

- Role of officer(s) and/or supervisor(s) regarding:
  - Initiating a pursuit
  - Continuing or terminating a pursuit
  - Changing roles in a pursuit (primary to secondary)
  - Taking over a pursuit as the primary unit or agency
  - Joining a pursuit in progress
  - Driving tactics
  - Capabilities of law enforcement vehicle(s)
  - Ability of officer(s) driving
- Communicating with other officer(s), dispatch and supervisor(s)
- Operational responsibility for the pursuit
- Conditions for authorizing additional units

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4. *Driving Tactics*

Penal Code §13519.8(b)(4) | Vehicle Code §17004.7(c)(5)

Discussion: In drafting the policy, consider driving tactics that may be appropriate during a pursuit. The decision to use or not use specific driving tactics requires the same assessment considerations discussed in the guidelines concerning pursuit initiation, continuation, and termination. It represents balancing what is known and/or reasonably suspected and the need for immediate capture against the risks to the public and officers.

Guideline:

Determine the driving tactics and

Vehicle Code §§21055 (Exemption of Authorized Emergency Vehicles), 21056 (Effect of Exemption), 21806 (Authorized Emergency Vehicles), and 21807 (Effect of Exemption) identify issues to be considered when developing and applying a pursuit policy related to driving tactics. These sections describe the exemptions conferred upon authorized emergency vehicles engaged in specific activity; provide for exemption to the rules of the road under certain circumstances; and place limits on the various exemptions.

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

Factors to Consider

- Spacing (distance between vehicles)
- Intersection analysis/management
- Caravanning (number of units in line)
- Passing
- Paralleling
- Trailing
- Use of emergency equipment

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5. *Air Support*

Penal Code §13519.8(b)(5) | Vehicle Code §17004.7(c)(8)

Discussion: Aircraft can provide valuable assistance to the units and supervisor(s) involved in a pursuit. Where air support is available during a pursuit, a policy should contain procedures to facilitate coordination by the air unit and the ground law enforcement units.

An aircraft is not defined as an authorized emergency vehicle in the California Vehicle Code and should not be described as a pursuit vehicle.

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

Guideline:

Determine the role of air support, where available. Air support shall include coordinating the activities of resources on the ground, reporting on the progress of a pursuit, and providing peace officers and supervisors with information to evaluate whether or not to continue the pursuit.

Factors to Consider

- Communications
- Intersection/traffic analysis
- Illumination (use of spotlight)
- Surveillance tactics
- Weather
- Number of air units
- Aircraft safety

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6. Communications

Penal Code §13519.8(b)(6) | Vehicle Code §17004.7(c)(3)

Discussion: The policy should describe communications requirements related to initiating, continuing, terminating, and concluding a pursuit.

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

Guideline:

Determine the communication procedures to be followed during a pursuit. Specify pursuit coordination and control procedures and determine assignment of communications responsibility by unit and organizational entity.

Factors to Consider

- Notifying the communications center of the initiation of a pursuit
- Initial information broadcast by primary unit; the initial information may include:
  - Unit identification
  - Location, direction of travel and speed
  - Initial reason(s) for the pursuit
  - Description of pursued vehicle, including license number, if known
  - Number of occupants in fleeing vehicle, if known
  - Traffic and weather conditions
- Continuing updates (other pertinent information as it becomes available)
  - Additional crimes observed
- Control/Coordination procedures
  - Supervisor notification (if available)
  - Agency/Multi-jurisdictional communications
  - Designation of communication frequency

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- Assignment of communications responsibilities
  - Primary unit
  - Secondary unit(s)
  - Supervisor(s)
  - Air unit (if available)

7. Capture of Suspects

Penal Code §13519.8(b)(7) | Vehicle Code §17004.7(c)(10)

Discussion: The safety of the public and officers during the law enforcement effort to capture an offender is a consideration when a pursuit concludes. The apprehension and capture of a suspect must be done in accordance with state and federal law as well as department policies and procedures.

The policy should identify the person in command at the apprehension location. The policy may also designate the persons responsible for removing the offender from, and restoring order to, the scene of the pursuit termination or the location where the offender is taken into custody.

Guideline:

Determine procedures for apprehending an offender following a pursuit. Safety of the public and peace officers during the law enforcement effort to capture an offender shall be an important factor.

"Post-pursuit discipline" (officer restraint) is important at the conclusion of a pursuit. Departments should refer to their use of force policy in determining procedures for taking a suspect into custody. The policy-maker may consider restricting uninvolved units from responding to the termination point unless requested by an officer or supervisor responsible for control of the incident.

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

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Factors to Consider

- Availability/use of arrest team
- Use of "high risk" car stop techniques
- Availability of additional units
- Physiological and psychological condition of the officer
- Department use of force policy/options
- Characteristics of termination location

8. *Continuation or Termination of Pursuit*

Penal Code §13519.8(b)(8) | Vehicle Code §17004.7(c)(9)

Discussion: The policy should describe the issues to be considered by an officer and supervisor in the decision to continue or terminate a pursuit. The "Balance Test" should be used as a guide in making the determination. Factors, which can be used in continuously assessing the need for apprehension versus risk created by the pursuit, are set forth below. Other factors may be considered in addition to those criteria listed below.

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

Factors to Consider

- Public safety
- Nature of offense and circumstances
- Officer safety
- Vehicle Code requirements
- Passenger in officer's vehicle (e.g., citizen, witness, prisoner)
- Pedestrian and vehicular traffic patterns and volume
- Other persons in or on pursued vehicle (e.g., passengers, co-offenders, hostages)
- Location of the pursuit (e.g., school zone, playground, residential, downtown, jurisdiction)

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- Time of day
- Speed of fleeing suspect
- Weather and visibility
- Road conditions
- Identity of offender (if known)/offender can be located at a later time
- Capabilities of law enforcement vehicle(s)
- Ability of officer(s) driving
- Availability of additional resources
- Whether supervisory approval is required
- Officer's/supervisor's familiarity with the area of the pursuit
- Quality of radio communications (e.g., out of range, garbled, none)

Guideline:

Determine when to terminate or discontinue a pursuit. Factors to be considered include, but are not limited to, all of the following:

A. Ongoing evaluation of risk to the public or pursuing peace officer.

B. The protection of the public, given the known or reasonably suspected offense and apparent need for immediate capture against the risks to the public and peace officers.

C. Vehicular or pedestrian traffic safety and volume.

D. Weather conditions.

E. Traffic conditions.

F. Speeds.

G. Availability of air support.

H. Procedures when an offender is identified and may be apprehended at a later time or when the location of the pursuit vehicle is no longer known.

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9. *Supervisory Responsibilities*

Penal Code §13519.8(b)(9) | Vehicle Code §17004.7(c)(4)

Discussion: The policy should describe the procedures for assigning supervisory responsibility for the monitoring, management, and control of a pursuit, assessment of a pursuit, and assessing risk factors associated with a pursuit if a supervisor is available. As with any critical law enforcement incident, it should not be necessary for the supervisor to be present in order to begin exercising management and control of a pursuit. Active participation may refer to monitoring the pursuit from another location or participating in the pursuit as an authorized unit.

Guideline:
Determine the role of the supervisor in managing and controlling a pursuit. Supervisory responsibility shall include management and control of a pursuit, assessment of risk factors associated with a pursuit, and when to terminate a pursuit.

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

Factors to be Considered by the Supervisor

- Violation/justification for the pursuit
- Compliance with department policy
- Number of involved law enforcement units permitted
- Responsibilities of primary and secondary law enforcement units
- Driving tactics
- Air support
- Communications
- Pursuit intervention tactics
- Speed
- Interjurisdictional considerations
- Conditions of the vehicle, driver, roadway, weather, and traffic
- Hazards to uninvolved bystanders or motorists

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- Proceed to termination point
- Stabilization of incident
- Capture of suspects

10. *Pursuit Intervention*

Penal Code §13519.8(b)(10) | Vehicle Code §17004.7(c)(6)

Discussion: The policy should describe the factors to be considered by officers and supervisors in making the decision to apply authorized intervention tactics. It should recognize the risks to the public and officers in the application of these tactics, and the application of each authorized tactic should be reasonable in light of the circumstances confronting the decision-maker(s) at the time of the decision.

Guideline:
Determine authorized pursuit intervention tactics. Pursuit intervention tactics include, but are not limited to, blocking, ramming, boxing, and roadblock procedures. The policy shall specify under what circumstances and conditions each approved tactic is authorized to be used.

Policy considerations concerning the approval of, and type of, specific tactics to terminate a pursuit should include balancing the potential hazards arising from the use of each tactic and the possible risks to the public, officers, and persons in or on the pursued vehicle. Statutory and case law concerning the use of these tactics should be considered in the development of this section of the policy.

Additional methods of intervention may include "PIT" (Pursuit Intervention/Immobilization Technique), spike strips, technology (e.g., GPS/remote control), and the use of firearms.

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

Factors to Consider

- Training on the method/tactic
- Type of vehicles involved (motorcycle, car, SUV, etc.)

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- Speed
- Location of the pursuit (school zone, playground, residential, downtown)
- Road conditions
- Occupant(s) of suspect vehicle (hostages, innocent persons, etc.)
- Pedestrian and vehicular traffic patterns and volume
- Weather and visibility
- Department use of force/shooting policy
- Nature of the offense

11. *Speed of Pursuit*

Penal Code §13519.8(b)(11) | Vehicle Code §17004.7(c)(7)

Discussion: Pursuits can occur at any speed. A policy should provide direction to officers, supervisors, and managers to guide decisions regarding speeds throughout a pursuit. Reasonableness is recognized as a general standard for guiding officers' discretion concerning the speeds of a pursuit. Factors which may be considered by the officer(s) and supervisor(s) to determine reasonable speeds, in view of the circumstances and environment of each pursuit, may be referenced in Guideline 1: When to Initiate a Pursuit, and Guideline 8: Continuation or Termination of a Pursuit.

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

Guideline:

Determine the factors to be considered by a peace officer and supervisor in determining speeds throughout a pursuit. Evaluation shall take into consideration public safety, peace officer safety, and safety of the occupants in a fleeing vehicle.

Factors to Consider

- Public safety
- Nature of offense and apparent circumstances
- Officer safety
- Vehicle Code requirements
- Passenger in officer's vehicle (e.g., citizen, witness, prisoner)

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- Pedestrian and vehicular traffic patterns and volume
- Other persons in or on pursued vehicle (e.g., passengers, co-offenders, hostages)
- Location of the pursuit (e.g., school zone, playground, residential, downtown, jurisdiction)
- Time of day
- Speed of fleeing suspect
- Weather and visibility
- Road conditions
- Identity of offender (if known)/offender can be located at a later time
- Capabilities of law enforcement vehicle(s)
- Ability of officer(s) driving
- Availability of additional resources
- Whether supervisory approval is required
- Officer's/supervisor's familiarity with the area of the pursuit
- Quality of radio communications (e.g., out of range, garbled, none)

12. *Interjurisdictional Considerations*

Penal Code §13519.8(b)(12) | Vehicle Code §17004.7(c)(11)

Discussion: The policy should describe the issues to be considered by an officer and supervisor related to involvement in interjurisdictional pursuits and requesting interjurisdictional law enforcement resources during a pursuit.

The policy should describe procedures that guide officers' and supervisors' decisions when faced with the need or a request for interjurisdictional cooperation during a pursuit. Developing an interjurisdictional pursuit agreement that addresses the below factors and other factors unique to a county or region, may facilitate awareness by officers and supervisors of the pursuit procedures that may be used by other agencies.

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

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Factors to Consider

- Supervisory management and control of a pursuit that enters another jurisdiction
- Communications and notifications among the agencies involved
- Assistance available from the agency into whose jurisdiction the pursuit enters
- Responsibility of an officer or employee who becomes aware of an outside jurisdiction conducting a pursuit within the employee's jurisdiction
- Procedures for the agency to provide assistance, including assuming control of a pursuit
- Any agency limits prohibiting involvement in an outside-agency pursuit
- Any limits on the number of agencies and/or units allowed in pursuit at one time
- Coordination, management, and control at the termination of an interjurisdictional pursuit
- Responsibility for any arrest(s) when the offender(s) is captured
- Factors that might warrant relinquishment of a pursuit to another jurisdiction (e.g., unfamiliarity with the area, loss of radio communications, or interagency agreement)

Guideline:

Determine effective coordination, management, and control of interjurisdictional pursuits. The policy shall include, but shall not be limited to, all of the following:

A. Supervisory control and management of a pursuit that enters another jurisdiction.

B. Communications and notifications among the agencies involved.

C. Involvement in another jurisdiction's pursuit.

D. Roles and responsibilities of units and coordination, management, and control at the termination of an interjurisdictional pursuit.

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13. *Conditions of the Vehicle, Driver, Roadway, Weather and Traffic*

Penal Code §13519.8(b)(13) | Vehicle Code §21055 – 21056

Discussion: Evaluation should take into consideration public safety, peace officer safety, and safety of the occupants in a fleeing vehicle. Improperly maintained vehicles are more likely to experience mechanical failure. Officers must be aware that physiological and psychological factors affect driving ability. Roadway conditions, including weather and traffic, should be factored in pursuit decision-making.

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

Factors to Consider

- Conditions affecting vehicles (type, condition, emergency equipment, capabilities, etc.)
- Conditions affecting drivers (physiological, psychological, abilities)
- Roadway conditions (width, surface)
- Weather conditions (rain, fog, ice, snow)
- Traffic conditions (heavy, moderate)

Guideline:
Determine the vehicle, driver, roadway, weather, and traffic conditions to be considered by a peace officer and supervisor in a pursuit.

14. *Hazards to Uninvolved Bystanders or Motorists*

Penal Code §13519.8(b)(14) | Vehicle Code §21055 – 21056

Discussion: It is the intent of these guidelines to minimize the risks to innocent bystanders in pursuits. Hazards to uninvolved bystanders or motorists during the law enforcement effort to capture a suspect are a constant factor during pursuit. Doubt concerning the propriety of a pursuit should be resolved in favor of minimizing hazards to uninvolved bystanders or motorists.

The policy should describe the factors to be considered by an officer and supervisor in the decision to initiate, continue, or terminate a pursuit. The policy should remain consistent with applicable federal and state statutes, and case law relative to law enforcement pursuits.

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

Factors to Consider

- Public safety
- Nature of offense and apparent circumstances
- Officer safety

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- Vehicle Code requirements
- Passenger in officer's vehicle (e.g., citizen, witness, prisoner)
- Pedestrian and vehicular traffic patterns and volume
- Other persons in or on pursued vehicle (e.g., passengers, co-offenders, hostages)
- Location of the pursuit (e.g., school zone, playground, residential, downtown)
- Time of day
- Speed of fleeing suspect
- Weather and visibility
- Road conditions
- Identity of offender (if known)/offender can be located at a later time
- Capabilities of law enforcement vehicle(s)
- Ability of officer(s) driving
- Availability of additional resources
- Whether supervisory approval is required
- Officer's/supervisor's familiarity with the area of the pursuit
- Quality of radio communications (e.g., out of range, garbled, none)

Guideline:
Determine the appropriate balance between the need to pursue criminal suspects and the hazards to uninvolved bystanders or motorists.

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15. *Reporting and Post-Pursuit Analysis*

Penal Code §13519.8(b)(15) | Vehicle Code §17004.7(c)(12)

Discussion: Agency policy shall comply with Vehicle Code §14602.1. The completed form (CHP 187A) will be submitted to the California Highway Patrol within 30 days.

Further post-pursuit analysis can assist in the overall management of pursuits, policy development and implementation, and identify trends and training needs. The following factors may be useful in an analysis of a pursuit.

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

Factors to Consider

- Administrative review
- Audio-visual evidence (if available)
- Circumstances associated with pursuit

Guideline:

Reporting and post pursuit analysis as required by Vehicle Code §14602.1. Establish the level and procedures of post-pursuit analysis, review, and feedback. Establish procedures for written post pursuit review and follow-up.

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Section **Two**

Additional Resources

The following links go to the current regulations governing vehicle pursuits:

POST Administrative Manual Regulation 1081(a)(22) & (23)

Penal Code

§ 815	Liability for Injuries Generally; Immunity of Public Entity; Defense
§ 815.2(b)	Injuries by Employee Within Scope of Employment; Immunity of Employee
§ 820	Liability for Injuries Generally; Defenses
§ 820.2	Discretionary Acts
§ 845	Failure to Provide Police Protection
§ 845.8(b)	Parole or Release of Prisoner; Escape of Prisoners
§13519.8	Requires POST to establish vehicle pursuit guidelines

Vehicle Code

§ 165	Authorized Emergency Vehicle
§ 2800	Obedience to Traffic Officers
§ 2800.1	Evading a Peace Officer
§ 2800.2	Evading a Peace Officer: Reckless Driving

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§ 2800.3	Evading a Peace Officer Causing Injury or Death
§ 14602.1	Vehicle Pursuit Data: Report
§ 17001	Liability of a Public Entity
§ 17002	Extent of Liability
§ 17004	Authorized Emergency Vehicles
§ 17004.7	Public Agency Immunity
§ 21052	Public Officers and Employees
§ 21055	Exemption of Authorized Emergency Vehicles
§ 21056	Effect of Exemption
§ 21806	Authorized Emergency Vehicles
§ 21807	Effect of Exemption

Government Code

§ 815	Liability for Injuries Generally; Immunity of Public Entity; Defense
§ 815.2(b)	Injuries by Employee Within Scope of Employment; Immunity of Employee
§ 820	Liability for Injuries Generally; Defenses
§ 820.2	Discretionary Acts
§ 845	Failure to Provide Police Protection
§ 845.8(b)	Parole or Release of Prisoner; Escape of Prisoners

United States Code

Title 42, §1983	Civil Action for Deprivation of Rights

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Constitution of the United States

Amendment IV — Seizures, Searches and Warrants

Amendment XIV — Citizenship, Representation, and Payment of Public Debt (Due Process)

Statistical Information

"Statewide Pursuit Information Database Resource System (SPIDRS) Report"
California Highway Patrol – Information Management Division
http://www.chp.ca.gov/offices/imd.html

"Fatalities in Motor Vehicle Traffic Crashes Involving Police in Pursuit"
Fatality Analysis Reporting System (FARS) 1982-2004
National Highway Traffic Safety Administration
www.nhtsa.dot.gov

Articles/Books/Publications

Alpert, Geoffrey P.; Kenney, Dennis Jay; Dunham, Roger G.; Smith, William C. .

Police Pursuits: What We Know

Washington, DC: Police Executive Research Forum (PERF). 2000

Abstract: This study went beyond previous police-pursuit research in compiling extensive data from four diverse sites and a national survey; and it examined the issues not only from the police perspective, but also from the perspectives of the public and offenders. The core of this book is a report on site-specific research conducted in Miami-Dade County, FL; Omaha, NE; Aiken County, SC; and Mesa, AZ. By examining police pursuits and pursuit policies in these four diverse sites, which ranged from major metropolitan areas to more rural jurisdictions, this research aimed to provide a more accurate understanding of how police professionals viewed pursuits in the context of their mission to provide public protection.

Alpert, Geoffrey P.

A Factorial Analysis of Police Pursuit Driving Decisions: A Research Note

Justice Quarterly: JQ; 15, 2. June 1998

Abstract: Police pursuit driving has become an important public policy concern and topic of research during the past few years. The present study reports the attitudes of police officers and supervisors from four different agencies concerning the continuation of a pursuit.

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Alpert, Geoffrey P.

Police Pursuit and the Use of Force

Washington: NIJ. 1996

Abstract: Police pursuit driving was examined in a two year study that included a review of the legal, behavioral, and attitudinal literature; a national survey of law enforcement agencies; detailed case studies of several police agencies; and opinion data from police recruits, officers, supervisors, the public, and offenders who have tried to elude the police. Data were collected in 1994 and 1995.

American Civil Liberties Union Foundation of Southern California.

Not Just Isolated Incidents; The Epidemic of Police Pursuits in Southern California: A Report

Los Angeles: American Civil Liberties Union Foundation of Southern California. 1996

Archbold, Carol A.

Managing the Bottom Line: Risk Management in Policing

Policing; 28, 1. 2005

Abstract: This paper can serve as a basic resource for police scholars and practitioners, city/county attorneys, risk managers, and various other city/county agents who are interested in learning about risk management as a way to manage police liability.

Auten, James H.

An Analysis of Police Pursuit Driving Operations (2 v.)

University of Illinois, Police Training Institute. 1994

Auten, James H.

An Analysis of Police Pursuit Driving Operations: An Overview of the Results

University of Illinois, Police Training Institute. 1994

Barker, Tom

Emergency Vehicle Operations: Emergency Calls and Pursuit Driving

Springfield, Ill.: Charles C. Thomas. 1998

Abstract: This volume defines law enforcement emergency vehicle operations such as police pursuits; examines the liability concerns; and provides guidelines for the development of policies, procedures, and rules. The text emphasizes that answering emergency calls and engaging in pursuit requires that the police officer be adequately trained and properly supervised, directed, and restricted by policies, procedures, and rules.

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Blankenship, Michael B. and Moneymaker, James M.

Unsafe at Any Speed: The Utility of Police Pursuits

American Journal of Police (Vol. 10, No. 2), Page 53. 1991

Abstract: The utility of police automobile pursuits of fleeing suspects is examined in terms of the conflict between law enforcement and order maintenance. The issue is whether the maintenance of order has precedence over the enforcement of the law. It raises the question of ethics in policing, and how police should act in conflicting circumstances.

Bolton, Joel

Reducing Police Crashes Through Policy, Training, and Review

The Police Chief. Alexandria. (Vol. 68, Iss. 3), Page 87. March 2001

Abstract: Bolton discusses the proper responses of a law enforcement agency to lessen the risk from motor vehicle crashes. Police officers are much more likely to be involved in a crash than the general public, and must address potential safety concerns.

Brewer, Neil and McGrath, Gerry

Characteristics of Offenders in High-Speed Pursuits

American Journal of Police (Vol. 10, No. 3), Page 63. 1991

Abstract: This Australian study developed a profile of offenders involved in high-speed pursuits. All high-speed pursuits (143) that occurred in the metropolitan area of one major Australian city during a 10-month period were identified from the high-speed pursuit records required by the police jurisdiction. A sample of offenders was randomly selected from all cases reported in the sampling period in which the offender was apprehended. The official pursuit report forms and official criminal records were used to identify demographic data, driving license status, blood alcohol content (BAC), and prior criminal record. Overall, high-speed pursuits typically involved persons considered high risks on the road under everyday driving conditions.

Britz, Marjie T., and Payne, Dennis M.

Policy Implications for Law Enforcement Pursuit Driving

American Journal of Police (Vol. 13, No. 1), Page 113. 1994

Abstract: It was found that supervisors were the least likely to follow the written policy, yet they were responsible for supervising subordinates' pursuit behaviors.

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Bromley, Max L.

A Content Review of Campus Police Vehicle Pursuit Policies at Large Institutions of Higher Education

Policing, 23 (4): 492-505. 2000

Abstract: The study examined vehicle pursuit policies from 67 of the 100 largest campus police departments. The inquiry attempted to develop baseline information and a profile of content areas most often included in campus police vehicle pursuit policies. It also sought to contribute to the body of knowledge regarding the evolution of campus policing within the context of a high liability operational policy area. Findings support the notion that larger campus police agencies are similar to their municipal counterparts with respect to vehicle pursuit policies.

Daniels, Wayne H.

Training for Pursuit Driving

Law and Order, 50 (11): 80-83. November 2002

Abstract: The best defense against high-speed accidents, injuries, deaths, and lawsuits is proper training of officers.

Eisenberg, Clyde

Pursuit Management

Law & Order, 47, 3: 73-77. March 1999

Abstract: Police pursuits have of late become the subject of much media hype, and their danger is somewhat underestimated. Eisenberg presents advice on how to end a high-speed chase as quickly and safely as possible.

Eisenberg, Clyde & Fitzpatrick, Cynthia

An Alternative to Police Pursuits

FBI Law Enforcement Bulletin, 65, 8. August 1996

http://libcat.post.ca.gov/dbtw-wpd/article/FBI/FBI65(08)16-19Aug1996.txt

Abstract: Within the last decade, police vehicle pursuits have become a major concern to law enforcement administrators due primarily to liability issues and negative media attention; recognizing the need for an alternative to traditional pursuits, the Hillsborough County Sheriff's Office in Tampa, Florida, has developed the Vehicle Intercept Program. Vehicle interception rests on the premise that most suspects in vehicles will not flee as long as police officers keep their lights and sirens off, thus giving deputies the opportunity to develop a containment plan.

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Falcone, David N.

Police Pursuits and Officer Attitudes: Myths and Realities

American Journal of Police, (Vol. 13, No. 1), Page 143. 1994

Abstract: Interviews were conducted with 36 police officers from five departments in a single county in the Chicago metropolitan area and one large Army Military Police Command (AMPC) to examine the relationship between attitudes, values, and beliefs and police pursuit policies and practices.

Finarelli, Joseph

High-speed Police Chases and Section 1983: Why a Definitive Liability Standard May Not Matter

Defense Counsel Journal. Chicago. Vol. 66, Iss. 2; Page 238, 10 pages. April 1999

Abstract: Currently, a debate rages in the United States federal circuits regarding the appropriate standard of liability for police officers in high-speed pursuit cases. The 9th Circuit, which applied a "deliberate indifference" standard in Lewis v. Sacramento County, chose not to follow the "shocks the conscience" standard apparently established by the US Supreme Court in Rochin v. California. The remaining circuits have established a broad range of positions on the standard of conduct for an officer engaged in a high-speed pursuit to liability for violating a victim's due process rights. Having granted certiorari in Lewis, the Supreme Court will perhaps end the confusion soon. Alternatives to previous approaches are discussed.

Gilbreath, Paul

Coordinated Composure

Police, Page 63. April 1994

Grimmond, Timothy James

The Role of Police Pursuits and Their Impact on California Law Enforcement by the Year 2001

Command College Paper, 1991

http://post.ca.gov/library/p_lib/online_cat.asp#collegepapers

Grimmond, Timothy James

Traveling a Collision Course, Police Pursuits

The Police Chief, Page 43. July 1993

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Hannigan, Maurice J.

Pursuit Driving and Liability Concerns

The Police Yearbook, Page 71. 1992

Hannigan, Maurice J.

The Viability of Police Pursuits

The Police Chief, Page 46. February 1992

Abstract: The California Highway Patrol's (CHP) statistics show that more than 70 percent of those involved in CHP pursuits were wanted for felony or serious misdemeanor offenses. Each year CHP officers arrest numerous drug traffickers after observing them commit minor traffic violations. Based on this experience and that of other law enforcement agencies, well-regulated police pursuits are necessary.

Hill, John

High-Speed Police Pursuits: Dangers, Dynamics, and Risk Reduction

Crime & Justice International, 20 (80): 27-29. May/June 2004

Hill, John

High-speed Police Pursuits: Dangers, Dynamics, and Risk Reduction

FBI Law Enforcement Bulletin, 71, 7. July 2002

http://libcat.post.ca.gov/dbtw-wpd/article/FBI/FBI71(07)14-18Jul2002.pdf

Abstract: This article reviews the dangers and dynamics of high-speed police pursuits and the need for law enforcement agencies to provide appropriate pursuit training and policy clarity to reduce the risk of injury or death. This article discusses both the dangers of pursuit and the need for training in pursuit, as well alternative methods to high-speed pursuits.

Hoffman, Gabi & Mazerolle, Paul

Police pursuits in Queensland: Research, Review and Reform

Policing, 28 (3): 530-545. 2005

Hoffmann, Gabi

Police Pursuits: A Law Enforcement and Public Safety Issue for Queensland

Brisbane, Australia: Crime and Misconduct Commission. 2003

Abstract: The analysis and recommendations contained in this report are intended to encourage the Queensland Police Service (Australia) to adopt a more restrictive policy regarding high-speed pursuits. The report is based on an analysis of police pursuits in Queensland from 1997 to 2002. The findings indicate that the Queensland Police Service (QPS) recorded an average of 630 pursuits a year, with traffic/driving offenses being the most common reasons for pursuits.

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Homant, Robert J. and Kennedy, Daniel B

The Effect of High-Speed Pursuit Policies on Officers' Tendency to Pursue

American Journal of Police, (Vol. 13, No. 1), Page 91. 1994

Abstract: In the state with the most restrictive policy, the number of pursuits per officer was found to be less than half the number of pursuits per officer in the state with the most permissive policy.

Homant, Robert J.; Kennedy, Daniel B. and Howton, Jimmy D.

Sensation Seeking as a Factor in Police Pursuit

Criminal Justice and Behavior, (Vol. 20, No. 3), Page 293. September 1993

Abstract: The Sensation Seeking Scale was administered to 69 patrol officers of a suburban police department to investigate the relationship between sensation seeking and officers' tendencies to engage in high-speed vehicular pursuit. Results found a positive correlation between pursuit and sensation seeking.

Jones & Mayer

New Pursuit Legislation: A Cooperative Effort

Client Alert Memorandum. October, 2005.

Kennedy, Daniel B.; Homant, Robert J. and Kennedy, John F.

A Comparative Analysis of Police Vehicle Pursuit Policies

Justice Quarterly, (Vol. 9, No. 2), Page 227. June 1992

Abstract: The written pursuit policies of 47 state law enforcement agencies and the nation's 25 largest cities were subjected to comparative analysis. Qualitative analysis of the policies focused on factors justifying pursuit, physical operation of the police vehicle, circumstances of operation, and external factors. The policies also were rated quantitatively on a continuum ranging from allowing officers a great deal of judgment in the conduct of a pursuit to discouraging all pursuits except as a last resort. Most policies were found to permit a great deal of judgment, although cities tended to be more likely than states to place restrictions on pursuits.

Lesh, David

Reducing Civil Liability Related to High-Speed Pursuits

Sheriff. Alexandria, Vol. 55, Iss. 2; p. 29, 3 pages. March/April 2003

Abstract: One of the biggest challenges facing law enforcement in the coming years is the need to reduce civil liability from collisions related to high-speed pursuits. Lawsuits from these events have mushroomed in recent years.

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Loberg, Gary

Pursuit Driving – What Sheriffs Need to Know

Sheriff. Alexandria, Vol. 55, Iss. 2; p. 28, 2 pages. March/April 2003

Abstract: This article addresses pursuits, policies, and procedures.

Martin, Jeff

What's Missing in Police Pursuit Decision Making?

Police Marksman, 28 (5): 16, 18. September/October 2003

Abstract: Law enforcement administrators can select which violators they will pursue according to clearly articulated threat assessments. They can empower personnel to react affirmatively to those who constitute dangerous threats. With new training models like 3QFC available, there is no longer an excuse for administrators not to provide this training.

Martin, Jeff

3QFC Pursuit Decision Making Model

Law and Order. Wilmette, Vol. 49, Iss. 9; p. 16. September 2001

Abstract: The 3QFC Pursuit Decision Making Model, which stands for Three Question, Forced Choice, is now available to line officers, supervisors, and administrators. It is designed to replace the traditional model of pursuit decision making by offering a simple approach that can be rapidly applied during stressful conditions.

Martin, Jeff

Pursuit Termination: A Lifesaver?

Law and Order, 49 (7): 30-33. July 2001

Abstract: The article reports the results of a survey of police helicopter (air support) crews from across the country. The study analyzed data from 14 of 20 responding crews. On average, suspects continued driving dangerously for 90 seconds before slowing. An average of 50 percent of suspects continue to drive dangerously after ground units terminated their pursuits. Their continued dangerous driving was independent of the presence or absence of police units, or the decisions to continue or discontinue pursuit. The article considered that the effectiveness of using helicopters in police pursuits had been demonstrated.

Mayer, Martin J.

A Look at Vehicle Pursuit Policies

California Peace Officer, Page 7. June 1993

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More, Harry W. & Kenney, John Paul

Patrol Field Problems And Solutions: 847 Field Situations

2nd edition. Springfield, Ill.: Charles C. Thomas. 2001

Abstract: This volume presents case examples of 847 common situations that police officers encounter and explains how to handle them; the text aims to serve as an operational manual for police officers in daily operations in the field in patrol, investigations, vice, traffic, and juvenile units. The book also serves as a basis for discussing operational procedures, policies, and regulations.

Morris, Earl R

Modifying Pursuit Behavior: The 9Ts Approach

FBI Law Enforcement Bulletin, Page 1. January 1993
http://libcat.post.ca.gov/dbtw-wpd/article/FBI/FBI62(01)01-06Jan1993.txt

Abstract: This article presents a policy of police pursuit driving under nine components, each presented under a rubric that begins with a "T". One component of the policy is to "think" about pursuits from all perspectives, including those of the officer, the suspect, and the innocent third parties who might be injured. The second component is to "talk" about pursuits one-on-one, in group discussions, and by exchanging written communications, to evaluate pursuit alternatives. A third component is to "track" pursuits and use the resulting data as the basis for training and the formulation of a pursuit policy. The fourth component is to "tailor" an unambiguous set of written guidelines and then use the guidelines to protect the officer, the department, and the public. The fifth component is to "train" all officers regarding when and how to initiate and to terminate a pursuit. The sixth component is to "toughen" laws to make the eluding or evading of the police an offense equal to or greater than driving under the influence. The seventh component is to use "technology" such as video interaction and reflecting license plates. An eighth component is to "televise" more responsible high-speed chases in fictional portrayals of police work. The ninth component is to "terminate" as many pursuits as possible.

National Highway Traffic Safety Administration (NHTSA)

The Highway Safety Desk Book

http://www.nhtsa.dot.gov/PEOPLE/INJURY/enforce/DESKBK.html

National Institute of Justice: Research Preview

Pursuit Management Task Force

NCJ, (184352): 1-3. August 1998
http://www.ncjrs.org/pdffiles/fs000225.pdf

Abstract: The Pursuit Management Task Force (PMTF) of the National Institute of Justice's Office of Science and Technology reports on the entire range of police vehicular pursuit issues, including preemption of disputes, control of pursuits in progress, and termination of pursuits. Due to resources and methodological constraints, the scope of the study was restricted to nine western States: Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington.

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Nichols, Laura J.

IACP Police Pursuit Database: Helping Agencies Use Data to Improve Policy

The Police Chief. Alexandria: Vol. 69, Iss. 9; p. 16. September 2002

http://www.iacptechnology.org/Library/TechTalk/TechTalk0902.pdf

Abstract: On June 1, 2002, IACP's Internet-based Police Pursuit Database was made available to officers in the field. After one year of testing by 10 law enforcement agencies, the database is now available for use at no cost to all state and local agencies. The database was created in direct response to a recommendation in the Pursuit Management Task Force Report commissioned by the National Institute of Justice, Office of Science and Technology.

Nicholson, William C.

Emergency Response and Emergency Management Law: Cases and Materials

Springfield, Ill: Charles C. Thomas. 2003.

Abstract: This book surveys the laws that regulate emergency responses by the fire service, hazardous materials teams, emergency medical services, law enforcement agents, and volunteer groups; relevant case law is also examined.

Payne, Dennis M., & Fenske, John C.

An Analysis of the Rates of Accidents, Injuries, and Fatalities Under Different Light Conditions – A Michigan Emergency Response Study of State Police Pursuits

Policing. Bradford: Vol. 20, Iss. 2; Page 357. 1997.

Abstract: Police pursuit accident data from the Michigan Emergency Response Study (MERS) were compared with non-pursuit accident data for on-duty Michigan State Police (MSP) personnel between 1988 and 1990, general population accidents for the same period, and general population accidents between 1987 and 1991 to examine negative outcomes associated with police pursuits.

Pipes, Chris & Pape, Dominick

Police Pursuits and Civil Liability

FBI Law Enforcement Bulletin; 70, 7. July 2001

http://libcat.post.ca.gov/dbtw-wpd/article/FBI/FBI70(07)16-21Jul2001.pdf

Abstract: As many as 40 percent of all motor vehicle police pursuits end in collisions and some of these result in nearly 300 deaths each year of police officers, offenders, or innocent third party individuals. Chief executive officers (CEO's) of law enforcement agencies must establish appropriate policies governing the actions of their personnel during such incidents. The policies should include, at a minimum, statements that officers will not continue pursuit once the risk of danger to the officer and public created by the pursuit exceeds the potential danger to the public should the suspect remain at large. Officers assessing the danger must consider the nature of the offender's violation as well as environmental conditions such as type of area, weather, and level of traffic congestion. Additionally,

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CEO's also must heed state statutes and state-level court decisions applicable within their jurisdiction. Finally, CEO's should proactively reassess their agency's pursuit policy and provide adequate training regarding the policy and motor vehicle pursuit in general.

Rayburn, Michael

Pursuits: Getting Back to Basics: Keep Adrenaline at Bay Through Sound Pursuit Tactics

Police: The Law Enforcement Magazine, 24 (9): 47-48. September 2000

Abstract: High-speed police pursuits are receiving increasing public attention and critical media coverage, and require oversight from police supervisors to determine whether the need to apprehend the fleeing offender outweighs the potential risk to society and to manage every pursuit effectively.

Schembra, John

The Mental Aspect of Emergency Driving

Law & Order, Vol. 50; Iss. 11; Page 88. November 2002

Abstract: It is important to train police officers in the mental aspects of emergency driving. The mental aspects of emergency vehicle operation can be easily and effectively provided through the use of driving simulators.

Schonely, Jack H.

Apprehending Fleeing Suspects: Suspect Tactics And Perimeter Containment

Springfield, Ill.: Charles C. Thomas. 2005.

Abstract: As the tactics and technologies of law enforcement change, so do the tactics being used by criminals to evade capture. This book was written to provide law enforcement with the knowledge and tools required to safely capture suspects who attempt to flee from the police. It addresses the trends and tactics that criminals are using and examines proven techniques in how to contain, search, and capture suspects on the run.

Sharp, Arthur

The Dynamics of Vehicle Chases in Real Life

Law & Order. Wilmette: Vol. 51, Iss. 7; p. 68. July 2003

Abstract: This article reports on the findings of a survey that examined the policies and views on police pursuits of 30 randomly selected law enforcement departments of all specialties and sizes. Eighty-three percent of these departments stated that they restrict the circumstances under which officers are allowed to engage in vehicular pursuits. Ninety-three percent limit the number of cars that may be involved.

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Sharp, Arthur G.

Vehicle Pursuits: The Risks Require a Strict Policy

Law and Order, Page 43. January 1994

Specht, John

Slow Pursuits Lead to Fast and Safe Apprehensions

The Police Chief. Alexandria: Vol. 73, Iss. 3; p. 57. March 2006

Abstract: In May 2003, the Hillsboro Police Department's pursuit policy was updated to authorize police pursuits only in cases where the "actions of the suspect(s) are a direct threat to life" or those where "the officer reasonably believes that delayed apprehension of the suspect(s) represents a clear and present danger to the public and/or the officer." The policy defined those statements further and gave specific guidelines for the officers and supervisors to use as they followed the policy.

Thrash, Paul D.

Police Pursuit Considerations

Law Enforcement Technology, Page 28. September 1994

Warren, Rocky & Olsen, Mitchell

Large Vehicle Pursuits and Attacks

Law & Order. Wilmette: Vol. 50, Iss. 7; p. 26 (4 pages). July 2002

Abstract: To stop a large vehicle pursuit, where reasonable cause exists, the use of lethal force methods in a way that will most likely result in less-lethal conclusion will be advocated. It's going to take coordination and cooperation of the highest order, both between agencies and individual officers.

Whitman, Kenneth L.

California. Commission on Peace Officer Standards and Training

Emergency Vehicle Operations Instructor Manual

Commission on Peace Officer Standards and Training. Sacramento: 1994

Abstract: This manual is one of the primary sources of information for the driver training instructor course and a resource for those who develop and present driver training courses. It was developed by the driver training instructor advisory committee composed of driver training experts within the state and POST staff.

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Wilson, James F.

Establishing Defensible Policies, Police Pursuits

The Police Chief, Page 48. July 1993

Abstract: Recent events have once again thrust police pursuits and their aftermath into the limelight. Civil litigation arising out of collisions involving police pursuits is a high-stakes game, and recent cases have taken aim at the limited protection afforded public entities in relation to collisions between the fleeing suspect and innocent third parties.

Yates, Travis

Law Enforcement Pursuits: Managing the Risks

Womenpolice, 38 (4): 10-11, Winter 2004

Abstract: Most agencies have not taken adequate steps to manage the risks of pursuits. This article details four issues that perpetuate the dangers of pursuits within the agencies.

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Appendix A

Case Law

Stark v. City of Los Angeles, 168 Cal.App.3d 276 (1985)

The immunity provisions of Government Code §845.8 will not relieve a city's liability to third persons for the negligence of its police officers during the pursuit of a fleeing subject. Police, while pursuing a suspect, are not exempt from the duty to exercise due care for the safety of others.

Brower v. Inyo County, 489 U.S. 598 (1989)

The United States Supreme Court held that a Fourth Amendment "seizure" occurs when there is a governmental termination of freedom of movement through means intentionally applied. Therefore, the fact that police officers, acting under color of law, sought to stop a fleeing suspect by means of a road block, resulting in the suspect crashing into the roadblock and dying, are sufficient to allege a "seizure" within the meaning of the Fourth Amendment.

Kishida v. State of California, 229 Cal.App.3d 329 (1991)

A government entity will be immune from tort liability arising from an automobile accident caused by a suspect who collides with another vehicle, while fleeing from police, if the entity has adopted a pursuit policy pursuant to Vehicle Code 17004.7, even if the officer did not adhere to the policy.

Wiener v. City of San Diego, 229 Cal.App.3d 1203 (1991)

A city is not required to prove its police were complying with its policy regarding pursuit procedures, in order to maintain its immunity from civil liability.

Colvin v. City of Gardena, 11 Cal.App.4th 1270 (1992)

A public entity has liability for injuries arising out of vehicle pursuits unless it has "adopted" a vehicle pursuit policy which complies with the minimum standards set forth in Vehicle Code§17004.7. Minimum standards include adequate guidelines for determining when to initiate and/or discontinue pursuits.

Payne v. City of Perris, 12 Cal.App.4th 1738 (1993)

A city cannot claim immunity, pursuant to Vehicle Code §17004.7, if its vehicle pursuit policy lacks specific guidelines to govern peace officers in determining whether to initiate and/or discontinue a pursuit.

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Berman v. City of Daly City, 21 Cal.App.4th 276 (1993)

Pursuit policies must provide sufficient "guidelines" for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit.

Blumer v. City of Los Angeles, 24 Cal.App.4th 983 (1994)

Factors officers must consider do not have to be set out in a list form for a policy to be adequate and confer immunity upon the entity.

Bryant v. County of Los Angeles, 26 Cal.App.4th 919 (1994)

An officer has statutory immunity from civil liability for injuries arising out of his or her pursuit of a stolen patrol car.

Billester v. City of Corona, 26 Cal.App.4th 1107 (1994)

Vehicle Code §17004.7 does not violate the "equal protection" clause of the Constitution.

Thomas v. City of Richmond, 9 Cal.4th 1154 (1995)

Where a police officer, in a police vehicle, chases a suspect who is fleeing on foot and subsequently strikes the suspect with the vehicle, the public entity will not be immune from liability under Government Code §845.8 for the ensuing injury, inasmuch as Vehicle Code §17001 creates liability.

Mc Gee v. City of Laguna Beach, 56 Cal.App.4th 537 (1997)

Vehicle Code §17004 provides a complete defense for an officer after a pursuit crash causes a third party's quadriplegia. Vehicle Code §17004.7 provides immunity from civil liability for injuries arising out of the pursuit where the city has adopted express guidelines for safe police pursuits and the policy complied with the minimum standards set forth in the statute.

Weaver v. State of California (CHP), 63 Cal.App.4th 188 (1998)

Police are not liable for injuries to juveniles forcibly stopped as a result of a pursuit of a stolen vehicle. The utilization of a "Pursuit Immobilization Technique (PIT)" is not prohibited by Vehicle Code §17004.7(b). "The statute is silent as to the nature of the conduct of the peace officers engaged in the pursuit. There is no express statutory requirement that the pursuit by the peace officer be conducted in a particular manner …"

County of Sacramento vs. Lewis, 523 U.S. 833 (1998)

A police officer does not violate substantive due process by causing death through deliberate or reckless indifference to life in a high-speed automobile chase in an attempt to apprehend a fleeing suspect. "In the circumstances of a high speed chase, aimed at apprehending a suspect offender…only a purpose to cause harm unrelated to the legitimate object of arrest will satisfy the 'shocks the conscious' test."

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Ketchum v. State of California, 62 Cal.App.4th 957 (1998)

Plaintiff's mother was killed after being struck by a car that was being pursued by the California Highway Patrol. The court held that the State of California had immunity from civil liability pursuant to Vehicle Code §17004.7 because the CHP had validly adopted a pursuit policy as required by the statute.

Onossian v. Block, 175 Fed 3rd 1169 (1999)

Police officers are insulated from constitutional attack for injuries caused while justifiably pursuing a criminal suspect. Officers in pursuit must balance the need to apprehend the suspect with the threat a high-speed chase poses on everyone else. If a high speed chase is justified, the pursuing officers are insulated from claims of constitutional violations "irrespective of who might be harmed or killed as a consequence of the chase."

Nguyen v. City of Westminster, 103 Cal.App.4th 1161 (2002)

The City was immune from civil liability for injuries caused by a fleeing suspect because of the pursuit policy in place at the time. "While poorly organized... the City's policy listed specific and objective factors police personnel had to consider when deciding to begin, continue, control, or end a vehicle pursuit. The policy did not permit officers to rely on their sole and unfettered discretion during a pursuit."

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Appendix **B**

Glossary

Certain terms used in this document warrant definition. The definitions are intended to assure understanding of the meaning of the terms as used in this document. No other use of the definitions is intended.

Balance Test An ongoing decision process to analyze the risk of initiating, continuing, and/or terminating a pursuit. If the threat to public or officer safety is greater than the need for immediately apprehending the suspect, then the pursuit should not be initiated or it should be terminated.

Discontinue To stop chasing the fleeing vehicle.

Note: Where this term is used in agency policy, it should be clearly defined to prevent misunderstanding and to clarify decision-making regarding a supervisor's direction to terminate a pursuit. It should also describe the actions that may be employed by the law enforcement officer(s) when directed to terminate a pursuit.

Failure To Yield To the actions of a vehicle operator who fails to stop or respond to the officer's signal to stop.

Guidelines Limitations, principles, and/or criterion to be considered in the formulation of policies.

Intervention Tactics Specific operational tactics (e.g., pursuit intervention/immobilization technique (PIT), blocking, ramming, boxing, roadblock procedures, tire deflation device/spike strip, etc.) intended to disable a fleeing vehicle or otherwise prevent further flight or escape.

Offender/Suspect The driver or occupant(s) of a fleeing vehicle.

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Policy The principles by which an individual agency is guided in the management of its affairs – such as whether to, and how to, engage and/or disengage in the pursuit of a fleeing suspect.

Pursuit An event involving one or more law enforcement officers attempting to apprehend a suspected or actual violator of the law in a motor vehicle while the driver is using evasive tactics, such as high speed driving, driving off a highway, turning suddenly, or driving in a legal manner but failing to yield to the officer's signal to stop.

Supervisor A person who has specific responsibility for issuing orders and providing direction to others.

Terminate Used interchangeably with discontinue. See the definition of **Discontinue**, above.

Note: Where this term is used in agency policy, it should be clearly defined to prevent misunderstanding and to clarify decision-making regarding a supervisor's direction to terminate a pursuit. It should also describe the actions that may be employed by the law enforcement officer(s) when directed to terminate a pursuit.

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