

## LA MESA POLICE DEPARTMENT INSTRUCTION

### **PATROL: PURSUIT POLICY**

**No: 607**

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Ray Sweeney, Chief of Police

#### I. POLICY STATEMENT

The purpose of this policy is to provide police officers specific guidelines for initiating, conducting forcibly stopping and or discontinuing vehicular pursuits with the highest consideration for public safety and in keeping with Section 17004.7(c) of the California Vehicle Code.

This policy is designed to conform to and incorporate the San Diego County protocol for initiating, conducting, forcibly stopping and/or discontinuing vehicular pursuits.

#### II. BACKGROUND

- A. A police vehicle pursuit exposes the public, officers, and fleeing violators to the potential risk of death, serious injury, or damage to personal property. Officers may be subject to administrative action for negligent emergency vehicle operation and the City may be found liable in civil actions. If the emergency vehicle operation rises to the level of criminal negligence, an officer may be subject to criminal prosecution.
- B. When engaged in a pursuit, officers should weigh the seriousness of the violator's suspected crime against the potential for death or injury if the chase is continued. Frequently, discontinuance of a pursuit in the interest of public safety is most appropriate.
- C. Officers should not assume that all persons who flee from the police and refuse to yield are serious criminal suspects. Experience has shown that many pursuits involve non-violent crimes or traffic violations.
- D. In a pursuit, the violator frequently refuses to give up and the officer feels an obligation to succeed in the pursuit. This psychological phenomenon can cloud one's judgment and may cause the officer to continue the chase beyond the point where common sense and good judgment would require the pursuit to be discontinued.
- E. The Law Enforcement Assistance Network (LEAN) Mutual Aid Radio Communications Protocol is a document describing procedures and channels/frequencies that should be utilized during a pursuit. The LEAN Mutual Aid Radio Communications Protocol is an addendum to this pursuit protocol.

III. DEFINITION

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

IV. LEGAL REQUIREMENTS

- A. A public entity is liable for death, injury, or damage proximately caused by negligent or wrongful act or omission in operation of a motor vehicle by an employee acting within the scope of employment. (17001 CVC)
- B. A public entity is liable for death or injury to person or property to the same extent as a private person. (17002 CVC)
- C. A public employee is not liable for civil damages resulting from the operation, in the line of duty, of an authorized emergency vehicle while responding to an emergency call or when in the immediate pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm or other emergency call. (17004 CVC)
- D. A public agency is immune from liability from injury, death, or damage caused by the collision of a vehicle being operated by an actual or suspected law violator being pursued by peace officer(s) employed by a public entity if the agency adopts a written policy on vehicle pursuits that meets listed minimum standards. (17004.7(c) CVC)
- E. The driver of an authorized emergency vehicle is exempt from the "rules of the road" provided that the red light and siren (defined as "yelp" or "wail" only) of the vehicle are activated. (21055 CVC)
- F. The "rules of the road" exemption does not relieve the driver from the duty to drive with due regard for the safety of all persons using the highway, nor does it protect him/her from the consequences of an arbitrary exercise of the privileges granted in that section. (21056 CVC)
- H. Upon the approach of an authorized emergency vehicle that is sounding a siren and has at least one lighted lamp exhibiting red light, the surrounding traffic shall yield to the emergency vehicle. (21806 CVC)
- I. The provisions of section 21806 shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with DUE REGARD

FOR SAFETY of all persons and property. The officer should not assume that the right-of-way will be yielded. (21807 CVC)

V. PROCEDURES

When balancing the interests of public safety with effective law enforcement, each officer and supervisor involved in a pursuit should carefully and continuously consider the following factors in determining whether or not to initiate, limit, discontinue, or otherwise control the pursuit.

A. INITIATING A PURSUIT

1. Seriousness of the offense and its relationship to community safety.
2. Safety of the public and the pursuing officer.
3. Traffic conditions (pedestrian and vehicles).
4. Weather conditions.
5. Roadway conditions (road design, construction, surfaces, and visibility).
6. Location / familiarity of pursuing officers with the area of the pursuit.
7. Speed.
8. Time of day.
9. Capabilities and condition of vehicles involved.
10. Quality of radio communications (Communications Center).
11. Juvenile occupant(s) of vehicle pursued.
12. Capabilities / conditions of involved personnel.

B. CONTINUATION OF A PURSUIT

A pursuit requires constant evaluation. Each officer and supervisor involved in a pursuit should carefully and continuously consider the initiating factors in determining continuance of the pursuit.

C. DISCONTINUANCE OF A PURSUIT

1. Absolutes for discontinuing a pursuit
  - a. Approaching the International Border.
  - b. Directed to do so by a supervisor.
  - c. The danger posed by continued pursuit, to the officer, the suspect, or the community, is greater than the value of apprehending the suspect(s).
2. Factors to consider in determining a pursuit should be discontinued are the same factors used in pursuit initiation, plus:
  - a. Wrong side of divided highway against oncoming traffic (Officers are generally prohibited from doing so);
  - b. Proximity to the pursued vehicle / location of the pursued vehicle is no longer known;
  - c. Identification of suspects; able to apprehend at a later time.

VI. PURSUING OFFICER'S RESPONSIBILITIES

Each officer has the responsibility for safely pursuing the suspect and discontinuing the pursuit when the conditions do not support pursuit driving. Generally, pursuits should be limited to two (2) pursuit units and one (1) supervisor. Each pursuing officer shall activate the red light and siren continuously when involved in a pursuit.

A. PRIMARY PURSUIT UNIT

1. Definition
  - a. The Primary Pursuit Unit is generally the vehicle closest to the suspect vehicle.
  - b. The Primary Pursuit Unit should remain so until that status is relinquished to another unit either by the Primary Pursuit Unit or as directed by a supervisor.

2. Responsibilities

- a. Upon initiating a pursuit, the Primary Pursuit Unit shall immediately notify the dispatcher that a pursuit is in progress, giving:
  - (1) Location;
  - (2) Direction and speed of travel;
  - (3) Reason for the pursuit;
  - (4) Description and license plate number of the suspect vehicle;
  - (5) Number of occupants;
  - (6) Identity of occupants;
  - (7) Any other factors necessary to ensure safe and effective pursuit tactics.
- b. During a pursuit, the Primary Pursuit Unit shall continually provide Dispatch with all the changes to the above, and any other pertinent information until the Secondary Unit takes over "calling the pursuit."

B. SECONDARY UNIT

1. Definition

- a. The Secondary Unit is the unit responsible for backup and immediate cover for the Primary Pursuit Unit.

2. Responsibilities

- a. The Secondary Unit, if not assigned, shall notify Communications immediately.
- b. The Secondary Unit shall be prepared to take over primary responsibility for the pursuit if the Primary Pursuit Unit becomes disabled or if requested to do so by the Primary Pursuit Unit.
- c. The Secondary Unit involved in a pursuit, under most circumstances, should take over "calling the pursuit."

- d. Provide all changes to information about the pursuit, and any additional information available.

C. ASSISTING UNIT(S)

1. Assisting units require the approval of the pursuit supervisor.
2. All units that enter the pursuit shall notify Communications immediately.

VII. ADDITIONAL UNITS

A. Officers in all other units shall:

1. Remain alert to the pursuit progress and location;
2. Stay out of the pursuit, unless specifically requested to join by the Primary Pursuit Unit or supervisor;
3. Minimize radio transmissions on the frequency being used for the pursuit;
4. Move to an alternate channel / frequency as directed.

VIII. SUPERVISORY RESPONSIBILITIES

Upon notification of a pursuit in progress, the field supervisor and/or Watch Commander assumes the responsibility to monitor and take appropriate action for pursuit control.

- A. All sworn supervisors and the Watch Commander have the authority to order a pursuit discontinued when, in their judgment, the potential safety risks outweigh the need for apprehension.
- B. The supervisor shall ensure that no more units than necessary are involved. The Primary Pursuit Unit and the Secondary Unit are generally sufficient for the actual pursuit. Assisting Units may be added for safety and security, with the supervisor's approval.
- C. The supervisor shall consider the following in deciding to add units:
  1. the type of vehicle being pursued;
  2. the seriousness of the offense; and

3. the danger that the occupants of the vehicle being pursued pose to others.
- D. When more than two units are permitted to participate in a pursuit, the supervisor shall as soon as reasonably possible, direct the additional units to discontinue the pursuit.
- E. The supervisor shall make continual assessment during the progress of a pursuit. Factors to be considered include weather, vehicle and pedestrian traffic levels, roadway and environmental conditions, juveniles occupy the suspect vehicle, the suspect has been identified to the point that later apprehension can be accomplished, and pursuit speed considerations.
- F. The supervisor shall ensure that affected allied agencies are notified of the pursuit and specific assistance requested, including canine and air support.
- G. The supervisor or designee shall, as necessary, contact pursuing officers at the location of the pursuit termination to provide on-scene supervision, coordination, and evaluation.
- H. The supervisor shall ensure vehicle pursuits are reported to the California Highway Patrol on an approved form (CHP 187), as mandated by Section 14602.1 of the California Vehicle Code. Each pursuit shall be evaluated for compliance with all codes and policies and appropriate action initiated.

IX. COMMUNICATIONS CENTER RESPONSIBILITIES

- A. Upon being notified that a pursuit is in progress, Dispatch shall:
  1. Ensure that a Supervisor is assigned to the pursuit;
  2. Notify appropriate law enforcement agencies of the pursuit, specify if assistance is needed, and specific support requested;
- B. During the pursuit, Dispatch shall:
  1. Monitor all radio traffic concerning the pursuit;
  2. Move all other radio traffic to an alternative channel / frequency, if necessary;
  3. If a Canine Unit is involved in the pursuit, the radio dispatcher shall broadcast that information for officer safety purposes.

4. Ensure that the proper channels/frequencies are utilized, in compliance with the Law Enforcement Assistance Network (LEAN) protocols.

X. MOTORCYCLE UNITS

- A. Relinquish the primary position to the first marked four wheel vehicle.
- B. Disengage the secondary position when the second marked four wheel vehicle joins the pursuit.

XI. UNMARKED UNITS

- A. Unmarked units, without emergency equipment, shall not join in a pursuit.
- B. Officers in unmarked vehicles may become involved in emergency activities involving serious crimes or life endangering situations. In those instances, it may be necessary to follow a suspect vehicle while summoning assistance from a marked vehicle with emergency equipment.
- C. When officers in an unmarked vehicle become aware that a marked unit has arrived, the unmarked unit will disengage.

XII. AIRCRAFT ASSISTANCE

- A. Units involved in pursuits should request air support assistance.
- B. Aircraft can provide valuable information to ground units concerning upcoming traffic congestion, hazards, or other factors which might endanger the safety of the officer(s) or the public.
- C. Once the pursued vehicle is overtaken by a law enforcement aircraft, the aircraft becomes an assisting unit responsible for broadcasting on-going radio updates on the route of travel.
- D. Once the aircraft is in position, the supervisor, in the interest of safety, shall evaluate the tactical involvement of ground units in the pursuit. In some cases, it may be prudent to discontinue the ground pursuit and track the suspect vehicle with law enforcement aircraft until the vehicle goes stationary. Once the suspect vehicle has discontinued fleeing, the law enforcement air crew can direct ground units into position to establish a perimeter and assist with apprehension of outstanding suspects.

XIII. PURSUIITS APPROACHING THE INTERNATIONAL BORDER

- A. Under no circumstances will pursuing units cross the International Border.
- B. Pursuit units should not be any closer than fifty (50) feet of the International Border gates.
- C. Due to traffic conditions and physical barriers that exist between traffic lanes near the San Ysidro Port of Entry, pursuits where the fleeing vehicle is wanted for minor non-violent violations should be discontinued a minimum on one mile prior to the International border, at supervisory discretion. (For purposes of this protocol, “discontinued” is defined as pursuing vehicles turning off all emergency equipment).
- D. In those pursuits where the fleeing vehicle is wanted for violent and/or atrocious felonies, involved agencies shall use mutually agreed upon tactics as a basis for apprehension when the pursued vehicle reaches the International Border.
- E. In order to give warning to Mexican authorities and to provide them an increased degree of safety, US Customs and the San Diego Police Department will be advised by the involved agency of any pursuit heading southbound south of Interstate 8. They in turn, will advise the Mexican authorities. This shall occur whether or not the pursuit is discontinued. Every effort should be made to update Customs and the San Diego Police Department when a pursuit is terminated prior to the International Border.
- F. In the event of the pursuit is terminated prior to the International Border, Mexican authorities shall be advised by the US Customs and the San Diego Police Department.

XIV. USE OF FIREARMS

Shooting at or from a moving vehicle is prohibited, except when immediately necessary to protect persons from death or serious bodily injury.

XV. FORCIBLE STOPS (LEGAL INTERVENTION)

- A. A forcible stop is one in which a vehicle or other object is used to physically stop or otherwise alter the course of another vehicle's movement. These tactics include ramming of vehicles, box-ins, channelization, barricades, or placing of objects in the path of the vehicle, and must be considered a force likely to result in death or great bodily harm.

- B. These tactics shall only be used when the suspect's actions constitute an immediate and life threatening danger to the public, and generally only in felony cases.
- C. If barricading is deemed absolutely necessary, a supervisor may approve the use of police vehicles if no other suitable equipment is available. In no case will roadways be barricaded by occupied vehicles.

XVI. INTER-AGENCY PURSUITS

The guidelines formulated for inter-agency pursuits are designed to provide for the safe coordination of pursuits involving more than one agency. Agencies requested to assist, or receive the transfer of, a pursuit from another agency will continue to balance the interests of public safety in determining whether or not to provide the requested assistance or receive the transfer.

A. Notification

- 1. When a pursuit is approaching or entering another jurisdiction, the agency with primary responsibility for the pursuit shall notify the appropriate agency for that jurisdiction.
- 2. Communications will notify the respective agency/ jurisdiction of the pursuit in the following manner.
  - a. "This is [AGENCY]. This is a pursuit notification."
    - (1) Notification will not be construed as a request for assistance.
  - b. "This is [AGENCY]. This is a pursuit standby."
    - (1) This is a message requesting that an agency monitor the pursuit, move into appropriate position, and be prepared to assist if requested.
  - c. "This is [AGENCY]. This is a pursuit message requesting assistance."
    - (1) Specify assistance requested
      - (a) Assisting Unit(s)
      - (b) Air Support
      - (c) Other specialized units

d. "This is [AGENCY]. This is a pursuit message requesting transfer of a pursuit."

3. When the initial call is made, communications will transmit to that agency the following information:
  - a. Direction of travel, location, and speed;
  - b. Vehicle and suspect description;
  - c. Officer safety considerations;
  - d. Type of crime;
  - e. Number of occupants;
  - f. Number of units involved;
  - g. Unit designator of Supervisor involved;
  - h. Radio frequency(s) being used;
  - i. Air support being used / or requested;
  - j. Unit designator of officer(s) involved.
4. The Primary Pursuit Unit, or Pursuit Supervisor, should specify if assistance is needed and the type of assistance requested.
5. The allied agency(s) will assist the initiating agency only by specific request and will provide only the specific services requested.
6. On all requests for assistance or transfer, the agency receiving the request shall identify the supervisor accepting or declining the request.

#### B. Communications

1. Communication operators should clarify any requests for assistance with the requesting agency and obtain pertinent information as previously listed.

2. Communications shall notify a sworn supervisor of the request and receive direction for the degree of involvement provided to the requesting agency.
3. In addition to a formal request by an allied agency, officers may be summoned by hand/arm gestures and/or verbal requests.

If officers respond to these types of requests, the officer shall immediately notify Communications and the supervisor.

4. During pursuits involving allied agencies, communication centers shall provide coordination between pursuing units and allied agencies including:
  - a. Continuously monitor progress of the pursuit, transmitting pertinent information and updates;
  - b. Coordinate radio communication on the appropriate mutual aid frequency in compliance with LEAN Mutual Aid Communications protocols;
  - c. Relay information via telephone if radio communications from car to car fail.

#### C. Procedures

1. Units shall not join in an active pursuit unless specifically requested and then only with the approval of a supervisor or as authorized by Communications.
2. Once a pursuit has been initiated, the initiating agency will generally retain jurisdiction and control of the pursuit, even when the pursuit enters another jurisdiction.
3. When entering another law enforcement jurisdiction (including military installation), the pursuit shall be discontinued immediately when a supervisor of that agency recognizes a condition that constitutes an immediate and life threatening danger to the officers or public and recommends discontinuance. NOTE: Most military installations allow immediate pursuit onto the base and have built in spike strips 100' inside their entry gates. Pursuing officers should be cognizant of this fact and follow spike strip deployment tactics to avoid this device. Depending on the particular military installation, arrests on base may require an arrest warrant to gain physical custody of suspects. Arresting officer shall coordinate custody issues with on-site military

police/Provost Marshal's Office. Communication between civilian and military jurisdictions is vitally important.

4. The California Highway Patrol (CHP), may respond to a specific request for assistance on pursuits conducted on the freeway system. Once in place, the CHP will assume control of the pursuit until they relinquish it. When CHP has control of the pursuit, all other units not needed will discontinue their involvement.
5. When entering another agency's jurisdiction, the Primary Pursuit Unit or the pursuit supervisor should determine if the allied agency should be requested to assume the pursuit.
6. An allied agency which accepts responsibility for the pursuit, may elect to proceed with or discontinue the pursuit.
7. The officer with initial probable cause and/or that officer's supervisor should trail the pursuit at a reduced speed.
8. Pursuits should be managed by one Communications Center only. That one Communications Center should create the appropriate radio patches with mutual aid channels/frequencies (in compliance with the LEAN protocols) to allow allied agencies to assist as requested, or monitor for their safety.
9. Allied agencies' units involved in the pursuit should switch to the appropriate mutual aid channel and should communicate with the managing Communications Center, in compliance with the LEAN protocols.

#### D. Transfer

1. There is no legal requirement for an agency to assume a pursuit. A supervisor may determine it is in the best interest of public safety and / or the agency to refuse acceptance. Once responsibility is assumed, the pursuit may be discontinued by the assuming agency at any time.
2. The supervisor of the assuming agency should notify the initiating agency in the most expedient fashion that control has been assumed.
3. Responsibility for a pursuit transfers when:
  - a. the pursuing agency requests the transfer, and

- b. a supervisor of the assuming agency agrees to accept the pursuit, and
  - c. a unit of the assuming agency becomes the Primary Pursuit Unit.
4. An agency accepting transfer and assuming the Primary Pursuit Unit position, should have sufficient resources to control the pursuit.

E. End of Pursuit

- 1. Responsibilities of the stopping agency:
  - a. Notify all involved agencies that the pursuit has ended, its location, and supervisor to contact.
  - b. Provide a supervisor at the location(s) where the pursuit ends for coordination with other agencies.
- 2. Responsibilities of Other Involved Agencies
  - a. The agency of the officer who initiated the pursuit shall ensure that the officer with probable cause (or that officer's supervisor) contacts the stopping agency's supervisor to provide assistance.
  - b. All agencies with information, witnesses, or criminal charges related to the pursuit shall contact the stopping agency.
  - c. All agencies involved in the pursuit shall provide supplementary reports as requested by the stopping agency (or booking agency, if different).
- 3. Prisoner Processing
  - a. In the absence of any other agreement, the suspect(s) from the pursuit shall be turned over to the custody of the agency which has the most significant charges.
  - b. Absent more significant charges by another agency, custody and booking of the suspect(s) shall be the responsibility of the agency initiating the pursuit.
  - c. The agency assuming custody shall be responsible for processing, booking, and all related reports.

4. Traffic Collision Investigation

The investigation of traffic collisions resulting from the pursuit shall be the responsibility of the agency within whose jurisdiction the collision occurred.

5. Crime Report Responsibility

Unless otherwise agreed to by the participating agencies, it shall be presumed that the agency with jurisdiction is responsible for the completion of the crime report associated with the pursuit.

XVII. PURSUIT REPORT REQUIREMENTS

- A. California Vehicle Section 14602.1 requires that all police pursuits be reported on the California Highway Patrol Pursuit Report (CHP187). The form shall be prepared on pursuits initiated or assumed by officers of each involved department.
- B. The Field Supervisor shall include a factual evaluation concerning compliance with the Department's pursuit policy. Violations shall be identified and listed in the report narrative.
- C. It is recommended that Department pursuits be tallied chronologically and separated into categories for further analysis. The purpose is to identify specific problem areas which include, but are not limited to the following items:
  - 1. Pursuit related collisions;
  - 2. Policy violations;
  - 3. Training needs;
  - 4. Equipment issues;
  - 5. Officer safety concerns/tactical methodology;
  - 6. Policy or legislative concerns.

XVIII. USE OF SPIKE STRIPS

- A. The following rules apply to the use of a spike strip and are intended to insure the safe and effective deployment of the spike strip when attempting

to terminate the movement of a vehicle which is being pursued by law enforcement officers.

- B. All sergeants, officers and reserve officers shall be trained in the use of the spike strip and receive periodic refresher training.
- C. A spike strip may be deployed by a trained member of the Department to terminate a vehicle pursuit, with the approval of the field supervisor or watch commander. A trained member of the Department may deploy a spike strip without approval from the field supervisor or watch commander if circumstances make it impractical to obtain permission and a delay in deployment, to obtain permission, would compromise an opportunity to safely and effectively deploy a spike strip.
- D. A spike strip shall not be used to terminate a pursuit of any two-wheeled vehicles. A spike strip should not be deployed to stop the following vehicles unless the continued movement of the pursued vehicle poses a greater danger to the public and/or innocent passengers than would be created by the stopping of the vehicle by means of a spike strip.
  - 1. Any vehicle transporting a hazardous material as defined in Vehicle Code Section 2402.7.
  - 2. Any passenger bus transporting passengers.
  - 3. Any school bus transporting pupils.
  - 4. Any vehicle that would pose an unusual hazard to innocent parties.
- E. The officer deploying the spike strip shall be responsible for:
  - 1. Broadcasting by radio to the units involved in the pursuit that the spike strip will be deployed and the location where the deployment will occur.
  - 2. Selection of a deployment location with adequate sight distance to the pursued and pursuing vehicles, limited opportunity for the pursued vehicle to drive around the spike strip, and which avoids conditions that would increase the risk of injury to the suspect(s), such as curves, waterways, or roadways bounded by steep embankments.
  - 3. Retrieval of the spike strip immediately after the pursued vehicle has passed over the strip.

- F. The following safety practices should be adhered to by department personnel deploying a spike strip.
1. Officers should not attempt to overtake and pass a pursued vehicle in order to deploy the spike strip.
  2. The spike strip should be prepared for deployment on the roadway shoulder or center divider.
  3. Sufficient lead time must be provided to allow for the safe deployment of the spike strip.
  4. The selected deployment site should provide some form of protection for the officer deploying the spike strip. The officer should remain behind the protection until the pursued vehicle has encountered the spike strip and it is safe to leave the protected area.
  5. Whenever practical, officers should wear leather gloves, included in each spike strip case, when deploying the spike strip.

XIX. COUNTY WIDE PURSUIT PROTOCOL EVALUATION COMMITTEE

- A. Representation – Each participating agency will identify or select a representative from their agency to participate as a committee member to evaluate the protocol.
- B. Annual Evaluation – An annual evaluation will take place no later than July 30<sup>th</sup> or as needed. In addition to the annual review, the hosting agency for the following year will be established.
- C. The head of any participating agency may request the Pursuit Protocol Evaluation Committee to convene at any time after a pursuit to evaluate the protocol effectiveness.