

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

VEHICLE PURSUIT
SUBJECT

DATE: June 30, 2017

NO: V-1

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

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Considerations for the Initiation and Termination
of a Vehicle Pursuit
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I. POLICY

- A. Vehicle pursuits may be initiated and conducted if jeopardy to public safety which would result from the conduct of the pursuit is not out of proportion to the seriousness of the offense committed. Should the escape of fleeing suspect(s) represent a serious threat to public safety, pursuits may be conducted in accordance with provisions of the California Vehicle Code, this General Order, and the San Joaquin County Regional Law Enforcement Inter-Agency Vehicular Pursuit Guidelines.
- B. The Emergency Vehicle Operations Program Manager is responsible for developing training curriculum annually, according to current POST and legal guidelines including SB719, and coordinating with the Training section for annual training of all sworn personnel.
- C. Supervisors are to reinforce this policy with subordinate personnel during Roll Call at least twice yearly and will cause such training to be documented in the officer's training file, via signed roster forwarded to the Personnel and Training sections for inclusion in TMS.

II. LAW

- A. California Vehicle Code Section 21055 exempts personnel from the specific Rules of the Road if all of the following conditions are met:

- (a) "If the vehicle is being driven in response to an emergency call or while engaged in rescue operations or is being used in the immediate pursuit of an actual or suspected violator of the law or is responding to, but not returning from, a fire alarm, except that fire department vehicles are exempt whether directly responding to an emergency call or operated from one place to another as rendered desirable or necessary by reason of an emergency call and operated to the scene of the emergency or operated from one fire station to another or to some other location by reason of the emergency call
- (b) "If the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians."

Section 21055 further provides as follows: "A siren shall not be sounded by an authorized emergency vehicle except when required under this section."

- B. California Vehicle Code Section 21056 states, "Section 21055 does not relieve the driver of a vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor protect him from the consequences of an arbitrary exercise of the privileges granted in that section."
- C. A Vehicle Pursuit is defined as an event involving one or more law enforcement officers attempting to apprehend a suspect or actual violator of the law in a motor vehicle who is failing in all cases to yield to the officer's signal to stop via red light and siren. (POST Pursuit Guidelines 2006).
- D. California Vehicle Code Section 21806 states, "Upon the immediate approach of an authorized emergency vehicle which is sounding a siren and which has at least one lighted lamp exhibiting red light that is visible under normal atmospheric conditions, from a distance of 1,000 feet to the front of the

vehicle, the surrounding traffic shall, except as otherwise directed by a traffic officer, do the following:

- (a)(1) Except as required under paragraph (2), the driver of every other vehicle shall yield the right-of-way and shall immediately drive to the right-hand edge or curb of the highway, clear of any intersection, and thereupon shall stop and remain stopped until the authorized emergency vehicle has passed.
 - (a)(2) A person driving a vehicle in an exclusive or preferential use lane shall exit that lane immediately upon determining that the exit can be accomplished with reasonable safety.
 - (b) The operator of every street car shall immediately stop the street car, clear of any intersection, and remain stopped until the authorized emergency vehicle has passed.
 - (c) All pedestrians upon the highway shall proceed to the nearest curb or place of safety and remain there until the authorized emergency vehicle has passed.
- E. California Vehicle Code Section 21807 states, "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 the safety of all persons and property."

III. PRIORITIES

- A. The priorities of vehicle pursuits are as follows:
- 1. To prevent injury or death to innocent citizens.
 - 2. To prevent injury or death to a police officer.
 - 3. The apprehension of the suspect(s).

IV. PROCEDURE

- A. Initiating, continuing, and terminating vehicle pursuits.
- 1. Pursuits may be initiated and continued when law violators clearly exhibit the intention of avoiding arrest by using a vehicle to flee, or when suspected law violators refuse to stop and use a vehicle to flee. Officers who are confronted with a potential vehicle pursuit situation should bear in mind that the conduct of a vehicle pursuit raises the risk of harm to the general public using the highway right-of-way, the pursuing officer(s) and the occupant(s) of the pursued vehicle. Vehicle pursuits should, therefore, be initiated or continued only when such increased risk of harm is not out of proportion to the offense or offenses involved. Officers intending to stop a vehicle should use sound police practices when activating their red lights and siren, in accordance with the Code-3 policy as stated in General Order V-2. Experience has shown that activating emergency lights when the suspect vehicle is a substantial distance away entices suspects to flee. If there is a reason to believe the fleeing suspect(s) represents a serious threat to public safety, the pursuit should be continued even though the hazards are greater than normal. Examples would be known or suspected 187 P.C., 211 P.C., etc. suspects.
 - a. Officers and Supervisors shall take into consideration public safety, peace officer safety, and the safety of the occupants in the fleeing vehicle.
 - 2. The following additional factors will be considered when assessing whether to initiate, continue, or terminate; and the speed in which to conduct a pursuit:
 - a. Whether there is an unreasonable risk of injury to the public or the pursuing officers;
 - b. **Whether speed of the pursued and/or pursuing vehicles causes an unreasonable risk of injury to the public or the pursuing officers;**

- c. Whether vehicular and/or pedestrian traffic safety is unreasonably compromised;
- d. Whether weather conditions such as rain, fog, snow, etc., create an unreasonable risk of injury to the public or the pursuing officer;
- e. When the only known reason for the pursuit is a minor traffic violation and the suspect has not stopped after a reasonably short distance;
- f. The seriousness of the crime and its relationship to community safety;
- g. The traffic conditions, i.e.,
 - (1) Volume of vehicular traffic;
 - (2) Volume of pedestrian traffic;
 - (3) Road conditions;
 - (4) Nature of the area of the pursuit: residential, commercial, or rural.
- h. Whether the lack or quality of communication between the primary unit and the dispatchers or supervisor causes an unreasonable risk to the public;
- i. Any of the unit's required emergency equipment, including radio, ceases to function properly.
- j. When pursuing officer(s) is unfamiliar with the area and is unable to relay his or her location to the Telecommunications Center and/or other responding units;
- k. Whether vehicular and/or pedestrian traffic is unreasonably endangered as a direct result of the continuing pursuit, taking into account the officer's and police vehicle's capabilities.
- l. Whether the suspect(s) can be identified to the point where later apprehension can be accomplished.
- m. Whether the pursued vehicle is occupied by juveniles who appear or are known to be under 14 years of age.
- n. The pursued vehicle's location is no longer definitely known;
- o. The pursued vehicle leaves the roadway (i.e. open fields);
- p. The pursued vehicle drives the wrong way on a freeway or divided highway. In the event that a pursued vehicle enters a freeway the wrong way, the following are options:
 - (1) Maintaining visual contact with the suspect vehicle by paralleling it on the correct side of the freeway;
 - (2) Requesting other units to observe the adjacent exits available to the suspect vehicle;
 - (3) Notifying the California Highway Patrol and other concerned police agencies;
 - (4) Requesting assistance from an air unit

B. Initiating pursuit unit.

- 1. The unit initiating the pursuit shall immediately notify the Telecommunications Center of this fact and will provide the following information:
 - a. Location and direction of travel;
 - b. Description of the vehicle;
 - c. The specific violation or reason for the pursuit;
 - d. Speed of the fleeing vehicle;

- e. Number of occupants in the vehicle.
 2. The initial pursuing police unit, two backup units, AND ONE SUPERVISOR'S UNIT shall be the only units authorized to pursue the suspect vehicle. The red lights and sirens of all units participating in the pursuit will be continuously activated.
 - a. There shall be no attempt by police units to pass other units engaged in pursuit-related activity, unless requested by the officers in the other unit(s).
 3. The senior officer of the initiating unit may request additional unit(s) to join the pursuit, but only if it appears certain the officers in the three vehicles will not be sufficient to safely effect the arrest of the suspect(s).
 4. The initiating unit shall be responsible for broadcasting the progress of the pursuit. If there are two officers in the initiating unit, that unit will continue to broadcast, if practical, after units have joined the pursuit. If the initiating unit is a solo-officer car, a backup unit shall assume broadcasting responsibilities while the initiating unit continues to pursue and watch for hazards.
- C. Backup Units
1. Once a pursuit has commenced, only officers in a marked unit equipped with a light bar and within the specific area where the pursuit originated will respond "Code 3" to become a backup unit.
 2. Upon sighting the initiating unit, the backup unit shall notify the Telecommunications Center that it has joined in the pursuit.
 3. All units actually engaged in the pursuit may cross geographic areas as necessary.
 4. Due to limited radio frequencies, all responding units will refrain from broadcasting remarks such as "Enroute;" "do you want me to fill;" "I'm close," etc.
 5. Only during unusual circumstances is an officer authorized to become a backup unit in a pursuit in a vehicle equipped with only a red spotlight.
 6. Upon designation of sufficient backup units, all other units responding "Code 3" will immediately terminate "Code 3" and begin monitoring the pursuit and resume routine patrol. These units should not proceed beyond the boundaries of their described geographic areas, i.e., Areas 1 or 2 without authorization.
 - a. The specific areas relating to vehicle pursuits are as follows:
 - (1) Area 1 will be North of the Calaveras.
 - (2) Area 2 will be South of the Calaveras.
 7. Units paralleling a pursuit shall not respond Code-3, shall not join or interfere with the pursuit, and should not proceed beyond the boundaries of their own area.
 8. There shall be no caravanning by field units either paralleling the pursuit or attempting to join the pursuit.
 9. Units not in the pursuit should monitor the pursuit on one (1) radio in case it comes into their area. Units not involved will also monitor the secondary radio channel to stay aware of other emergency calls.
- D. Pursuits by motorcycle/unmarked units
1. In the event a pursuit is initiated by a two-wheel motorcycle unit, that unit will discontinue the pursuit when a marked unit arrives. The first marked unit to arrive then becomes responsible for the conduct of the pursuit.

2. Unless circumstances dictate otherwise, unmarked police units (Vice, Narcotics, Intelligence) will avoid becoming involved in a high-speed pursuit.
3. In the event a Detective unit or marked Traffic unit without a light bar initiates a pursuit, that unit will discontinue the pursuit when a marked unit with a light bar assumes primary unit responsibility. The unit without a light bar will continue as a backup unit only until another marked unit with a light bar can respond and replace it. At that time, the unit shall terminate Code-3 driving and proceed to the termination of the pursuit. At the scene, the officer(s) initiating the pursuit will take over the investigation and processing of the arrest.

E. Supervisory Responsibility

1. A Patrol Sergeant is responsible for pursuit activities and has the responsibility to terminate a pursuit if, in his/her judgment, continuation would be unsafe or unjustified.
2. A Patrol Sergeant may respond Code-3 to follow and monitor a pursuit as necessary in order to justify the termination or continuance of the pursuit.
3. Unless extreme circumstances dictate, the Patrol Sergeant responsible for the pursuit will not be the primary or backup unit involved.
4. If a Patrol Sergeant initiates the pursuit, the Patrol Sergeant shall continue the pursuit until replaced by primary and backup units marked with a light bar. The patrol Sergeant shall then assume supervisory responsibilities.
5. The Patrol Sergeant shall proceed to the termination point of the pursuit to provide guidance and the necessary supervision.
6. The responsible Patrol Sergeant shall submit an oral critique and analysis of the pursuit during the shift to the Watch Commander.

F. Watch Commander's Responsibility

1. The Watch Commander will document on the Watch Commander's Report:
 - a. Date and time of pursuit.
 - b. Length of time of pursuit.
 - c. Involved units and officers.
 - d. Reason for pursuit.
 - e. Disposition: Arrest, citation or other. (If an arrest was made, include the name of the arrestee, charges, etc.)
 - f. Medical treatment information, if any.
 - g. Name of supervisor at scene.
 - h. Property damage information, if any.
2. The Watch Commander is responsible for the timely completion of the CHP form 187A, pursuit report, pursuant to 14602.1 CVC.
 - a. The Field Operations Division (Traffic Section) secretary shall mail the completed CHP form 187A to the California Highway Patrol. (Address is given on the reverse of the form)
3. The Watch Commander is responsible for the Post Pursuit Analysis.

G. Legal Intervention / Options to Forcefully Terminate Pursuits

Legal Intervention is a general term meaning the termination of a pursuit through the use of physical force or presence. Upon deciding to continue with the pursuit, there are three forceful alternatives for

terminating the pursued vehicle's progress (P.I.T., Shoot, Stop Stick Device). The decision to attempt legal intervention shall be based on careful consideration of all facts apparent to the officer, and should be initiated when conditions permit. A supervisor's permission should be obtained prior to initiating legal intervention.

1. The California Statewide integrated Traffic Records System (SWITRS) Section 2.1.32 states, "Injury or damage caused by enforcement intervention (usually apprehension or attempt to apprehend) using a motor vehicle is not a motor vehicle accident insofar as the enforcing agency and violator relationship is concerned. If, when intentional acts are committed, injury or damage occurs that goes beyond the original intent, the excessive acts are considered accidental and meet the specifications of a motor vehicle accident."

- a. Pursuit Immobilization Technique (P.I.T.)

A form of ramming, the Pursuit Immobilization Technique (P.I.T.) is the deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop. The use of the Pursuit Immobilization Technique (P.I.T.) shall be considered only where force would be a reasonable police action per General Order Q-1 (Use of Force), or where the public's safety is at risk.

- (1) P.I.T. should be authorized by a Patrol Sergeant, if possible.
- (2) P.I.T. should be performed when there are sufficient units present in the pursuit to affect the safe apprehension of the pursued vehicle's occupants.
- (3) P.I.T. shall only be performed by sworn personnel who have successfully completed Department P.I.T. training.
- (4) Personnel using P.I.T. should believe the continued movement of the pursued vehicle would place others in danger of great bodily harm.
- (5) Personnel using P.I.T. should believe the risk to persons, other than the occupants of the pursued vehicle, outweighs the risk of making the forcible stop.
- (6) Personnel should only perform the P.I.T. maneuver when other reasonable means of apprehension have been considered and rejected as impractical or unavailable.
- (7) Personnel using P.I.T. should perform the maneuver in accordance with their Departmental P.I.T. training.
- (8) P.I.T. / Ramming should not occur when either the pursued vehicle or the pursuing vehicle is traveling in excess of 35 miles per hour (MPH).

- b. Shoot

Departmental policy regarding the use of firearms (Refer to General Order Q-1 "Use of Force") generally prohibits shooting at a fleeing vehicle.

- (1) Experience reveals that shooting at fleeing vehicles is generally ineffective, and the hazards are great. Decisions to fire at moving vehicles must be based on the most compelling circumstances.
- (2) Officers shall make every effort to avoid putting themselves into a position where they could be struck by a fleeing vehicle, requiring them to use a firearm to protect themselves

- c. Stop Stick Device

- (1) Stop Sticks are an effective method of stopping or slowing the speeds of a pursuit. Stop Sticks should only be deployed by personnel who have received proper training. The Stop Sticks should be deployed in the following manner.

(2) They should be deployed in an area that does not put the officer deploying the Stop Sticks in undue risk of harm. Personnel should use a barrier or fixed object as a means of cover to protect themselves from the on-coming pursued vehicle.

- i. The Stop Sticks should be deployed in a manner that they will only come in contact with the offender's vehicle.
- ii. The Stop Sticks should be retracted before any police vehicles are able to come into contact with them. Personnel deploying Stop Sticks should utilize proper radio communication to advise the pursuing officers of the location where the Stop Sticks will be deployed. This will allow the pursuing officers opportunity to avoid contact with the Stop Sticks.
- iii. If the Stop Sticks are damaged they should be returned to the Administrative Sergeant so that they can be sent for repair.

d. Pursuit Prevention Device

- (1) Pursuit prevention devices are authorized for use on stationary vehicles when personnel have reason to believe a suspect may flee in the vehicle and a vehicle pursuit may ensue.
- (2) Only approved devices are authorized for use and they may only be used by personnel who have received proper training.
- (3) Pursuit prevention devices will be kept in the Watch Commander's Office. Used or damaged devices will be turned into the Administrative Sergeant.

H. Other Jurisdictions

1. Pursuits Into Other Jurisdictions:

- a. When a pursuit extends into another area or jurisdiction, the patrol supervisor or senior member in the pursuit (if the supervisor is not available) should determine if the other law enforcement agency should assume the pursuit. The following should be considered:
 - (1) The distance involved.
 - (2) Pursuing member(s) familiarity/unfamiliarity with the new area.
 - (3) Other known pertinent facts.
- b. If the pursuit is assumed by another agency, the initiating officer should proceed to the termination point, if within a reasonable distance, to provide information which may be required for the arrest.

2. Pursuits From Other Jurisdictions Into the City:

- a. Notification by another agency of a pursuit in progress shall not be construed as a request to join in the pursuit.
- b. Units shall not become involved in other agency pursuits unless requested to do so by that agency or when such assistance is included in established interagency agreements.
- c. Requests for assistance directed to this agency should be reviewed and approved by the Watch Commander.
- d. If involved, we will assume the role of support unit(s) to other agency pursuits. We will not take over the pursuit merely because it is in our area. We will provide cover to the other agency while in our area. While out of our area, we will provide cover until the agency from that jurisdiction arrives.

I. Telecommunications Center

1. When the Telecommunications Center monitors a unit broadcast that "a pursuit is in progress," the console operator(s) will immediately stop dispatching routine calls and call for a signal 900. The dispatcher will then direct routine traffic to another channel leaving the main channel for the pursuit.
2. As the initiating pursuit unit transmits direction of travel, reason, speed, etc., of the pursuit, the Telecommunications Center will note these facts in the event they need to be repeated. The Telecommunications Center should only repeat this information as necessary.
3. Notify Watch Commander and the Patrol Sergeants immediately when pursuit has been initiated.
4. If the pursuit enters another police jurisdiction or if the pursuit is initiated by another police agency, the dispatcher shall maintain a direct and open telephone line with the agency for the purpose of interagency coordination and information.

J. Air Support

1. When Air Support is available, it may be requested to assist with the pursuit. The air unit is an observation platform only and not a pursuing unit.
 - a. The air support unit may respond and maintain visual contact with the pursuit, providing updates on traffic conditions, road hazards, and other logistical information.
 - b. The air support unit may report on the progress of the pursuit and provide officers and supervisors with information to evaluate whether or not to continue the pursuit.
 - c. The air support unit may coordinate the activities of resources on the ground and advise officers as to the location of the suspect and/or suspect vehicle upon termination of the pursuit.
 - d. At the conclusion of the pursuit, the air support unit may maintain an orbit over the suspect's location in order to assist with containment.

K. Conclusion Of Pursuit

1. Apprehension or Arrest
 - a. Refer to Stockton Police Department Use of Force Policy Q-1.
2. Termination
 - a. File appropriate Departmental and CHP Report Forms; including Crime/Arrest reports, Motor Vehicle Reports (MVR), and Allied Agency Vehicle Pursuit Report (CHP 187A).
3. Post Pursuit Analysis: The Watch Commander shall be responsible for administrative review of each pursuit. A written report of the review will be forwarded to the Emergency Vehicle Operations Program Manager.
 - a. Factors to consider
 - (1) Audio or video evidence if available.
 - (2) Circumstances associated with the pursuit.