

RESOLUTION NO. 1877

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
APPROVING A POLICE PURSUIT POLICY PURSUANT
TO CALIFORNIA VEHICLE CODE
SECTION 17004.7

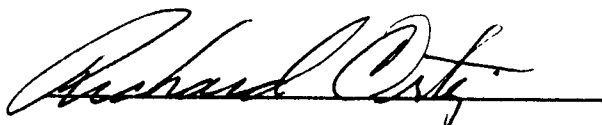
BE IT RESOLVED by the City Council of the City of Soledad that a "Police Pursuit Policy" is hereby approved in the form of the document hereunto attached, marked "Exhibit A", and by reference made a part hereof.

PASSED AND ADOPTED by the City Council of the City of Soledad at a regular meeting duly held on the 28th day of September, 1988, by the following vote:

AYES, and in favor thereof, Councilmembers: Campos,
Ledesma, Untalon, Mayor Pro Tem Slagle, Mayor Ortiz

NOES, Councilmembers: None

ABSENT, Councilmembers: None


MAYOR OF THE CITY OF SOLEDAD

ATTEST:


CITY CLERK OF THE CITY OF SOLEDAD

POLICE PURSUIT POLICY

(Vehicle Code §17004.7)

SUBJECT: Vehicle Pursuits

PURPOSE: To outline the responsibilities and duties of members involved in pursuits and to establish broad guidelines that should assist members in deciding a course of action when involved in a pursuit; and to reduce potential hazards to the public and pursuing members generated by police pursuits of fleeing suspects, while assuring the apprehension of law violators.

This directive is for department use. This policy is also adopted to comply with Vehicle Code Section 17004.7, and is the official policy of the Soledad Police Department for purposes of determining compliance with that section.

PROCEDURE: I. Use of Emergency Equipment:

A. Red lights and siren shall be used on all vehicle pursuits at all times. If for any reason the emergency equipment fails, the pursuit must be discontinued by the unit experiencing the failure, or be continued code one. (21055, 21806, 25102, 25252, 25258, 25259, 27002 California Vehicle Code)

II. When to Initiate a Pursuit:

Pursuits should normally be initiated when, in the officer's judgment, an individual clearly exhibits an intent to avoid arrest by using a vehicle to flee. The majority of pursuits originate from misdemeanor violations, and this factor should be considered in the officer's decision.

A. The objective of a pursuit is to apprehend a violator who refuses to voluntarily comply with the law requiring him to stop.

B. The intent to the pursuit is that the

Exhibit 

subject(s) will be apprehended and brought to trial for the offense(s) committed.

- C. The officer is never justified in arbitrarily using the highways with willful and wanton disregard for the safety of himself or others in accomplishing this objective.
- D. The primary goal of the department is the protection of life and property. To the extent that a motor vehicle pursuit exposes any officer, suspect, or member of the general public to an unnecessary risk of harm or injury, the pursuit is inconsistent with that goal. It is this department's policy that a motor vehicle pursuit is justified only when the necessity of immediate apprehension outweighs the level of danger created by the pursuit.

III. When to Discontinue a Pursuit:

Under most circumstances, pursuits should be discontinued when.

- A. In the officer's opinion, the pursuit hazards outweigh the violations or violator's danger. Of particular importance is the pursuit in which there is no known violation other than the pursued driver committed and continues to commit avoiding arrest. In these instances and when the pursuing officer senses they are pushing the pursued subject to excess speeds and other violations, and in so doing placing themselves or other uninvolved parties in unreasonable danger, the pursuit should be immediately discontinued. Mere flight is not sufficient evidence that a greater crime has occurred and a routine traffic violation pursuit should not be permitted to reach a point of no return in terms of deterrent value versus unreasonable risk.

The importance of "catching" the pursued should never outweigh the importance of

uninvolved citizen and officer safety. A BOL is considered a reasonable disposition.

- B. The pursued vehicle's location is no longer definitely known.
- C. The subject(s) can be identified to the point where later apprehension can be accomplished and where immediate apprehension is not a significant factor.
- D. The police vehicle overheats or develops some other potentially debilitating malfunction.

IV. Pursuit Units:

- A. Normally, pursuits should be limited to two vehicles, one field unit and a supervisor, if available, or other units at the supervisor's discretion.
- B. Officers in all other units should stay away from the pursuit, but remain alert to its progress and location.

IV. Pursuits into Other Jurisdictions:

When a pursuit extends into another allied jurisdiction, the supervisor (or senior officer) in the pursuit should determine whether or not the other allied agency should become involved in the pursuit. The following should be considered:

- A. The distance involved.
- B. Pursuing officer's possible unfamiliarity with the new area.
- C. Other pertinent facts.

If an allied agency is to become involved in the pursuit, the initiating officer should proceed to the termination point, if within a reasonable distance, to provide information which may be required for the arrest.

Notification by another agency of a pursuit in progress shall not be construed as a

request to join in the pursuit.

Units shall not become involved in other agency pursuits unless requested to do so by that agency, and then shall provide only that assistance which has been requested.

Requests for assistance should be reviewed and approved by a supervising officer, if on duty and available.

VI. 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 patrol supervisor.
- 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.

VII. Initiating Pursuit Unit:

The unit initiating the pursuit shall immediately notify communications that a pursuit is underway, giving:

- A. The known law violation or pursuit reason.
- B. Vehicle description.
- C. Location and direction of travel.

- D. Fleeing vehicle speed.
- E. Number of known vehicle occupants.

The senior officer in the initiating pursuit vehicle whether driver or passenger, shall be held accountable for:

- A. Judicious operation of the vehicle pursuit.
- B. The decision as to whether the pursuit should be discontinued.
- C. Assumption of command at the terminal point of the pursuit until the arrival of a supervisor.

VIII. Secondary Units:

- A. The officers in the second unit joining the pursuit shall immediately notify the dispatcher that they are joining the pursuit and identifying their unit. This unit may take over the communications duties, if in a position to do so, at the discretion of the initiating unit. This unit is to be in a position to provide cover, if necessary.

IX. Unmarked Units:

- A. Unmarked units are to be used as cover and on the perimeter only and are not to join in pursuits. If an unmarked unit initiates a pursuit, it is to assume a support role when a marked unit is in position to assume the role of the primary unit.

X. Communications Center (Dispatcher) Responsibility:

- A. Maintaining communications with pursuing unit(s), broadcasting information to other units, and being aware of the direction of travel and location of the pursuit at all times.
- B. Informing the patrol supervisor immediately if a pursuit is initiated.

- C. Initiating a code 33 (clear the frequency) when radio traffic begins to interfere with the pursuit, or at the request of the supervisor or senior officer involved.
- D. Notifying allied agencies and specifying if assistance is or is not requested by the pursuing unit(s), and giving details as needed.
- E. Providing back-up units and stolen/registration information.

XI. Supervisor's Responsibility:

- A. Upon being notified of the pursuit, the supervisor shall:
 - 1. Monitor the activity and determine the circumstances involved.
 - 2. Terminate the pursuit if in his or her judgment the danger(s) outweighs the benefits of a successful conclusion.
 - 3. Insure that no more than the required or necessary units are involved in the pursuit.
 - 4. Insure that the proper radio frequency is being utilized and that communications are maintained with the pursuing unit(s).
 - 5. Insure that the affected allied agencies are notified.
- B. The supervisor shall proceed to the termination point if at all practical to provide guidance and the necessary supervision. Units should be returned to the city (if outside) as soon as possible.
- C. The officer of the unit initiating the pursuit (and any others if deemed necessary) shall be responsible for the submission of an analysis and critique of the pursuit to the patrol commander.

- 1. It may be appropriate to have each officer involved submit a memorandum and critique his or her own involvement with the pursuit and subsequent events.
- 2. The memoranda and critiques are required only in those instances when the pursuit involves more than one unit and the distance was more than a few blocks. The memoranda are in addition to all regular police reports.

XII. Vehicle Operation:

- A. The key to the successful conclusion of a pursuit and the apprehension of evading vehicles is proper self discipline and sound professional judgment.

REMEMBER

- 1. Use of the siren does not guarantee that all motorists can hear it. Sound output is altered by terrain and relationship of the siren to approached vehicles.
 - 2. Use only the right foot to operate the brakes and throttle. Left foot braking causes heat transfer, which quickly renders brakes inoperable.
- B. Ramming. Ramming of fleeing vehicles should be avoided. Neither should attempts be made to run the pursued vehicle off the road. If the originating unit believes either of these two steps are absolutely necessary, such action should only be taken in case of major felonies (for example 187 P.C.) and then only if the character of the roadway, speeds involved, or hazards to other persons are considered and the circumstances still justify such drastic action.

The supervisor of the jurisdiction where the pursuit ends should proceed to the termination point if at all practicable

to provide guidance and the necessary supervision.

C. Roadblocks. The practice of establishing roadblocks is extremely hazardous and should be undertaken only as a last resort. Only in cases where the violator constitutes an immediate and continuing major threat to the safety of others and other efforts have failed should the road be blocked.

1. The senior or supervising officer on duty will be responsible for initiating a roadblock or approving other tactics.
2. Roadblocks should be organized in such a way to allow a suspect vehicle an alternative to ramming. They should be set up in locations where they can be clearly seen for a considerable distance by approaching vehicles.

A. The senior or supervising officer will dictate the method to be used for each particular incident as no two situations are the same. If a vehicle is used as a roadblock, it is not to be occupied and is not to be a civilian vehicle.

3. On freeways, roadblocks or slow-downs should be avoided unless absolutely necessary and only if specifically requested by the senior or supervising officer. Both the pursued and pursuing vehicles, as well as innocent motorists, are placed in serious jeopardy by slowing or stopping freeway traffic.
4. The blocking of exit or access ramps to freeways is acceptable to prevent citizens from inadvertently driving into the path of the pursuit or to keep the

pursued vehicle from returning to congested surface streets.

XIII. Accidents during Pursuits:

- A. If the pursuing units become involved in an accident, the accident should be investigated by the law enforcement agency having jurisdiction of the area in which the accident occurred. Department members involved in such accidents will adhere to procedures contained in this manual.

XIV. Use of Firearms:

- A. Firearms will be used only in accordance with the Department Policies governing their use. (See "use of force" in this manual).

XV. Notification of Patrol Commander:

- A. If any person is injured, or there is major property damage caused during a pursuit, the patrol supervisor shall see that the patrol commander is contacted and advised as soon as possible.

XVI. Pursuit Guidelines Synopsis:

- A. Immediately notify dispatch of pursuit. Provide all pertinent information when available. Initiating officer is in charge until the watch commander assumes command.
- B. The watch commander shall be in command.
- C. Normally, not more than two units in pursuit.
- D. Keep dispatch advised of changing status.

XVII. Response Categories:

- A. Code-2 Urgent. Proceed as expeditiously as possible, staying within the speed limit and obeying all traffic laws. Do not engage emergency lights or siren (the use of only emergency lights does not relieve the officer of any CVC

responsibilities).

- B. Code-3 Emergency. The officers shall drive as rapidly and as safely as possible with all emergency operation (red lights, siren, flasher, etc.). The speed shall not be greater than is reasonable or prudent having due regard for weather, visibility, traffic conditions, highway surface and width. In no event shall officers drive at a speed which unnecessarily endangers the safety of persons or property.

Officers shall come to a complete stop at all blind intersections before proceeding cautiously and safely.

When approaching a controlled intersection against the red light, officers must assume that drivers of vehicles stopped at the intersection or traveling across the intersection are not aware of the emergency equipment being operated. Officers will slow to a speed which is prudent and reasonable to traverse the intersection safely. Under no circumstances will the officers "push" vehicles stopped at the intersection into the intersection. Under no circumstances will an officer pass on the right side of any vehicle when responding Code-3.

- C. Emergency Lights. The use of emergency warning lights on police vehicles will be restricted to unusual or extreme traffic hazards, and be compatible with the provisions of CVC 21055, 25268 and 25269. The primary difference between the need for display of a red warning light and the flashing amber light is determined by what constitutes an "unusual" or "extreme" traffic hazard.

1. An "unusual" traffic hazard is an incident or situation which requires traffic to slow and proceed with caution and should be indicated by the use of the flashing amber warning light.

- 2. An "extreme" traffic hazard is an incident or situation which requires traffic to stop and proceed, or proceed as directed, should be indicated by the use of the red warning lights.

D. Amber Lights. Flashing amber warning lights may be displayed only when an unusual traffic hazard exists. This may be described as, but is not limited to, one of the following:

- 1. When the roadway is not blocked, but vehicles are close enough to the roadway to interfere with normal movement of traffic.
 - i. Scene of traffic accident.
 - ii. Disabled vehicle(s).
 - iii. Violator stop.
- 2. In any other event when in the professional judgment of the officer an unusual traffic hazard exists.

E. Red/Blue Lights. The red/blue warning lights shall not be displayed except when the vehicle:

- 1. Is being driven in response to an emergency call.
- 2. Is engaged in rescue operations.
- 3. Is being used in the immediate pursuit of an actual or suspected violator of the law.
- 4. Is responding to a fire alarm.
- 5. Is being used to protect the scene of an incident or situation when an extreme hazard exists. An extremely hazardous situation may be described as,

40

but is not limited to:

- i. When the roadway is blocked by:
 - (a) A traffic accident.
 - (b) Disabled vehicles(s).
 - (c) A violator stop when the vehicle cannot be parked or stopped completely off the roadway.
 - (d) Any incident that requires the roadway to be blocked;
 - fire
 - flood
 - other disaster
- (ii) In any situation when in the professional judgment of the officer an extreme hazard exists.
- (iii) When parked off the roadway to issue a citation, warning, or for other routine duties off of the traveled portion of highway, red lights will not be displayed. The amber lights will be used.

XVIII. Legality of Officer's Actions:

- A. A peace officer driving a vehicle must comply with normal "rules of the road" governing driving. The officer is exempt from following these rules while driving in response to an emergency call or in immediate pursuit of an actual or suspected violator of the law and the vehicle is sounding a siren and displaying a lighted red lamp visible from the front. (Vehicle Code Section 21055) The exemption from following normal "rules of the road" does not relieve the driver of a

vehicle from the duty to drive with due regard for the safety of persons using the highway or protect an officer from the consequences of an arbitrary exercise of the privileges exempting the officer from normal driving rules. (Vehicle Code Sections 21056 and 21807)

- B. A peace officer operating an authorized emergency vehicle in the line of duty in response to an emergency call or in immediate pursuit of an actual or suspected violator of the law, will not be personally liable for civil damages due to the personal injury to or death of any person or damage to property resulting from the operation of the vehicle. (Vehicle Code Section 17004) A peace officer may still be personally liable, and/or expose the officer's employer to liability for civil damages due to the death or injury of a person or damage to property proximately caused by a negligent or wrongful act or omission in the operation of any motor vehicle not in a pursuit situation by an employee acting within the scope of his employment. (Vehicle Code Section 17001)