



Kern County Sheriff's Office Policies and Procedures

TITLE: VEHICLE POLICIES - PURSUITS			NO: E-0200E-0200
APPROVED: Donny Youngblood, Sheriff-Coroner			
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PURPOSE

This policy is intended to establish procedures for vehicle pursuits that are consistent with California law and consider the safety of all persons.

APPLICABILITY

When used in this policy, the term officer or deputy refers to deputy sheriffs only. Only Directive A of this policy refers to detentions deputies.

POLICY

It shall be the policy of the Sheriff's Office that officers engaged in vehicular pursuits of actual or suspected law violators proceed in a manner consistent with the safety and well being of all persons. When circumstances are such that the life or safety of any person is unreasonably endangered because of a pursuit, such pursuit shall be terminated in all but the gravest of circumstances.

Vehicle Code Section 21055 authorizes an operator of an emergency vehicle to violate the rules of the road when in pursuit of an actual or suspected violator of the law if the driver of the emergency 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. Vehicle Code Section 21056 requires the officer to drive with *due regard* for the safety of all persons using the highway, and does not exempt the driver from the consequences of an arbitrary exercise of the privileges granted in section 21055.

Pursuits are highly volatile situations that demand officers be alert to rapidly changing conditions. When the driver of a pursued vehicle clearly exhibits the intention of avoiding detention or arrest, or when a suspected violator refuses to stop, the officer must make some judgments. The officer assuming control of the pursuit can satisfactorily exercise discretion only after minimally considering the following before and during a pursuit:

- Does the seriousness of the offense warrant a chase at high speeds considering the risks to the officer, innocent motorists, and others?
- Does the apparent need for immediate capture warrant the risks to peace officers, innocent motorists, and others in order to protect the public?

- What is the possibility of apprehension?
- Will the pursuit take place on a residential street, a business district, or on a freeway?
- What are the vehicular and pedestrian traffic conditions and volume?
- What are the weather conditions?
- Is air support available to assist?
- Is the officer familiar with all of the areas that may become involved?

DEFINITIONS

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

PURSUIT INTERVENTION TECHNIQUE (PIT) is defined as the deliberate act of impacting a violator's vehicle with a law enforcement vehicle to force the violator's vehicle to stop.

PROCEDURE A: INITIATING A PURSUIT

An officer initiating a pursuit will:

- Activate red lights at the time it becomes necessary to violate the rules of the road;
- Advise the dispatcher of pursuit, giving:
 - Reason for pursuit;
 - Description of the vehicle and occupants;
 - Location, direction of traffic, approximate speed.
- Operate the siren when reasonable or necessary considering existing conditions:
 - Fluctuate the tone of the siren, especially through intersections, making it easier for motorists to hear the siren.
- Drive near the center of the street so approaching vehicles can see red lights;
- Do not attempt to pass on the right side (CVC 21806);
- Give motorists and pedestrians an opportunity to yield the right of way;
- Assume control of the pursuit following the directives in this policy;
- Drive at speeds safe under the totality of the circumstances and consistent with policy and law considering public safety, peace officer safety, and the fleeing occupant's safety.
- Attempt to apprehend suspect(s) at the successful termination of pursuit.

An officer acting as a secondary unit in a pursuit will:

- Activate red lights and siren;
- Activate siren only as necessary;
- Follow directions given by the primary unit;
- Assume radio communications responsibilities;

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- Assist in the apprehension of suspect(s).

The supervisor on duty, or in his/her absence the watch commander, will monitor and control any pursuit from its origin to its conclusion. Additionally, he/she will:

- Obtain sufficient information to determine that the pursuit is justified;
- Continually assess the risk factors associated with the pursuit to determine if continuing the pursuit is warranted;
- Ensure available aircraft has been requested;
- Ensure only the required units are involved, considering both the number of active and perimeter units, and if necessary, verbally identify units authorized in the pursuit;
- Verify proper radio channels and procedures are being used;
- Cause other law enforcement agencies to be notified if the pursuit enters their jurisdiction;
- Contact supervisors of assisting allied agencies directly if need be;
- Advise the Communications Center that he/she is monitoring;
- Ensure policies and procedures are being followed;
- Terminate the pursuit if, in his/her judgment, the risk to human life does not warrant its continuation;
- Proceed to the termination point of the pursuit if practical to ensure the proper completion of reports or provide assistance;
- If the pursuit results in a fatality, severe injury, or property damage, respond to the scene(s), and ensure:
 - Photographs are taken when necessary;
 - The California Highway Patrol is notified of the extent of damage or injuries and requested to respond for a vehicular accident investigation.
 - At the discretion of the on-scene commander or chief deputy, the Sheriff's Office's Civil Litigations Unit may be notified and requested to respond.

The supervisor on duty or the watch commander shall order the pursuit discontinued when the factors set forth in this policy or other valid considerations indicate termination is proper.

In the event the on-duty supervisor is involved in the pursuit itself, the watch commander shall supervise the pursuit and follow the provisions outlined in this policy. On-duty supervisors shall discontinue their involvement in the pursuit when marked units are in position to take over as the primary/secondary units, allowing the supervisor to resume pursuit supervision responsibility.

PROCEDURE B: PURSUIT ASSUMED BY AN ALLIED AGENCY

When a pursuit is assumed by an allied agency, the officer initiating the pursuit will:

- Discontinue Code 3 operation;
- Continue to monitor the progress of the pursuit via the Communications Center;
- Proceed to the pursuit termination point following the rules of the road, if practical, and provide information necessary for an arrest;
- If appropriate, take custody of suspect(s) and return to Kern County jurisdiction.

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PROCEDURE C: MULTI-AGENCY PURSUITS

When an outside agency advises the Communications Center of a pursuit, dispatchers shall relay all available information to the on-duty supervisor or watch commander.

If assistance is requested by the pursuing agency, officers assigned to assist shall terminate the pursuit at the Kern County line unless there are extenuating circumstances present including, but not limited to:

- Officer or public safety;
- The outside agency's inability to continue the pursuit or immediate need of the officer's assistance;
- The seriousness of the crime.

PROCEDURE D: AIR SUPPORT

Air support will be utilized in pursuits when available. When appropriate, air support will:

- Assist in coordinating ground units;
- Report by radio the progress of the pursuit;
- Provide officers with information critical to the safe progression of the pursuit which can be used to evaluate whether or not to continue the pursuit;
- Provide pertinent facts related to officer and public safety.

PROCEDURE E: INITIATION OF THE PURSUIT INTERVENTION TECHNIQUE (PIT)

Only after considering and understanding all of the following conditions may an officer attempt to terminate a pursuit by intervention (PIT):

- The officer understands interventions are considered a use of deadly force and therefore all actions shall comply with the Sheriff's Office Policy and law;
- The officer successfully completed the Sheriff's Office PIT Training Course and understands only tactics taught in that course are authorized;
- The officer believes that the continued movement of the pursued vehicle would place officers or uninvolved persons in imminent danger of great bodily harm or death;
- The apparent risk of harm to officers or uninvolved persons outweighs the risk in the utilization of the PIT;
- The officer has considered other reasonable means of apprehension such as continuing to follow the offender, calling for air support, etc;
- Forcible stops should not be attempted when the pursued vehicle is traveling in excess of 35 MPH;
- An uninvolved motorist-occupied vehicle shall never be used to forcibly stop a pursued vehicle;

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- Whenever possible, a supervisor's permission should be obtained before intervention is attempted;
- Blocking, ramming, boxing, and roadblocks are generally prohibited in all but the gravest circumstances.

PROCEDURE F: ADMINISTRATIVE REVIEW

Following any pursuit or utilization of the PIT maneuver, the supervisor of the involved deputy shall review the involved incident report and any other information he/she believes pertinent. The supervisor will ensure the pursuit has been entered into the Sheriff's Office Use of Force Reporting System and will complete a memorandum that minimally contains the following information:

- Location of the pursuit and a description of the involved area
- Number of units involved and the identity of each involved deputy
- Offense that caused the deputy to initiate the pursuit
- Speeds reached by the suspect and involved deputies during the pursuit
- Actions taken at the termination of the pursuit
- Identity of the supervisor(s) who monitored the pursuit

The supervisor shall prepare two Supervisor Pursuit Packages, each containing the following items:

- A copy of the supervisor's memorandum
- A copy of the incident/investigative reports
- A copy of the CHP 187 form

One of the packages will be forwarded to the involved deputy's section lieutenant or division commander. The other will be forwarded to the Watch Lieutenant Section.

The involved section lieutenant or division commander and the assigned watch lieutenant will make themselves aware of the circumstances surrounding the pursuit. Independently of each other, both of them will minimally:

- Review the Supervisor's Pursuit Package;
- Listen to the involved radio traffic as necessary;
- Consult with the lead EVOC instructor and others as necessary.

After considering the above, the section lieutenant (or division commander) and the assigned watch lieutenant will:

- Confer and come to a joint determination as to whether the pursuit was warranted and/or within Sheriff's Office policy.
 - If the watch lieutenant and the section lieutenant or division commander are unable to come to a consensus, they shall confer with the division commander where the pursuit originated and the commander will cast the deciding vote. In the event the above division commander is a part of the original

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conference; an uninvolved lieutenant or commander will review the material and cast the deciding vote.

The assigned watch lieutenant will notify the Internal Affairs Unit of the finding for tracking in the Use of Force Reporting System.

If the pursuit is determined to be within policy, the assigned watch lieutenant will:

- Document the finding by case number and date of the pursuit
- Refer any training issues he/she notices to the POST Training Lieutenant

If the pursuit is determined to be outside of Sheriff's Office policy, the watch lieutenant will:

- In cooperation with the section lieutenant or division commander, complete a memorandum detailing the reasons for the finding. The memorandum, along with the supporting documents, will be forwarded to the affected division commander
 - If the division commander was involved in the policy compliance decision, he/she will take possession of the aforementioned documents.

The affected division commander will:

- Review all materials and determine if training and/or discipline is warranted. In the event the affected division commander determines training is an appropriate remedy, the relevant information will be forwarded to the lead EVOC instructor who will ensure the appropriate training is administered.
- In the event discipline is warranted, the commander will confer with his/her chief deputy to determine whether or not the matter will be referred to the Internal Affairs Unit for further investigation.
 - In the event the matter is not referred to the Internal Affairs Unit, the commander will cause the appropriate discipline to be imposed.

DIRECTIVE A: DETENTIONS PERSONNEL

Detentions deputies are prohibited from engaging in vehicular pursuits. Any detentions deputy from whom a suspect flees in a vehicle will advise dispatch of as much relevant information as possible (vehicle make and model, direction of flight, etc.)

DIRECTIVE B: ALLIED AGENCIES

Sheriff's Office personnel shall not become involved in the vehicle pursuits of other agencies unless requested to do so by the agency or when such assistance is included in established inter-agency agreements.

Notification by another agency of a pursuit in progress is not to be considered as a request to join in the pursuit. If a request for assistance is made, it will be reviewed and approved by the on-duty division commander or on-duty watch commander. Any officers assigned to assist will follow the policies and procedures of this section.

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When a pursuit extends into the area of an allied jurisdiction, the supervisor monitoring the pursuit will determine if the allied agency should assume the responsibility of the pursuit and make the appropriate request. In all cases where the pursuit enters another jurisdiction, the on-duty division commander or on-duty watch commander will be advised immediately.

DIRECTIVE C: PURSUIT TERMINATION

A pursuit will be terminated if:

- Existing conditions present an unreasonable hazard to human life, or
- The pursued vehicle's location is no longer definitely known, or
- The speed is unreasonable considering the totality of the circumstances, or
- The subject(s) of the pursuit can be identified to the point where later apprehension can be accomplished.

The pursuing officer must base his/her decisions upon the seriousness of the crime and the existing safety factors.

DIRECTIVE D: ASSISTING UNITS

The officer(s) in the initial pursuing unit and one (1) secondary unit, when available, shall pursue a suspect fleeing in a vehicle. Other Sheriff's Office units in the general area of the pursuit shall follow its progress by radio and attempt to position themselves accordingly, should additional assistance be needed. They will not drive at speeds exceeding posted speed limits. The officer(s) operating the primary pursuit may request additional units to assist if it appears the officers in the two vehicles involved will not be sufficient to safely affect the arrest of the suspect(s). Such additional assignments will be effected by the communications dispatcher. The dispatcher may direct unneeded units to abandon pursuit as directed by the field supervisor.

The first responsibility of the primary pursuit unit is the apprehension of the suspects without unnecessarily endangering themselves or other persons.

Unless relieved by a supervisor, the officer(s) occupying the primary unit shall be responsible for the control of pursuit tactics. This will include the decision to pursue and the number of units to be utilized.

DIRECTIVE E: UNMARKED VEHICLES

Deputies operating unmarked vehicles will abandon a pursuit when sufficient marked units are available to assume their role in the pursuit and the transition can be accomplished safely.

DIRECTIVE F: CHP 187 FORM

After an officer or officers are involved in attempting to apprehend a suspect operating a motor vehicle, while the suspect is trying to avoid arrest by using high speed driving or other evasive

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tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to the deputy's signal to stop; the officer will complete CHP form 187a (New 1-03) along with the other necessary report forms as dictated by the type of incident pursuant to the Sheriff's Office Report Writing Manual. The CHP form 187 will accompany the report package to the Crime Reports Section.

The Crime Reports Section will be responsible for duplicating, filing, compiling, and mailing the completed forms to the designated CHP office.

DIRECTIVE G: PIT MANEUVER

Whenever the PIT maneuver is utilized by a member of this Office, the involved officer(s) will ensure the following occurs:

- A Motor Vehicle Accident Report is completed for each involved vehicle
- Photographs of the involved vehicles (damaged or not) are taken
- The involved officers' narrative of their PIT actions is included in their reports
- The involved vehicle is inspected as outlined in Directive H below

DIRECTIVE H: POST-PURSUIT VEHICLE SAFETY

Employees shall ensure their vehicles are operating in a safe and efficient manner at all times.

Vehicle operators shall inspect their vehicles after pursuits, PIT maneuvers, and other unusual driving occurrences and consider whether their vehicle was subjected to any maneuvers which could have possibly damaged the vehicle. Such maneuvers may include, but are not limited to:

- the use of force
- rapid acceleration
- high speeds
- rapid cornering
- hard braking

Operators of Sheriff's Office vehicles with visible or audible damage shall ensure the vehicle is taken to the appropriate repair facility for inspection.

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