

Butte County DA's Office Bureau of Investigation

Vehicle Pursuit Policy

314.1 PURPOSE AND SCOPE

Pursuits of suspected or known violators of the law expose innocent citizens, law enforcement officers and fleeing violators to serious injury or death. The primary purpose of this policy is to provide investigators guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce and minimize the potential for pursuit related collisions. Vehicular pursuits require investigators to exhibit a high degree of common sense and sound judgment. Investigators must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing investigators.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no investigator or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where Bureau policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Investigators must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Investigators' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable investigator would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

314.11 LAW ENFORCEMENT PURSUIT DEFINED

An event involving one or more law enforcement officers, attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed driving or other evasive tactics.

314.12 FAILURE TO YIELD DEFINED

Refers to the actions of a vehicle operator who fails to stop or respond to the emergency light(s) and siren of a law enforcement vehicle. Generally, the vehicle operator continues to travel forward at or below the speed limit, observes applicable rules of the road and does not change the direction of travel in an evasive manner.

314.2 INVESTIGATOR RESPONSIBILITIES

It shall be the policy of the Butte County District Attorney's Bureau of Investigation that a motor vehicle pursuit shall be conducted only with red light and siren as required by Vehicle Code § 21055 for exemption from compliance with the rules of the road. The following policy is established to provide investigators with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Vehicle Code § 21056. Investigators shall recognize issued vehicles do not have the same level of visibility as marked patrol cars, which is a factor for public safety.

314.21 WHEN TO INITIATE A PURSUIT

Investigators are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle. However, an investigator initiating a pursuit is required to immediately advise the law enforcement agency having jurisdiction over the area where the pursuit is occurring and request the assistance of a fully marked patrol unit. The

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investigator shall turn the pursuit over to the marked patrol unit as soon as it arrives. The investigator may continue with the pursuit in accordance with relevant sections of this policy.

The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety
- (b) 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 investigators, innocent motorists and others
- (c) Apparent nature of the fleeing suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety)
- (d) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time
- (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors
- (f) Pursuing investigator(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing investigators under the conditions of the pursuit
- (g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (i) Investigators must be cognizant of the fact that they generally operate vehicles that are not clearly marked with police identifiers, (i.e distinctive paint schemes, "police" decals, light bars, etc.) which may increase the risks associated with pursuing a vehicle
- (j) Vehicle speeds
- (k) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages);
- (l) Availability of other resources such as helicopter assistance;
- (m) The investigator's vehicle is carrying passengers who are not sworn law enforcement personnel. (Pursuits should not be undertaken with a prisoner(s) in the vehicle.)

314.22 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the investigator or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect(s)' escape.

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The factors listed in Policy Manual § 314.21 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Investigators and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s).

In addition to the factors listed in Policy Manual § 314.21 the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing investigators and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance
- (b) Pursued vehicle's location is no longer definitely known
- (c) Investigator's pursuit vehicle sustains any type of damage that renders it unsafe to drive
- (d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged
- (e) Hazards to uninvolved bystanders or motorists
- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, investigators should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) Directed by a supervisor

314.23 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the investigator and supervisor. Evaluation of vehicle speeds shall take into consideration public safety, officer safety and the safety of the occupants of the fleeing vehicle. Should high vehicle speeds be reached during a pursuit, investigators and supervisors shall consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Are the pursuit speeds unsafe for the surrounding conditions
- (b) Are the speeds being reached beyond the driving ability of the investigator
- (c) Are the speeds beyond the capabilities of the investigator's vehicle thus making its operation unsafe

314.3 PURSUIT UNITS

Pursuit units should be limited to two vehicles; however, the number of units involved will vary with the circumstances. An investigator or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of investigators involved would be insufficient to safely arrest the suspect(s). All other investigators should stay out of the pursuit, but should remain alert to its progress and location. Any investigator who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

314.31 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit. Investigators, in such vehicles, however, may become involved in emergency activities involving

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serious crimes or life threatening situations. Those investigators should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any police helicopter. The exemptions provided by Vehicle Code § 21055 do not apply to investigators using vehicles without emergency equipment.

314.32 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the investigator initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.

Notify the appropriate communications center, as set forth in Policy Manual § 314.5, that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

- (a) Reason for the pursuit
- (b) Location and direction of travel
- (c) Speed of the fleeing vehicle
- (d) Description of the fleeing vehicle and license number, if known
- (e) Number of known occupants
- (f) The identity or description of the known occupants
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards

Unless relieved by a supervisor, the investigator in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft in order to concentrate on pursuit driving.

314.33 SECONDARY UNIT(S) RESPONSIBILITIES

The second investigator in the pursuit is responsible for the following:

- (a) The investigator in the secondary unit should immediately notify the dispatcher of entry into the pursuit
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary investigator, or if the primary unit is unable to continue the pursuit
- (c) The secondary investigator should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise

314.34 PURSUIT DRIVING TACTICS

The decision to use or not use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Investigators, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle;
- (b) As a general rule, investigators should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 1. Requesting assistance from an air unit;
 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway;
 3. Requesting other units to observe exits available to the suspect(s).

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- (c) Notifying the California Highway Patrol and/or other jurisdictional agency;
- (d) Investigators involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or requested to do so by the primary unit.

314.35 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Investigators are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Investigators should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road. The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

314.36 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

314.37 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide investigators and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this department that available supervisory and management control will be exercised over all motor vehicle pursuits involving investigators from this department. The supervisor of the investigator initiating the pursuit, or if unavailable, the nearest supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision
- (c) Exercising management and control of the pursuit even if not engaged in it
- (d) Ensuring that no more than the number of required District Attorney units needed are involved in the pursuit under the guidelines set forth in this policy
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy
- (f) Ensuring that aircraft are requested if available

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- (g) Ensuring that the proper radio channel is being used
- (h) Control and manage District Attorney units when a pursuit enters another jurisdiction
- (i) Preparing post-pursuit critique and analysis of the pursuit for training purposes

314.5 COMMUNICATIONS DURING PURSUITS

To facilitate effective communication with law enforcement personnel from other agencies, during a pursuit, the pursuing investigator shall switch his/ her radio to the Butte County Sheriff's radio frequency, advise that he/ she is in pursuit of a vehicle and request the assistance of marked patrol units. The investigator may utilize another law enforcement agency's radio frequency if circumstances dictate. Prior to switching to another agency's radio frequency, the pursuing investigator shall advise the District Attorney's communications center (DACOM) that he/ she is in pursuit and will be switching to another radio frequency.

314.51 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, DACOM will:

- (a) Coordinate pursuit communications of the involved units and personnel, until the pursuing investigator(s) switch communications to the Butte County's Sheriff's radio frequency;
- (b) Notify and coordinate with other involved or affected agencies as practical;
- (c) Monitor the pursuit by listening to the radio frequency being utilized by the pursuing investigator(s);
- (d) Ensure that a supervisor is notified of the pursuit;
- (e) Log all pursuit activities;
- (f) Broadcast pursuit updates as well as other pertinent information as necessary;
- (g) Notify the Assistant Chief Investigator and Chief Investigator as soon as practical.

314.52 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

314.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary investigator or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit.

314.61 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and our assistance is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of investigators at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit.

314.62 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Investigators should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this

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circumstance, an investigator may join the pursuit until sufficient units from the initiating agency join the pursuit.

If a request is made for an investigator to assist in a pursuit from another agency that has entered this jurisdiction, the supervisor should consider the following factors:

- (a) Ability to maintain the pursuit
- (b) Circumstances serious enough to continue the pursuit
- (c) Adequate staffing to continue the pursuit
- (d) The public's safety within this jurisdiction
- (e) Safety of the pursuing investigators

As soon as practical, a supervisor should review a request for assistance from another agency. The supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by investigators of this department will terminate at the Butte County limits provided the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present. In the event that a pursuit from another agency terminates within this jurisdiction, investigators shall provide appropriate assistance to officers from the allied agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

314.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable it or forcibly position it such that further flight is not possible or practical.

314.71 WHEN USE AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, investigators/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the investigators and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the investigator at the time of the decision. It is imperative that investigators act within the bounds of legality, good judgment and accepted practices.

314.72 DEFINITIONS

Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop. Boxing-in - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop. Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle.

The Pursuit Intervention Technique (PIT) - A low speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.

Spikes or Tack Strips - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

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314.73 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Investigators should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any investigator from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

314.74 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the investigators, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Investigators who have not received certified departmental training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

(a) Only those investigators trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to investigators, the public and occupants of the pursued vehicle.

(b) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the investigator's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable and alternative method. This policy is an administrative guide to direct investigators in their decision-making process before the fact of ramming another vehicle. It is not a standard for civil or criminal litigation to judge the propriety of the act; that is a matter for the courts to determine by established law. When ramming is to be employed as a means with which to stop a fleeing vehicle, one or more of the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to society if not apprehended
2. The suspect is driving in willful or wanton disregard for the safety of persons; or, driving in a reckless and life-endangering manner
3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

(c) As with all intervention techniques, pursuing investigators should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to investigators, the public and occupants of the pursued vehicle.

(d) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Investigators should carefully consider the limitations of such devices as well as the potential risks to investigators, the public and occupants of the pursued vehicle.

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(e) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, investigators or other members of the public.

314.75 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Investigators shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

314.8 REPORTING REQUIREMENTS

The following reports should be completed to comply with appropriate local and state regulations:

- (a) The primary investigator shall complete appropriate crime/arrest reports.
- (b) Pursuant to Vehicle Code § 14602.1(b), the primary investigator shall complete form CHP 187A, Allied Agency Vehicle Pursuit Report, to be reviewed by the Chief Investigator and filed with the CHP either electronically or on paper not later than 30 days after the pursuit. This pursuit report shall minimally contain the following information:

1. Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the investigators involved.
2. The violation(s) which caused the pursuit to be initiated.
3. The identity of the investigators involved in the pursuit.
4. The means or methods used to stop the suspect being pursued.
5. The charges filed with the court by the District Attorney.
6. The conditions of the pursuit, including, but not limited to, all of the following:
 - (a) Duration
 - (b) Mileage
 - (c) Number of investigators involved
 - (d) Maximum number of units involved
 - (e) Time of day
 - (f) Weather conditions
 - (g) Maximum speeds
7. Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.
8. Whether the pursuit involved multiple agencies.
9. How the pursuit was terminated.

314.81 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary POST training on pursuits required by Penal Code § 13519.8, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to investigators and others. (Vehicle Code § 17004.7(d)).

314.82 POLICY REVIEW

Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

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314.9 APPLICATION OF MOTOR VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the 1995 POST Vehicle Pursuit Guidelines.