

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

VEHICLE PURSUIT
SUBJECT

DATE: March 19, 2008

NO: V-1

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

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I. POLICY

- A. Vehicle pursuits may be initiated and conducted if jeopardy to public safety is not out of proportion to 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 Personnel and 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 section for inclusion in TMS.

II. LAW

- A. Emergency vehicles under pursuit conditions are exempt from the rules of the road under California Vehicle Code Section 21055 (a); however, the law does not forgive nor exempt the abuse of such privilege. (California Vehicle Code Section 21056).
- B. 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).

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 should be initiated and continued only 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, when such threat to safety 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 guidelines 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, the backup unit (secondary unit), AND ONE SUPERVISOR'S UNIT shall be the only units authorized to pursue the suspect vehicle "Code 3." All three of these unit's red lights and sirens will be operating during the pursuit.
 - 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 two 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 the secondary unit has joined the pursuit. If the initiating unit is a solo-officer car, the secondary unit shall assume broadcasting responsibilities while the initiating unit continues to pursue and watch for hazards.

C. Secondary unit

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 the secondary unit.
2. Upon sighting the initiating unit, the secondary unit shall notify the Telecommunications Center that it has joined in the pursuit.
3. The **THREE** 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 the secondary unit in a pursuit in a vehicle equipped with only a red spotlight.
6. Upon designation of a secondary unit, 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 the secondary 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 secondary unit involved.
4. If a Patrol Sergeant initiates the pursuit, the Patrol Sergeant shall continue the pursuit until replaced by primary and secondary 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. Methods of Terminating Pursuits

1. Upon deciding to continue with the pursuit, there are three forceful alternatives for terminating the pursued vehicle's progress. There will be no attempts to stop pursued suspects by employing any of the following tactics, except as a last resort or under extreme circumstances, and to protect one's self from an immediate threat of great bodily injury, or to effect the capture or prevent the escape of a suspect whose freedom is reasonably believed to represent an imminent threat of great bodily harm or death to any person:

a. Ramming

A vehicle shall only be halted by ramming when the use of deadly force is justified. (Refer to General Order Q-1 "Use of Force").

- (1) Ramming should be authorized by a Patrol Sergeant, if possible, after all reasonable steps of apprehension have been taken and the risk to officers in utilizing the ramming technique is less than to other motorists should the chase continue.
- (2) The suspect vehicle should be rammed from the side, if possible. Striking the vehicle from the front or rear is likely to cause the vehicle to spin out of control, possibly resulting in injuries to the officer or innocent citizens.

b. Roadblock

Definite knowledge that the person or persons being pursued are fleeing to avoid prosecution for a felony is necessary before employing such severe measures as a roadblock.

- (1) An improvised roadblock generally consists of the placing of a vehicle or hastily erected barricades across the roadway at some distance ahead of the fleeing vehicle to force a stop.
- (2) Permission to use a roadblock will be obtained from a Watch Commander prior to implementation.
- (3) On freeways, roadblocks should be avoided unless absolutely necessary and only if specifically requested by pursuing units. Both the pursued and pursuing vehicles, as well as innocent motorists, are placed in serious jeopardy by slowing or stopping freeway traffic.
 - (a) If a roadblock is set, pursuing units and other agencies must be made aware of its existence, and be given sufficient prior warning as to its location.
- (4) The blocking of freeway exits or on-ramps is acceptable to preclude citizens from inadvertently driving into the path of the pursuit or to keep the pursued vehicle from returning to congested surface streets.

c. 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. Hollow Spike Strips

Hollow Spike Strips are an effective method of stopping or slowing the speeds of a pursuit. Spike Strips should only be deployed by personnel who have received proper training. The Spike Strips should be deployed in the following manner.

- a. They should be deployed in an area that does not put the officer deploying the Spike Strips in undue risk of harm.
- b. The Spike Strips should be deployed in a manner that they will only come in contact with the offender's vehicle.
- c. The Spike Strips should be retracted before any police vehicles are able to come into contact with them.
- d. If the Spike Strips are damaged they should be returned to the Personnel and Training Section so that they can be sent for repair.

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.