



General Order: 5.2 VEHICLE PURSUITS

Effective: October 14, 1975
Last Revised: March 3, 2014

PURPOSE

Pursuits of suspected or known violators of the law potentially expose innocent citizens, police officers and fleeing violators to serious injury or death. The primary purpose of this policy is to provide officers guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose is to reduce and minimize the potential for pursuit-related accidents. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is never more important than the safety of innocent motorists or police officers.

Deciding whether to pursue a motor vehicle is among the most critical decisions made by police officers. It is a decision which must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential danger to public safety created by vehicular pursuits, no officer 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 department policy would permit the initiation or continuation of the pursuit. Likewise, police officers who conduct pursuits consistent with department policy will be strongly supported by the department in any subsequent review of actions taken in the course of a pursuit.

Vehicular pursuit situations are not 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.

Officers must remember the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers should exercise their sound discretion and judgment in an effort to provide for the safe conduct of the pursuit. Officers' conduct during the course of a pursuit must be objectively reasonable; what a reasonable officer would do under the circumstances. An unreasonable individual desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

This policy will be reviewed annually or earlier as conditions, technology or court decisions dictate.

POLICE PURSUIT DEFINED

Pursuit refers to the actions of a law enforcement officer to apprehend an offender who is attempting to avoid arrest as demonstrated by evasive driving tactics.

FAILURE TO YIELD DEFINED

Failure to yield 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 traffic control devices and other applicable rules of the road, and does not change the direction of travel in an evasive manner.

INVOLVED OFFICER RESPONSIBILITY

A motor vehicle pursuit should be conducted only with red light and siren activated as required by section 21055 CVC for exemption from compliance with rules of the road. Pursuant to section 21056 CVC, however, this does not relieve officer(s) from the duty to drive with due regard for the safety of all persons using the highway, nor does it protect the officer(s) from the consequences of an arbitrary exercise of the privileges granted in that section (21055 CVC).

WHEN TO INITIATE A MOTOR VEHICLE PURSUIT

A motor vehicle pursuit may be initiated when a driver, who is known or reasonably suspected to have committed a crime or fail to yield to the officers signal to stop, exhibits an intention to avoid apprehension by use of evasive tactics. An officer's reasonable suspicion must be based upon the facts reasonably perceived by the officer at that time.

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

1. Seriousness of the known or reasonably suspected crime and its relationship to community safety.
2. Apparent nature of the fleeing suspect(s), i.e., whether the suspect(s) represent a serious threat to public safety.
3. Identity of the offender is known such that he/she can be apprehended at a later time under safer conditions.
4. Safety of the public in the area of the pursuit, including the type of area, the amount of vehicular and pedestrian traffic in the area, and the speed of the pursuit relative to these factors.
5. Pursuing officer(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 officers under the conditions of the pursuit.

6. Weather, traffic and road conditions, which substantially increase the danger of pursuit beyond the worth of apprehending the suspect.
7. Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
8. Non-peace officer in officer's vehicle (citizen ride-along, prisoner, etc.)
9. Availability of other resources.
10. Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

WHEN TO TERMINATE A MOTOR VEHICLE PURSUIT

Officers involved in a motor vehicle pursuit shall remain aware of the importance of protecting the public. The decision to initiate a motor vehicle pursuit is never irreversible. The below factors shall be continually assessed during the pursuit by the involved officer(s) and supervisors, to determine the feasibility of continuing the pursuit.

In the context of this policy, the term "*terminate*" is to be construed to mean discontinue or to stop chasing the fleeing vehicle(s), and notifying Communications that the pursuit has been discontinued.

The following factors individually and collectively should be considered in deciding whether to terminate a pursuit:

1. Weather or traffic conditions.
2. Distance between the pursuing officers and the fleeing vehicle(s).
3. Danger posed by pursuit conditions and/or circumstances to the public, the officer(s) or the suspect(s) is greater than the value of apprehending the suspect.
4. Suspect is identified to the point where they can be later apprehended.
5. Pursued vehicle's location is no longer definitely known.
6. Officer's pursuit vehicle becomes unsafe to operate.
7. A motor vehicle pursuit should be terminated when the pursuing officer(s) are directed to do so by a supervisor.

SPEED

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Should high vehicle speeds be reached during a pursuit, officers and supervisors shall consider these factors when determining the reasonableness of the speed of the pursuit:

1. Are the pursuit speeds unsafe for the surrounding conditions and beyond the capabilities of the police vehicle thus making its operation unsafe?
2. Are the speeds being reached beyond the driving ability of the officer?
3. Weather and road conditions.

PURSUIT UNITS

Pursuit units should generally be limited to **two vehicles**; however, the number of units involved may vary with the circumstances. An officer or supervisor may request additional units to assist the pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s).

1. 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 close enough to the violator's vehicle to prevent losing contact.
2. When a secondary unit replaces the primary unit, that unit will then become the primary unit responsible for the conduct of the pursuit and will continue in that capacity until the pursuit ends or is terminated, or until a succeeding secondary unit replaces it as primary pursuit unit.
3. A distinctively marked patrol vehicle equipped with overhead emergency lighting should replace a vehicle equipped with emergency equipment (i.e.: Gang Suppression Unit) as the primary pursuit unit as soon as practical. A vehicle equipped with emergency equipment (lights & siren) can remain as the secondary unit in a pursuit. A distinctively marked patrol vehicle equipped with overhead emergency lighting should replace a motorcycle as primary and/or secondary pursuit unit as soon as practical unless the circumstances are such that a motorcycle is the safest means of continuing a pursuit (i.e., heavy commute traffic).
4. Officers in plain units not equipped with red light and siren, as required by 21055 CVC, shall not engage in a motor vehicle pursuit **unless** there is a life threatening situation (i.e., kidnapping, hostage incident). In such cases' the officer(s) in a plain unit should utilize surveillance tactics, while conforming to rules of the road and shall discontinue involvement in the pursuit when a unit equipped with required emergency equipment has joined the pursuit. *The exemptions provided by 21055 of the California Vehicle Code do not apply to officers using vehicles without emergency equipment.*
5. Any Officer who drops out of a pursuit, if necessary, may then proceed at legal speeds **and** follow the appropriate rules of the road.
6. Officers should not engage or participate in a motor vehicle pursuit when transporting a prisoner.
7. Officers in all other units should stay out of the pursuit, unless specifically requested to join by the primary unit or a supervisor, but should remain alert to its progress and location.

PRIMARY UNIT RESPONSIBILITIES

The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.

1. Notify Communications that a motor 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 vehicle and license number, if known
 - e. Number of known occupants
 - f. The identity or description of the known occupants
 - g. Any information concerning the use of firearms, threat of force, injuries, hostages, or other unusual hazards
 - h. Any other pertinent information as it becomes known
2. **Broadcasting the route and circumstances** of the pursuit are the responsibility of the primary unit, but may be relinquished to a secondary unit or aircraft so the primary officer may concentrate on pursuit driving.

SECONDARY UNIT(S) RESPONSIBILITIES

1. Notify Communications of his/her involvement in the pursuit as a secondary unit.
2. Remain a safe distance behind the primary unit unless directed to assume the role of primary unit by the primary officer or supervisor or if the primary unit is unable to continue the pursuit.
3. If directed to do so by the primary officer or supervisor, assume responsibility for radio communications so that the primary officer can concentrate on pursuit driving.

PIT SUPPORTING UNIT

1. After the use of the PIT Maneuver has been requested by the primary unit and authorized by a sergeant or Watch Commander, a PIT supporting unit is authorized to join the pursuit.
2. Notify communications of involvement as a PIT supporting unit using clear and concise verbal radio communications. Mobile Computer Terminal messages and phone calls are not to be used for notifications of involvement in a pursuit.
3. Remain a safe distance behind the secondary unit.
4. Function solely as a PIT supporting vehicle, or as otherwise directed by a supervisor.
5. If it becomes apparent PIT will be remote or unlikely, the PIT supporting unit will terminate involvement.

AIR SUPPORT

The assistance of an air unit should be requested. Once the air unit has established visual contact with the pursued vehicle, the aircraft, when feasible, may assist the monitoring and communicating progress of the pursuit. The primary and secondary units may proceed Code 3, if necessary, and should follow the pursuit at a distance which would allow them to apprehend the suspect(s) at the termination of the pursuit. The air unit should advise ground units of upcoming traffic congestion, road hazards, or other pertinent information. An aircraft is not defined as an authorized emergency vehicle in the California Vehicle Code.

SUPERVISORY RESPONSIBILITIES

It shall be the policy of this Department that appropriate supervisory control shall be exercised over any pursuit. The responsible supervisor shall monitor the pursuit and continually assess the situation and ensure the pursuit is conducted within established Department guidelines. If necessary, the supervisor shall assert control by directing specific units out of the pursuit, reassigning the primary or secondary units, coordinate air support, or terminate the pursuit. A supervisor shall respond to the termination point and provide the necessary direction.

Field Supervisor:

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for:

1. Engaging/monitoring in the pursuit, when practical, to provide on-scene supervision.
2. Exercising management and control of the pursuit from either the station or the field.
3. Directing by radio communications so that no more than the number of required police units needed are involved in the pursuit.
4. Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit.
5. Assuring that aircraft are requested if available.
6. Assuring that the proper radio channel is being utilized.
7. Requesting or canceling allied agency participation in the pursuit.
8. Authorizing forcible stop procedures/pursuit intervention techniques or deployment of resources for that purpose.
9. Proceeding to the termination point of the pursuit to provide guidance and necessary supervision.
10. Completing and routing of required documents. The supervisor shall comply with 14602.1 CVC by completing a CHP 187 pursuit report. A supervisor shall ensure that the involved personnel complete and submit the proper forms and reports as required by department policy.

The supervisor shall also submit a "Pursuit Critique" (Form 318a) to his or her immediate supervisor summarizing the pursuit and/or use of the PIT Maneuver (if applicable).

The Division Commander shall review all critiques for subject matter of benefit in training, equipment, tactics and procedure. The original pursuit critiques shall be filed with the Internal Affairs sergeant.

At the beginning of each calendar year the Professional Standards Lieutenant will complete a documented analysis of the pursuits conducted during the previous calendar year, as well as a documented review of the pursuit policy and reporting procedures.

COMMUNICATIONS RESPONSIBILITIES

A. Pursuit Units

If the pursuit is confined within the city limits of this city, radio communications will be conducted on the primary frequency (green) unless instructed otherwise by a supervisor or the Communications dispatcher.

If the pursuit leaves the jurisdiction of this city, or such is imminent, involved units will switch radio communications to the countywide emergency channel (red), and the primary or assigned secondary unit will provide the initial pursuit broadcast information to Orange County Communications (Control One) which will thereafter coordinate pursuit communications.

B. Communications Unit

Upon notification that a pursuit has been initiated, the Communications Division will:

1. Coordinate pursuit communications of the involved units and personnel.
2. Open a call activity number and log all pursuit activities.
3. Broadcast pursuit updates as well as other pertinent information as necessary.
4. Ensure that a field supervisor is notified of the pursuit.
5. Immediately notify the Division Commander, when practical.
6. Notify Orange County Communications (Control One) of the pursuit activity to facilitate a transfer of responsibility if needed.

INTER-JURISDICTIONAL PURSUIT COORDINATION

When a pursuit enters another agency's jurisdiction, the PRIMARY officer, or supervisor, should determine whether or not to request that the other agency join in or assume the pursuit, taking into consideration the distance traveled, knowledge with the area and other pertinent facts.

1. Notification by another agency of a pursuit in progress shall not be construed as a request to join the pursuit. Requests to another agency to assume pursuit shall be specific.
2. If the pursuit is assumed by the other agency, the units involved from this department will discontinue the pursuit unless assistance is requested by the other agency. Pursuits should generally be limited to a total of two units, unless additional assistance is specifically requested.
3. Upon discontinuing the pursuit, the initiating unit may proceed to the termination point unless otherwise directed by his/her supervising officer. Should the responding officer continue to the termination point, he/she will obey all rules of the roadway.
4. The supervising officer at the termination point shall determine if the initiating officer or other officers involved in the pursuit are needed for report or identification purposes.

5. Because of communication limitations between Orange County agencies and CHP units, a request for CHP assistance will mean that, if they are in position, the CHP units will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves the freeway and a request is made for assistance from the police department and they are in position and are willing to assume the responsibilities, the CHP units should relinquish control.
6. When a request is made for this department to assist or take over a pursuit from another agency that has entered this department's jurisdiction, the supervisor should consider the following individually and collectively:
 - a. Ability to keep up in the pursuit.
 - b. Circumstances serious enough to continue the pursuit.
 - c. Adequate staffing to continue the pursuit.
 - d. The best interest of the public's safety for this department to pursue within this jurisdiction rather than another agency.
7. When another agency's pursuit extends into this department's jurisdiction:
 - a. The jurisdiction that initiates a pursuit shall be responsible for the progress of the pursuit. Units from this department 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 these circumstances, a unit from this department may join the pursuit until other units from the initiating agency join the pursuit.
 - b. The mere notification by another agency of a pursuit in progress will not be construed as a request to assist in the pursuit. Request for assistance from another agency should be reviewed by a supervisor.
 - c. This department's assistance to a pursuing agency will terminate at the city limits provided that the pursuing officers have sufficient assistance from their own agency. If not, assistance from this department may continue only until sufficient assistance is present.

PURSUIT TACTICS

A. Tactics/Procedures for Units Not Involved in the Pursuit

1. Officers should monitor and maintain awareness of the progress and circumstances of the pursuit.
2. While obeying applicable rules of the road, officers may maneuver on routes parallel to and in advance of the pursuit in order to provide advance warning and traffic control to increase the probability of safe passage of the pursuit and safety for the pursuing officers and the public.
 - a. In doing so, the officers should remain in their assigned area and should not join in or interfere with the pursuit unless directed otherwise by a supervisor.
 - b. **Trailing or caravanning** a pursuit, even while obeying rules of the road, is in most circumstances not a useful tactic and is, therefore, discouraged unless directed to do so by a supervisor.

B. Tactics/Procedures for Units Involved in the Pursuit

1. Officers, 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.
2. There shall be no attempt by field units to catch up or pass the suspect or primary and secondary pursuing units.
3. As a general rule, officers 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:
 - a. Requesting assistance from an air unit.
 - b. Maintaining visual contact with the pursuit vehicle by paralleling it on the correct side of the roadway.
 - c. Requesting other units to observe exits available to the suspect(s).
 - d. Notifying the California Highway Patrol and/or other jurisdictional agency.
4. Officers involved in a pursuit, should not attempt to pass other units unless requested to do so by the primary unit.
 - a. Officers engaged in a pursuit shall drive their unit allowing sufficient distances and spaces between vehicles to allow proper braking or turning time.

PURSUIT INTERVENTION

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/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 officers 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 officer at the time of the decision.

1. A police unit may be used to block a suspect's vehicle, which has been stopped, as long as the danger of injury or potential damage would be minimal. 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 officers, the public and occupants of the pursued vehicle.
2. Roadblocks are defined as 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. Roadblocks are not authorized
3. The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during a 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 officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon. Officers should familiarize themselves with the Department's "Firearm Policy" (General Order 2.7).

4. Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable and alternative method. 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:
 - a. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to society if not apprehended.
 - b. The suspect is driving in willful or wanton disregard for the safety of persons; or, driving in a reckless and life-endangering manner.
 - c. If there does not reasonably appear to be a present or immediately foreseeable serious threat to society, the use of ramming is not authorized.

5. The use of spike strips or a tire deflation device shall be utilized as an aid in the safe termination of a vehicle pursuit or in a special operation where a vehicle must be prevented from fleeing. This device should be deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. Tire deflating devices should only be used on motor vehicles having four or more tires. Only sworn officers, who have been trained in their use and deployment, under the proper circumstances and with authorization of a supervisor, may utilize this device.

6. The Pursuit Intervention Technique (PIT) is one form of intervention involving direct contact of a suspect vehicle by a law enforcement vehicle, in an attempt to cause the suspect vehicle to spin out and cause the pursuit to end. The PIT may be used to end a pursuit when other means have been considered and tried or ruled out. PIT is a safe tactic when properly executed by trained personnel. Only sworn officers, who have been trained in this technique, its use and deployment, under the proper circumstances and with authorization of a supervisor, may utilize this technique. Officers should consider the following before deploying the PIT maneuver:
 - a. Supervisor or Watch Commander permission shall be obtained before the PIT is attempted
 - b. PIT maneuvers may become more hazardous at higher speeds and when ever possible the maneuver should be employed at speeds of 35 MPH or less.
 - c. The belief that the continued movement of the pursuit could place the public in imminent danger or harm.
 - d. The apparent risk of harm to the public is great and outweighs the apparent risk of harm involved in using PIT.
 - e. The other reasonable means of apprehension have been considered and exhausted or eliminated.
 - f. The availability of a properly trained officer to employ the tactic.
 - g. The potential danger to the public that PIT may create.
 - h. Weather conditions.
 - i. The volume of vehicular and pedestrian traffic in the area of the pursuit.
 - j. The location where the PIT is to be attempted.

- k. The PIT should not be utilized when the pursued vehicle is a pickup truck or similar type of vehicle when subjects are occupying the open bed portion unless the use of deadly force would appear reasonable.
- l. The PIT should not be utilized when the pursued vehicle is a motorcycle unless the use of deadly force would appear reasonable.

CAPTURE OF SUSPECTS

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

VEHICLE INSPECTION/DAMAGE

- 1. Upon termination of the pursuit, each officer in the pursuit shall fill out a "Repair Request Form" (Form #101), stating, "vehicle used in pursuit" for their vehicle. Mechanics will inspect the vehicle as soon as possible.
- 2. Any vehicle used in a pursuit, which is suspected to have suffered damage, shall be immediately removed from service for inspection.

APPLICATION OF MOTOR VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of 17004.7 CVC, with additional input from the 1995 POST, Vehicle Pursuit Guidelines and the Orange County Chiefs of Police and Sheriff's Association Protocol #104 and the Orange County Grand Jury's report dated March 5, 1997.