

CALIFORNIA LAW Enforcement

Vehicle Pursuit Guidelines ~~2006~~ 2022

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California Law Enforcement Vehicle Pursuit Guidelines

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POST Mission Statement

The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California law enforcement in serving its communities.

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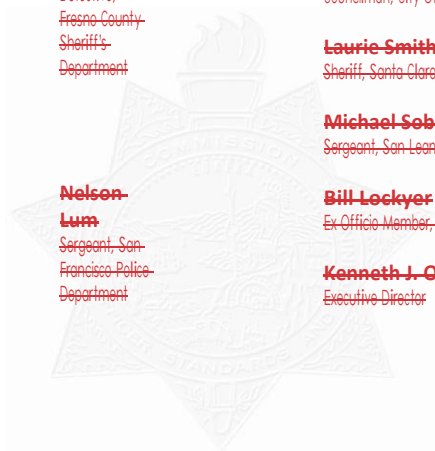
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POST also wishes to extend its sincere thanks and appreciation to LEXIPOL for their assistance and suggestions in the creation of this document.

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Preface

The passage of Senate Bill 601 (Marks) in 1993 added to the Penal Code §13519.8, which required the Commission on Peace Officer Standards and Training (POST) to establish guidelines and training for law enforcement's response to vehicle pursuits. Representatives of more than 120 law enforcement agencies contributed their experience, ideas, and suggestions in the development of the guidelines. Draft guidelines were reviewed by law enforcement executives and trainers, legal advisors, communication center managers and public representatives several times before they were approved by the Commission and published in 1995.

Senate Bill 719 (Romero) was passed and signed into law by Governor Schwarzenegger on October 4, 2005. Among other changes, Senate Bill 719 expands Penal Code §13519.8 and the related Vehicle Code §17004.7, which provides public agencies immunity from civil liability resulting from vehicle pursuits. Agencies must now adopt and annually train and obtain a signature from each peace officer affirming that they have been trained their peace officers on a pursuit policy that addresses each of the pursuit guidelines (from Penal Code §13519.8) in order to qualify for immunity under Vehicle Code §17004.7.

As a result of Senate Bill 719, POST assembled law enforcement trainers, managers and executives, as well as public members to update the California Law Enforcement Vehicle Pursuit Guidelines 1995. POST has since reviewed the guidelines and updated them in 2007 and again for this update in 2022. This update provides "factors to consider" and "additional resources" including case decisions and publications relevant to law enforcement pursuits.

The guidelines and associated discussion present information that is important for law enforcement executives to consider when addressing the broad range of issues that are related to vehicle pursuits. These guidelines do not constitute a pursuit policy. The

Commission intends that these guidelines and associated discussion present important information for law enforcement provide a resource for each executive to consider and use as a resource when researching and creating in the creation of a specific pursuit policy that their agency will adopt, promulgate and that reflects the needs of the agency, the community jurisdiction it serves, and the contemporary law.

The law also requires the Commission to prepare training concerning the law enforcement response to vehicle pursuits. In addition to training currently presented in the Basic Course, specifications have been developed, reviewed and updated for in-service, management, and executive training.

These training requirements, and related material, are also contained in this document.

Questions or comments concerning the guidelines or curricula may be directed to the Management Counseling and Projects Training Program Services Bureau at 916-227-4885, the California Commission on Peace Officer Standards and Training.

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Contents

Introduction.....	xi
Section One: Vehicle Pursuit Guidelines	1
1. When to Initiate a Pursuit	1
2. Number of Involved Law Enforcement Units Permitted.....	3
3. Responsibilities Of Primary And Secondary Law Enforcement Units	4
4. Driving Tactics.....	5
5. Air Support	6
6. Communications.....	7
7. Capture of Suspects	8
8. Continuation or Termination of Pursuit.....	9
9. Supervisory Responsibilities	11
10. Pursuit Intervention	12
11. Speed of Pursuit.....	13
12. Interjurisdictional Considerations	14
13. Conditions of the Vehicle, Driver, Roadway, Weather and Traffic	15
14. Hazards to Uninvolved Bystanders or Motorists	16
15. Reporting and Post-Pursuit Analysis.....	17
15.16. Pursuit Policy Training, Promulgation and Certification	18
Section Two: Additional Resources.....	19
POST Administrative Manual Regulation 1081(a)(22) & (23)	19
Penal Code	19
Vehicle Code	19
United States Code	20
Government Code	20
Constitution of the United States	21
Statistical Information.....	21
Articles/Books/Publications	21
Appendix A: Case Law	34

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Appendix B: Glossary..... 37

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Introduction

The Legislature has found and declared that thousands of crime suspects flee each year, often resulting in law enforcement officers in California engaging in motor vehicle pursuits. Many pursuits result in accidents, property damage, serious injuries, and death to innocent third parties, peace officers, and fleeing suspects. Penal Code §13519.8 requires the Commission on Peace Officer Standards and Training (POST) to establish guidelines and training for law enforcement's handling of vehicle pursuits.

The original Vehicle Pursuit Guidelines were published in 1995 and updated in 2006 to reflect changes in the law (Penal Code §13519.8, Vehicle Code §17004.7 et al.) following the passage of Senate Bill 719 (Romero – Police Pursuits, 2005).

This 2022 update reflects additional changes to the law and a 2006 update was created with the guidance and developed with the assistance of subject matter experts including representatives of the California Legislature, law enforcement agencies, law enforcement executives and police academy instructors, legal advisors, and members of the public, and incorporates and includes the 1995 guidelines. Representatives of numerous law enforcement agencies contributed their experience, ideas, and suggestions in the development of the guidelines. Draft guidelines were reviewed by law enforcement executives and trainers, legal advisors, and public representatives also offered expertise and opinion in the creation of this update, several times before they were approved by the Commission.

These guidelines stress the importance of vehicle safety and protecting the public at all times. They are uniform minimum guidelines that should be a resource for each agency executive to use in the creation of a specific pursuit policy that the agency is encouraged to adopt, promulgate and that reflects the needs of the agency, the jurisdiction it serves and the law. The service priorities, policies and procedures of each law enforcement agency should reflect the environment and community in which the agency functions. Accordingly, the guidelines are intended to promote discussion, analysis and review of the agency's pursuit policy. It is recommended that these policies be developed in concert with agency legal counsel.

and associated discussion present information that is important for law enforcement executives to consider when addressing the broad range of issues that are related to vehicle pursuits. Senate Bill 719 established the guidelines as minimum standards for any agency wishing to avail itself of the immunity specified in Vehicle Code §17004.7. These guidelines do not constitute a pursuit policy.

In order to seek immunity specified in Vehicle Code §17004.7, an agency must adopt and promulgate a written policy on vehicle pursuits (topics specified within this guideline document). Agencies must also provide regular and periodic training on an annual basis for their pursuit policy along with regular assessment of their policy, practices, and training. Agencies must ensure that all peace officers of the public agency affirm with a signature that they have received, read, and understand the

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~~policy. Recent case law has called into question an agency's ability to provide documentation of 100% compliance with this written attestation. While lack of 100% compliance has not yet caused the loss of immunity to an agency, each agency is strongly encouraged to ensure each peace officer has been trained and has signed the attestation. Records reflecting 100% compliance should be maintained.~~

~~The Commission intends these guidelines to provide a resource for each executive to use in the creation of a specific policy the agency will adopt that reflects the needs of the agency, the community it serves, and contemporary law.~~

~~The law also requires the Commission to prepare training on law enforcement's handling of vehicle pursuits. In addition to training currently presented in the Basic Course, specifications have been developed for in-service, management and executive training. These training specifications, and related material, are also contained in this document. Other materials, including a POST telecourse and line up training (2007) are available to the field.~~

~~The law also requires the Commission to prepare training on law enforcement's handling of vehicle pursuits. In addition to training currently presented in the Regular Basic Course, specifications have been developed for in-service, management, and executive training. These training specifications, and related material, are also contained in this document. The material in this document is designed to assist law enforcement executives in addressing the broad range of issues surrounding vehicle pursuits. The service priorities, policies, and procedures of each law enforcement agency should reflect the environment and community in which the agency functions. Accordingly, the guidelines are intended to promote discussion, analysis, and review of the agency's pursuit policy. It is recommended that these policies be developed in concert with agency legal counsel.~~

~~Since Since there are numerous situations that arise in law enforcement that are unique, it is impossible for these guidelines to anticipate all possible circumstances. Therefore, additional provisions may be appropriate. The guidelines describe each area an agency's pursuit policy must address. Where an agency's policy does not adequately address these subjects, that agency may not have immunity protections afforded by the Vehicle Code.~~

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Contents

1 Vehicle Pursuit Guidelines

2 Additional Resources

Appendices



Section One

Vehicle Pursuit Guidelines

1. When to Initiate a Pursuit**Guideline:**

Vehicle Code §17004.7(c)(1): Determine under what circumstances to initiate a pursuit. The policy shall define a "pursuit," articulate the reasons for which a pursuit is authorized and identify the issues that should be considered in reaching the decision to pursue. It should also address the importance of protecting the public, balancing the known or reasonably suspected offense, the apparent need for immediate capture against the risks to peace officers, innocent motorists, and others to protect the public.

Penal Code §13519.8(b)(1): The course or courses of basic training for law enforcement officers and the guidelines shall include adequate consideration of each of the following subjects: (1) When to initiate a pursuit.

Penal Code §13519.8(b)(1) | Vehicle Code §17004.7(c)(1)

Discussion: The "Balance Test" should be used as a guide in determining whether or not to pursue. The Balance Test is an ongoing decision-making process to analyze the risk of initiating, continuing, and/or terminating a pursuit. If the threat to public or officer safety is greater than the need for immediately apprehending the suspect, then the pursuit should not be initiated or it should be terminated. An officer's reasonable suspicion must be based upon the facts perceived by the officer at that time. Factors, which can be used in continuously assessing the need for apprehension versus risk created by the pursuit, are set forth below. Other factors may be considered in addition to those criteria listed below.

The policy should remain consistent with applicable Federal and State case law relative to law enforcement pursuits. Case law

California Law Enforcement Vehicle Pursuit Gu

**Guideline:**

Determine under what circumstances to initiate a pursuit. The policy shall define a "pursuit," articulate the reasons for which a pursuit is authorized, and identify the issues that should be considered in reaching the decision to pursue. It should also address 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 peace officers, innocent motorists, and others to protect the public.

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interpreting.

§ 17004.7 prior to the amendments of Senate Bill 719 (2005) has upheld a number of policies, which include a list of factors for officers to consider when initiating a pursuit.

~~An~~ If the agency ~~wishes to avail itself of the immunity of Vehicle Code § 17004.7(b), it~~ should consider the following factors ~~in order~~ for the policy to.

be sufficiently descriptive to meet the minimum standards ~~for immunity in accordance with~~ of Vehicle Code § 17004.7(c).

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Pursuit Defined

A vehicle Pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect operating a motor vehicle while the suspect is attempting to avoid arrest by using ed or actual violator of the law in a motor vehicle while the driver is using evasive tactics, such as high-speed or other evasive tactics such as driving, driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to the officer's signal to stop.

Balance Test – Factors to be Considered, including but not limited to:

Public safety

- ▶ Protection of public safety
- ▶ Initial reason(s) for the stop
- ▶ The apparent need for immediate capture balanced against the risks to peace officers, innocent motorists, and others to protect the public,
Nature of offense and apparent circumstances
- ▶ Officer safety
- ▶ Vehicle Code requirements
- ▶ Passenger in officer's vehicle (e.g., citizen, witness, prisoner)
- ▶ Pedestrian and vehicular traffic patterns and volume
- ▶ Other persons in or on pursued vehicle (e.g., passengers, minors co-offenders, -hostages)
- ▶ Vehicular or pedestrian traffic safety and volume
- ▶ Location of the pursuit (e.g., school zone, playground, residential, downtown, jurisdiction)
- Time of day
- ▶ Dangerous driving of the suspect that creates an unreasonable risk to the public
- ▶ Known or suspected impairment (if any) of the suspect
- ▶ Time of day, Speed of fleeing suspect Wweather, lighting, and visibility and environmental Road conditions
- ▶ Road conditions and configuration (e.g., interstate, divided highway, work zone)

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Suspect may be safely apprehended at a later time (e.g., suspect has been identified)

- ▶ Performance of offender (if known)/offender can be located at a later time-
Capabilities of law enforcement vehicle(s) and the vehicle being pursued
- ▶ Ability of officer(s) driving Availability (time and distance) of additional
resources (e.g., air support, ground units, tagging/tracking capability)
- ▶ Whether supervisory approval is required
- ▶ Officer's/supervisor's familiarity with the area of the pursuit
- ▶ Quality of ~~radio~~ communications (e.g., out of range, garbled, none)

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2. Number of Involved Law Enforcement Units Permitted

GUIDELINE:

Vehicle Code §17004.7(c)(2): Determine the total number of law enforcement vehicles authorized to participate in a pursuit. Establish the authorized number of law enforcement units and supervisors who may be involved in a pursuit, describe the responsibility of each authorized unit and the role of each peace officer and supervisor and specify if and when additional units are authorized.

Penal Code §13519.8(b)(2): The course or courses of basic training for law enforcement officers and the guidelines shall include adequate consideration of each of the following subjects: (2) The number of involved law enforcement units permitted.

Guideline:

Determine the total number of law enforcement vehicles authorized to participate in a pursuit.

Establish the authorized number of law enforcement units and supervisors who may be involved in a pursuit.



Penal Code §13519.8(b)(2) | Vehicle Code §17004.7(c)(2)

Discussion: Research has shown that the more law enforcement units actively participating in a pursuit increases the likelihood of a collision. The policy should describe the number and types of law enforcement vehicles authorized to engage in pursuit at any one time. Such units may include the primary, secondary, supervisor, and other agency authorized units. Public safety should be the foremost consideration when determining the number of units permitted.

An if the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards for immunity in accordance with of Vehicle Code §17004.7(c).

Factors to Consider, including but not limited to:

- ▶ Total number of law enforcement vehicles, type of units (marked/unmarked, motorcycles, canine, etc.) authorized to participate in a pursuit
- ▶ Types of units (supervisor, marked/unmarked, motorcycles, canine, etc.) authorized to participate in a pursuit
- ▶ If and when additional units are authorized, types of units, and their roles

Tactics and techniques authorized for units approved to "trail" or parallel a pursuit (e.g., traffic control in advance of the pursuit).

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- ▶ Number of suspects in fleeing vehicle
- ▶ Number of officers per unit/vehicle
- ▶ Nature of violation/suspected offense
- ▶ Officer safety, to include information concerning the presence/use of firearms, overt threat of force or other unusual hazard
- ▶ Vehicular or pedestrian traffic safety and volume
- Location of the pursuit (e.g., school zone, playground, residential, downtown, jurisdiction, interstate, divided highway, work zone)
- Time of day, weather, lighting, visibility, and environmental conditions
- Characteristics of the location/area
- Availability of air support
- ▶ Availability of assisting agencies/jurisdictions
- ▶ Traffic conditions

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Vehicle Code Issues

Conditions and requirements of an authorized emergency vehicle can be found in:

Vehicle Code §17004 | Vehicle Code §21055 | Vehicle Code §165

3. Responsibilities Of Primary and Secondary Law Enforcement Units

GUIDELINE:

Vehicle Code §17004.7(c)(2): Establish the authorized number of law enforcement units and supervisors who may be involved in a pursuit, describe the responsibility of each authorized unit and the role of each peace officer and supervisor.

Penal Code §13519.8(b)(3): The course or courses of basic training for law enforcement officers and the guidelines shall include adequate consideration of each of the following subjects: (3) Responsibilities of primary and secondary law enforcement units.

2.



Penal Code §13519.8(b)(3) | Vehicle Code §17004.7(c)(2)

Discussion: The policy should address the fact that a law enforcement pursuit is a rapidly changing event. The responsibility of each authorized unit engaged in pursuit may change depending on the circumstances. The need for

continually assessing the role of involved units should be considered.

And if the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards for immunity in accordance with of Vehicle Code §17004.7(c).

Factors to Consider, including but not limited to:

Role of primary unit (e.g., responsibility for the conduct of the pursuit, communications) officer(s) and/or supervisor(s) regarding:

Role(s) of secondary unit (e.g., may assume communications) initiating a pursuit

Role of supervisor (e.g., overall management and control of the pursuit-see section 9



Guideline:

Describe the responsibility of each authorized unit and the role of each peace officer and supervisor, and specify if and when additional units are authorized.

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regarding supervisory responsibilities) Continuing or terminating a pursuit

- Changing roles in a pursuit (primary to secondary)
- Taking over a pursuit as the primary unit or agency
- Joining a pursuit in progress
- Driving tactics
- Capabilities of law enforcement vehicle(s)
- Ability of officer(s) driving
- Communicating with other officer(s), dispatch and supervisor(s) Operational responsibility for the pursuit
- Conditions for authorizing additional units

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3.4. Driving Tactics

Penal Code §13519.8(b)(4) | Vehicle Code §17004.7(c)(5)

GUIDELINE:

Vehicle Code §17004.7(c)(5): Determine the driving tactics and the circumstances under which the tactics may be appropriate.



Penal Code §13519.8(b)(4): The course or courses of basic training for law enforcement officers and the guidelines shall include adequate consideration of each of the following subjects: (4) Driving tactics.

Discussion: In drafting the policy, consider driving tactics that may be appropriate during a pursuit. The decision to use or not use specific driving tactics requires the same assessment considerations discussed in the guidelines concerning pursuit initiation, continuation, and termination. It represents balancing what is known and/or reasonably suspected and the need for immediate capture against the risks to the public and officers.

~~Vehicle Code §§21055 (Exemption of Authorized Emergency Vehicles), 21056 (Effect of Exemption), 21806 (Authorized Emergency Vehicles), and 21807 (Effect of Exemption) identify issues to be considered when developing and applying a pursuit policy related to driving tactics. These sections describe the exemptions~~

~~conferred upon authorized emergency vehicles engaged in specific activity; provide for exemption to the rules of the road under certain circumstances; and place limits on the various exemptions.~~

~~An agency if the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards for immunity in accordance with~~ of Vehicle Code §17004.7(c).

Factors to Consider, including but not limited to:

- ▶ Spacing (distance between vehicles)
- ▶ Clearing intersections
- ▶ ~~analysis/management~~
- ▶ Caravanning (number of units in line)
 - Passing
- ▶ Paralleling
- ▶ Trailing

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4.5 Air Support

GUIDELINE:

Vehicle Code §17004.7(c)(8): Determine the role of air support, where available. Air support shall include coordinating the activities of resources on the ground, reporting on the progress of a pursuit, and providing peace officers and supervisors with information to evaluate whether or not to continue the pursuit.

Penal Code §13519.8(b)(5): The course or courses of basic training for law enforcement officers and the guidelines shall include adequate consideration of each of the following subjects: (5) Helicopter assistance.

Penal Code §13519.8(b)(5) + Vehicle Code §17004.7(c)(8)

Discussion: Aircraft can provide valuable assistance to the units and supervisor(s) involved in a pursuit. Where air support may be is available during a pursuit, a policy should contain procedures

to facilitate coordination by the air unit and the ground law enforcement units.

An aircraft is not defined as an authorized emergency vehicle in the California Vehicle Code and should not be described as a pursuit vehicle.

An agency should consider the following factors for the policy to be sufficiently descriptive to meet the minimum standards for immunity in accordance with Vehicle Code §17004.7(c).

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to

be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

Factors to Consider, including but not limited to:

- ▶ Communications, coordination of activities of ground units, progress of the
- ▶ pursuit
- ▶ Provide information to supervisor(s), ground unit(s) for continuous assessment of
- ▶ risk to public, officer(s), and suspect(s)

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Whether to continue or modify ground unit response

-Intersection/traffic analysis

Illumination (use of spotlight)

Surveillance tactics

▶ Time of day, ~~W~~weather, lighting, visibility, and environmental conditions

▶ Number of air units

▶ Inability to fly/challenges when near major airports

Aircraft safety

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5.6. Communications

GUIDELINE:

Vehicle Code §17004.7(c)(3): Determine the communication procedures to be followed during a pursuit. Specify pursuit coordination and control procedures and determine assignment of communications responsibility by unit and organizational entity.

Penal Code §13519.8(b)(6): The course or courses of basic training for law enforcement officers and the guidelines shall include adequate consideration of each of the following subjects: (6) Communications.



Penal Code §13519.8(b)(6) | Vehicle Code §17004.7(c)(3)

Discussion: The policy should describe communications requirements related to initiating, continuing, terminating, and concluding a pursuit.

Agency should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to

be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

Guideline:

Determine the communication procedures to be followed during a pursuit. Specify pursuit coordination and control procedures and determine assignment of communications responsibility by unit and organizational entity.

Factors to Consider, including but not limited to:

- ▶ Notifying the communications center of the initiation of a pursuit
- ▶ Initial information broadcast by primary unit, which; the initial information may include:
 - Unit identification
 - Location, direction of travel and speed
 - Speed of officer(s) and/or speed/evasive tactics of fleeing suspect(s)
 - Initial reason(s) for the stop/pursuit
 - Description of pursued vehicle, including license number, if known
 - Number of occupants in fleeing vehicle, if known
 - Road conditions

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- Pedestrian, vehicular traffic patterns, and volume

Officer safety, to include information concerning the presence/use of firearms, overt threat of force, or other unusual hazard

- Traffic and weather conditions

- ▶ Time of day, weather, lighting, visibility, and environmental conditions
Continuing updates (other pertinent information as it becomes available)

Assignment of communications responsibility

Secondary unit(s), notify communications of joining the pursuit and when appropriate will take responsibility for radio communications

- Additional crimes observed

- ▶ Control/Coordination procedures

- If available, supervisor notification (if available)
- Air support and/or canine unit availability and ETA
- Continuing updates (other pertinent information as it becomes available)
- Ongoing updates of suspect vehicle speed and behaviors
- Identify any additional outside agencies joining the pursuit
- Clearing the radio of non-emergency traffic
- Agency/Multi-jurisdictional communications, relaying necessary information to other officers and jurisdictions (when needed)
- Designation of communication frequency

Dispatch center roles and responsibilities

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► Assignment of communications responsibilities

- Primary unit
- Secondary unit(s)
- Supervisor(s)
- Air unit (if available)

6.7. Capture of Suspects



Penal Code §13519.8(b)(7) | Vehicle Code §17004.7(c)(10)

GUIDELINE:

Vehicle Code §17004.7(c)(10): Determine procedures for apprehending an offender following a pursuit. Safety of the public and peace officers during the law enforcement effort to capture an offender shall be an important factor.

Penal Code §13519.8(b)(7): The course or courses of basic training for law enforcement officers and the guidelines shall include adequate consideration of each of the following subjects: (7) Capture of suspects.

Discussion: The safety of the public and officers during the law enforcement effort to capture an offender is a consideration when a pursuit concludes. The apprehension and capture of a suspect must be done in accordance with state and federal law as well as department policies and procedures. The fluidity of the situation and reasonableness of the tactics used under the totality of the circumstances should be considered.

~~The policy should identify the person in command at the apprehension location. The policy may also designate the persons responsible for removing the offender from, and restoring order to, the scene of the pursuit termination or the location where the offender is taken into custody.~~

~~"Post pursuit discipline" (officer restraint) is important at the conclusion of a pursuit.~~
Departments should refer to their use of force policy in determining procedures for taking a suspect into custody. The policy-maker may consider an assessment by the officer or supervisor at the scene as to whether there are sufficient units on scene to safely handle the apprehension and if so, restricting ~~restricting~~ uninvolved units from

responding to the termination point ~~unless requested by an officer or supervisor responsible for control of the incident.~~

~~An if the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards for immunity in accordance with of Vehicle Code §17004.7(c).~~

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Factors to Consider, including but not limited to:

- ▶ Identify person(s) in command at the termination point
- ▶ Availability/use of arrest team
- ▶ Use of "high risk" car stop techniques
- ▶ Availability of additional units
- ▶ Physiological and psychological condition of the officer(s)
- ▶ Department use of force policy/options
- Utilize de-escalation techniques (when appropriate)
- Characteristics of termination location

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8. Continuation or Termination of Pursuit

GUIDELINE:

Vehicle Code §17004.7(c)(9): Determine when to terminate or discontinue a pursuit. Factors to be considered include, but are not limited to, all of the following:

- A. Ongoing evaluation of risk to the public or pursuing peace officer(s)
- B. The protection of the public, given the known or reasonably suspected offense and apparent need for immediate capture against the risks to the public and peace officer(s)
- C. Vehicular or pedestrian traffic safety and volume
- D. Time of day, weather, lighting, visibility, and environmental conditions
- E. Traffic conditions
- F. Speeds
- G. Availability of air support
- H. Procedures when an offender is identified and may be apprehended at a later time or when the location of the pursuit vehicle is no longer known

Penal Code §13519.8(b)(8): The course or courses of basic training for law enforcement officers and the guidelines shall include adequate consideration of each of the following subjects: (8) Termination of a pursuit.

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Discussion: The policy should describe the issues to be considered by officers and supervisors in the decision to continue or terminate a pursuit. The balance test should be used as a guide in making the determination. Factors, which can be used in continuously assessing the need for apprehension versus risk created by the pursuit, are set forth below. Other factors may be considered in addition to those criteria listed below.

An agency should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards for immunity in accordance with Vehicle Code §17004.7(c).

Factors to Consider, including but not limited to:

- ▶ Protection of public safety
- ▶ Initial reason(s) for the stop
- ▶ The apparent need for immediate capture balanced against the risks to peace officers, innocent motorists, and others to protect the public
- ▶ Passenger in officer's vehicle (e.g., citizen, witness, prisoner)
- ▶ Pedestrian and vehicular traffic patterns and volume
- ▶ Other persons in or on pursued vehicle (e.g., passengers, co-offenders, hostages)
- ▶ Location of the pursuit (e.g., school zone, playground, residential, downtown, jurisdiction)
- ▶ Dangerous driving of the suspect that creates an unreasonable risk to the public
- ▶ Known or suspected impairment (if any) of the suspect
- ▶ Time of day, weather, lighting, visibility, and environmental conditions
- ▶ Road conditions and configuration (e.g., interstate, divided highway, work zone)
- ▶ Suspect may be safely apprehended at a later time (e.g., suspect has been identified)
- ▶ Performance capabilities of law enforcement vehicle(s) and the vehicle being pursued
- ▶ Availability (time and distance) of additional resources (e.g., air support, ground units, tagging/tracking capability)
- ▶ Whether supervisory approval is required
- ▶ Officer's/supervisor's familiarity with the area of the pursuit
- ▶ Quality of radio communications (e.g., out of range, garbled, none)
- ▶ When involved in a pursuit, police motorcycles and unmarked law enforcement vehicles should be replaced by marked 4-wheel emergency vehicles as soon as practicable

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7.9. Supervisory Responsibilities

Penal Code §13519.8(b)(8) | Vehicle Code §17004.7(c)(9)

GUIDELINE:

Vehicle Code §17004.7(c)(4): Determine the role of the supervisor in managing and controlling a pursuit. Supervisory responsibility shall include management and control of a

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pursuit, assessment of risk factors associated with a pursuit, and when to terminate a pursuit.

Penal Code §13519.8(b)(9): The course or courses of basic training for law enforcement officers and the guidelines shall include adequate consideration of each of the following subjects: (9) Supervisory responsibilities.

Discussion: The policy should describe the issues to be considered by an officer and supervisor in the decision to continue or terminate a pursuit. The "Balance Test" should be used as a guide in making the determination. Factors, which can be used in continuously assessing the need for apprehension versus risk created by the pursuit, are set forth below. Other factors may be considered in addition to those criteria listed below.

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

- ▶ Factors to Consider
- ▶ Public safety
- ▶ Nature of offense and circumstances
- ▶ Officer safety
- ▶ Vehicle Code requirements
- ▶ Passenger in officer's vehicle (e.g., citizen, witness, prisoner)
- ▶ Pedestrian and vehicular traffic patterns and volume
- ▶ Other persons in or on pursued vehicle (e.g., passengers, co-offenders, hostages)
- ▶ Location of the pursuit (e.g., school zone, playground, residential, downtown, jurisdiction)

Time of day

Speed of fleeing suspect Weather and visibility Road conditions

Identity of offender (if known)/offender can be located at a later time

Capabilities of law enforcement vehicle(s) Ability of officer(s) driving

Availability of additional resources Whether supervisory approval is required

Officer's/supervisor's familiarity with the area of the pursuit

Quality of radio communications (e.g., out of range, garbled, none)

Guideline:

Determine when to terminate or discontinue a pursuit. Factors to be considered include, but are not limited to, all of the following:

- A. Ongoing evaluation of risk to the public or pursuing peace officer.
- B. The protection of the public, given the known or reasonably suspected offense and apparent need for immediate capture against the risks to the public and peace officers.
- C. Vehicular or pedestrian traffic safety and volume.
- D. Weather conditions.
- E. Traffic conditions.
- F. Speeds.
- G. Availability of air support.
- H. Procedures when an offender is identified and may be apprehended at a later time or when the location of the pursued vehicle is no longer known.

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Supervisory Responsibilities

Penal Code § 13519.8(b)(9) | Vehicle Code § 17004.7(c)(4)

Discussion: The policy should describe the procedures for assigning supervisory responsibility for the monitoring, management, and control

of a pursuit, assessment of a pursuit, and assessing risk factors associated with a pursuit if a supervisor is available. As with any critical law enforcement incident, it should not be necessary for the supervisor to be present in order to begin exercising management and control of a pursuit. Active participation may refer to monitoring the pursuit from another location or participating in the pursuit as an authorized unit.

An If the agency wishes to avail itself of the immunity of Vehicle Code § 17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of immunity in accordance with Vehicle Code § 17004.7(c).

Factors to be Considered by the Supervisor, including but not limited to:

- The role of the supervisor in managing and controlling a pursuit
 - Dispatch, units, and chain of command (if appropriate) notified when a supervisor is monitoring a pursuit
 - Monitoring the number of units involved in a pursuit
 - Assesses the need for additional resources (e.g., air support, canine, etc.)
 - Notify and/or coordinate with interjurisdictional pursuits
 - Ensure completion of post-pursuit review and proper documentation including CHP 187A form submitted within 30 days
 - Pursuit intervention
 - Proceed to termination point
- Assessment of risk factors associated with a pursuit
 - Speed of pursuit
 - Time of day, weather, lighting, visibility, and environmental conditions
 - Conditions of the vehicle, driver, and roadway
 - Hazards to uninvolved bystanders or motorists
- When to terminate a pursuit
 - Monitor the pursuit for indications that termination of the pursuit may be

Guideline:

Determine the role of the supervisor in managing and controlling a pursuit. Supervisory responsibility shall include management and control of a pursuit, assessment of risk factors associated with a pursuit, and when to terminate a pursuit.

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appropriate,

- ▶ ~~Violation/justification for the pursuit~~
- ▶ ~~Compliance with department policy~~
- ▶ ~~Number of involved law enforcement units permitted~~
- ▶ ~~Responsibilities of primary and secondary law enforcement units~~
- ▶ ~~Driving tactics~~
- ▶ ~~Air support~~
- ▶ ~~Communications~~
- ▶ ~~Pursuit intervention tactics~~
- ▶ ~~Speed~~
- ▶ ~~Interjurisdictional~~
~~considerations~~
- ▶ ~~Conditions of the vehicle,~~
- ▶ ~~driver, roadway, weather,~~
- ▶ ~~and traffic Hazards to~~
~~uninvolved bystanders or~~
~~motorists~~

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- ▶ Proceed to termination point
- ▶ Stabilization of incident
- ▶ Capture of suspects

9.10. Pursuit Intervention

GUIDELINE:

Vehicle Code §17004.7(c)(6): Determine authorized pursuit intervention tactics. Pursuit intervention tactics include, but are not limited to, blocking, ramming, boxing, and roadblock procedures. The policy shall specify under what circumstances and conditions each approved tactic is authorized to be used.

Penal Code §13519.8(b)(10): The course or courses of basic training for law enforcement officers and the guidelines shall include adequate consideration of each of the following subjects: (10) Blocking, ramming, boxing, and roadblock procedures.



Penal Code §13519.8(b)(10) + Vehicle Code §17004.7(c)(6)

Discussion: The policy should describe the factors to be considered by officers and supervisors

in making the decision to apply authorized intervention tactics. It should recognize the risks to the public and officers in the application

of these tactics, and the application of each authorized tactic should be reasonable in light of the circumstances confronting the decision-maker(s) at the time of the decision.

Policy considerations concerning the approval of, and type of, specific tactics to terminate a pursuit should include balancing the potential hazards arising from the use of each tactic and the possible risks to the public, officers, and persons

in or on the pursued vehicle. Statutory and case law concerning the use of these tactics should be considered in the development of this section of the policy.

Additional methods of intervention may include the "PIT technique" (Pursuit Intervention/Immobilization Technique), spike strips, and/or other technologies y (e.g., GPS/remote control), and the use of firearms.

An if the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards for immunity in accordance with ef Vehicle Code §17004.7(c).

Factors to Consider, including but not limited to:

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- ▶ Training on the method/tactic [\(officer and public safety emphasis\)](#)
- ▶ Type of vehicles involved (motorcycle, car, SUV, etc.)

Guideline:

~~Determine authorized pursuit intervention tactics. Pursuit intervention tactics include, but are not limited to, blocking, ramming, boxing, and roadblock procedures. The policy shall specify under what circumstances and conditions each approved tactic is authorized to be used.~~

- ▶ Speed of officer(s) and/or speed/evasive tactics of fleeing suspect(s)
- ▶ Location of the pursuit (school zone, playground, residential, work zone, downtown)
- ▶ Road conditions
- ▶ Occupant(s) of suspect vehicle (hostages, innocent persons, juveniles, etc.)
- ▶ Pedestrian and vehicular traffic patterns and volume

- ▶ Time of day, weather, lighting, and visibility and environmental conditions

- ◆ ~~Department use of force/deadly force shooting policy~~ Nature of the offense

The apparent need for immediate capture balanced against the risks to peace officers, innocent motorists, and others to protect the public

Initial reason(s) for the stop

Technology based intervention (e.g., ability to remotely shut down vehicle, restrict speed, obtain GPS tracking, etc.)

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10.11. Speed of Pursuit

GUIDELINE:

Vehicle Code §17004.7(c)(7): Determine the factors to be considered by a peace officer and supervisor in determining speeds throughout a pursuit. Evaluation shall take into consideration public safety, peace officer safety, and safety of the occupants in a fleeing vehicle.

Penal Code §13519.8(b)(11): The course or courses of basic training for law enforcement officers and the guidelines shall include adequate consideration of each of the following subjects: (11) Speed limits.



Penal Code §13519.8(b)(11) + Vehicle Code §17004.7(c)(7)

Discussion: Pursuits can occur at any speed. A policy should provide direction to officers, supervisors, and managers to guide decisions regarding speeds throughout a pursuit.

Reasonableness is recognized as a general standard for guiding officers' discretion concerning the speeds of a pursuit. ~~The factors to which may be considered in sectioned by the officer(s) and supervisor(s) to determine reasonable speeds, in view of the circumstances and environment of each pursuit, may be referenced in Guideline 1: When to Initiate a Pursuit and Guideline section 8: Continuation or~~

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Termination of a Pursuit, are also applicable to this section and may be considered.

An If the agency wishes to avail itself of the immunity of Vehicle Code § 17004.7(b), it should consider the following factors in order for the policy to

be sufficiently descriptive to meet the minimum standards for immunity in accordance with ~~of~~ Vehicle Code § 17004.7(c).

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Factors to Consider, including but not limited to:

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- ▶ Public safety, risk to officer(s), risk to suspect(s) are continually assessed, and balanced against apparent need for capture

- ▶ Speed risk assessment should be based on the totality of the circumstances including but not limited to the following factors:

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- ▶ Pursuit speed have become unsafe for road conditions and/or locations

Capabilities of law enforcement vehicle(s)

- ▶ Nature of offense and apparent circumstances Officer safety
- ▶ Vehicle Code requirements

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- ▶ Passenger in officer's vehicle (e.g., citizen, witness, prisoner)

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Guideline:

Determine the factors to be considered by a peace officer and supervisor in determining speeds throughout a pursuit. Evaluation shall take into consideration public safety, peace officer safety, and safety of the occupants in a fleeing vehicle.

- ▶ ~~Pedestrian and vehicular traffic patterns and volume~~
- ▶ Other persons in or on pursued vehicle (e.g., passengers, co-offenders, hostages)
- ▶ ~~Officer/supervisor location of the pursuit (e.g., school zone, playground, residential, downtown, jurisdiction)~~ Time of day
- ▶ ~~Speed of fleeing suspect Weather and visibility Road conditions~~
- ▶ ~~Identity of offender (if known)/offender can be located at a later time~~
- ▶ ~~Capabilities of law enforcement vehicle(s)~~
- ▶ ~~Ability of officer(s) driving Availability of additional resources~~
- ▶ ~~Whether supervisory approval is required Officer's/supervisor's familiarity with the area of the pursuit~~
- ▶ ~~Quality of radio communications (e.g., out of range, garbled, none)~~

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11.12. Interjurisdictional Considerations



~~Penal Code §13519.8(b)(12) | Vehicle Code §17004.7(c)(11)~~

GUIDELINE:

Vehicle Code §17004.7(c)(11): Determine effective coordination, management, and control of interjurisdictional pursuits. The policy shall include, but shall not be limited to, all of the following:

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- A. Supervisory control and management of a pursuit that enters another jurisdiction
- B. Communications and notifications among the agencies involved
- C. Involvement in another jurisdiction's pursuit
- D. Roles and responsibilities of units, coordination, management, and control at the termination of an interjurisdictional pursuit

Penal Code §13519.8(b)(12): The course or courses of basic training for law enforcement officers and the guidelines shall include adequate consideration of each of the following subjects: (12) Interjurisdictional considerations.

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Discussion: The policy should describe the issues to be considered by an officer and supervisor related to involvement in interjurisdictional pursuits and requesting interjurisdictional law enforcement

resources during a pursuit.

~~The policy should describe procedures that guide officers' and supervisors' decisions when requesting or responding to requests for interjurisdictional cooperation during a pursuit based on department policy and/or any interagency agreements where applicable.~~

~~The policy should describe procedures that guide officers' and supervisors' decisions when faced with the need or a request for interjurisdictional cooperation during a pursuit.~~

~~Developing an interjurisdictional pursuit agreement that addresses the below factors and other factors unique to a county or region, may facilitate awareness by officers and supervisors of the pursuit procedures that may be used by other agencies.~~

~~An~~ If the agency wishes to avail itself of the immunity of Vehicle Code § 17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards for immunity in accordance with ~~of~~ Vehicle Code § 17004.7(c).

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Guideline:

Determine effective coordination, management, and control of interjurisdictional pursuits. The policy shall include, but shall not be limited to, all of the following:

- A. Supervisory control and management of a pursuit that enters another jurisdiction.
- B. Communications and notifications among the agencies involved.
- C. Involvement in another jurisdiction's pursuit.
- D. Roles and responsibilities of units and coordination, management, and control at the termination of an interjurisdictional pursuit.

Factors to Consider, including but not limited to:

- ▶ Supervisory management and control of a pursuit that enters another jurisdiction
- ▶ Communications and notifications among the agencies involved
- ▶ Assistance available from the agency into whose jurisdiction the pursuit enters
- ▶ Responsibility of an officer or employee who becomes aware of an outside jurisdiction conducting a pursuit within the employee's jurisdiction
- ▶ Procedures for the agency to provide assistance, including assuming control of a pursuit
- ▶ ~~Any agency restrictions or limits~~ prohibitions regarding involvement in an outside-agency pursuit
- ▶ Any limits on the number of agencies and/or units allowed in pursuit at one time
- ▶ Coordination, management, and control at the termination of an interjurisdictional pursuit
- ▶ ~~Agencies coordination, Responsibility for captured suspect(s) any arrest, booking process and applicable charges(s) when the offender(s) is captured~~
- ▶ Factors that might warrant relinquishment of a pursuit to another jurisdiction (e.g., unfamiliarity with the area, loss of ~~radio~~ communications, or interagency agreement)

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12.13. Conditions of the Vehicle, Driver, Roadway, Weather and Traffic

~~Penal Code §13519.8(b)(13) | Vehicle Code §21055 – 21056~~

GUIDELINE:

~~Vehicle Code §17004.7(c)(9)(C,D,E,F): Determine when to terminate or discontinue a pursuit. Factors to be considered include, but are not limited to, all of the following:~~

- ~~C. Vehicular or pedestrian traffic safety and volume~~
- ~~D. Weather conditions~~
- ~~E. Traffic conditions~~
- ~~F. Speeds~~

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~~Penal Code §13519.8(b)(13): The course or courses of basic training for law enforcement~~

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officers and the guidelines shall include adequate consideration of each of the following subjects: (13) Conditions of the vehicle, driver, roadway, weather, and traffic.

Discussion: Evaluation should take into consideration public safety, peace officer safety, and safety of the occupants in a fleeing vehicle. ~~Improperly maintained vehicles are more likely to experience mechanical failure. Officers must be aware that physiological and psychological factors affect driving ability.~~ Roadway conditions, including weather and traffic are considerations for pursuit decision-making. ~~fic, should be factored in pursuit decision-making.~~

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~~An~~If the agency ~~wishes to avail itself of the immunity of Vehicle Code § 17004.7(b), it should~~ consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards for immunity in accordance with ~~of~~ Vehicle Code § 17004.7(c).

Factors to Consider, including but not limited to:

- ▶ Pedestrian, vehicular traffic patterns, and volume.
- ▶ Speed of officer(s) and/or speed/evasive tactics of fleeing suspect(s).
- ▶ Conditions affecting vehicles (type, condition, emergency equipment, capabilities, etc.)
- ▶ Conditions affecting drivers (physiological, psychological, abilities)
- ▶ Roadway conditions (width, surface)
- ▶ ~~Weather~~Environmental conditions (e.g., hills, curves, mountainous, etc.)
- ▶ Time of day, weather, lighting, visibility and environmental conditions~~rain, fog, ice, snow)~~

Guideline:

Determine the vehicle, driver, roadway, weather, and traffic conditions to be considered by a peace officer and supervisor in a pursuit.

~~Traffic conditions (heavy, moderate)~~

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13.14. Hazards to Uninvolved Bystanders or Motorists



Penal Code § 13519.8(b)(14) | Vehicle Code § 21055 – 21056

GUIDELINE:

Vehicle Code § 17004.7(c)(1): Determine under what circumstances to initiate a pursuit. The policy shall define a "pursuit," articulate the reasons for which a pursuit is authorized and identify the issues that should be considered in reaching the decision to pursue. It should also address 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 peace officers, innocent motorists, and others to protect the public.

Penal Code § 13519.8(b)(14): The course or courses of basic training for law enforcement officers and the guidelines shall include adequate consideration of each of the following subjects: (14) Hazards to uninvolved bystanders or motorists.

Discussion: It is the intent of these guidelines to minimize the risks to innocent bystanders in pursuits.

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Hazards to uninvolved bystanders or motorists during the law enforcement effort to capture a suspect are a constant factor, to consider during pursuit. ~~Doubt concerning the propriety~~

~~of a pursuit should be resolved in favor of minimizing hazards to uninvolved bystanders or motorists.~~

The policy should describe the factors to be considered by an officer and supervisor in the decision to initiate, continue, or terminate a pursuit. The policy should remain consistent with applicable federal and state statutes, and case law relative to law enforcement pursuits.

~~An~~ If the agency wishes to avail itself of the immunity of Vehicle Code § 17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards ~~for immunity in accordance with~~ of Vehicle Code § 17004.7(c).

Factors to Consider

- ▶ Protection of public safety
- ▶ Initial reason(s) for the stop
- ▶ The apparent need for immediate capture balanced against the risks to peace officers, innocent motorists, and others to protect the public.
- ~~Nature of offense and apparent circumstances.~~
- ~~Officer safety~~

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Guideline:

Determine the appropriate balance between the need to pursue criminal suspects and the hazards to uninvolved bystanders or motorists.

- ▶ ~~Vehicle Code requirements~~
- ▶ Passenger in officer's vehicle (e.g., citizen, witness, prisoner)
- ▶ ~~Pedestrian and vehicular traffic patterns and volume~~
- ▶ Other persons in or on pursued vehicle (e.g., passengers, ~~minors~~, co-offenders, hostages)
- ▶ ~~Vehicular or pedestrian traffic safety and volume~~
- ▶ Location of the pursuit (e.g., school zone, playground, residential, downtown, ~~jurisdiction~~, etc.)
- ~~Dangerous driving of the suspect that creates an unreasonable risk to the public~~
- ~~Known or suspected impairment (if any) of the suspect~~
- ~~Time of day~~
- ▶ ~~Speed of fleeing suspect~~ Weather, ~~lighting~~, and ~~visibility~~ and environmental Road conditions
- ▶ ~~Road conditions and configuration (e.g., interstate, divided highway, work zone, etc.)~~
- ~~Suspect may be safely apprehended. Identity of offender (if known)/offender can be located at a later time (e.g., suspect has been identified)~~
- ▶ ~~Performance~~ Capabilities of law enforcement vehicle(s) ~~and the vehicle being pursued~~
- ▶ ~~Ability of officer(s) driving~~
- ▶ Availability (~~time and distance~~) of additional resources (~~e.g., air support, ground~~)
- ▶ Whether supervisory approval is required
- ▶ ~~Officer's/supervisor's familiarity with the area of the pursuit~~
- ▶ Quality of ~~radio~~ communications (e.g., out of range, garbled, none, etc.)

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14.15. Reporting and Post-Pursuit Analysis

~~Penal Code §13519.8(b)(15) | Vehicle Code §17004.7(c)(12)~~

GUIDELINE:

Vehicle Code §17004.7(c)(12): Reporting and post-pursuit analysis as required by Vehicle Code §14602.1. Establish the level and procedures of post-pursuit analysis, review and feedback. Establish procedures for written post-pursuit review and follow up.

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Penal Code §13519.8(b)(15): The course or courses of basic training for law enforcement officers and the guidelines shall include adequate consideration of each of the following subjects: (15) Reporting and post-pursuit analysis.

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Discussion: Agency policy shall comply with Vehicle Code § 14602.1. The completed form (CHP 187A) ~~must~~will be submitted to the California Highway Patrol within 30 days.

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Further post-pursuit analysis can assist in the overall management of pursuits, policy development, ~~and~~ implementation as well as, ~~and~~ identify trends and training needs. The following factors may be useful in an analysis of a pursuit.

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An agency should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards for immunity in accordance with Vehicle Code §17004.7(c).

If the agency wishes to avail itself of the immunity of Vehicle Code §17004.7(b), it should consider the following factors in order for the policy to be sufficiently descriptive to meet the minimum standards of Vehicle Code §17004.7(c).

Factors to Consider

Requirements for reporting to CHP

- All state and local law enforcement
- Shall report to the California Highway Patrol
- Paper or electronic form (approved by CHP)
- All motor vehicle pursuit data
- Form must be submitted within 30 days
- Report shall include specific information and details (refer to Vehicle Code §14602.1 and/or information listed on CHP form 187A)

Agency considerations for reporting requirements

- Who is required to complete a report
- What information should be included
- Timeline for completion
- Report filed for all pursuits even if discontinued

Review procedures

- Who is responsible to review report (if any)
- Supervisory review to evaluate compliance with policy
- Other reviewing body (if applicable)

Digital evidence (if available)

- Body camera review
- In-car camera review
- Radio communications
- Audio evidence
- Other available technology



Guideline:

Reporting and post pursuit analysis as required by Vehicle Code §14602.1. Establish the level and procedures of post-pursuit analysis, review, and feedback. Establish procedures for written post-pursuit review and follow-up.

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Administrative review

- Risk management review
- Any training opportunities
- Department policy revision
- Equipment issues
 - ▶ ~~Audio-visual evidence (if available)~~
 - ▶ ~~Circumstances associated with pursuit~~

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16. Pursuit Policy Training, Promulgation, and Certification

GUIDELINE:

Vehicle Code §17004.7(b)(1): A public agency employing peace officers that adopts and promulgates a written policy on and provides regular and periodic training on an annual basis for, vehicular pursuits complying with subdivisions (c) and (d) is immune from liability for civil damages for personal injury to or death of any person or damage to property resulting from the collision of a vehicle being operated by an actual or suspected violator of the law who is being, has been, or believes he or she is being or has been, pursued in a motor vehicle by a peace officer employed by the public entity.

Vehicle Code §17004.7(b)(2): Promulgation of the written policy under paragraph (1) shall include, but is not limited to, a requirement that all peace officers of the public agency certify in writing that they have received, read, and understand the policy. The failure of an individual officer to sign a certification shall not be used to impose liability on an individual officer or a public entity.



Penal Code §13519.8(c),(e): (c) (1) All law enforcement officers who have received their basic training before January 1, 1995, shall participate in supplementary training on high-speed vehicle pursuits, as prescribed and certified by the commission.



(2) Law enforcement agencies are encouraged to include, as part of their advanced officer training program, periodic updates and training on high-speed vehicle pursuit. The commission shall assist where possible.

(e) It is the intent of the Legislature that each law enforcement agency adopts, promulgate, and require regular and periodic training consistent with an agency's specific pursuit policy that, at a minimum, complies with the guidelines developed under subdivisions (a) and (b).

Discussion:

For the agency and/or individual officers to qualify for immunity under Vehicle Code §17004.7, the agency should provide regular and periodic training on its pursuit policy for all of its peace officers on an annual basis. The agency should obtain and maintain written certification from each officer that they have received, read, and understood the agency's pursuit policy. While agencies should make efforts to obtain written certifications from all of its peace officers, failure of an individual officer to sign a written certification may not result in loss of immunity under Vehicle Code §17004.7.

An agency should consider the following factors for the policy to be sufficiently descriptive to meet the minimum standards for immunity in accordance with Vehicle Code §17004.7(c).

Factors to consider:

- Provide annual training to all peace officers on agency's vehicle pursuit policy and provide agency's written vehicle pursuit policy to all peace officers
- Obtain and maintain written certifications from all peace officers that they have received, read, and understand the agency's vehicle pursuit policy

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Section Two

Additional Resources

The following links go to the current regulations governing vehicle pursuits:

[California Code of Regulations \(POST Regulations\) Section 1081\(a\) Minimum Standards for Legislatively Mandated Courses: High Speed Vehicle Pursuit Training](#)
~~Administrative Manual Regulation 1081(a)(22) &~~

~~§ 845.8(b) — Parole or Release of Prisoner; Escape of Prisoners~~

[§ 13519.8](#) Requires POST to establish vehicle pursuit guidelines



Vehicle Code

[§ 165](#) Authorized Emergency Vehicle

[§ 2800](#) Obedience to Traffic Officers

[§ 2800.1](#) Evading a Peace Officer

[§ 2800.2](#) Evading a Peace Officer: Reckless Driving

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[§ 2800.3](#) Evading a Peace Officer Causing Injury or Death

[§ 14602.1](#) Vehicle Pursuit Data: Report

[§ 17001](#) Liability of a Public Entity

[§ 17002](#) Extent of Liability

[§ 17004](#) Authorized Emergency Vehicles

[§ 17004.7](#) Public Agency Immunity

[§ 21052](#) Public Officers and Employees

[§ 21055](#) Exemption of Authorized Emergency Vehicles

[§ 21056](#) Effect of Exemption

[§ 21806](#) Authorized Emergency Vehicles

[§ 21807](#) Effect of Exemption



Government Code

[§ 815](#) Liability for Injuries Generally; Immunity of Public Entity; Defense

[§ 815.2\(b\)](#) Injuries by Employee Within Scope of Employment; Immunity of Employee

[§ 820\(a\)](#) Liability for Injuries Generally; Defenses

[§ 820.2](#) Discretionary Acts

[§ 845](#) Failure to Provide Police Protection

[§ 845.8\(b\)](#) Parole or Release of Prisoner; Escape of Prisoners



United States Code

[Title 42, § 1983](#) Civil Action for Deprivation of Rights



Constitution of the United States

[Amendment IV](#) Seizures, Searches and Warrants

[Amendment XIV](#) Citizenship, Representation, and Payment of Public Debt (Due Process)

Statistical Information

[California Highway Patrol "Report to the Legislature - Senate Bill 719 – Police Pursuits" \(pdf\)](#)
["Fatalities in Motor Vehicle Traffic Crashes Involving Police in Pursuit"](#)

["Statewide Pursuit Information Database Resource System \(SPIDRS\) Report"](#)
[California Highway Patrol – Information Management Division](#)
<http://www.chp.ca.gov/offices/imd.html>

["Fatalities in Motor Vehicle Traffic Crashes Involving Police in Pursuit"](#)

Fatality Analysis Reporting System (FARS) 1982-2004

National Highway Traffic Safety Administration

www.nhtsa.dot.gov

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FATALITIES IN MOTOR VEHICLE TRAFFIC CRASHES INVOLVING POLICE IN PURSUIT, 2018
2018 FATALITY ANALYSIS REPORTING SYSTEM (FARS) - ARF

37

State	Fatality Description				Total
	Occupant of Police Vehicle	Occupant of Chased Vehicle	Occupant of Other Vehicle	Nonoccupant	
Alabama	0	8	1	0	9
Alaska	0	0	0	0	0
Arizona	0	6	0	2	8
Arkansas	0	2	2	0	4
California	0	5	20	1	26
Colorado	0	8	7	0	15
Connecticut	0	2	1	0	3
Delaware	0	0	0	1	1
Dist of Columbia	0	0	0	0	0
Florida	0	4	7	0	11
Georgia	0	27	3	2	32
Hawaii	0	0	0	0	0
Idaho	0	1	2	1	4
Illinois	0	4	6	3	13
Indiana	1	2	3	0	6
Iowa	0	5	2	0	7
Kansas	0	1	13	0	14
Kentucky	0	7	6	0	13
Louisiana	0	4	0	0	4
Maine	0	0	0	0	0
Maryland	0	1	2	0	3
Massachusetts	0	2	5	0	7
Michigan	0	7	4	0	11
Minnesota	0	5	5	0	10
Mississippi	0	0	2	0	2
Missouri	0	13	15	1	29
Montana	0	6	0	0	6
Nebraska	0	0	1	0	1
Nevada	0	0	2	0	2
New Hampshire	0	1	0	0	1
New Jersey	0	0	6	1	7
New Mexico	0	2	1	1	4
New York	0	4	2	1	7
North Carolina	0	4	6	0	10
North Dakota	0	0	1	0	1
Ohio	0	7	9	0	16
Oklahoma	0	4	0	0	4
Oregon	0	2	0	0	2
Pennsylvania	0	11	0	0	11
Rhode Island	0	1	1	0	2
South Carolina	0	0	17	1	18
South Dakota	0	2	3	0	5
Tennessee	0	2	4	1	7
Texas	0	54	7	2	63
Utah	0	0	0	0	0
Vermont	0	0	0	0	0
Virginia	0	9	0	0	9
Washington	0	3	0	1	4
West Virginia	0	0	2	0	2
Wisconsin	1	9	3	0	13
Wyoming	0	1	0	0	1
National	2	236	171	19	428
Puerto Rico	0	0	0	0	0

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Articles/Books/Publications

Alpert, Geoffrey P.; Kenney, Dennis Jay; Dunham, Roger G.; Smith, William C.,
Police Pursuits: What We Know

Washington, DC: Police Executive Research Forum (PERF), 2000

Abstract: This study went beyond previous police pursuit research in compiling extensive data from four diverse sites and a national survey; and it examined the issues not only from the police perspective, but also from the perspectives of the public and offenders. The core of this book is a report on site-specific research conducted in Miami Dade County, FL; Omaha, NE; Aiken County, SC; and Mesa, AZ. By examining police pursuits and pursuit policies in these four diverse sites, which ranged from major metropolitan areas to more rural jurisdictions, this research aimed to provide a more accurate understanding of how police professionals viewed pursuits in the context of their mission to provide public protection.

Alpert, Geoffrey P.

A Factorial Analysis of Police Pursuit Driving Decisions: A Research Note
Justice Quarterly: JQ; 15, 2, June 1998

Abstract: Police pursuit driving has become an important public policy concern and topic of research during the past few years. The present study reports the attitudes of police officers and supervisors from four different agencies concerning the continuation of a pursuit.

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Alpert, Geoffrey P.

Police Pursuit and the Use of Force

Washington: NIJ, 1996

Abstract: Police pursuit driving was examined in a two-year study that included a review of the legal, behavioral, and attitudinal literature; a national survey of law enforcement agencies; detailed case studies of several police agencies; and opinion data from police recruits, officers, supervisors, the public, and offenders who have tried to elude the police. Data were collected in 1994 and 1995.

American Civil Liberties Union Foundation of Southern California.

Not Just Isolated Incidents: The Epidemic of Police Pursuits in Southern California: A Report
Los Angeles: American Civil Liberties Union Foundation of Southern California, 1996

Archbold, Carol A.

Managing the Bottom Line: Risk Management in Policing

Policing; 28, 1, 2005

Abstract: This paper can serve as a basic resource for police scholars and practitioners, city/county attorneys, risk managers, and various other city/county agents who are interested in learning about risk management as a way to manage police liability.

Auten, James H.

An Analysis of Police Pursuit Driving Operations (2 v.)

University of Illinois, Police Training Institute, 1994

Auten, James H.

An Analysis of Police Pursuit Driving Operations: An Overview of the Results

University of Illinois, Police Training Institute, 1994

Barker, Tom

Emergency Vehicle Operations: Emergency Calls and Pursuit Driving

Springfield, Ill.: Charles C. Thomas, 1998

Abstract: This volume defines law enforcement emergency vehicle operations such as police pursuits; examines the liability concerns; and provides guidelines for the development of policies, procedures, and rules. The text emphasizes that answering emergency calls and engaging in pursuit requires that the police officer be adequately trained and properly supervised, directed, and restricted by policies, procedures, and rules.

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Blankenship, Michael B. and Moneymaker, James M.

Unsafe at Any Speed: The Utility of Police Pursuits

American Journal of Police (Vol. 10, No. 2), Page 53, 1991

Abstract: The utility of police automobile pursuits of fleeing suspects is examined in terms of the conflict between law enforcement and order maintenance. The issue is whether the maintenance of order has precedence over the enforcement of the law. It raises the question of ethics in policing, and how police should act in conflicting circumstances.

Bolton, Joel

Reducing Police Crashes Through Policy, Training, and Review

The Police Chief, Alexandria, (Vol. 68, Iss. 3), Page 87, March 2001

Abstract: Bolton discusses the proper responses of a law enforcement agency to lessen the risk from motor vehicle crashes. Police officers are much more likely to be involved in a crash than the general public, and must address potential safety concerns.

Brewer, Neil and McGrath, Gerry

Characteristics of Offenders in High Speed Pursuits

American Journal of Police (Vol. 10, No. 3), Page 63, 1991

Abstract: This Australian study developed a profile of offenders involved in high speed pursuits. All high speed pursuits (143) that occurred in the metropolitan area of one major Australian city during a 10-month period were identified from the high speed pursuit records required by the police jurisdiction. A sample of offenders was randomly selected from all cases reported in the sampling period in which the offender was apprehended. The official pursuit report forms and official criminal records were used to identify demographic data, driving license status, blood alcohol content (BAC), and prior criminal record. Overall, high speed pursuits typically involved persons considered high risks on the road under everyday driving conditions.

Britz, Marjie T., and Payne, Dennis M.

Policy Implications for Law Enforcement Pursuit Driving

American Journal of Police (Vol. 13, No. 1), Page 113, 1994

Abstract: It was found that supervisors were the least likely to follow the written policy, yet they were responsible for supervising subordinates' pursuit behaviors.

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Bromley, Max L.

A Content Review of Campus Police Vehicle Pursuit Policies at Large Institutions of Higher Education Policing, 23 (4): 492-505, 2000

Abstract: The study examined vehicle pursuit policies from 67 of the 100 largest campus police departments. The inquiry attempted to develop baseline information and a profile of content areas most often included in campus police vehicle pursuit policies. It also sought to contribute to the body of knowledge regarding the evolution of campus policing within the context of a high liability operational policy area. Findings support the notion that larger campus police agencies are similar to their municipal counterparts with respect to vehicle pursuit policies.

Daniels, Wayne H.

Training for Pursuit Driving

Law and Order, 50 (11): 80-83, November 2002

Abstract: The best defense against high-speed accidents, injuries, deaths, and lawsuits is proper training of officers.

Eisenberg, Clyde

Pursuit Management

Law & Order, 47, 3: 73-77, March 1999

Abstract: Police pursuits have of late become the subject of much media hype, and their danger is somewhat underestimated. Eisenberg presents advice on how to end a high-speed chase as quickly and safely as possible.

Eisenberg, Clyde & Fitzpatrick, Cynthia

An Alternative to Police Pursuits

FBI Law Enforcement Bulletin, 65, 8, August 1996

[http://libcat.post.ca.gov/dbtw-wpd/article/FBI/FBI65\(08\)16-19Aug1996.txt](http://libcat.post.ca.gov/dbtw-wpd/article/FBI/FBI65(08)16-19Aug1996.txt)

Abstract: Within the last decade, police vehicle pursuits have become a major concern to law enforcement administrators due primarily to liability issues and negative media attention; recognizing the need for an alternative to traditional pursuits, the Hillsborough County Sheriff's Office in Tampa, Florida, has developed the Vehicle Intercept Program. Vehicle interception rests on the premise that most suspects in vehicles will not flee as long as police officers keep their lights and siren off, thus giving deputies the opportunity to develop a containment plan.

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Falcone, David N.

Police Pursuits and Officer Attitudes: Myths and Realities
American Journal of Police, (Vol. 13, No. 1), Page 143, 1994

Abstract: Interviews were conducted with 36 police officers from five departments in a single county in the Chicago metropolitan area and one large Army Military Police Command (AMPC) to examine the relationship between attitudes, values, and beliefs and police pursuit policies and practices.

Finarelli, Joseph

High-Speed Police Chases and Section 1983: Why a Definitive Liability Standard May Not Matter
Defense Counsel Journal, Chicago, Vol. 66, Iss. 2, Page 238, 10 pages, April 1999

Abstract: Currently, a debate rages in the United States federal circuits regarding the appropriate standard of liability for police officers in high-speed pursuit cases. The 9th Circuit, which applied a "deliberate indifference" standard in *Lewis v. Sacramento County*, chose not to follow the "shocks the conscience" standard apparently established by the US Supreme Court in *Rochin v. California*. The remaining circuits have established a broad range of positions on the standard of conduct for an officer engaged in a high-speed pursuit to liability for violating a victim's due process rights. Having granted certiorari in *Lewis*, the Supreme Court will perhaps end the confusion soon. Alternatives to previous approaches are discussed.

Gilbreath, Paul

Coordinated Composure
Police, Page 63, April 1994

Grimmond, Timothy James

The Role of Police Pursuits and Their Impact on California Law Enforcement by the Year 2001
Command College Paper, 1991

http://post.ca.gov/library/p_lib/online_cat.asp#collegepapers

Grimmond, Timothy James

Traveling a Collision Course, Police Pursuits
The Police Chief, Page 43, July 1993

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Hannigan, Maurice J.
Pursuit Driving and Liability Concerns
The Police Yearbook, Page 71, 1992

Hannigan, Maurice J.
The Viability of Police Pursuits
The Police Chief, Page 46, February 1992
Abstract: The California Highway Patrol's (CHP) statistics show that more than 70 percent of those involved in CHP pursuits were wanted for felony or serious misdemeanor offenses. Each year CHP officers arrest numerous drug traffickers after observing them commit minor traffic violations. Based on this experience and that of other law enforcement agencies, well regulated police pursuits are necessary.

Hill, John
High-Speed Police Pursuits: Dangers, Dynamics, and Risk Reduction
Crime & Justice International, 20 (80): 27-29, May/June 2004

Hill, John
High-speed Police Pursuits: Dangers, Dynamics, and Risk Reduction *FBI Law Enforcement Bulletin*, 71, 7, July 2002 [http://libcat.post.ca.gov/dbtw-wpd/article/FBI/FBI71\(07\)14-18Jul2002.pdf](http://libcat.post.ca.gov/dbtw-wpd/article/FBI/FBI71(07)14-18Jul2002.pdf)
Abstract: This article reviews the dangers and dynamics of high-speed police pursuits and the need for law enforcement agencies to provide appropriate pursuit training and policy clarity to reduce the risk of injury or death. This article discusses both the dangers of pursuit and the need for training in pursuit, as well alternative methods to high-speed pursuits.

Hoffman, Gabi & Mazerolle, Paul
Police pursuits in Queensland: Research, Review and Reform
Policing, 28 (3): 530-545, 2005

Hoffmann, Gabi
Police Pursuits: A Law Enforcement and Public Safety Issue for Queensland
Brisbane, Australia: Crime and Misconduct Commission, 2003
Abstract: The analysis and recommendations contained in this report are intended to encourage the Queensland Police Service (Australia) to adopt a more restrictive policy regarding high-speed pursuits. The report is based on an analysis of police pursuits in Queensland from 1997 to 2002. The findings indicate that the Queensland Police Service (QPS) recorded an average of 630 pursuits a year, with traffic/driving offenses being the most common reasons for pursuits.

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Homant, Robert J. and Kennedy, Daniel B.

The Effect of High-Speed Pursuit Policies on Officers' Tendency to Pursue
American Journal of Police, (Vol. 13, No. 1), Page 91, 1994

Abstract: In the state with the most restrictive policy, the number of pursuits per officer was found to be less than half the number of pursuits per officer in the state with the most permissive policy.

Homant, Robert J.; Kennedy, Daniel B. and Howton, Jimmy D.

Sensation Seeking as a Factor in Police Pursuit

Criminal Justice and Behavior, (Vol. 20, No. 3), Page 293, September 1993

Abstract: The Sensation Seeking Scale was administered to 69 patrol officers of a suburban police department to investigate the relationship between sensation seeking and officers' tendencies to engage in high-speed vehicular pursuit. Results found a positive correlation between pursuit and sensation seeking.

Jones & Mayer

New Pursuit Legislation: A Cooperative Effort

Client Alert Memorandum, October, 2005.

Kennedy, Daniel B.; Homant, Robert J. and Kennedy, John F.

A Comparative Analysis of Police Vehicle Pursuit Policies

Justice Quarterly, (Vol. 9, No. 2), Page 227, June 1992

Abstract: The written pursuit policies of 47 state law enforcement agencies and the nation's 25 largest cities were subjected to comparative analysis. Qualitative analysis of the policies focused on factors justifying pursuit, physical operation of the police vehicle, circumstances of operation, and external factors. The policies also were rated quantitatively on a continuum ranging from allowing officers a great deal of judgment in the conduct of a pursuit to discouraging all pursuits except as a last resort. Most policies were found to permit a great deal of judgment, although cities tended to be more likely than states to place restrictions on pursuits.

Lesh, David

Reducing Civil Liability Related to High-Speed Pursuits

Sheriff, Alexandria, Vol. 55, Iss. 2; p. 29, 3 pages, March/April 2003

Abstract: One of the biggest challenges facing law enforcement in the coming years is the need to reduce civil liability from collisions related to high-speed pursuits. Lawsuits from these events have mushroomed in recent years.

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Loberg, Gary

Pursuit Driving—What Sheriffs Need to Know

Sheriff, Alexandria, Vol. 55, Iss. 2; p. 28, 2 pages, March/April 2003

Abstract: This article addresses pursuits, policies, and procedures.

Martin, Jeff

What's Missing in Police Pursuit Decision Making?

Police Marksman, 28 (5): 16, 18, September/October 2003

Abstract: Law enforcement administrators can select which violators they will pursue according to clearly articulated threat assessments. They can empower personnel to react affirmatively to those who constitute dangerous threats. With new training models like 3QFC available, there is no longer an excuse for administrators not to provide this training.

Martin, Jeff

3QFC Pursuit Decision Making Model

Law and Order, Wilmette, Vol. 49, Iss. 9; p. 16, September 2001

Abstract: The 3QFC Pursuit Decision Making Model, which stands for Three Question, Forced Choice, is now available to line officers, supervisors, and administrators. It is designed to replace the traditional model of pursuit decision making by offering a simple approach that can be rapidly applied during stressful conditions.

Martin, Jeff

Pursuit Termination: A Lifesaver?

Law and Order, 49 (7): 30-33, July 2001

Abstract: The article reports the results of a survey of police helicopter (air support) crews from across the country. The study analyzed data from 14 of 20 responding crews. On average, suspects continued driving dangerously for 90 seconds before slowing. An average of 50 percent of suspects continue to drive dangerously after ground units terminated their pursuits. Their continued dangerous driving was independent of the presence or absence of police units, or the decisions to continue or discontinue pursuit. The article considered that the effectiveness of using helicopters in police pursuits had been demonstrated.

Mayer, Martin J.

A Look at Vehicle Pursuit Policies

California Peace Officer, Page 7, June 1993

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More, Harry W. & Kenney, John Paul
Patrol Field Problems And Solutions: 847 Field Situations
 2nd edition. Springfield, Ill.: Charles C. Thomas. 2001.

Abstract: This volume presents case examples of 847 common situations that police officers encounter and explains how to handle them; the text aims to serve as an operational manual for police officers in daily operations in the field in patrol, investigations, vice, traffic, and juvenile units. The book also serves as a basis for discussing operational procedures, policies, and regulations.

Morris, Earl R
 Modifying Pursuit Behavior: The 9Ts Approach
FBI Law Enforcement Bulletin, Page 1. January 1993
[http://libcat.post.ca.gov/dbtw-wpd/article/FBI/FBI62\(01\)01-06Jan1993.txt](http://libcat.post.ca.gov/dbtw-wpd/article/FBI/FBI62(01)01-06Jan1993.txt)

Abstract: This article presents a policy of police pursuit driving under nine components, each presented under a rubric that begins with a "T". One component of the policy is to "think" about pursuits from all perspectives, including those of the officer, the suspect, and the innocent third parties who might be injured. The second component is to "talk" about pursuits one-on-one, in group discussions, and by exchanging written communications, to evaluate pursuit alternatives. A third component is to "track" pursuits and use the resulting data as the basis for training and the formulation of a pursuit policy. The fourth component is to "tailor" an unambiguous set of written guidelines and then use the guidelines to protect the officer, the department, and the public. The fifth component is to "train" all officers regarding when and how to initiate and to terminate a pursuit. The sixth component is to "toughen" laws to make the eluding or evading of the police an offense equal to or greater than driving under the influence. The seventh component is to use "technology" such as video interaction and reflecting license plates. An eighth component is to "televise" more responsible high-speed chases in fictional portrayals of police work. The ninth component is to "terminate" as many pursuits as possible.

National Highway Traffic Safety Administration (NHTSA)
The Highway Safety Desk Book
<http://www.nhtsa.dot.gov/PEOPLE/INJURY/enforce/DESKBK.html>

National Institute of Justice: Research Preview
 Pursuit Management Task Force
 NCJ, (184352): 1-3. August 1998
<http://www.ncjrs.org/pdffiles/fs000225.pdf>

Abstract: The Pursuit Management Task Force (PMTF) of the National Institute of Justice's Office of Science and Technology reports on the entire range of police vehicular pursuit issues, including preemption of disputes, control of pursuits in progress, and termination of pursuits. Due to resources and methodological constraints, the scope of the study was restricted to nine western States: Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington.

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Nichols, Laura J.

IACP Police Pursuit Database: Helping Agencies Use Data to Improve Policy *The Police Chief*, Alexandria: Vol. 69, Iss. 9; p. 16. September 2002.

<http://www.iacptechnology.org/Library/TechTalk/TechTalk0902.pdf>

Abstract: On June 1, 2002, IACP's Internet-based Police Pursuit Database was made available to officers in the field. After one year of testing by 10 law enforcement agencies, the database is now available for use at no cost to all state and local agencies. The database was created in direct response to a recommendation in the Pursuit Management Task Force Report commissioned by the National Institute of Justice, Office of Science and Technology.

Nicholson, William G.

Emergency Response and Emergency Management Law: Cases and Materials
Springfield, Ill: Charles C. Thomas, 2003.

Abstract: This book surveys the laws that regulate emergency responses by the fire service, hazardous materials teams, emergency medical services, law enforcement agents, and volunteer groups; relevant case law is also examined.

Payne, Dennis M., & Fenske, John G.

An Analysis of the Rates of Accidents, Injuries, and Fatalities Under Different Light Conditions
—A Michigan Emergency Response Study of State Police Pursuits
Policing, Bradford: Vol. 20, Iss. 2; Page 357. 1997.

Abstract: Police pursuit accident data from the Michigan Emergency Response Study (MERS) were compared with non-pursuit accident data for on-duty Michigan State Police (MSP) personnel between 1988 and 1990, general population accidents for the same period, and general population accidents between 1987 and 1991 to examine negative outcomes associated with police pursuits.

Pipes, Chris & Pape, Dominick
Police Pursuits and Civil Liability

FBI Law Enforcement Bulletin; 70, 7. July 2001.

[http://libcat.post.ca.gov/dbtw-wpd/article/FBI/FBI70\(07\)16-21Jul2001.pdf](http://libcat.post.ca.gov/dbtw-wpd/article/FBI/FBI70(07)16-21Jul2001.pdf)

Abstract: As many as 40 percent of all motor vehicle police pursuits end in collisions and some of these result in nearly 300 deaths each year of police officers, offenders, or innocent third party individuals. Chief executive officers (CEO's) of law enforcement agencies must establish appropriate policies governing the actions of their personnel during such incidents. The policies should include, at a minimum, statements that officers will not continue pursuit once the risk of danger to the officer and public created by the pursuit exceeds the potential danger to the public should the suspect remain at large. Officers assessing the danger must consider the nature of the offender's violation as well as environmental conditions such as type of area, weather, and level of traffic congestion. Additionally,

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CEO's also must heed state statutes and state-level court decisions applicable within their jurisdiction. Finally, CEO's should proactively reassess their agency's pursuit policy and provide adequate training regarding the policy and motor vehicle pursuit in general.

Rayburn, Michael

Pursuits: Getting Back to Basics: Keep Adrenaline at Bay Through Sound Pursuit Tactics
Police: The Law Enforcement Magazine, 24 (9): 47-48. September 2000

Abstract: High-speed police pursuits are receiving increasing public attention and critical media coverage, and require oversight from police supervisors to determine whether the need to apprehend the fleeing offender outweighs the potential risk to society and to manage every pursuit effectively.

Schembra, John

The Mental Aspect of Emergency Driving

Law & Order, Vol. 50; Iss. 11; Page 88. November 2002

Abstract: It is important to train police officers in the mental aspects of emergency driving. The mental aspects of emergency vehicle operation can be easily and effectively provided through the use of driving simulators.

Schonely, Jack H.

Apprehending Fleeing Suspects: Suspect Tactics And Perimeter Containment
Springfield, Ill.: Charles C. Thomas. 2005.

Abstract: As the tactics and technologies of law enforcement change, so do the tactics being used by criminals to evade capture. This book was written to provide law enforcement with the knowledge and tools required to safely capture suspects who attempt to flee from the police. It addresses the trends and tactics that criminals are using and examines proven techniques in how to contain, search, and capture suspects on the run.

Sharp, Arthur

The Dynamics of Vehicle Chases in Real Life

Law & Order, Wilmette: Vol. 51, Iss. 7; p. 68. July 2003

Abstract: This article reports on the findings of a survey that examined the policies and views on police pursuits of 30 randomly selected law enforcement departments of all specialties and sizes. Eighty-three percent of these departments stated that they restrict the circumstances under which officers are allowed to engage in vehicular pursuits. Ninety-three percent limit the number of cars that may be involved.

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Sharp, Arthur G.

Vehicle Pursuits: The Risks Require a Strict Policy
Law and Order, Page 43, January 1994

Specht, John

Slow Pursuits Lead to Fast and Safe Apprehensions

The Police Chief, Alexandria: Vol. 73, Iss. 3; p. 57, March 2006

Abstract: In May 2003, the Hillsboro Police Department's pursuit policy was updated to authorize police pursuits only in cases where the "actions of the suspect(s) are a direct threat to life" or those where "the officer reasonably believes that delayed apprehension of the suspect(s) represents a clear and present danger to the public and/or the officer." The policy defined these statements further and gave specific guidelines for the officers and supervisors to use as they followed the policy.

Thrash, Paul D.

Police Pursuit Considerations

Law Enforcement Technology, Page 28, September 1994

Warren, Rocky & Olsen, Mitchell

Large Vehicle Pursuits and Attacks

Law & Order, Wilmette: Vol. 50, Iss. 7; p. 26 (4 pages), July 2002

Abstract: To stop a large vehicle pursuit, where reasonable cause exists, the use of lethal force methods in a way that will most likely result in less lethal conclusion will be advocated. It's going to take coordination and cooperation of the highest order, both between agencies and individual officers.

Whitman, Kenneth L.

California: Commission on Peace Officer Standards and Training

Emergency Vehicle Operations Instructor Manual

Commission on Peace Officer Standards and Training, Sacramento: 1994

Abstract: This manual is one of the primary sources of information for the driver training instructor course and a resource for those who develop and present driver training courses. It was developed by the driver training instructor advisory committee composed of driver training experts within the state and POST staff.

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Wilson, James F.

Establishing Defensible Policies, Police Pursuits
The Police Chief, Page 48, July 1993

Abstract: Recent events have once again thrust police pursuits and their aftermath into the limelight. Civil litigation arising out of collisions involving police pursuits is a high-stakes game, and recent cases have taken aim at the limited protection afforded public entities in relation to collisions between the fleeing suspect and innocent third parties.

Yates, Travis

Law Enforcement Pursuits: Managing the Risks
Womenpolice, 38 (4): 10-11, Winter 2004

Abstract: Most agencies have not taken adequate steps to manage the risks of pursuits. This article details four issues that perpetuate the dangers of pursuits within the agencies.

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Appendix

A

Case Law

Stark v. City of Los Angeles, 168 Cal.App.3d 276 (1985)

The immunity provisions of Government Code §845.8 will not relieve a city's liability to third persons for the negligence of its police officers during the pursuit of a fleeing subject. Police, while pursuing a suspect, are not exempt from the duty to exercise due care for the safety of others.

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Brower v. Inyo County, 489 U.S. 598 (1989)

The United States Supreme Court held that a Fourth Amendment "seizure" occurs when there is a governmental termination of freedom of movement through means intentionally applied. Therefore, the fact that police officers, acting under color of law, sought to stop a fleeing suspect by means of a road block, resulting in the suspect crashing into the roadblock and dying, are sufficient to allege a "seizure" within the meaning of the Fourth Amendment.

Kishida v. State of California, 229 Cal.App.3d 329 (1991)

A government entity will be immune from tort liability arising from an automobile accident caused by a suspect who collides with another vehicle, while fleeing from police, if the entity has adopted a pursuit policy pursuant to Vehicle Code §17004.7, even if the officer did not adhere to the policy.

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Wiener v. City of San Diego, 229 Cal.App.3d 1203 (1991)

A city is not required to prove its police were complying with its policy regarding pursuit procedures, in order to maintain its immunity from civil liability.

Colvin v. City of Gardena, 11 Cal.App.4th 1270 (1992)

A public entity has liability for injuries arising out of vehicle pursuits unless it has "adopted" a vehicle pursuit policy which complies with the minimum standards set forth in Vehicle Code §17004.7. Minimum standards include adequate guidelines for determining when to initiate and/or discontinue pursuits.

Payne v. City of Perris, 12 Cal.App.4th 1738 (1993)

A city cannot claim immunity, pursuant to Vehicle Code §17004.7, if its vehicle pursuit policy lacks specific guidelines to govern peace officers in determining whether to initiate and/or discontinue a pursuit.

Berman v. City of Daly City, 21 Cal.App.4th 276 (1993)

Pursuit policies must provide sufficient "guidelines" for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit.

Blumer v. City of Los Angeles, 24 Cal.App.4th 983 (1994)

Factors officers must consider do not have to be set out in a list form for a policy to be adequate and confer immunity upon the entity.

Bryant v. County of Los Angeles, 26 Cal.App.4th 919 (1994)

An officer has statutory immunity from civil liability for injuries arising out of his or her pursuit of a stolen patrol car.

Billester v. City of Corona, 26 Cal.App.4th 1107 (1994)

Vehicle Code § 17004.7 does not violate the "equal protection" clause of the Constitution.

Bingue v. Prunchak, 512 F.3d 1169 (9th Cir. 2008)

Under federal law, the "intent to harm" standard applies to all high-speed police chases. The officer was entitled to qualified immunity on federal constitutional claims as he did not act with the requisite intent to harm but joined the high-speed chase in an attempt to perform his job and help apprehend a fleeing suspect who posed a danger to the public.

Thomas v. City of Richmond, 9 Cal.4th 1154 (1995)

Where a police officer, in a police vehicle, chases a suspect who is fleeing on foot and subsequently strikes the suspect with the vehicle, the public entity will not be immune from liability under Government Code § 845.8 for the ensuing injury, inasmuch as Vehicle Code § 17001 creates liability.

Mc Gee v. City of Laguna Beach, 56 Cal.App.4th 537 (1997)

Vehicle Code § 17004 provides a complete defense for an officer after a pursuit crash causes a third party's quadriplegia. Vehicle Code § 17004.7 provides immunity from civil liability for injuries arising out of the pursuit where the city has adopted express guidelines for safe police pursuits and the policy complied with the minimum standards set forth in the statute.

Moreno v. Quemuel, 219 Cal. App. 4th 914 (2013)

The term "immediate pursuit" for purposes of Vehicle Code § 17004 immunity includes opening the door in the path of a motorcyclist and causing injury when preparing to exit a stopped patrol car to make contact with a motorist during a traffic stop. An officer who opens the door of patrol car door during a traffic stop as he gets out to confront a motorist is in immediate pursuit of an actual or suspected violator of the law for purposes of Vehicle Code § 17004 immunity.

Mullenix v. Luna, 136 S. Ct. 305 (2015)

A police officer was entitled to qualified immunity for his conduct in shooting and killing a reportedly intoxicated fugitive who was fleeing in a vehicle at high-speed, twice threatened to kill officers and was racing toward another officer's location before the vehicle reached a

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spike strip placed on the road. It was not beyond debate that the officer acted unreasonably in the unclear border between excessive and acceptable force.

People v. Pakes, 179 Cal. App. 4th 125 (2009)

The word "pursue" includes the concept of overtaking for capture and does not necessarily require that the pursuing officer(s) be positioned behind the fleeing suspect.

Plumhoff v. Rickard, 572 U.S. 765 (2014)

The officers acted reasonably in using deadly force and did not violate the Fourth Amendment when officers fired shots at the suspect in an attempt to terminate a dangerous high

Ramirez v. City of Gardena, 5 Cal. 5th 995 (2018)

An agency does not need to prove total compliance with the certification requirement for immunity under Vehicle Code §17004.7. The agency was entitled to immunity as it attested that all officers employed at the time of the incident completed the forms required under Vehicle Code §17007.4(b)(2) but could not produce all forms as some forms had been lost.

Riley v. Alameda County Sheriff's Office, 43 Cal. App. 5th 492 (2019)

Immunity was granted under Vehicle Code §17004.7, although the agency did not prove 100 percent compliance with the officer certification requirement under Vehicle Code §17007.4(b)(2), where the agency has an otherwise compliant pursuit policy. Electronic certification by officers is acceptable and is not required to be on paper.

Scott v. Harris, 550 U.S. 372 (2007)

An officer terminated a vehicle pursuit when he applied his push bumper to the plaintiff's vehicle during the high-speed pursuit which caused the plaintiff to crash after the plaintiff had engaged in dangerous driving, swerving around cars, running red lights, and generally driving in a manner that posed a threat of serious harm to others. Under the circumstances, a police officer's attempt to terminate a dangerous high-speed car chase that threatened the lives of innocent bystanders was reasonable and did not violate the Fourth Amendment, even when it placed the fleeing motorist at risk of serious injury or death.

Weaver v. State of California (CHP), 63 Cal.App.4th 188 (1998)

Police are not liable for injuries to juveniles forcibly stopped as a result of a pursuit of a stolen vehicle. The utilization of a "Pursuit Immobilization Technique (PIT)" is not prohibited by Vehicle Code §17004.7(b). "The statute is silent as to the nature of the conduct of the peace officers engaged in the pursuit. There is no express statutory requirement that the pursuit by the peace officer be conducted in a particular manner ..."

County of Sacramento vs. Lewis, 523 U.S. 833 (1998)

A police officer does not violate substantive due process by causing death through deliberate or reckless indifference to life in a high-speed automobile chase in an attempt to apprehend a fleeing suspect. "In the circumstances of a high speed chase, aimed at apprehending a suspect offender...only a purpose to cause harm unrelated to the legitimate object of arrest will satisfy the 'shocks the conscious' test."

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Lewis v. County of Sacramento, 93 Cal. App. 4th 107 (2001)

Vehicle Code §17004.7 immunity applies for death of the passenger on a motorcycle being pursued by peace officers, who was killed during the pursuit when he jumped off or fell off of the motorcycle as it crashed and he was struck by the pursuing patrol car. When the fleeing suspect's motorcycle crashed to the ground during the pursuit, it constituted a "collision" within the meaning of Vehicle Code §17004.7. When a vehicle driven by a pursuing officer hit and kills a person who was involved in a collision of the suspect's vehicle in the path of the officer's vehicle, this constitutes a death "resulting from the collision" of the fleeing suspect's vehicle.

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Ketchum v. State of California, 62 Cal.App.4th 957 (1998)

Plaintiff's mother was killed after being struck by a car that was being pursued by the California Highway Patrol. The court held that the State of California had immunity from civil liability pursuant to Vehicle Code § 17004.7 because the CHP had validly adopted a pursuit policy as required by the statute.

Onossian v. Block, 175 Fed 3rd 1169 (1999)

Police officers are insulated from constitutional attack for injuries caused while justifiably pursuing a criminal suspect. Officers in pursuit must balance the need to apprehend the suspect with the threat a high-speed chase poses on everyone else. If a high speed chase is justified, the pursuing officers are insulated from claims of constitutional violations "irrespective of who might be harmed or killed as a consequence of the chase."

Nguyen v. City of Westminster, 103 Cal.App.4th 1161 (2002)

The City was immune from civil liability for injuries caused by a fleeing suspect because of the pursuit policy in place at the time. "While poorly organized... the City's policy listed specific and objective factors police personnel had to consider when deciding to begin, continue, control, or end a vehicle pursuit. The policy did not permit officers to rely on their sole and unfettered discretion during a pursuit."

Appendix B

Glossary

Certain terms used in this document warrant definition. The definitions are intended to assure understanding of the meaning of the terms as used in this document. No other use of the definitions is intended.

Authorized Emergency Vehicle

An emergency vehicle where the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays at least one lighted red lamp visible from the front as a warning to other drivers and pedestrians, as defined in Vehicle Code §21055 and Vehicle Code §165.

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Balance Test

An ongoing decision process to analyze the risk of initiating, continuing, and/or terminating a pursuit. If the threat to public or officer safety is greater than the need for immediately apprehending the suspect, then the pursuit should not be initiated or it should be terminated.

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Discontinue

To stop chasing the fleeing vehicle.

Note: Where this term is used in agency policy, it should be clearly defined to prevent misunderstanding and to clarify decision-making regarding a supervisor's direction to terminate a pursuit. It should also describe the actions that may be employed by the law enforcement officer(s) when directed to terminate a pursuit.

Failure To Yield

To the actions of a vehicle operator who fails to stop or respond to the officer's signal to stop.

Guidelines

Limitations, principles, and/or criterion to be considered in the formulation of policies.

Intervention Tactics

Specific operational tactics (e.g., pursuit intervention/immobilization technique (PIT), blocking, ramming, boxing, roadblock procedures, tire deflation device/spike strip, etc.) intended to disable a fleeing vehicle

or otherwise prevent further flight or escape.

Law Enforcement Officer

As used in this guide, law enforcement officer includes any peace officer of a local police or sheriff's department or the California Highway Patrol, or of any other law enforcement agency authorized by law to conduct vehicle pursuits.

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Offender/Suspect The driver or occupant(s) of a fleeing vehicle.

Policy

The principles by which an individual agency is guided in the management of its affairs—such as whether to, and how to, engage and/or disengage in the pursuit of a fleeing suspect.

Pursuit

~~An event involving one or more law enforcement officers attempting to apprehend a suspected or actual violator of the law in a motor vehicle while the driver is using evasive tactics, such as high-speed driving, driving off a highway, turning suddenly, or driving in a legal manner but failing to yield to the officer's signal to stop.~~

Supervisor

A person who has specific responsibility for issuing orders and providing direction to others.

Terminate

Used interchangeably with discontinue. See the definition of [Discontinue](#), above.

Note: Where this term is used in agency policy, it should be clearly defined to prevent misunderstanding and to clarify decision-making regarding a supervisor's direction to terminate a pursuit. It should also describe the actions that may be employed by the law enforcement officer(s) when directed to terminate a pursuit.

Vehicle Pursuit

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

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