



POLICY/PROCEDURE NUMBER: 02-L.E.-001

Page 1 of 9

SUBJECT: VEHICLE PURSUIT GUIDELINES

EFFECTIVE DATE: December 18, 2019

REVIEW DATE: December 18, 2020

AMENDS/SUPERSEDES: October 1, 2001 version; September 24, 2002 version; December 10, 2007 version; January 30, 2008 version; January 27, 2010 version; February 16, 2011 version; January 8, 2014 version; January 7, 2015 version.

IACLEA STANDARDS: 9.1.3, 9.2.2, 9.2.3

CSU POLICE SYSTEMWIDE POLICY – NO

APPROVED: Gregory L. Murphy, Chief of Police

I. PURPOSE

The purpose of this directive is to establish policy and procedures for the initiation and continuation of pursuits, and the operation of police vehicles during pursuits.

II. POLICY

Vehicle pursuits may present a danger to the lives of officers, the public and suspects involved in the pursuit. Therefore, it is the policy of the California State University Department of Police Services to safeguard all persons' lives to the greatest extent possible when enforcing the law by regulating the manner in which a vehicle pursuit is undertaken and performed. With the aforementioned in mind, the department supports any officer who chooses not to initiate pursuit, or chooses to discontinue a pursuit with or without cause.

III. DEFINITION

Pursuit: is 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.

IV. PROCEDURES

A. Balance Test: Factors to Be Considered

1. The balance test should be used as a guide in determining whether or not to pursue. An officer's reasonable suspicion must be based upon the facts perceived by the officer at that time. The decision to initiate and/or continue a pursuit requires weighing the public safety need to immediately stop the violator against the risk to the public, officer, and/or suspect as a result of the pursuit. If efforts to enforce the

law unnecessarily place at risk lives and property, then pursuits should either be canceled or not initiated.

Factors which can be used in continuously assessing the need for apprehension versus risk created by the pursuit are set forth below:

- Public safety
 - 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, 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)
2. Whenever possible, the officer should be able to answer the following questions and **evaluate whether a pursuit will be initiated before attempting to stop a violator.**
- a. Was the subject an immediate or future threat to the public before the police pursuit?
 1. If "Yes" – then the pursuit should not create a greater danger to the public and the violator may be pursued.
 2. If "No" – then ask question letter "b".
 - b. Is the non-compliant driving by the violator hazardous?
 1. If the answer is "No", then the danger of the pursuit to the public can be more clearly seen as outweighing the need to immediately apprehend the violator.
 2. Answering "No" does not preclude the officer from initiating a pursuit. However, both the officer and supervisor must be ready to cancel the pursuit should the violator's non-compliant driving cross the threshold of hazardous driving.
 - c. What is the plan to end the pursuit as soon as possible? Any plan must be based on "reasonableness" given the facts and circumstances known to the officer at the time.

3. Officers should not, unless there are exigent circumstances related to imminent danger of serious bodily injury or death, engage in wrong way pursuits.
4. Section 21055 of the California Vehicle Code (VC) specifies that in emergency situations the driver of an authorized emergency vehicle is exempt from the “rules of the road” provided that the red light and siren of the vehicle are activated. Section 21056 VC, however, specifies that the exemption provided by Section 21055 does not relieve the driver from the duty to drive with due regard for the safety of all persons using the highway, nor does it protect the driver from the consequences of an arbitrary exercise of the privileges granted in that section (21055).

B. Number of Involved Law Enforcement Units Permitted

Research has shown that the more law enforcement units actively participating in a pursuit, the increased likelihood of a collision occurring. Public safety should be the foremost consideration when determining the number of units permitted. Only the number of department vehicles necessary to be effective in apprehensions should become involved in pursuits.

Only department vehicles designated as emergency vehicles and equipped with functioning emergency lights and sirens may be used in pursuits. Unmarked vehicles, K-9 and motorcycles may initiate a pursuit only if failure to initiate pursuit would pose immediate risks of death or great bodily harm, and then only until marked vehicles assume primary pursuit roles. Officers driving unmarked units, K-9 or motorcycles will cease active pursuit when sufficient marked vehicles become secondary units. Generally, unmarked units should not be used to attempt to stop vehicles.

Factors to consider in determining the total number of law enforcement vehicles authorized to participate in a pursuit are as follows:

- Type of units (marked/unmarked, motorcycles, K-9, etc.) authorized to participate in a pursuit
- Types of units confined to limited roles
- Tactics and techniques authorized for units approved to “trail” or parallel a pursuit (e.g., traffic control in advance of the pursuit)
- Number of suspects in fleeing vehicle
- Number of officers per unit/vehicle
- Nature of violation/suspected offense
- Characteristics of the location/area
- Availability of assisting agencies/jurisdictions
- Traffic conditions

C. Initiating Officer’s Responsibilities

1. The unit initiating the pursuit must immediately notify the communications center of the initiation of a pursuit and must activate and use emergency lights and siren throughout pursuit.
2. Information must be given indicating:
 - a. Primary unit identification;
 - b. Location, direction of travel and speed;
 - c. Initial reason(s) for the pursuit, including the known or suspected law violation;

- d. Pursued vehicle description, including license number, if known;
- e. Number of vehicle occupants (including identity or description, if known);
- f. Pursuit conditions (weather, traffic)

3. Discontinue pursuit if instructed to do so by a supervisor. Transmit discontinuation of the pursuit.

D. Secondary Unit's Responsibilities

1. Activate and use emergency lights throughout pursuit.
2. Notify communications regarding participation as secondary unit.
3. Assume position of support to the rear of primary officer(s) and whenever practical, take over primary responsibilities for pursuit progress communications.
4. If the suspect(s) attempt to flee on foot, assist and coordinate efforts of the apprehension.
5. Discontinue pursuit if instructed to do so by a supervisor or dispatcher. Transmit discontinuation of the pursuit.

E. Non-Involved Officer's Responsibilities

1. Monitor the radio, clear the air of any extraneous radio traffic.
2. Unless circumstances dictate otherwise, a pursuit shall consist of no more than two police vehicles, a primary and a secondary unit. All other personnel shall stay clear of the pursuit unless instructed to participate by a supervisor.

F. Supervisor's Responsibilities

1. Assume monitoring of, and responsibility for, the command of the pursuit.
2. To ensure the integrity of a pursuit's supervision, the shift supervisor should not engage in the pursuit unless failure to initiate pursuit would pose immediate risks of death or great bodily harm. If pursuit is initiated, the shift supervisor should only remain involved in the pursuit until such time as another CSUN or mutual aid police unit assumes the primary pursuit role. Being involved in the pursuit as a primary or secondary unit does not relinquish the shift supervisor's "supervisory" responsibilities required in a pursuit situation.
3. Determine the merits of the pursuit and discontinue/terminate the pursuit based on information available, if necessary.
4. If the supervisory viewpoint is to continue the pursuit, continuously assess the situation and ensure that the pursuit is conducted within established guidelines. Notify communications if supervisor joins the pursuit.
5. Determine the role of air support, where available and if appropriate.
6. The shift supervisor shall not relinquish command until the pursuit is concluded, cancelled, or until relieved by a higher ranking supervisor.
7. Ensure notifications are made to other jurisdictions, if applicable.

G. Communications (Dispatcher) Responsibilities

1. Clear the air for priority to pursuing unit and broadcast "Emergency Radio Traffic Only".
2. Immediately notify on-duty supervisor of pursuit.
3. Record information about the pursuit in writing and ensure that the audio is being recorded. Run warrants, warrants and registration on the vehicle.
4. Begin notifying adjoining jurisdictions as appropriate.
5. Obtain and relay updates on the status of the pursuit.

H. Pursuit Tactics

1. An officer intending to stop a vehicle shall be within close proximity of the violator's vehicle before activating the red lights and attempting to stop. Note: The violator's temptation to evade a police contact will be greater in those instances where it appears the driver has a head start.
2. The initiating and the second pursuing units shall be the only units driving "Code 3" unless additional units are assigned to the pursuit by a supervisor.
3. The on-duty supervisor will determine the number of units to engage in a pursuit. As a general rule, there should be no caravanning of field units.
4. There shall be no use of spotlights in attempt to blind the offender.
5. There shall be no slowing of uninvolved traffic ahead of the pursuit in order to delay the offender.
6. Uninvolved officers shall not normally follow the pursuit on parallel streets unless authorized by a supervisor.
7. The decision to discharge a firearm from/at a moving vehicle shall be governed by the Department's Use of Force policy (08-L.E.-011) which states on p.8, Section I.3. "Police officers will not discharge a firearm from/at a moving vehicle unless no other reasonable option exists and a greater immediate danger to an innocent person(s) is posed by the officer not discharging a firearm."
8. Use of roadblocks and forced stopping measures by members of the Department are prohibited during pursuits. Should one be deemed necessary due to extreme public safety issues, either LAPD or CHP (based on jurisdiction) should be contacted via a mutual aid request.
9. Officers involved in a pursuit shall not attempt to pass other police units engaged in the pursuit or take any independent action unless at the request of, or with the permission of, the officer supervising the pursuit.
10. Attempts to stop pursued suspects by "boxing in" or "heading off" shall only be utilized as a last resort when the suspect's driving goes beyond hazardous and is just shy of warranting cancellation of the pursuit. In this case, the watch supervisor must be consulted for permission to utilize one of these tactics. No

other means of forcibly stopping a vehicle (i.e. spike strips, PIT maneuvers, etc.) are authorized by this department with or without a supervisor's approval.

I. Inter-Jurisdiction Considerations

A pursuit starting in the campus proper need not be concluded merely because the suspect flees into another jurisdiction. Unless otherwise directed by the shift supervisor to end the pursuit, the officer may continue at their own discretion while keeping pursuit procedures in mind. Responsibility for curtailing a pursuit which has gone into another jurisdiction will still rest with the supervisor.

Pursuits by police officers frequently become inter-jurisdictional pursuits. There are several guidelines that must be followed when this occurs.

1. Notification of other jurisdictions and request for assistance.
 - a. The on-duty dispatcher shall notify appropriate surrounding agencies before a pursuit enters their jurisdiction.
 - b. If it is not possible to notify an agency prior to a pursuit entering that agency's jurisdiction, the notification shall be made immediately upon entry into another jurisdiction.
2. When a pursuit enters another agency's jurisdiction, the supervisor should determine whether to request the other agency to assume the pursuit, taking into consideration distance traveled, lack of familiarity with the area and other pertinent facts.
 - a. If the pursuit is assumed by the other agency, all CSUN Department of Police Services (DPS) units involved will discontinue the pursuit unless assistance is requested by the other agency.
 - b. Upon discontinuing the pursuit, the initiating unit may proceed to the termination point at a legal speed, unless otherwise directed by his/her supervising officer.
 - c. Once the pursuit is terminated, the supervising officer shall determine if the initiating officer or other officers involved in the pursuit are needed for report purposes.

J. Other Agency Pursuit into CSUN DPS Jurisdiction

1. The on-duty dispatcher will attempt to establish and coordinate communications when other agencies pursue suspect vehicles onto campus.
2. Notification by another agency of a pursuit in progress shall not be construed as a request to join the pursuit. Officers shall not assist the outside jurisdiction unless they are specifically requested to do so and are authorized by a CSUN DPS supervisor. In the event a request is made and authorization granted to assist the pursuing agency, CSUN DPS officer(s) shall immediately terminate their assistance in the pursuit upon arrival of supporting police units from the pursuing agency. The shift supervisor shall ensure that all notification procedures are made as soon as possible and report documentation (e.g., RIMS, Use of Force, and CHP Allied Agency Pursuit form #187A) completed by the pursuing support officer and approved by the end of watch.
3. Officers may not "caravan" or become an active part of the other agency's chase.

4. If the pursuit of another agency ends on campus, the shift supervisor should make contact with the other agency's officers (via CSUN DPS communications) to determine if assistance is required to assure the orderly arrest of the suspect(s).

K. Abandonment or Termination of the Pursuit

The pursuing officer(s) or supervisor should terminate the pursuit when:

1. Ordered to do so by a supervisor.
2. The three questions in section IV. 2 of this policy do not dictate an initiation or continuation of the pursuit.
3. It becomes apparent that the immediacy of the apprehension is outweighed by a clear and present danger to the officer or others.
4. Any time during a pursuit when a unit experiences emergency equipment failure or is involved in an accident.
5. The distance is so great that pursuit is futile.
6. The pursuing unit loses visual contact for an extended period of time.
7. The suspect's identity has been determined; immediate apprehension is not necessary to protect the public or officers and apprehension at a later time is feasible.

Pursuing officers are considered to be no longer involved in a pursuit when emergency lights and siren have been turned off and the officer radios they are no longer in pursuit.

L. Post-Pursuit Discipline

Officers will maintain post-pursuit discipline once the stop is made. No other units, other than the supervisor, will respond to the termination point unless requested by the pursuing officer or supervisor. Supervisors must ensure that the safety of the public and peace officers during the apprehension and capture of a suspect(s) is an important factor. The supervisor should retain command of the situation at the apprehension location and designate the officer 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.

V. POST-PURSUIT REPORTING PROCEDURES AND ADMINISTRATIVE REVIEW:

- A. All pursuits must be reported to the California Highway Patrol on CHP form 187A within 30 days (located in the DPS patrol operations forms boxes). It is the responsibility of the reporting officer to complete this form, as well as the RIMS report of the incident, for supervisory review.
- B. The shift supervisor shall ensure that the primary officer completes all applicable department paperwork/reports on the pursuit before end-of-watch. This includes reporting requirements for use of force as outlined on p. 9 Section V of the department's Use of Force policy (08-L.E.-011).
- C. The RIMS report of the pursuit shall include the following information:

1. The violation that caused the pursuit to be initiated
2. The identity of the officer(s) involved in the pursuit
3. The means or methods used to stop the suspect
4. All charges to be filed with the court
5. The conditions of the pursuit including all of the following:
 - a. Duration
 - b. Mileage
 - c. Number of officers involved
 - d. Maximum number of law enforcement vehicles involved
 - e. Time of day
 - f. Weather conditions
 - g. Maximum speeds
 - h. Whether the pursuit resulted in a collision, any resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.
 - i. Whether the number of persons involved multiple law enforcement agencies.
 - j. How the pursuit was terminated.

D. All pursuit reports will be administratively reviewed by a member of the command staff, as designated by the Chief of Police, to determine compliance with department policies.

On an annual basis, the Special Services Captain will initiate an annual review of all pursuits for the calendar year just completed and discuss with all members of the command staff. The focus of the discussion will be to determine patterns or trends that may indicate training needs and/or the need for policy modification. Upon completion of this discussion, the Special Services Captain shall submit a report of findings and recommendations to the Chief of Police.

VI. POST-PURSUIT MAINTENANCE:

The officer, supervisor or appropriate staff, as designated by their Patrol Operations Commander, will inspect all department vehicles involved in pursuits in order to determine roadworthiness and/or pursuit-related maintenance needs. If evaluation of the vehicle by the department's recognized maintenance facility is required, the vehicle will be serviced as soon as possible and placed out of service until such time as roadworthiness is ascertained.

VII. CALIFORNIA VEHICLE CODE TRAINING REQUIREMENTS:

As per California Vehicle Code Section 17004.7 (d), officers who drive police vehicles shall be given initial and annual update training in the department's pursuit policy and safe driving habits. The training coordinator is responsible for scheduling this training in the annual training calendar (as approved by the Chief of Police) and ensuring that training materials are delivered to all patrol division supervisory personnel.

This training must be documented through the use of a training attestation form (SB 719 Pursuit Policy Training Attestation) that is signed by the officer. These forms are provided to the officer and maintained by the department's training coordinator in the department's training files.

VIII. TRAINING

All sworn receive pursuit training in the police academy as part of the POST Basic Certificate program. As part of the department's training program, all sworn personnel are required to participate in annual training of the department's pursuit policies and procedures. Newly hired officers are also required to complete training on the department's pursuit policies and procedures as part of the field training officer (FTO) program.