



CALIFORNIA LAW ENFORCEMENT

# VEHICLE PURSUIT GUIDELINES



2022



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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This document represents the collective effort of individuals from several organizations, agencies, and communities. The content contained herein does not necessarily represent the viewpoint or position of every advisor or author. However, it does represent the diverse perspectives and meaningful dialogue that is necessary to come together in a collaborative and respectful process.

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## Foreword

The passage of Senate Bill 601 (Marks) in 1993 added to 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 on October 4, 2005. Among other changes, Senate Bill 719 expanded 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, annually train, and obtain a signature from each peace officer affirming that they have been trained 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 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.

The Commission intends that these guidelines and associated discussion present important information for law enforcement executives to consider and use as a resource when researching and creating a specific pursuit policy that their agency will adopt, promulgate, and that reflects the needs of the agency, the community it serves, and the 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 Bureau\*](#) at the California Commission on Peace Officer Standards and Training.

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## Introduction

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 was created with the guidance and assistance of subject matter experts including representatives of law enforcement agencies, law enforcement executives, and police academy instructors. Legal advisors and public representatives also offered expertise and opinion in the creation of this update.

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.

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 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 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.

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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# SECTION ONE

## Vehicle Pursuit Guidelines

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### 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.

#### **Discussion:**

The “Balance Test” should be used as a guide in determining whether 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. 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 interpreting Vehicle Code §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 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):

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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 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.

### ***Balance Test:***

#### ***Factors to be considered, 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)
- ▶ 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, interstate, divided highway, work zone)
- ▶ 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, etc.)
- ▶ 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
- ▶ Quality of 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.

### ***Discussion:***

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 and officer safety should be the foremost consideration when determining the number of units permitted.

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, including but not limited to:***

- ▶ Total number of law enforcement vehicles authorized to participate in a pursuit
- ▶ Type 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
- ▶ 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)

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- ▶ Time of day, weather, lighting, visibility, and environmental conditions
  - ▶ Availability of air support
  - ▶ Availability of assisting agencies/jurisdictions

### 3. *Responsibility 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.

#### **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.

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, including but not limited to:***

- ▶ Role of primary unit (e.g., responsibility for the conduct of the pursuit, communications)
- ▶ Role(s) of secondary unit (e.g., may assume communications)
  - ▶ Role of supervisor (e.g., overall management and control of the pursuit – see section 9 regarding supervisory responsibilities)
  - ▶ Conditions for authorizing additional units

### 4. *Driving Tactics*

#### **GUIDELINE:**

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

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[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.

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, including but not limited to:***

- ▶ Spacing (distance between vehicles)
- ▶ Clearing intersections
- ▶ Passing
- ▶ Paralleling
- ▶ Trailing

## **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.

**Discussion:**

Aircraft can provide valuable assistance to the units and supervisor(s) involved in a pursuit. Where air support may be available during a pursuit, a policy should contain procedures to facilitate coordination by the air unit, and the ground law enforcement units.

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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).

***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)
- ▶ Whether to continue or modify ground unit response
- ▶ Intersection/traffic analysis
- ▶ Illumination (use of spotlight)
- ▶ Surveillance tactics
- ▶ Time of day, weather, lighting, visibility, and environmental conditions
- ▶ Number of air units
- ▶ Inability to fly/challenges when near major airports
- ▶ Aircraft safety

## **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.

### **Discussion:**

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

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).

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***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 may include:
  - ▶ Unit identification
  - ▶ Location, direction of travel
  - ▶ Speed of officer(s) and/or speed/evasive tactics of fleeing suspect(s)
  - ▶ Initial reason(s) for the stop
  - ▶ Description of pursued vehicle, including license number, if known
  - ▶ Number of occupants in fleeing vehicle, if known
  - ▶ Road conditions
  - ▶ 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
- ▶ Time of day, weather, lighting, visibility, and environmental conditions
- ▶ Assignment of communications responsibilities
- ▶ Secondary unit(s), notify communications of joining the pursuit and when appropriate will take responsibility for radio communications
- ▶ If available, supervisor notification
- ▶ Air support and/or canine unit availability and ETA
- ▶ Continuing updates (other pertinent information as it becomes available)
- ▶ Additional crimes observed
- ▶ Ongoing updates of suspect vehicle speed and behaviors
- ▶ Identify any additional outside agencies joining the pursuit
- ▶ Clearing the radio channel 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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## 7. Capture of Suspects

### **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 an important factor 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.

Departments should refer to their use of force policy in determining procedures for taking a suspect into custody. The policymaker 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 uninvolved units from responding to the termination point.

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, 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
- ▶ 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. 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 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.

### **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 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

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- ▶ Passenger in officer's vehicle (e.g., citizen, witness, prisoner)
  - ▶ 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, interstate, divided highway, work zone)
  - ▶ 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, etc.)
  - ▶ 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
  - ▶ Quality of communications (e.g., out of range, garbled, none)
  - ▶ Officer/supervisor familiarity with the area of the pursuit
  - ▶ 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

## 9. *Supervisory Responsibilities*

### **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 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.

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**Discussion:**

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 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 that may 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
  - ▶ Assess 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 appropriate

**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,

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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.

**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.

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, including but not limited to:***

- ▶ Training on the method/tactic (officer and public safety emphasis)
- ▶ Types of vehicles involved (e.g., motorcycle, car, SUV, etc.)
- ▶ Speed of officer(s) and/or speed/evasive tactics of fleeing suspect(s)
- ▶ Location of the pursuit (e.g., school zone, playground, residential, downtown, jurisdiction, interstate, divided highway, work zone)
- ▶ Road conditions
- ▶ Other persons in or on pursued vehicle (e.g., passengers, minors co-offenders, hostages)
- ▶ Pedestrian, vehicular traffic patterns, and volume
- ▶ Time of day, weather, lighting, visibility, and environmental conditions

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- ▶ Department use of force/deadly force policy
  - ▶ 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.)

## 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.

### **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 officer discretion concerning the speeds of a pursuit. The factors to consider in section 1, When to Initiate a Pursuit and section 8, Continuation or Termination of a Pursuit, are also applicable to this section and may be considered.

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, including but not limited to:***

- ▶ 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:
  - ▶ Pursuit speeds have become unsafe for road conditions and/or locations
  - ▶ Capabilities of the officer and/or law enforcement vehicle

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- ▶ Other persons in or on pursued vehicle (e.g., passengers, minors, co-offenders, hostages)
  - ▶ Officer/supervisor familiarity with the area of the pursuit

## 12. *Interjurisdictional Considerations*

### **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:

- 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.

### **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 officer and supervisor decisions when requesting or responding to requests for interjurisdictional cooperation during a pursuit based on department policy and/or any interagency agreements where applicable.

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, including but not limited to:***

- ▶ Supervisory control and management of a pursuit that enters another jurisdiction
- ▶ Communication and notification 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

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jurisdiction conducting a pursuit within the employee's jurisdiction

- ▶ Procedures for the agency to provide assistance, including assuming control of a pursuit
- ▶ Agency restrictions or 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)' arrest, booking process, and applicable charges
- ▶ Factors that might warrant relinquishment of a pursuit to another jurisdiction (e.g., unfamiliarity with the area, loss of communications, or interagency agreement)

### **13. Conditions of the Vehicle, Driver, Roadway, Weather, and Traffic**

#### **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:

- A. Vehicular or pedestrian traffic safety and volume
- B. Weather conditions
- C. Traffic conditions
- D. Speeds

[Penal Code §13519.8\(b\)\(13\)](#): The course or courses of basic training for law enforcement 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. Roadway conditions, including weather and traffic, are considerations for pursuit decision-making.

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).

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**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 (e.g., type, condition, emergency equipment, capabilities, etc.)
- ▶ Conditions affecting drivers (e.g., physiological, psychological, abilities, etc.)
- ▶ Roadway conditions (e.g., width, surface, etc.)
- ▶ Environmental conditions (e.g., hills, curves, mountainous, etc.)
- ▶ Time of day, weather, lighting, visibility and environmental conditions

## **14. Hazards to Uninvolved Bystanders or Motorists**

### **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. Hazards to uninvolved bystanders or motorists during the law enforcement effort to capture a suspect are a constant factor to consider during pursuit.

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 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).



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**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, etc.)
- ▶ 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, interstate, divided highway, work zone)
- ▶ 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, etc.)
- ▶ 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, etc.)
- ▶ Whether supervisory approval is required
- ▶ Quality of communications (e.g., out of range, garbled, none, etc.)

## **15. Reporting and Post-Pursuit Analysis**

### **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.

[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 be submitted to the California Highway Patrol within 30 days.

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

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, including but not limited to:***

- ▶ Requirements for reporting to CHP
  - ▶ All state and local law enforcement shall report to the California Highway Patrol
  - ▶ Submission of a completed CHP 187A form (paper or electronic)
  - ▶ 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

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- Radio communications
  - Audio evidence
  - Other available technology
  - ▶ Administrative review
    - Risk management review
    - Any training opportunities
    - Department policy revision
    - Equipment issues

## 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).

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**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, including but not limited to:***

- ▶ 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

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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

### Penal Code

[Section 13519.8](#) Requires POST establish vehicle pursuit guidelines and training

### Vehicle Code

[Section 165](#) Authorized emergency vehicle  
[Section 2800](#) Unlawfully fail or refuse to comply with lawful order of a peace officer  
[Section 2800.1](#) Evading a peace officer  
[Section 2800.2](#) Evading a peace officer driving recklessly  
[Section 2800.3](#) Evading a peace officer causing injury or death  
[Section 14602.1](#) Vehicle pursuit data, required report  
[Section 17001](#) Liability of a public entity  
[Section 17002](#) Extent of liability  
[Section 17004](#) Liability when operating an authorized emergency vehicle  
[Section 17004.7](#) Public agency immunity  
[Section 21052](#) Public officers and employees  
[Section 21055](#) Exemption of authorized emergency vehicles  
[Section 21056](#) Effect of exemption, drive with due regard  
[Section 21806](#) Authorized emergency vehicles, red light, and siren  
[Section 21807](#) Effect of exemption, drive with due regard

### Government Code

[Section 815](#) Liability for injuries generally, immunity of public entity, defense  
[Section 815.2\(b\)](#) Injuries by employee, immunity of employee  
[Section 820\(a\)](#) Liability for injuries generally, defenses  
[Section 820.2](#) Discretionary acts  
[Section 845](#) Failure to provide police protection  
[Section 845.8\(b\)](#) Parole or release of prisoner, escape of prisoners

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## **United States Code**

[Title 42, Section 1983](#) Civil action for deprivation of rights

## **Constitution of the United States**

[4th Amendment](#) Seizures, searches, and warrants

[14th Amendment](#) 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”

Fatality Analysis Reporting System (FARS) 1982-2018 National Highway Traffic Safety Administration [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov)

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

State	Fatality Description				Total
	Occupant of Police Vehicle	Occupant of Chased Vehicle	Occupant of Other Vehicle	Non-Occupant	
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

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

State	Fatality Description				Total
	Occupant of Police Vehicle	Occupant of Chased Vehicle	Occupant of Other Vehicle	Non-Occupant	
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



**FATALITY MOTOR VEHICLE TRAFFI CRASHES INVOLVING POLICE IN PURSUIT, 1982-2018 BY STATE AND YEAR  
FATALITY ANALYSIS REPORTING SYSTEM (FARS) 1982-2017 FINAL & 2018 ARF**

State	Fatal Crashes													Total By State for Years 2003-2018				
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015		2016	2017	2018	
Alabama	10	10	10	14	17	13	13	9	7	7	11	19	7	12	17	12	8	189
Alaska	0	0	0	0	1	1	1	0	1	0	2	0	1	1	1	0	0	8
Arizona	12	18	9	13	14	13	7	11	6	6	10	8	5	5	3	12	7	153
Arkansas	5	8	6	4	5	3	4	9	6	6	7	1	3	4	4	9	4	82
California	37	29	35	44	37	34	30	44	39	39	33	28	33	33	32	35	22	545
Colorado	9	8	5	6	10	4	2	5	5	5	8	4	2	4	1	4	12	89
Connecticut	1	1	1	2	6	1	3	1	1	1	3	3	1	2	5	6	3	40
Delaware	0	1	0	3	1	1	2	0	1	1	2	2	3	1	2	0	1	20
Dist of Columbia	1	1	1	1	2	0	0	0	0	0	0	0	1	0	2	1	0	10
Florida	18	9	15	19	20	15	15	19	13	13	7	9	12	3	8	11	11	204
Georgia	14	15	15	15	20	27	16	10	19	19	11	14	17	17	23	25	28	286
Hawaii	0	0	1	0	0	0	0	1	1	1	0	0	0	0	2	1	0	6
Idaho	0	0	0	1	1	0	0	2	1	1	0	2	0	1	1	1	3	13
Illinois	6	11	15	7	5	8	7	4	9	9	5	8	19	14	14	12	11	155
Indiana	11	8	12	9	11	11	11	11	10	10	7	10	7	9	4	12	5	148
Iowa	1	2	2	1	3	2	2	0	2	2	1	3	5	2	9	4	4	43
Kansas	3	4	2	5	7	1	1	1	7	7	5	5	7	3	7	7	11	76
Kentucky	8	6	5	3	4	3	4	5	0	0	4	2	5	4	2	6	9	70
Louisiana	3	5	6	7	15	4	7	3	9	9	7	4	8	5	3	11	4	101
Maine	2	1	3	1	1	1	1	1	3	3	0	0	2	2	0	0	0	18
Maryland	3	5	4	2	6	3	2	2	2	2	5	4	5	4	5	7	3	62
Massachusetts	5	4	4	4	4	4	3	3	1	1	2	6	4	1	7	6	5	63
Michigan	12	13	9	7	10	8	14	14	6	6	9	14	23	15	11	13	9	187
Minnesota	6	2	5	3	2	4	4	4	6	6	2	3	4	3	5	8	8	69
Mississippi	0	1	0	0	1	0	2	0	1	1	1	7	6	3	6	3	2	33
Missouri	12	2	11	11	18	12	11	8	3	3	13	2	9	6	4	11	21	154

**FATALITY MOTOR VEHICLE TRAFFI CRASHES INVOLVING POLICE IN PURSUIT, 1982-2018 BY STATE AND YEAR  
FATALITY ANALYSIS REPORTING SYSTEM (FARS) 1982-2017 FINAL & 2018 ARF**

State	Fatal Crashes																	Total By State for Years 2003-2018
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018		
Montana	2	1	2	3	1	3	2	2	2	2	0	3	0	1	0	1	5	28
Nebraska	0	1	0	0	1	0	0	2	1	0	0	0	0	2	3	2	1	13
Nevada	4	3	2	5	2	5	1	3	1	0	0	4	2	4	0	2	38	
New Hampshire	1	3	5	1	2	1	0	1	1	1	1	0	6	5	1	1	30	
New Jersey	3	4	6	6	3	5	6	7	2	5	3	0	6	5	6	5	72	
New Mexico	3	1	6	1	4	1	1	4	3	5	5	2	0	4	9	4	53	
New York	1	5	2	6	3	2	5	3	5	5	4	5	6	8	6	7	73	
North Carolina	15	9	14	8	15	6	10	9	3	9	5	8	8	9	13	9	150	
North Dakota	1	1	1	0	0	0	0	1	0	2	2	1	1	3	1	1	15	
Ohio	10	15	8	13	13	12	14	7	11	9	6	9	8	9	9	10	163	
Oklahoma	4	6	9	4	3	7	3	4	7	5	3	10	8	11	13	4	101	
Oregon	0	3	4	3	8	5	2	6	2	2	4	0	6	2	1	2	50	
Pennsylvania	6	9	13	19	15	13	8	13	17	14	11	9	12	6	6	11	182	
Rhode Island	1	4	1	1	2	0	1	0	1	3	0	0	0	1	0	2	17	
South Carolina	7	8	2	14	7	5	2	8	3	8	14	8	13	18	8	12	137	
South Dakota	1	1	0	0	1	0	3	0	2	3	2	0	3	0	0	1	17	
Tennessee	11	9	9	15	5	8	7	4	6	7	7	7	9	19	3	6	132	
Texas	27	34	36	29	35	26	48	51	34	47	35	46	41	42	41	52	624	
Utah	1	1	2	0	3	2	2	1	3	2	1	5	1	2	0	0	26	
Vermont	2	1	2	3	0	1	0	2	0	1	1	1	0	1	1	0	16	
Virginia	2	4	6	12	14	12	10	10	7	8	6	9	12	11	18	8	149	
Washington	7	3	5	6	5	1	3	4	3	3	8	6	4	5	3	4	70	
West Virginia	2	1	2	4	5	1	3	1	1	1	0	3	1	5	0	2	32	
Wisconsin	4	8	2	6	4	2	5	7	5	0	7	4	5	8	7	10	84	
Wyoming	0	1	3	0	0	1	1	0	2	0	0	0	2	0	2	1	13	
National	294	300	318	341	372	292	298	318	280	295	286	326	311	359	368	351		
Puerto Rico	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0		

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## APPENDIX A

# Case Law

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[\*Billester v. City of Corona, 26 Cal.App.4th 1107 \(1994\)\*](#)

(Prior version of) 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.

[\*Brower ex rel. Estate of Caldwell v. County of Inyo, 489 U.S. 593 \(1989\)\*](#)

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 roadblock, resulting in the suspect crashing into the roadblock and dying, are sufficient to allege a seizure within the meaning of the Fourth Amendment.

[\*County of Sacramento v. 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.

[\*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.

[\*McGee 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. (Prior version of) Vehicle Code §17004 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. Vehicle Code §17004.7 does not exclude officers using motorcycles in vehicle pursuits.

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[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 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.

[Orossian v. Block, 175 F. 3d 1169 \(9th Cir. 1999\)](#)

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.

[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-speed car chase and the fleeing suspect’s driving posed a grave danger to public safety. The vehicle chase was not over when suspect’s car came to a temporary standstill and officers began shooting. Under the circumstances, a reasonable officer could have concluded from the suspect’s conduct that he was intent on resuming his flight in the motor vehicle.

[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.

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[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.

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## APPENDIX B

# Glossary

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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](#).

### 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.

### 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

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, other application of technology, 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

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or sheriff's department or the California Highway Patrol, or of any other law enforcement agency authorized by law to conduct vehicle pursuits.

### **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.

### **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.

