

## 5-09/210.02 - Initiation of a Pursuit

Deputy personnel are authorized to initiate a pursuit only when the driver of a motor vehicle clearly exhibits an intention to avoid apprehension or detention by using the vehicle to flee, or fails to stop, and only after careful consideration of the following:

- The seriousness of the known or suspected offense, and its relationship to community safety;
- The need for immediate apprehension of the suspect compared to the risks to the public and/or persons engaged in the pursuit;
- The speeds involved;
- The safety of the uninvolved bystanders and motorists in the area;
- Pedestrian and vehicular traffic volume;
- The time of day;
- Weather and road conditions;
- Familiarity with the area of the pursuit;
- The quality of radio communications;
- The need for and availability of air support;
- The capabilities of the police vehicle involved; and
- Any other factor that would indicate the interests of public safety and effective law enforcement would not justify initiation of a vehicle pursuit.

A pursuit may be initiated under the following conditions:

- Known or suspected serious felony suspect(s);

**NOTE:** "Serious felony" as used in this section includes: the attempt or act of murder, mayhem, serious or violent sex crimes, robbery, arson, kidnapping, carjacking, assault with a deadly weapon, burglary (including commercial burglary that results in significant loss or is determined to be part of a serial crime), major narcotics violations, and terrorist acts.

**NOTE:** Possession of narcotics/drugs in amounts associated with common personal use or street-level sales does not warrant the initiation of a vehicular pursuit.

- A confirmed grand theft, vehicle; or
- Misdemeanor suspects only in the following situations:
  - Where the suspect(s) has been observed by a deputy or reliable witness(s) to be displaying a firearm in an assaultive manner reasonably contemporaneous to the initiation of the pursuit; or
  - Where there is reasonable suspicion to believe the suspect is driving under the influence of alcohol or drugs, or is otherwise impaired, and the suspect's driving prior to the attempted stop is so flagrantly reckless that it presents a clear and present danger to other users of the highway, and failure to apprehend the violator would likely pose an imminent and life threatening danger to the public.

**NOTE:** Examples of such flagrantly reckless driving include, but are not limited to; collisions with other vehicles or objects, forcing other vehicles to take evasive action to avoid collision, failure to stop at controlled intersections without slowing, or driving on the wrong side of the highway. Following the

pursuit, personnel shall provide the watch commander with a full and specific explanation of the hazardous acts that led to the decision to pursue.

A pursuit shall **not** be initiated or continued:

- Once it has been determined that the driver of a vehicle is refusing or failing to yield and the only known reason for the intended stop is:
  - An infraction or misdemeanor crime (including California Vehicle Code (CVC) violations), except as provided above;
  - Any crime not classified as a serious felony, as described in this section; or
  - A possible grand theft, vehicle.

There are few law enforcement operations that require a higher degree of common sense and sound judgment than sustained high-speed vehicle pursuits. Deputies must effectively perform in an atmosphere where long-range consequences may hinge upon the soundness of split-second decisions.

The immediate apprehension of the violator is not more important than the safety of uninvolved bystanders, other motorists, or the deputy. When it becomes apparent that the immediacy of apprehension is outweighed by unreasonable danger to the deputy or others, the pursuit must be terminated.

While engaged in a pursuit, deputy personnel are exempt from the rules of the road only if they are operating their vehicle code 3. However, the law does not excuse or exempt from civil liability, an abuse or arbitrary exercise of this privilege, nor does it provide exemptions from criminal and civil liability when the vehicle is being driven without due regard for the safety of all persons using the highway (21056 CVC).

The keys to a successful conclusion of a pursuit are proper self-discipline and sound professional judgment.

---