21-02 - Reckless Vehicle Pursuit (DUI)

Los Angeles County Sheriff's Department
NEWSLETTER
Field Operations Support Services, (323) 890-5411

RECKLESS VEHICLE PURSUIT (DUI)

The purpose of this newsletter is to remind Department personnel of existing policy regarding reckless vehicle pursuits and the importance of conducting Standardized Field Sobriety Tests (SFST) when appropriate at the conclusion of the pursuit.

SCENARIO

You are at a red stoplight waiting for the light to turn green. While waiting, you observe a vehicle entering the intersection at a high rate of speed swerving and almost losing control of their vehicle. You witness the vehicle forcing other vehicles to take evasive action to avoid collision. You decide to initiate a traffic stop on the vehicle and activate the lights and siren on the patrol vehicle. The vehicle refuses to stop and continues down the road driving reckless with no regard for their surroundings. Based on your training and experience, you determine the driver's actions are consistent with a person under the influence of drugs or alcohol and present a clear and present danger to other users of the highway. Failure to apprehend the violator would likely pose an imminent and life threatening danger to the public. You initiate radio traffic, "10-33 give me the patch, I am in pursuit of a reckless DUI." The pursuit continues for a few minutes with the driver driving erratically and nearly missing other vehicles. Finally, the vehicle side swipes a parked vehicle and comes to a stop. The driver is taken into custody without further incident.

DISCUSSION

As the handling deputy, you have an obligation to follow Department policy when in control of a pursuit, Manual of Policy and Procedures section 5-09/210.10, Control of a Pursuit.

The primary unit shall maintain field command and bears operational responsibility for the pursuit unless relieved by a supervisor. Any time a pursuit is initiated due to a “possible” crime, including reckless driving under the influence (DUI), personnel shall be required, subsequent to the pursuit, to articulate to the watch commander the objective criteria which led them to believe the suspect(s) was involved in criminal activity which warranted initiation of a pursuit under this policy. During the pursuit, the watch commander may solicit sufficient information from the initiating unit, via radio, to justify continuation of the pursuit.

In addition to following the pursuit policy, it is also important post pursuit to conduct a Standardized Field Sobriety Test (SFST), and breathalyzer or blood draw on the driver of the vehicle, if indeed the primary reason for the pursuit was the belief the driver was under the influence of alcohol or drugs.

CONCLUSION

When a pursuit was initiated due to a reckless driving under the influence (DUI) observation, then Standardized Field Sobriety Tests (SFST) shall be conducted and documented in the report. When circumstances dictate SFST cannot be conducted (e.g., suspect transported to hospital, or uncooperative suspect, etc.), documentation describing the circumstances is required.

The watch commander shall complete the Department Pursuit Evaluation form (SH-R-454) and immediately submit the form to the unit commander for review. Unit operations staff shall notify Traffic Services Detail of the pursuit (regardless if the pursuit resulted in a traffic collision or not) by submitting the Pursuit Evaluation form via email within 15 business days. Traffic Services Detail will notify the California Highway Patrol as required by law (14602.1 VC).

If a Standardized Field Sobriety Test (SFST) is not conducted at the conclusion of the pursuit, it creates obstacles for justification and prosecution of the driver in their actions. It is important to remain consistent from beginning to end during your investigation.

REFERENCES

DUI COMPLAINT FORM SH-R-221

MPP 5-09/210.10 - CONTROL OF A PURSUIT

MPP 5-09/210.30 - PURSUIT EVALUATION AND REPORTING

If you have any questions, please call or email Field Operations Support Services at (323) 890-5411 or foss@lasd.org.