



REPORT TO THE LEGISLATURE

SENATE BILL 719

POLICE PURSUITS

California Highway Patrol
December 2022

**REPORT TO THE LEGISLATURE
SENATE BILL 719**

POLICE PURSUITS

**GAVIN NEWSOM
GOVERNOR
STATE OF CALIFORNIA**

**TOKS OMISHAKIN
SECRETARY
CALIFORNIA STATE TRANSPORTATION AGENCY**

**AMANDA L. RAY
COMMISSIONER
CALIFORNIA HIGHWAY PATROL**

December 2022

TABLE OF CONTENTS

	PAGE
EXECUTIVE SUMMARY.....	iii
INTRODUCTION.....	1
PART I: ALL CALIFORNIA LAW ENFORCEMENT AGENCIES.....	2
PART II: CALIFORNIA HIGHWAY PATROL PURSUIT DATA.....	12
CONCLUSION.....	21

ANNEX

A. SENATE BILL 719 – POLICE PURSUITS

EXECUTIVE SUMMARY

Introduction

On October 4, 2005, Governor Arnold Schwarzenegger signed Senate Bill 719 (Romero and Margett). This law, which went into effect January 1, 2006, requires law enforcement agencies to establish pursuit policies, provide ongoing pursuit training to their officers, and ensure all pursuits are documented and submitted to the California Highway Patrol (CHP) within 30 days. The CHP is required to submit an annual report to the Legislature that includes, but is not limited to:

- The total number of pursuits reported to the CHP during that year.
- The total number of pursuits involving a crash in which an injury or fatality to an uninvolved third party occurred.
- The total number of uninvolved third parties who were injured or killed as a result of those crashes.

Statistical Data

The following 2021 data reflects information submitted by CHP field commands and other California law enforcement agencies pursuant to Section 14602.1 of the California Vehicle Code. Federal agencies are not subject to the reporting requirements; thus, the data does not encompass pursuits by federal agencies. The report has been compiled utilizing 2021 data entered into the Department's Pursuit Reporting System as of July 15, 2022. Due to rounding percentages to the nearest tenth of a decimal, the percentages contained in this Report may not sum precisely to 100 percent.

A total of 12,513 police pursuits were reported to the CHP during 2021. Of these, a total of 2,519 (20.1 percent) pursuits resulted in a crash. Of the reported crashes:

- 1,585 (62.9 percent) were property-damage-only crashes.
- 890 (35.3 percent) were injury crashes.
- 44 (1.7 percent) were fatal crashes, which resulted in 52 deaths.

Of the 52 deaths:

- 30 (57.7 percent) were the drivers of the pursued vehicle.
- 8 (15.4 percent) were passengers in the pursued vehicle.
- 14 (26.9 percent) were an uninvolved third party.
- There were no law enforcement officer fatalities.

Of the 890 injury crashes, 1,467 people were injured. Of the injured parties:

- 640 (43.6 percent) were the drivers of the pursued vehicle.
- 303 (20.7 percent) were passengers in the pursued vehicle.
- 450 (30.7 percent) were uninvolved third parties.
- 74 (5.0 percent) were law enforcement officers.

The CHP was involved in 4,161 vehicle pursuits in 2021 (including multiagency pursuits). A total of 668 (16.1 percent) of CHP pursuits resulted in a crash. Of the reported crashes:

- 412 (61.7 percent) were property-damage-only crashes.
- 237 (35.5 percent) were injury crashes.
- 19 (2.8 percent) were fatal crashes, which resulted in 22 deaths.

Of the 22 deaths:

- 14 (63.6 percent) were the drivers of the pursued vehicle.
- 2 (9.1 percent) were passengers in the pursued vehicle.
- 6 (27.3 percent) were uninvolved third parties.
- There were no CHP officer fatalities.

Of the 237 injury crashes, 352 people were injured. Of the injured parties:

- 192 (54.5 percent) were the drivers of the pursued vehicle.
- 69 (19.6 percent) were passengers in the pursued vehicle.
- 77 (21.9 percent) were uninvolved third parties.
- 14 (4.0 percent) were law enforcement officers.

Conclusion

There were 12,513 Statewide pursuits in 2021, compared to 11,650 in 2020, an increase of 6.9 percent. There were 4,161 pursuits involving CHP personnel in 2021, compared to 4,140 in 2020, an increase of 0.5 percent.

Statewide, the majority of initiating violations prior to a pursuit involved speeding, stolen vehicles, registration/license plate violations, failure to obey traffic control devices at an intersection, and reckless driving. Although many pursuits were initiated during traffic stops for infractions, many of the suspects captured were charged with serious felony and misdemeanor crimes. In addition to evading arrest, the top seven crimes reported as the most serious crimes charged upon apprehension were: vehicle theft, driving under the influence, suspended/unlicensed driver, larceny, assault with a deadly weapon, resisting arrest, and felon in possession of a firearm. In approximately 42.7 percent of all pursuit related apprehensions in 2021, the most serious charge came from this group of seven crimes.

The majority of pursuits terminated quickly, with 73.4 percent terminating within the first five miles of initiation. The most common reason for the termination of a pursuit was the pursuit being aborted by law enforcement due to public safety, which occurred in 29.4 percent of all pursuits.

Pursuits involving air support reported an apprehension rate of 80.6 percent, while pursuits not involving air support reported an apprehension rate of 48.2 percent.

The percentage of pursuits resulting in a crash decreased for statewide pursuits from 21.3 percent in 2020 to 20.1 percent in 2021, a decrease of 5.4 percent, and in CHP-involved pursuits from 18.2 percent in 2020 to 16.1 percent in 2021, a decrease of 11.5 percent.

REPORT TO THE LEGISLATURE

SENATE BILL 719

2021 POLICE PURSUITS

Introduction

A vehicle pursuit is defined as 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 driving 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. On October 4, 2005, Governor Arnold Schwarzenegger signed SB 719 (Romero and Margett, see Annex B.) The provisions of SB 719, which went into effect January 1, 2006, requires law enforcement agencies to establish pursuit policies, provide ongoing pursuit training to their officers, and ensure all pursuits are documented and submitted to the California Highway Patrol (CHP) within 30 days of the pursuit event. The CHP is required to submit an annual report to the Legislature which includes, but is not limited to: the total number of pursuits reported to the CHP during that year, the total number of pursuits involving a crash in which an injury or fatality to an uninvolved third party occurred, and the total number of uninvolved third parties who were injured or killed as a result of those crashes.

The CHP maintains the Pursuit Reporting System (PRS), which provides the ability to automate pursuit reporting, review, and critique processes. The PRS is comprised of a Web-based front-end application, and a Microsoft Structured Query Language database back-end application. The PRS includes information received from allied law enforcement agencies throughout California via the CHP 187A, Allied Agency Pursuit Report. The CHP 187A is submitted via mail, electronic mail, or facsimile to the Data Analysis Unit within the CHP's Support Services Section.

Statistical Data

The following 2021 data reflects information submitted by city, county and state law enforcement agencies within California, and compiled by the CHP pursuant to Section 14602.1 of the California Vehicle Code. Federal agencies are not subject to the reporting requirements; therefore, this report does not contain pursuit data submitted by federal agencies. The report has been compiled based on CHP 187A forms submitted to the CHP by July 15, 2022, for calendar year 2021.

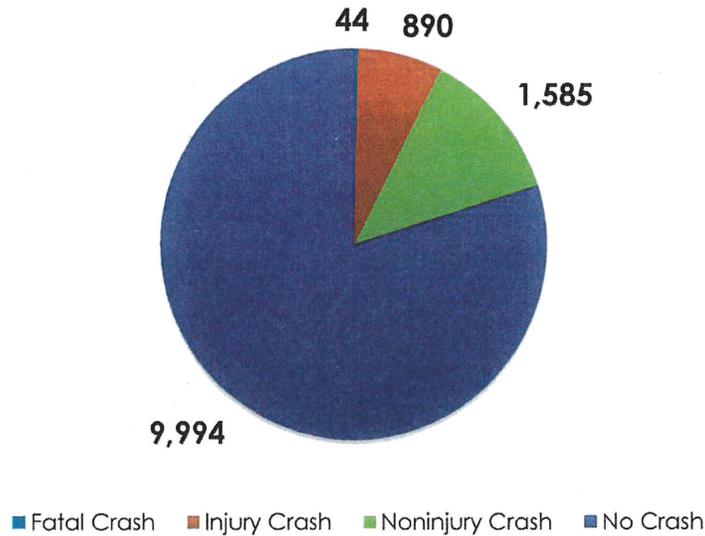
Part I: All California Law Enforcement Agencies

A total of 12,513 police pursuits were reported to the CHP during 2021. Of these, a total of 2,519 (20.1 percent) resulted in a crash. Of the reported crashes, 1,585 (62.9 percent) were property damage-only crashes, 890 (35.3 percent) were injury crashes, and 44 (1.7 percent) were fatal crashes.

2021 Statewide Pursuits

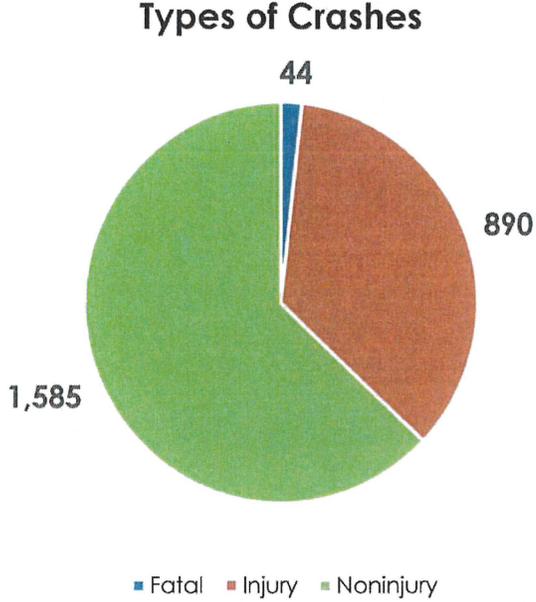
Types of Crashes	Number of Pursuits	% of Total Pursuits	% of Total Crashes
Fatal Crash	44	0.4	1.7
Injury Crash	890	7.1	35.3
Noninjury Crash	1,585	12.7	62.9
No Crash	9,994	79.8	
Total	12,513		

Statewide Pursuits



The 44 fatal crashes resulted in 52 deaths, of which, 30 (57.7 percent) were the drivers of the pursued vehicle, 8 (15.4 percent) were passengers in the pursued vehicle, and 14 (26.9 percent) were uninvolved third parties. There were no law enforcement officer fatalities reported from a pursuit crash in 2021.

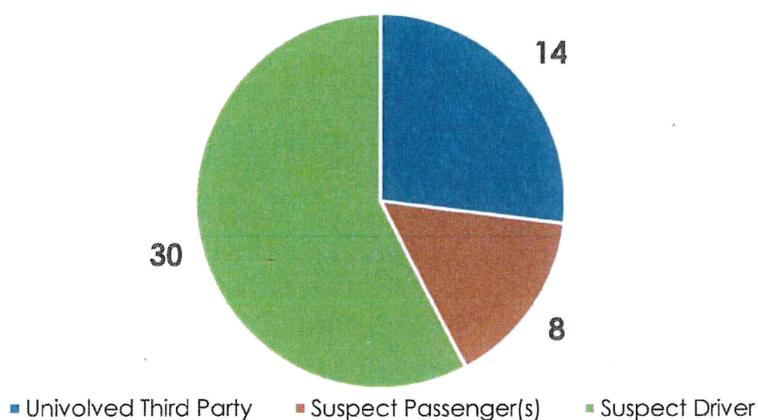
The 890 injury crashes resulted in 1,467 individuals sustaining injuries. There were 640 parties injured (43.6 percent) that were drivers of the pursued vehicle, 303 (20.7 percent) were passengers in the pursued vehicle, 450 (30.7 percent) were uninvolved third parties, and 74 (5.0 percent) were law enforcement officers.



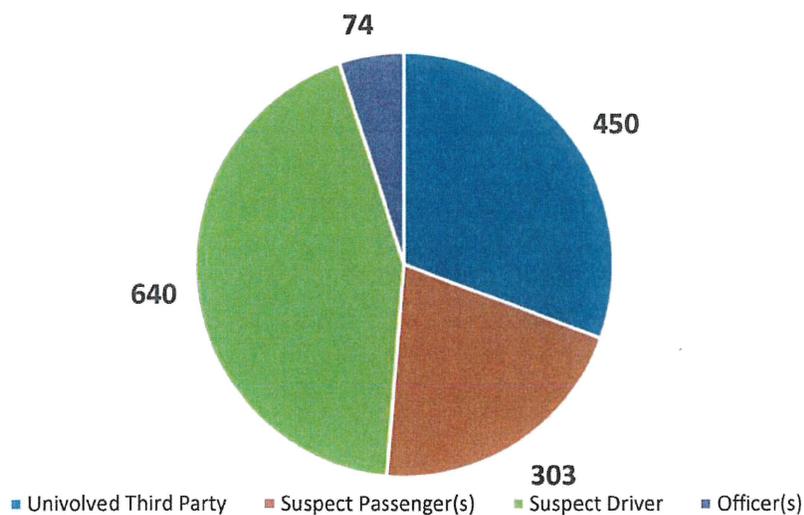
Statewide Pursuit Crash Fatalities and Injuries

	Fatalities	% of Fatalities	Injuries	% of Injuries
Suspect Driver	30	57.7	640	43.6
Suspect Passenger(s)	8	15.4	303	20.7
Uninvolved Third Party	14	26.9	450	30.7
Officer(s)	0	0.0	74	5.0
Total	52		1,467	

Statewide Crash Fatalities



Statewide Crash Injuries



Statewide, law enforcement agencies initiate enforcement stops for a variety of reasons. In a small number of these enforcement actions, a suspect fails to yield to law enforcement and a vehicle pursuit ensues. Most initiating violations observed prior to a pursuit involve speeding, stolen vehicles, registration/license plate violations, and failing to obey traffic control devices at a controlled intersection. The most serious offense charged upon apprehension after a pursuit varies significantly compared to the initial violation.

Most pursuits terminate quickly with the largest number of pursuits ending within the first five minutes and first five miles of initiation. The termination point in approximately 73.4 percent of all pursuits reported in 2021, was within five miles of the origination point. The following tables outline the total number of pursuits by distance and time:

Statewide Count of Total Pursuits by Distance (miles)

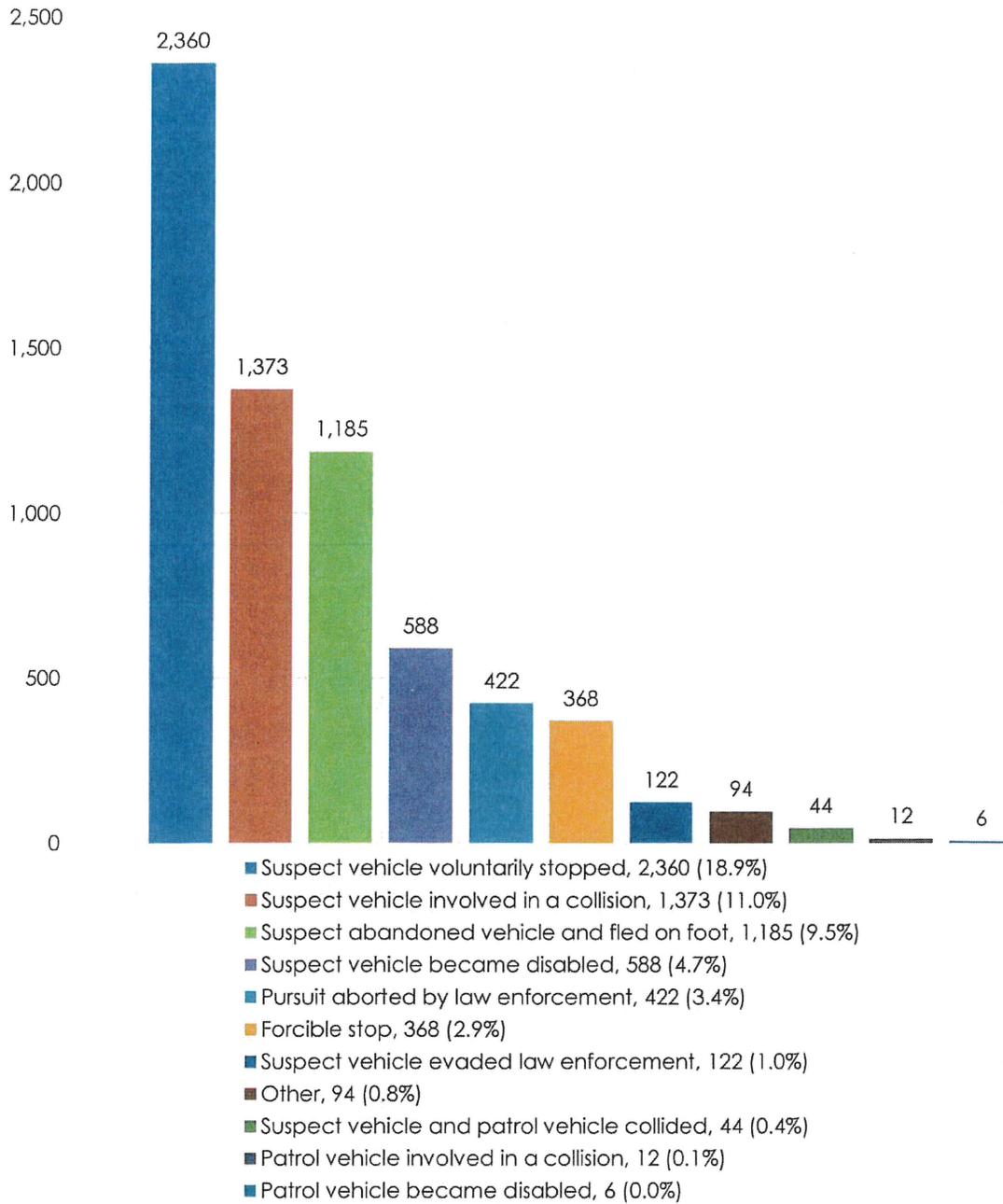
Miles	# of Pursuits	% of Pursuits
1	3,530	28.2
2-5	5,661	45.2
6-10	1,673	13.4
11-20	968	7.7
21-30	315	2.5
31-40	146	1.2
41-50	79	0.6
51-179	133	1.1
180+	8	0.1

Statewide Count of Total Pursuits by Total Time of Pursuit (minutes)

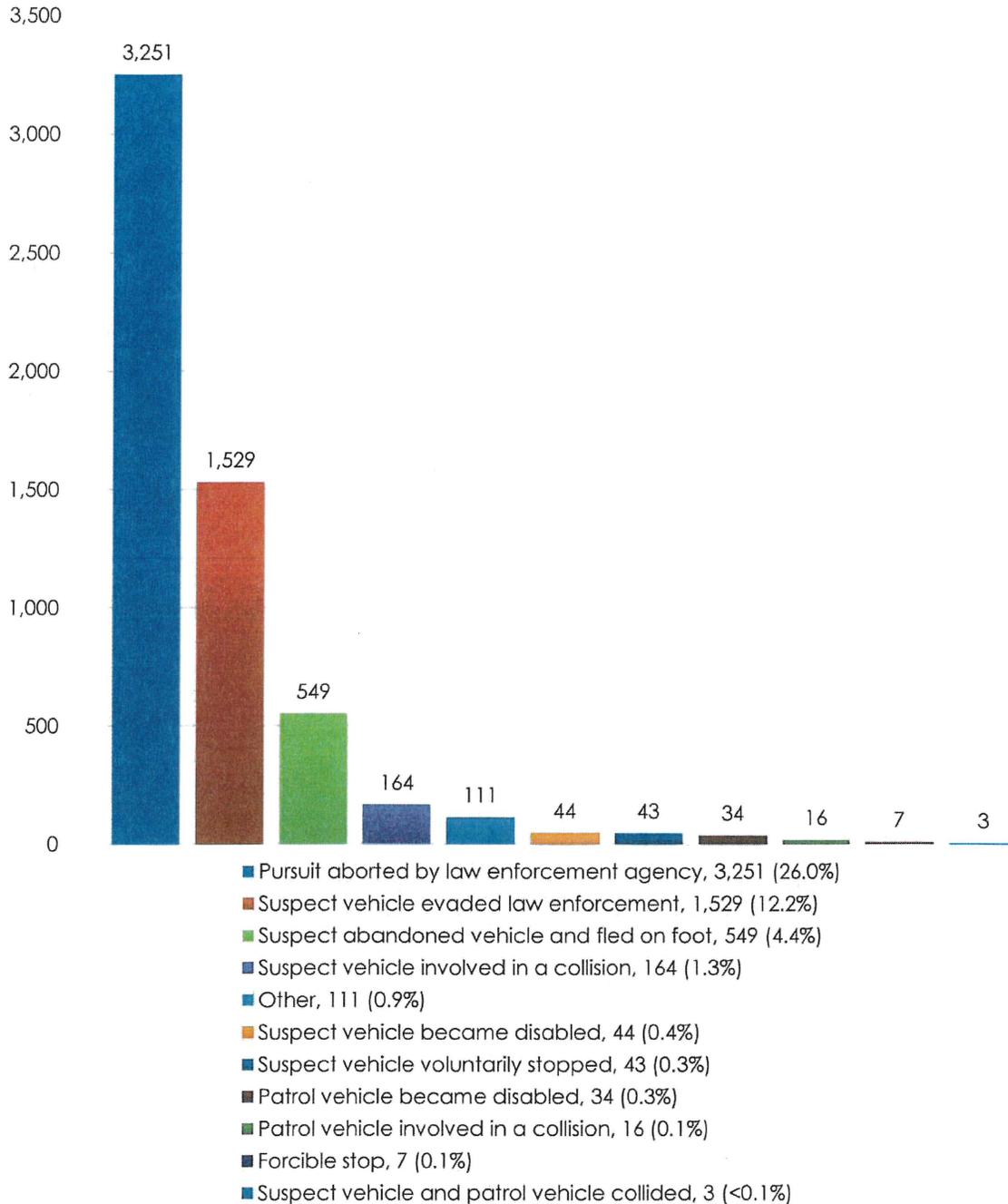
Minutes	# of Pursuits	% of Pursuits
1	4,479	35.8
2	2,086	16.7
3	1,237	9.9
4	851	6.8
5	582	4.7
6-10	1,559	12.5
11-20	980	7.8
21-30	344	2.7
31-40	146	1.2
41-50	91	0.7
51-100	131	1.0
101+	27	0.2

The termination event of the pursuit is tracked utilizing 11 different termination descriptions. Of the total 12,513 pursuits reported during the 2021 reporting period, 6,574 (52.5 percent) resulted in the apprehension of the fleeing suspect.

Statewide Apprehensions by Event Terminating Pursuit (6,574 Total Apprehensions)



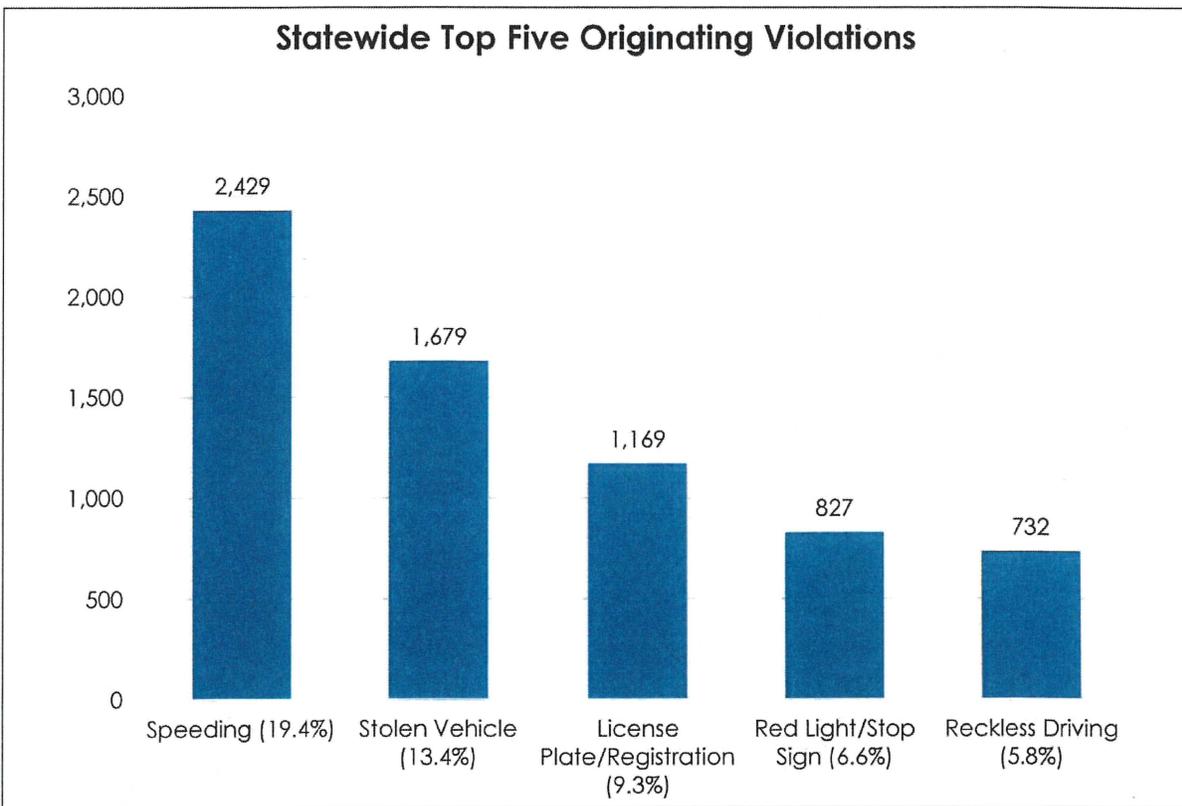
Statewide Nonapprehensions by Event Terminating Pursuit (5,751 Total Nonapprehensions)



Note: In 2021, 188 (1.5 percent) Allied Agency Pursuit Reports did not report the event terminating the pursuit.

The original violation is the reason for the initial enforcement action. Many pursuits begin as a result of officers taking enforcement action for an infraction, such as speeding, which is the most common originating violation. As evident by the various charges upon apprehension, pursuits likely ensue because additional criminal activity exists, unknown to the officer at the time of pursuit initiation.

Vehicle theft is the second most common originating violation, and one of nine felony crimes ranked within the top 35 originating violations collected by the PRS database. The other felony offenses within the top 35 originating violations are burglary, assault with a deadly weapon, armed robbery, carjacking, domestic violence, child abuse/endangerment, felony hit-and-run, and grand theft. All other violations are misdemeanor or infraction traffic violations. The top five violations initiating the enforcement stop leading to a suspect failing to yield are speeding, stolen vehicle, license plate/registration violations, red light/stop sign violations, and reckless driving. These originating violations account for approximately 54.6 percent of all pursuits that occurred in 2021.

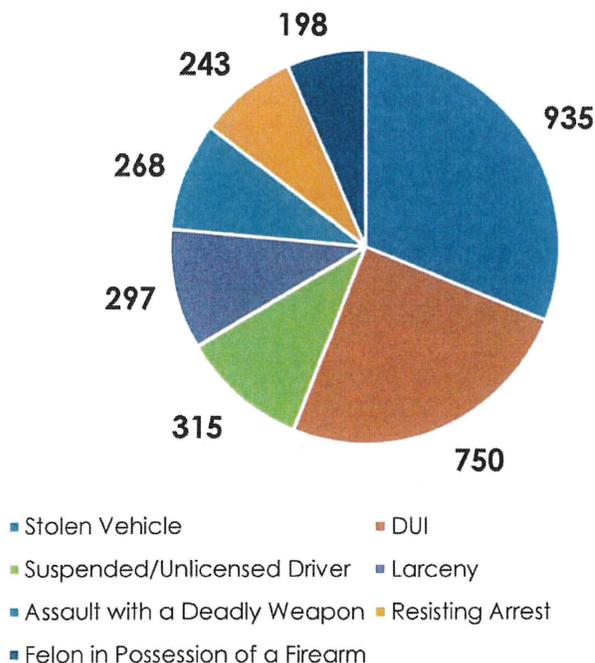


Although a majority of pursuits are initiated for vehicle code violations, many suspects apprehended are charged with serious felony and misdemeanor crimes. In addition to evading arrest, the seven most common violations charged after the suspect was apprehended were stolen vehicle, driving under the influence (DUI), driving with a suspended license or while unlicensed, larceny, assault with a deadly weapon, resisting arrest, and felon in possession of a firearm.

Statewide Top Charges Upon Apprehension

Crimes Charged	Number	% of Apprehensions	% of Pursuits
Stolen Vehicle	935	14.2	7.5
DUI	750	11.4	6.0
Suspended/Unlicensed Driver	315	4.8	2.5
Larceny	297	4.5	2.4
Assault with a Deadly Weapon	268	4.1	2.1
Resisting Arrest	243	3.7	1.9
Felon in Possession of a Firearm	198	3.0	1.6

Statewide Top Charges Upon Apprehension

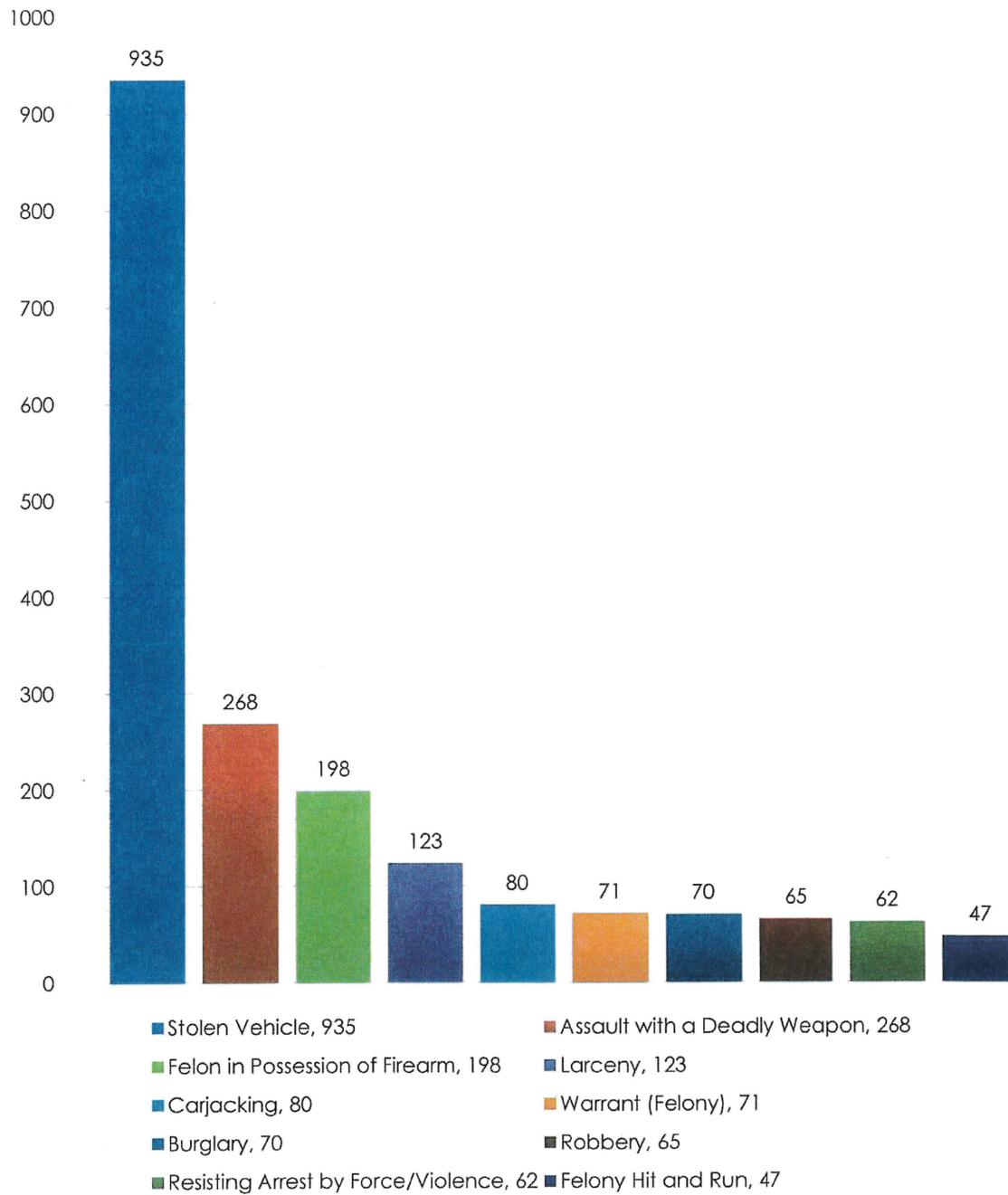


In addition to the top seven charges upon apprehension, the following felony crimes were also noted as the most serious charge in pursuits where the suspect was apprehended: burglary, robbery, carjacking, resisting arrest by force or violence, felony hit-and-run, felony larceny, theft of firearm or automobile, and felony warrant. The following information represents the one crime identified by the pursuing agency as the most serious crime charged upon apprehension other than evading a peace officer. It should be noted these crimes may have been charged in other pursuits, but not identified as the most serious crime charged. For this reason, these statistics do not encompass all felony crimes charged at the conclusion of a pursuit and incidents of the following felony crimes may be higher than the statistics indicated below:

Statewide Serious Felony Crimes Charged Upon Apprehension

Crimes	Number	% of Apprehensions	% of Pursuits
Stolen Vehicle	935	14.2	7.5
Assault with a Deadly Weapon	268	4.1	2.1
Felon in Possession of a Firearm	198	3.0	1.6
Larceny	123	1.9	1.0
Carjacking	80	1.2	0.6
Warrant (Felony)	71	1.1	0.6
Burglary	70	1.1	0.6
Robbery	65	1.0	0.5
Resisting Arrest by Force or Violence	62	0.9	0.5
Felony Hit-and-Run	47	0.7	0.4

Statewide Serious Felony Crimes Charged Upon Apprehension



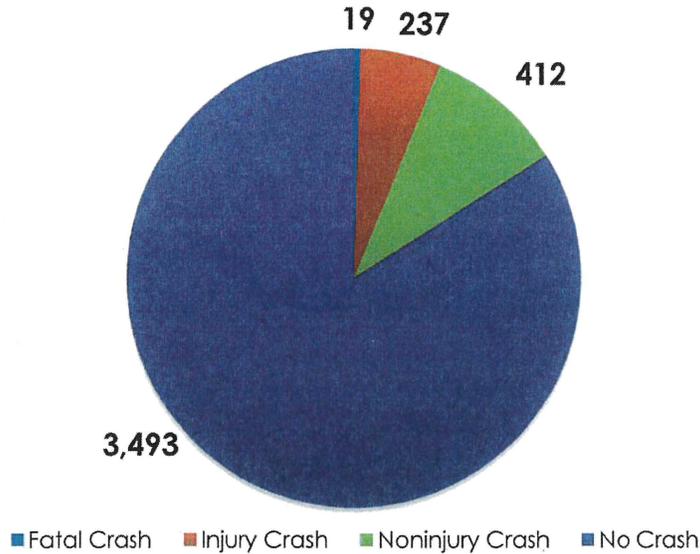
Part II: California Highway Patrol Pursuit Data

The CHP reported involvement in 4,161 vehicle pursuits in 2021 (including multiagency pursuits), which represents 33.3 percent of the pursuits reported. Of these, a total of 668 (16.1 percent) pursuits resulted in a crash. Of the reported crashes, 412 (61.7 percent) were property damage-only crashes, 237 (35.5 percent) were injury crashes, and 19 (2.8 percent) were fatal crashes.

2021 CHP-Involved Pursuits

Types of Crashes	Number of Pursuits	% of Total Pursuits	% of Total Crashes
Fatal Crash	19	0.5	2.8
Injury Crash	237	5.7	35.5
Noninjury Crash	412	9.9	61.7
No Crash	3,493	83.9	
Total	4,161		

CHP-Involved Pursuits



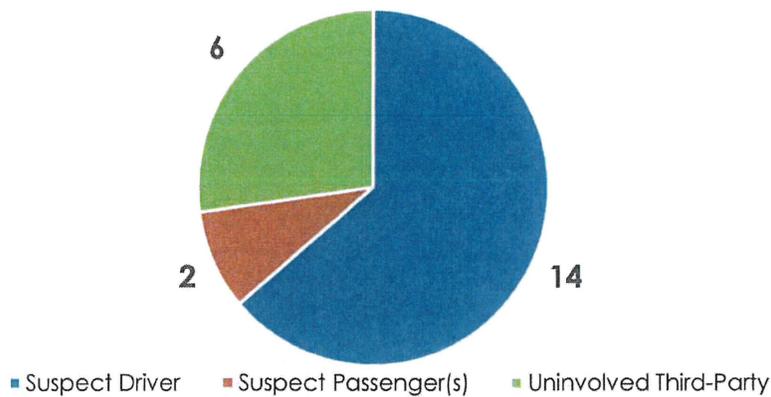
The 19 fatal crashes resulted in a total of 22 deaths. Drivers of the suspect vehicle accounted for 14 (63.6 percent) of the deaths, 2 (9.1 percent) were a passenger in the pursued vehicle, and 6 (27.3 percent) were uninvolved third parties. There were no CHP officer deaths reported in CHP-involved pursuits during 2021.

The 237 injury crashes resulted in 352 individuals injured. Drivers of the suspect vehicle accounted for 192 (54.5 percent) of the injured individuals, 69 (19.6 percent) were passengers in the pursued vehicles, 77 (21.9 percent) were uninvolved third parties, and 14 (4.0 percent) were law enforcement officers.

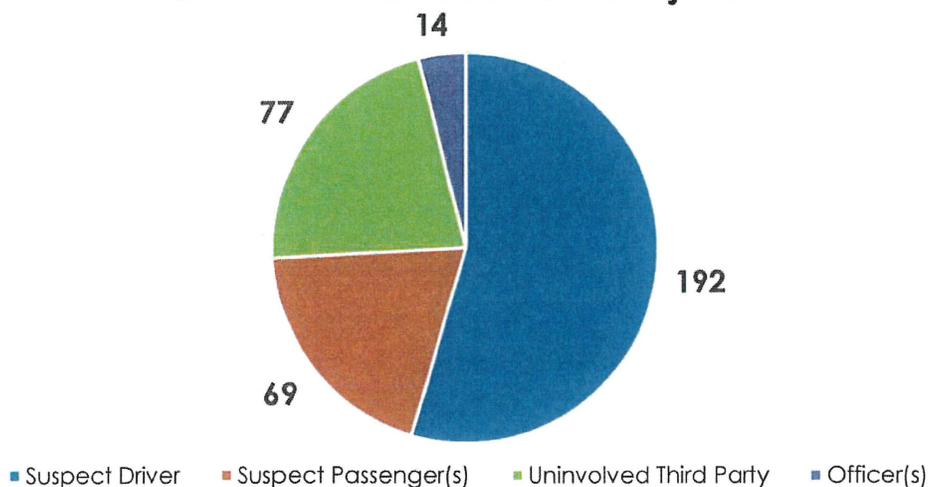
CHP-Involved Pursuit Crash Fatalities and Injuries

	Fatalities	% Fatalities	Injuries	% Injuries
Suspect Driver	14	63.6	192	54.5
Suspect Passenger(s)	2	9.1	69	19.6
Uninvolved Third-Party	6	27.3	77	21.9
Officer(s)	0	0.0	14	4.0
Total	22		352	

CHP-Involved Pursuit Crash Fatalities

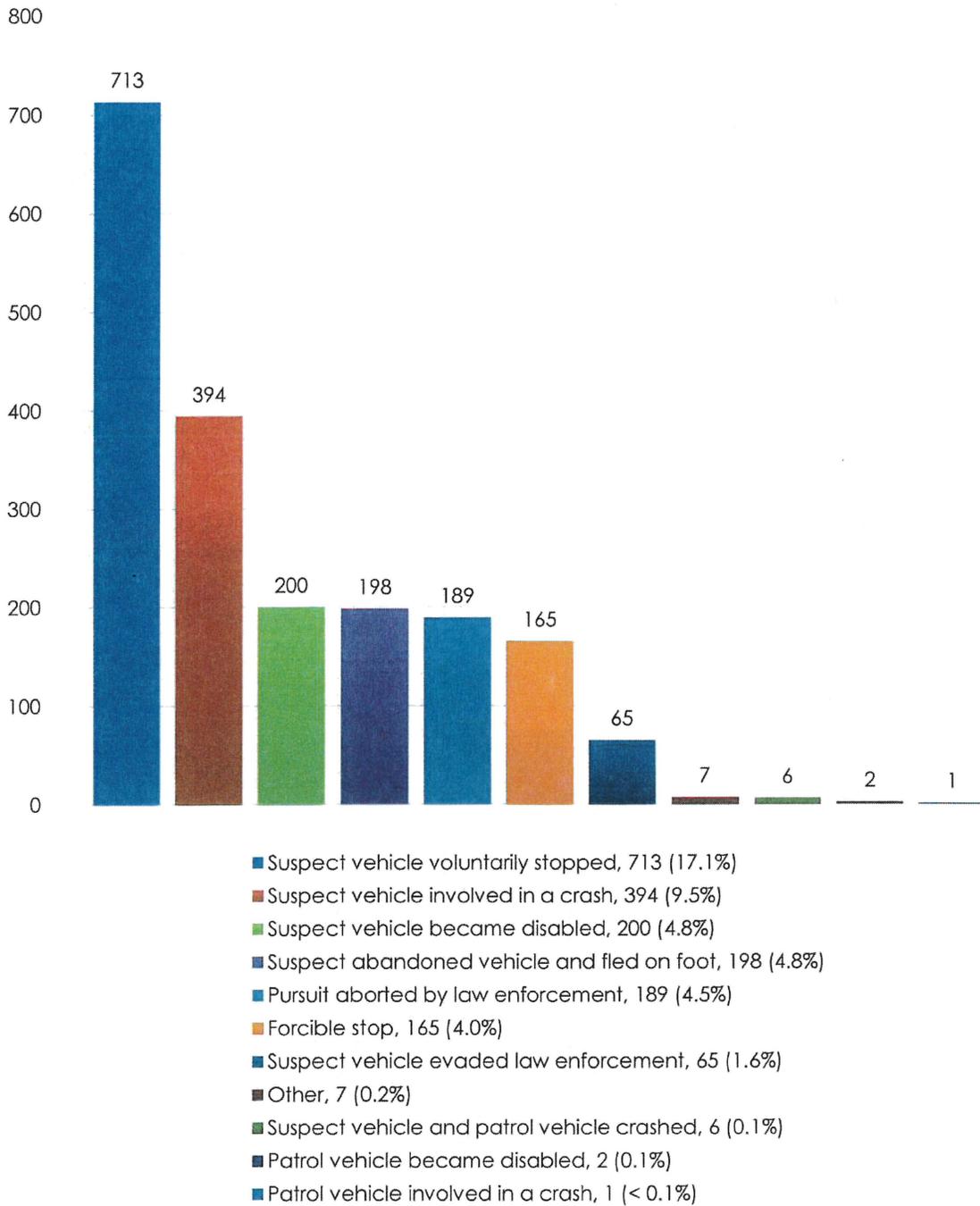


CHP-Involved Pursuit Crash Injuries

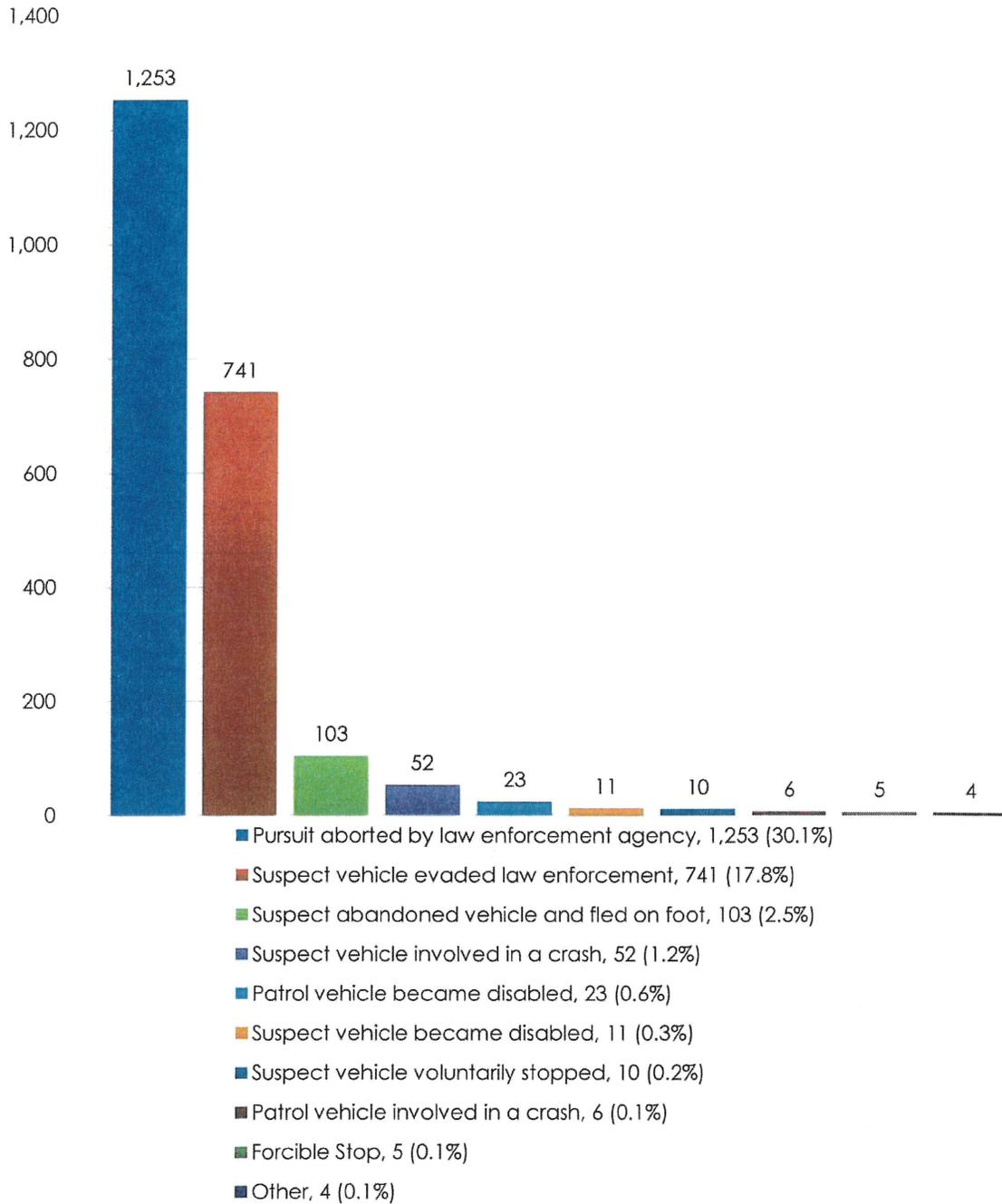


The terminating event of the CHP-involved pursuit is tracked utilizing 11 different termination descriptions. In 2021, the CHP apprehended fleeing suspects approximately 46.6 percent of the time.

CHP-Involved Apprehensions by Event Terminating Pursuit (1,940 Total CHP-Involved Apprehensions)



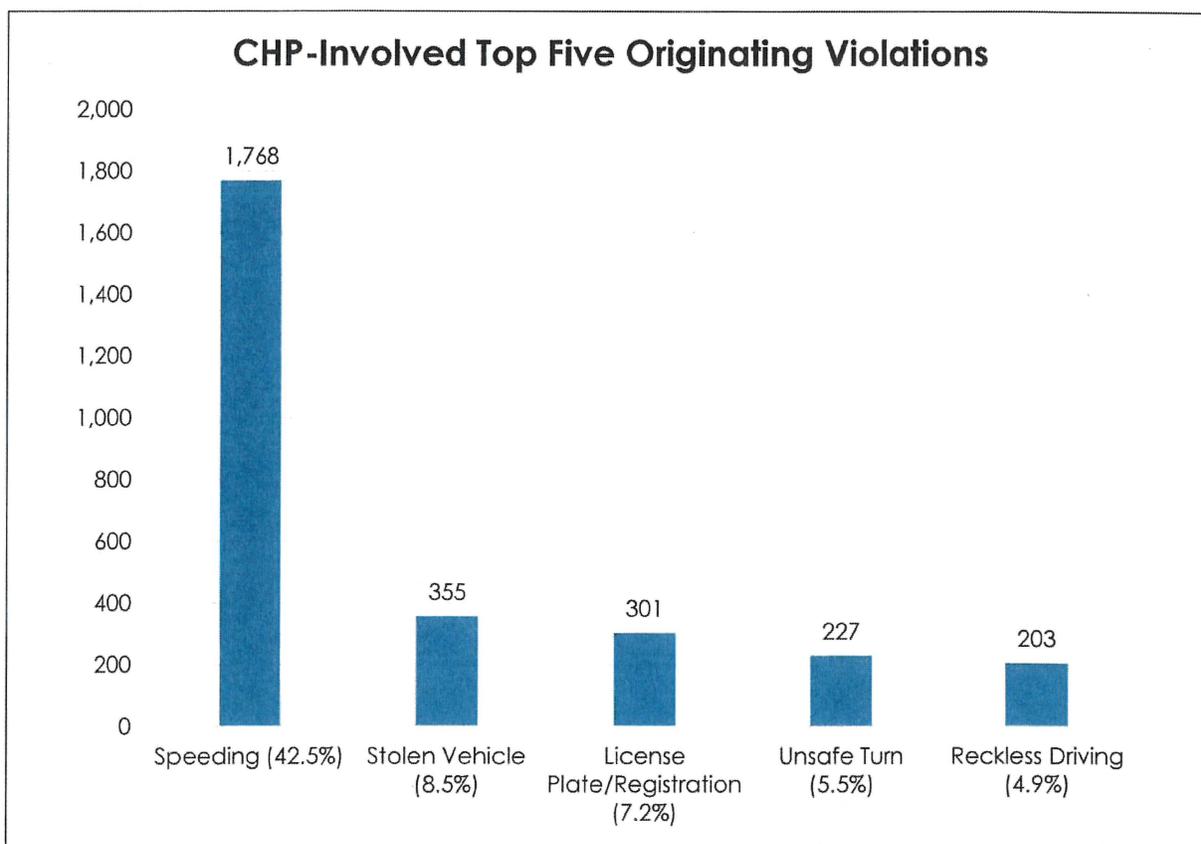
CHP-Involved Nonapprehensions by Event Terminating Pursuit (2,208 Total CHP-Involved Nonapprehensions)



Note: Thirteen (0.3 percent) CHP-involved pursuits did not report the event terminating the pursuit. In those cases, the pursuit had been turned over to an allied agency and that field was not completed within the Allied Agency Pursuit Report.

The top five most frequent originating violations for CHP-involved pursuits are speeding, stolen vehicle, registration/license plate violations, unsafe turns, and reckless driving. The top five violations account for approximately 68.6 percent of all CHP-involved pursuits. Due to the nature of the CHP's traffic enforcement efforts on state highways, speeding is six times more prevalent as an originating violation than the average of the other four violations listed. Of the 1,768 originating violations for speeding in 2021, 592 originating violations were for speeding over 100 miles per hour (MPH). Of the 592 CHP-involved pursuits initiated for speeding over 100 MPH, 225 resulted in the apprehension of the suspect and 367 did not result in apprehension.

Stolen vehicle is the second most common originating violation, and one of five felony crimes ranked within the top 35 originating violations for CHP-involved pursuits during 2021. The other felony offenses within the top 35 originating violations are assault with a deadly weapon, carjacking, burglary, and robbery.



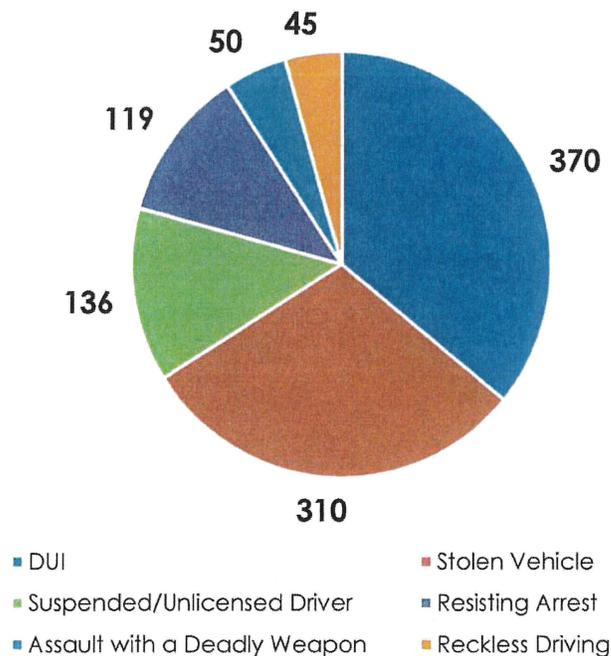
Although many pursuits are initiated for vehicle code violations, many suspects apprehended are charged with serious felony or misdemeanor crimes. In addition to evading arrest, the six most frequent crimes reported as the most serious charged upon apprehension are: DUI, stolen vehicle, driving with a suspended license or unlicensed, resisting arrest, assault with a deadly weapon,

and reckless driving. The most serious crime charged came from the above crimes in approximately 53.1 percent of all CHP-involved pursuit apprehensions that occurred in 2021.

CHP-Involved Top Charges Upon Apprehension

Crime Charged	Number	% of Apprehensions	% of Pursuits
DUI	370	19.1	8.9
Stolen Vehicle	310	16.0	7.5
Suspended/Unlicensed Driver	136	7.0	3.3
Resisting Arrest	119	6.1	2.9
Assault with a Deadly Weapon	50	2.6	1.2
Reckless Driving	45	2.3	1.1

CHP-Involved Top Charges Upon Apprehension



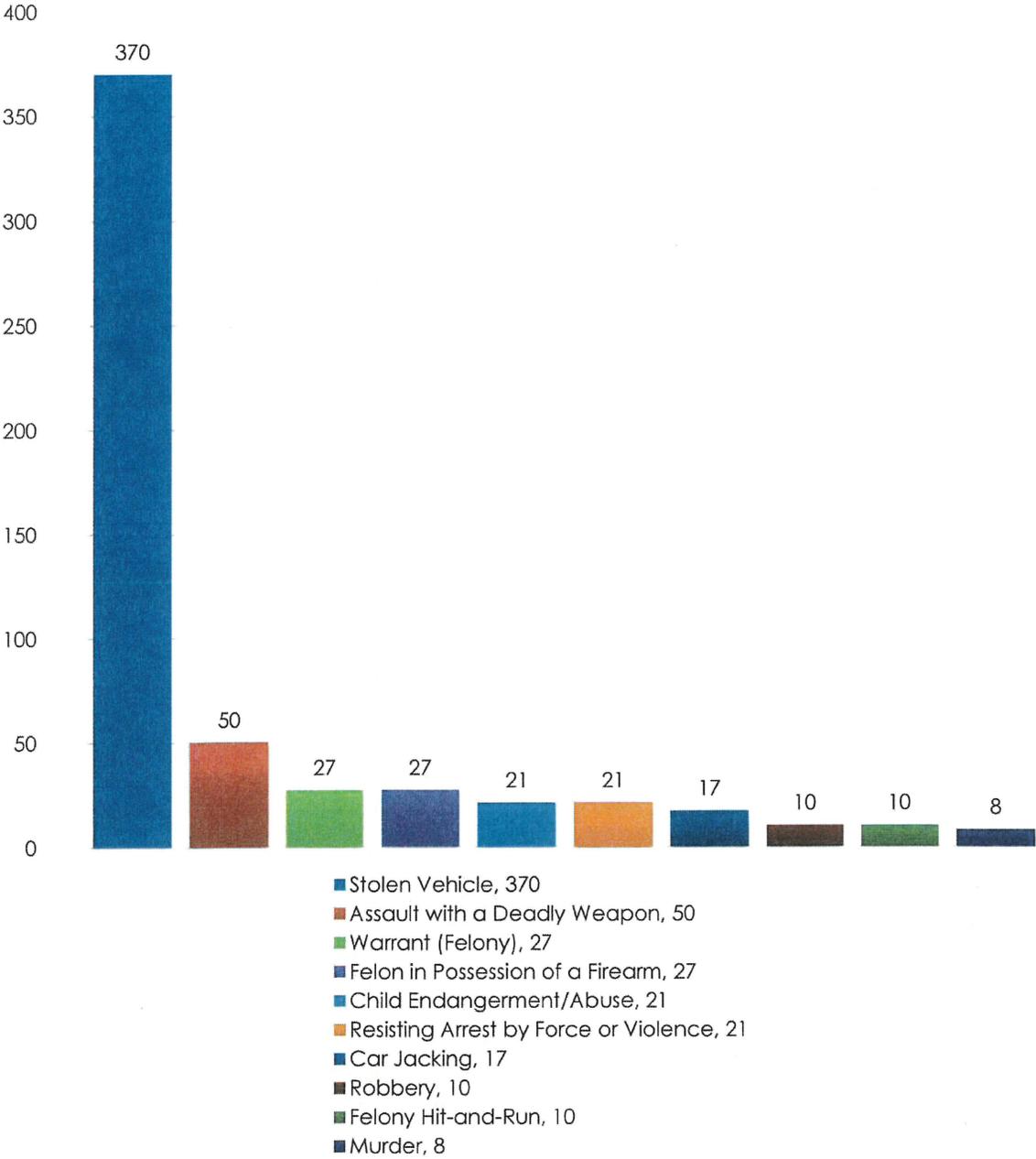
Charges filed upon apprehension also include serious felony crimes, such as, assault with a deadly weapon, felony warrant, felon in possession of a firearm, resisting arrest by force or violence, child endangerment/abuse, carjacking, robbery, felony hit-and-run, and murder. In 28.9 percent of CHP-involved pursuit suspect apprehensions, a charge for a serious felony crime was filed. In 13.5 percent of all CHP-involved pursuits, a serious felony crime was charged. If

should be noted these crimes may have been charged in other pursuits, but not identified as the most serious crime charged. For this reason, these statistics do not encompass all felony crimes charged at the conclusion of a pursuit and incidents of the following felony crimes may be higher than the statistics indicated below:

Serious Felony Crimes Charged Upon Apprehension

Crimes	Number	% of Apprehensions	% of Pursuits
Stolen Vehicle	370	19.1	8.9
Assault with a Deadly Weapon	50	2.6	1.2
Warrant (Felony)	27	1.4	0.6
Felon in Possession of a Firearm	27	1.4	0.6
Resisting Arrest by Force or Violence	21	1.1	0.5
Child Endangerment/Abuse	21	1.1	0.5
Carjacking	17	0.9	0.4
Robbery	10	0.5	0.2
Felony Hit-and-Run	10	0.5	0.2
Murder	8	0.4	0.2

CHP-Involved Serious Felony Crimes Charged Upon Apprehension



Conclusion

Statewide, millions of enforcement stops are conducted every year by hundreds of law enforcement agencies. Only a small percentage of enforcement actions lead to a vehicle pursuit. In 2021, the CHP had approximately 2,562,527 public contacts. Of those contacts, 4,161 led to a pursuit which represents 0.16 percent of public contacts.

The statewide 2021 data showed an increase in the number of pursuits, as well as crashes. There were 12,513 pursuits in 2021, compared to 11,650 in 2020; and 2,519 crashes in 2021, compared to 2,478 in 2020. However, the percentage of pursuits resulting in a crash decreased from 21.3 percent in 2020 to 20.1 percent in 2021, a decrease of 5.4 percent. These statistics support that while statewide police pursuits have increased, through the utilization of law enforcement air support, direct supervision, and regular training, pursuits are increasingly mitigated in the safest manner possible to apprehend the fleeing suspect while considering both public and officer safety.

The CHP and statewide law enforcement agencies continue to research advanced technologies and pursuit policies that would decrease crashes resulting from fleeing suspects and increase apprehension rates. Apprehension rates related to the involvement of an air support unit to observe the suspect vehicle are 68.8 percent more likely to result in the apprehension of the suspect.

As California's population changes along with the number of motorists utilizing California's roadway system, it is imperative for law enforcement agencies to continue providing adequate training to officers and maintain sound policies to increase public safety and better serve the community.

ANNEX A

Senate Bill 719 – Police Pursuits



SB-719 Police pursuits. (2005-2006)

SHARE THIS:  

Senate Bill No. 719

CHAPTER 485

An act to amend Section 13955 of the Government Code, to amend Section 13519.8 of the Penal Code, and to amend Sections 2800.1, 2800.3, and 14602.1 of, to add Sections 1666.1 and 2911 to, and to amend, repeal, and add Section 17004.7 of, the Vehicle Code, relating to vehicles, and making an appropriation therefor.

[Approved by Governor October 04, 2005. Filed with Secretary of State
October 04, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

SB 719, Romero. Police pursuits.

(1) Existing law provides for compensation to crime victims, as specified, from the Restitution Fund, a continuously appropriated fund.

This bill would include as qualifying as a crime victim for those purposes, injury or death caused by any party where a peace officer is operating a motor vehicle in an effort to apprehend a suspect, and the suspect is evading, fleeing, or otherwise attempting to elude the peace officer.

By expanding the uses of a continuously appropriated fund, this bill would make an appropriation.

(2) Existing law requires the Commission on Peace Officer Standards and Training to implement a course or courses of instruction for the training of law enforcement officers in the handling of high-speed vehicle pursuits and to develop uniform, minimum guidelines for adoption by California law enforcement agencies for response to high-speed vehicle pursuits, as specified. Existing law expresses the intent of the Legislature that all local law enforcement agencies adopt those guidelines as a minimum for the agency's pursuit policy.

This bill, instead, would express the intent of the Legislature that each law enforcement agency adopt, promulgate, and require regular and periodic training consistent with an agency's specific pursuit policy that, at a minimum, complies with the commission's guidelines.

(3) Existing law specifies certain content for the California Driver's Handbook and examinations for a driver's license.

This bill would require the Department of Motor Vehicles, upon updating the handbook, to include at least one question in any of the noncommercial driver's license examinations of an applicant's knowledge and understanding to verify that the applicant has an understanding of the risks and punishments associated with eluding a pursuing peace officer's motor vehicle.

(4) Existing law makes it a misdemeanor, punishable by imprisonment in a county jail not exceeding 6 months, for any person while operating a motor vehicle to intentionally evade and willfully flee or otherwise attempt to elude a pursuing peace officer's motor vehicle or bicycle under certain conditions.

This bill would make that offense a misdemeanor punishable by imprisonment in a county jail not exceeding one year. By increasing the punishment for a crime, this bill would impose a state-mandated local program.

(5) Existing law makes it a misdemeanor punishable by confinement in a county jail for not more than one year or a felony punishable by imprisonment in the state prison for 3, 4, or 5 years or a specified fine for any person who commits the offense described in (4) above and proximately causes serious bodily injury, as defined, or death to any person.

This bill would increase the term of imprisonment in the state prison as follows:

(a) A term of 3, 5, or 7 years or the specified fine, or both the fine and imprisonment where the offense involves serious bodily injury.

(b) A term of 4, 6, or 10 years in the state prison where the offense involves a death.

(6) Existing law establishes the California Traffic Safety Program, to include state and local programs, as specified.

This bill would require all traffic safety programs that receive state funds and that include public awareness campaigns involving emergency vehicle operations to include in the public awareness campaign, information on the risks to public safety of peace officer motor vehicle pursuits, and the penalties that may result from evading a peace officer.

(7) Existing law requires each state and local law enforcement agency to report to the Department of the California Highway Patrol, on a form approved by the department, certain specific vehicle pursuit data, including, but not limited to, certain required data.

This bill instead would require the department to develop and approve a paper or electronic form that includes additional data, and would require that the report be made to the department no later than 30 days following a police pursuit, thereby imposing a state-mandated local program by increasing the level of services imposed on local law enforcement agencies.

The bill would additionally require the Department of the California Highway Patrol to submit annually to the Legislature a report regarding motor vehicle pursuits.

(8) Existing law provides that any public agency employing peace officers that adopts a written policy on vehicular pursuits that meets certain minimum standards, as specified, shall be 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 by a peace officer employed by the public entity in a motor vehicle. Existing law makes the adoption of a vehicle pursuit policy pursuant to these provisions discretionary.

This bill would revise the minimum standards required for a written policy for the safe conduct of motor vehicle pursuits. These provisions would become operative on July 1, 2007.

(9) This bill also would incorporate additional changes in Section 13955 of the Government Code, to become operative only if AB 22 and this bill are both enacted and become effective on or before January 1, 2006, and this bill is enacted last.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares the following:

- (a) Thousands of crime suspects flee each year often resulting in law enforcement officers in California engaging in motor vehicle pursuits. Many pursuits result in accidents, property damage, serious injuries, and death to innocent third parties, peace officers, and fleeing suspects.
- (b) Motor vehicle pursuits of fleeing suspects present inescapable and inherent risks that sometimes offend public sensibilities.
- (c) According to statistics from the National Highway Safety Administration, California has consistently led the nation in the past 20 years in fatalities from crashes involving these pursuits.
- (d) California leads the nation in the number of innocent bystanders killed in these pursuits. A study by the National Highway Traffic Safety Administration indicates that in 2003 there were 46 deaths in California that resulted from high speed police pursuits of fleeing suspects. Twelve of the 46 deaths were innocent bystanders. Eighteen were passengers in the pursued vehicle, 15 were fleeing suspects, and one was a peace officer.
- (e) Pursuit driving is a dangerous activity that must be undertaken with due care and with the understanding of specific risks as well as the need for a realistic proportionate response to apprehend a fleeing suspect who poses a danger to the public.
- (f) Current law provides that a person operating a motor vehicle who is negligent in its operation may be liable for civil damages pursuant to Section 17150 of the Vehicle Code.
- (g) The primary function of all law enforcement agencies is to protect the public against personal injury, death, or property damage.
- (h) It is, therefore, the intent of the Legislature to enact legislation that guides instances where law enforcement pursuits are warranted so as to protect the public safety, lives, and property of the people of the State of California.
- (i) It is also the intent of the Legislature to decrease peace officer motor vehicle pursuits through public education, enforcement, and regular and periodic training of peace officers.
- (j) It is also the intent of the Legislature in enacting this act to eliminate any unnecessary risks that evolve from peace officer motor vehicle pursuits, and to ensure that law enforcement pursuits are conducted in the safest and most effective approach throughout California.

SEC. 2. Section 13955 of the Government Code is amended to read:

13955. Except as provided in Section 13956, a person shall be eligible for compensation when all of the following requirements are met:

- (a) The person for whom compensation is being sought is any of the following:
 - (1) A victim.
 - (2) A derivative victim.
 - (3) A person who is entitled to reimbursement for funeral, burial, or crime scene cleanup expenses pursuant to subdivision (i) of Section 13957.
- (b) Either of the following conditions is met:
 - (1) The crime occurred within the State of California, whether or not the victim is a resident of the State of California. This paragraph shall apply only during those time periods during which the board determines that federal funds are available to the State of California for the compensation of victims of crime.
 - (2) Whether or not the crime occurred within the State of California, the victim was any of the following:
 - (A) A resident of the State of California.
 - (B) A member of the military stationed in California.

(C) A family member living with a member of the military stationed in California.

(c) If compensation is being sought for a derivative victim, the derivative victim is a resident of California, or resident of another state, who is any of the following:

(1) At the time of the crime was the parent, grandparent, sibling, spouse, child, or grandchild of the victim.

(2) At the time of the crime was living in the household of the victim.

(3) At the time of the crime was a person who had previously lived in the household of the victim for a period of not less than two years in a relationship substantially similar to a relationship listed in paragraph (1).

(4) Is another family member of the victim, including, but not limited to, the victim's fiancé or fiancée, and who witnessed the crime.

(5) Is the primary caretaker of a minor victim, but was not the primary caretaker at the time of the crime.

(d) The application is timely pursuant to Section 13953.

(e) (1) Except as provided in paragraph (2), the injury or death was a direct result of a crime.

(2) Notwithstanding paragraph (1), no act involving the operation of a motor vehicle, aircraft, or water vehicle that results in injury or death constitutes a crime for the purposes of this chapter, except when the injury or death from such an act was any of the following:

(A) Intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle.

(B) Caused by a driver who fails to stop at the scene of an accident in violation of Section 20001 of the Vehicle Code.

(C) Caused by a person who is under the influence of any alcoholic beverage or drug.

(D) Caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which he or she knowingly and willingly participated.

(E) Caused by a person who commits vehicular manslaughter in violation of subdivision (c) of Section 192 or Section 192.5 of the Penal Code.

(F) Caused by any party where a peace officer is operating a motor vehicle in an effort to apprehend a suspect, and the suspect is evading, fleeing, or otherwise attempting to elude the peace officer.

(f) As a direct result of the crime, the victim or derivative victim sustained one or more of the following:

(1) Physical injury. The board may presume a child who has been the witness of a crime of domestic violence has sustained physical injury. A child who resides in a home where a crime or crimes of domestic violence have occurred may be presumed by the board to have sustained physical injury, regardless of whether the child has witnessed the crime.

(2) Emotional injury and a threat of physical injury.

(3) Emotional injury, where the crime was a violation of any of the following provisions:

(A) Section 261, 262, 271, 273a, 273d, 285, 286, 288, 288a, 288.5, or 289, or subdivision (b) or (c) of Section 311.4, of the Penal Code.

(B) Section 270 of the Penal Code, where the emotional injury was a result of conduct other than a failure to pay child support, and criminal charges were filed.

(C) Section 261.5 of the Penal Code, and criminal charges were filed.

(D) Section 278 or 278.5 of the Penal Code, where the deprivation of custody as described in those sections has endured for 30 calendar days or more. For purposes of this paragraph, the child, and not the nonoffending parent or other caretaker, shall be deemed the victim.

(g) The injury or death has resulted or may result in pecuniary loss within the scope of compensation pursuant to Sections 13957 to 13957.9, inclusive.