

**CHAPTER 5**

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ANNEXES

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## 1. INTRODUCTION.

a. Purpose. The purposes of this chapter are fourfold:

(1) To ensure California Highway Patrol (CHP) is in compliance with the law and the Commission on Peace Officer Standards and Training (POST) guidelines regarding vehicular pursuits and emergency vehicle operations.

(2) To inform officers of their legal limitations and obligations relating to emergency vehicle operations.

(3) To promote driving practices which enhance public safety and minimize exposure to the officer(s).

(a) Vehicle Accidents. The effects of a patrol vehicle accident can be substantial and long lasting. As such, the occurrence of patrol vehicle accidents must be held to an absolute minimum.

(b) Pursuits. Management of pursuits must be conducted in a manner that does not unnecessarily compromise public safety or the safety of the involved officer(s). Sound professional judgment must be applied to the totality of circumstances in each incident.

(c) Public Safety. Officers who are in public view may significantly improve public safety by driving courteously. These practices will greatly enhance the officer's job performance, as well as gain affirmative regard and support from the public. Being an officer imparts a greater responsibility to obey the law. People expect the officer to set the example and they are quick to criticize unlawful, careless, or discourteous driving practices.

(4) To promote the operating efficiency of patrol equipment, reduce operational costs, and conserve fleet resources.

## 2. LAWS RELATING TO EMERGENCY VEHICLE OPERATIONS.

a. Section 21052 of the California Vehicle Code. This section states that all vehicles driven within the State of California, including government-owned vehicles, are subject to *Division 11 - Rules of the Road* of the California Vehicle Code (CVC).

(1) General Rule. During normal operation of an authorized emergency vehicle (AEV), officers shall obey all provisions of the CVC in the same manner required of all other persons using the roadway.

(2) The mere fact that a vehicle is an AEV does not relieve the driver from the duty of complying with the rules of the road.

(3) As used in this chapter, an AEV is any vehicle furnished by the State of California for police work, equipped with a red light and a siren, and operated by a member of this Department in the performance of their duty. Members of the CHP are enumerated in Section 2250 CVC.

b. Section 21055 of the California Vehicle Code. This section outlines conditions which, when met, exempt the driver of an AEV from obeying certain sections of the CVC known generally as the "Rules of the Road." Section 21055 CVC grants the operators of AEV exemptions to the rules of the road when the vehicle displays a red light visible to the front and the siren is operated as reasonably necessary in conjunction with one or more of the following conditions:

(1) In response to an emergency call.

(2) While engaged in rescue operations.

(3) In the immediate pursuit of an actual or suspected violator of the law.

(4) In response to, but not returning from, a fire alarm.

c. Section 21056 of the California Vehicle Code. Section 21056 CVC states, "Section 21055 does not relieve the driver of a vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor protect him from the consequences of an arbitrary exercise of the privileges granted in that section."

d. Sections 17001 and 17002 of the California Vehicle Code. Sections 17001 and 17002 CVC make the state liable for the death of a person, or injury to a person, or damage to property proximately caused by a negligent or wrongful act or omission in the operation of any motor vehicle by an employee of a public entity when the employee is acting within the scope of their employment. In limited circumstances, the state may be entitled to collect from such employee the full amount of any judgment rendered against the state. (Refer to Section 825.2 of the Government Code.)

(1) An arbitrary or negligent exercise of the privileges granted means an act performed either with knowledge that serious injury to another could result or with wanton and reckless disregard of the possible consequences.

e. Section 17004 of the California Vehicle Code. Section 17004 CVC provides restrictions to Sections 17001 and 17002.

(1) A public employee is not liable for civil damages on account of personal injury to or death of any person or damage to property resulting from the operation of an AEV in the line of duty. Such operation must be while responding to an emergency call or when in the immediate pursuit of an actual or suspected violator of the law, or when responding to, but not upon returning from, a fire alarm or other emergency call. ***It should be emphasized that criminal responsibility is not covered by these sections and officers may be subject to criminal prosecution for an arbitrary act.***

f. Section 17004.7 of the California Vehicle Code. This section allows a public agency employing peace officers, such as the CHP, to invoke vehicle pursuit immunity if it has a written pursuit policy that both meets 12 minimum standards, and requires regular and periodic training. These standards are set forth in Section 17004.7(c) CVC.

g. Section 21057 of the California Vehicle Code. Section 21057 CVC expressly prohibits every officer from using a siren or driving at an illegal speed when serving as an escort, except when it is furnished for the preservation of life or expediting military movements during a national emergency. Refer to General Order 100.72, Emergency Transportation and Escorts.

h. Sections 2406 and 20016 of the California Vehicle Code. The Legislature has realized that on occasion patrol vehicles may be utilized to transport persons requiring emergency medical aid. The legal authority to provide such services is provided within these vehicle code sections.

(1) General Rule. When at all practicable, an ambulance should be called instead of using the patrol vehicle.

(2) Patrol vehicles should only be used in lieu of an ambulance in emergencies where time is of the utmost importance and where the patient does not object to such transportation. Any officer exercising ordinary care and precaution is not liable for damages or costs incurred in such acts.

i. Section 14602.1 of the California Vehicle Code. This section requires every state, county, and city law enforcement agency to record and report all vehicle pursuit data to the CHP. This data shall be submitted to the CHP within 30 days of the pursuit.

j. Section 13519.8 of the California Penal Code. This section authorized POST to implement a course of instruction and periodic training of law enforcement

officers with regard to pursuits. This section also defines 15 subjects which must be addressed within that course of instruction.

(1) The CHP meets and/or exceeds the regulations for pursuit training set forth by the California Penal Code and CVC.

(2) Additionally, the CHP meets and/or exceeds the training regulations and guidelines set forth by POST and the Commission on Accreditation for Law Enforcement Agencies, Inc.

### 3. POLICY RELATING TO EMERGENCY VEHICLE OPERATIONS AND EQUIPMENT.

a. Seat Belt Requirement.

(1) Employees shall wear seat belts at all times when operating a departmental vehicle or as a passenger in a departmental vehicle.

b. Authorized Emergency Vehicle Warning Equipment Operation.

(1) Siren. Siren use is to be in conformance with Section 21055 CVC.

NOTE: Electronic sirens may be operated in the “wail” or “yelp” phases.

(a) Experience has shown use of the siren and red light does not always ensure an AEV’s right-of-way. Conflict has often occurred because a motorist was unable to hear the siren. The human element is always present, and under emergency conditions, various motorists and pedestrians will react differently. Certain techniques in the use of the siren and in driving will compensate, to some extent, for the shortcomings of persons who are startled or inattentive to their driving.

(b) The siren should be operated throughout its entire tone scale, fluctuating from a high to a low pitch. Where the possibility of traffic conflict is present, the siren should be actuated sufficiently in advance so that pedestrians and motorists may have adequate warning of the approach of an emergency vehicle.

(c) A patrol vehicle using a siren should pass traffic on the left even when it is necessary to drive across a center line of a roadway. A motorist will often swerve to the right at the approach of an AEV. Therefore, an officer should cautiously pass on the right only when no other course is open and then only when the red light and siren have been deactivated.

(d) Sudden use of the siren immediately behind another vehicle should be avoided as it may cause a startled motorist to stop so abruptly that the motorist's car will be struck by the patrol vehicle.

(e) The purpose of the red light and siren is to minimize traffic delay. Speed above the posted speed is seldom necessary or justified. The red light and siren are not protective armor; an officer can still be involved in a crash and never reach the scene of the emergency. An officer cannot assist at an emergency if they do not arrive at the emergency.

(2) Warning lamps. Warning lamps are to be used in conformance with Sections 21055, 25252.5, 25258, 25268, and 25269 CVC.

(a) Excessive use of warning lights reduces public recognition of their purpose and is to be avoided.

(b) Protection of life and property is the primary factor in determining when warning lights are to be used.

(c) Sections 25268 and 25269 CVC restrict the display of warning lights to "extreme hazard" and "unusual traffic hazard" conditions. Display of a warning light may be determined as follows:

1 The front red warning light may be displayed when:

a Required by Section 21055 CVC.

b An extreme hazard exists (Section 25269 CVC).

NOTE: When parked off the roadway to write a citation, issue a warning, or for other routine duties, do not display front warning lights.

2 Flashing red or red and blue warning lights may be displayed only during extremely hazardous conditions. These may be described as, but not limited to, the following:

a Any incident or situation requiring traffic to stop or proceed only as directed.

b Any incident requiring the roadway to be blocked by the CHP.

c In any other situation when, in the professional judgment of the officer, an extreme hazard exists. When this hazard ceases to exist, flashing lights shall be turned off.

3 Flashing amber warning lights may be displayed only when an unusual traffic hazard exists. When this hazard ceases to exist, flashing lights shall be turned off (Section 25268 CVC).

NOTE: The rear flashing amber lights may be used to warn and slow traffic while a traffic stop is being made. However, if the patrol vehicle and the violator's vehicle are parked completely off the roadway and no unusual traffic hazards exist, the amber warning lights should be turned off.

4 The flashing headlight system shall be used in accordance with Section 25252.5 CVC and only when operating vehicles in the emergency mode pursuant to Section 21055 CVC. The flashing headlight system shall be deactivated when the patrol car is stopped or parked.

- (3) Public address system use is intended for vehicular and pedestrian control and assistance.
- (4) Indiscriminate use of warning devices and lamps is to be avoided.

#### 4. PURSUIT POLICY AND EMERGENCY VEHICLE OPERATIONS.

##### a. Policy.

(1) Uniformed employees are authorized to conduct pursuits in compliance with applicable laws, sound professional judgment, and the procedures outlined in this chapter.

(2) Officers should take appropriate enforcement action for all violations of the law witnessed. A pursuit is authorized to be initiated in order to apprehend a violator of the law who refuses to yield to the officer's lawful direction to do so.

(3) Officers shall clearly indicate their intent to stop the vehicle and arrest the subject.

(4) Unless a greater hazard would result, a pursuit should not be undertaken if the subject(s) can be identified to the point where later apprehension can be accomplished. A pursuit should not be initiated if the dangers of pursuing or continuing the pursuit are too great.

(5) If the driver of a vehicle fails to stop as required, officers are authorized to continue following until the violator voluntarily stops, until relieved from the

pursuit, until the circumstances warrant legal intervention (forcible stop), or until the pursuit is voluntarily discontinued.

(6) A pursuit should not be initiated or engaged in while providing transportation for any person, other than sworn peace officers.

b. Definitions.

(1) Pursuit. “An event involving one or more law enforcement officers attempting to apprehend a suspected or actual violator of the law in a motor vehicle while the driver is using evasive tactics, such as high speed driving, driving off a highway, turning suddenly, or driving in a legal manner, but failing to yield to the officer's signal to stop.” (POST's California Law Enforcement Vehicle Pursuit Guidelines 1-2.)

(2) Initiating Pursuit Unit. The enforcement vehicle which first attempts to stop the pursued vehicle.

(3) Primary Pursuit Unit. The enforcement vehicle immediately following the suspect vehicle at a reasonable distance (may be other than the initiating unit).

(4) Secondary Pursuit Unit. An officer operating an enforcement vehicle actively participating in the pursuit and following the primary pursuit unit at a reasonable distance.

(5) K-9 Unit. An officer (handler) operating an enforcement vehicle along with a specially trained dog (police dog) actively participating in the pursuit and following the primary and/or secondary pursuit unit(s) at a reasonable distance.

(6) Trail or Trailing. The unauthorized following of a pursuit at any distance including paralleling, intercepting, or tracking.

(7) Reasonable Operation. It is the duty of the driver of an AEV to exercise that amount of care which, under all the circumstances, would not impose an unreasonable risk of harm upon others. That standard of conduct which is reasonable under all the circumstances must, of course, take into consideration the unusual circumstances confronting the driver of an AEV (i.e., the emergency which necessitates immediate action and the duty imposed upon the driver to take reasonable and necessary measures to alleviate the emergency).

(a) Changing environmental conditions have an effect on reasonable operation. When operating an AEV pursuant to the provisions of Section 21055 CVC, officers need to be aware of surrounding environmental conditions and should adjust their driving when changes in those conditions

occur. Such changes may include, but are not limited to: weather or roadway conditions, vehicular traffic density, visibility, pedestrian traffic, an officer's familiarity with the location, etc. Officers should consider reducing or discontinuing their response when conditions warrant such action.

(8) Reasonable Speed. Pursuits can occur at a wide range of speeds and in most cases speeds will vary over the course of a single pursuit. Officers and supervisors shall, at all times, utilize sound professional judgment when balancing the factors associated with vehicular pursuits. Multiple factors must be considered by the officers and supervisors to determine reasonable speeds. Such factors may include, but are not limited to: weather and road conditions, the volume of vehicular and pedestrian traffic, visibility, the nature of the offense committed by the suspect(s), the safety of the general public, the safety of the officers involved, the safety of the occupants in the fleeing vehicle, the location of the pursuit, the officer's familiarity with the location, etc.

(9) Emergency Call. The term "emergency call" as it applies to police work cannot be defined with exactness; an act or an event may reasonably be an emergency under a given set of circumstances and not be considered an emergency under different, though similar, circumstances. With few exceptions, emergency calls received by officers are dispatched by radio from central locations. The officer to whom the call is directed is fully protected in accepting the dispatcher's information and, if this information so indicates, responding with red lights and siren ("Code-3"). When emergency calls are based upon information received by the officer from any other source, they must have sufficient information to justify the conclusion that an emergency situation exists which requires immediate police attention for the protection of persons or property.

(10) Legal Intervention/Forcible Stops. A general term meaning the termination of a pursuit through the use of physical force or presence. This includes channelization, roadblocks, ramming, use of the hollow spike strip, boxing-in, or the use of firearms. The use of a firearm shall be in conformance with Chapter 1, Use of Force, of this manual.

(a) Channelization. A technique similar to a roadblock where objects are placed in the anticipated path of a pursued vehicle which tends to alter its direction. Examples of usable objects include: barricades, flare pots, pylons, and vehicles.

(b) Roadblocks. Establishing a physical impediment to traffic as a means for stopping a vehicle using signs, devices, actual physical obstructions, or barricades.

(c) Ramming. The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop. The Pursuit Immobilization Technique (PIT) is a form of ramming and, if utilized, should be identified as such.

(d) Hollow Spike Strip. A device designed to be physically placed across the roadway directly in the path of a fleeing vehicle. As the vehicle passes over the strip, the hollow spikes pierce the tires, pull out of the strip, and cause the tires to deflate.

(e) Boxing-in. A technique designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

(f) Use of Firearms. The act of discharging a firearm at or from a moving vehicle for defense or apprehension shall be in conformance with Chapter 1 of this manual.

(11) Supervisor. For the purposes of this policy, a supervisor is a uniformed employee of this Department at the rank of sergeant or above, or a designated acting sergeant or officer-in-charge (OIC) assigned supervisory responsibilities.

(12) Termination Point. The location where the pursuit comes to a conclusion.

(13) Discontinue. To abandon or abort the pursuit. The moment when a decision has been made to voluntarily end CHP involvement in a particular pursuit.

c. Pursuit Units.

(1) Number of Units Involved.

(a) Public safety should be the foremost consideration when determining the number of units to employ during a pursuit. Pursuits shall normally be limited to three departmental vehicles: the primary pursuit unit, the secondary pursuit unit, and a K-9 unit. A supervisor who has joined in the pursuit and supervises the units would be an additional unit. However, the number of vehicles engaged in the pursuit may be adjusted to fit the situation with supervisory approval (e.g., armed fugitives, number of suspects, level of threat, threat setting). The supervisor shall consider the availability or involvement of allied agency units in determining the number of departmental vehicles participating.

(2) Types of Units Involved.

(a) A marked black and white patrol vehicle, other than a motorcycle, should take over a pursuit from an unmarked vehicle or a Primary Crash Factor Vehicle (PCFV). When practical, a marked black and white patrol vehicle with overhead emergency lights shall take over a pursuit from a patrol vehicle equipped with only a red spotlight or red spotlight/center-mounted red light combination. A marked black and white patrol vehicle or a PCFV should take over a pursuit from a motorcycle unless the circumstances are such that a motorcycle is the safest means of continuing a pursuit (e.g., heavy traffic, inaccessible roadways). When operating an unmarked vehicle or a PCFV during a pursuit, careful consideration should be given to its reduced recognition, to include clearing intersections, and overall motorist awareness.

(b) Maximum use of any available law enforcement aircraft should be made as quickly as possible. Any aircraft employed are in addition to any authorized ground units.

(c) All other units in the general vicinity of the pursuit will remain on their assigned beats unless requested to participate in the pursuit. Officers shall not trail the pursuit without supervisory approval, but should monitor the progress of the pursuit and be prepared to assist if directed by a supervisor.

(3) Individual Unit Responsibilities. A pursuit is a rapidly changing event and the pursuit units' responsibilities may change depending on the circumstances.

(a) Initiating/Primary Pursuit Unit Responsibilities. The unit initiating the pursuit should immediately notify the communications center that a pursuit is underway, giving:

- 1 The reason for the pursuit.
- 2 The location and direction of travel.
- 3 The speed of the fleeing vehicle.
- 4 A description of the vehicle and the license number, if known.
- 5 The number of known occupants.
- 6 The identity or description of the known occupants.
- 7 Any information concerning the use of firearms, threat of force, or other unusual hazard.
- 8 The current traffic conditions.

(b) Secondary Unit Responsibilities.

1 All subsequent units entering the pursuit shall immediately notify the communications center they are joining the pursuit.

2 Although the actual role may vary, the secondary pursuit unit should assume responsibility for radio contact between the communications center and the pursuing units.

NOTE: Radio responsibility should be given to an aircraft unit, provided aircraft personnel are familiar with the pursuit location.

(c) K-9 Unit Responsibilities.

1 The K-9 unit entering the pursuit shall immediately notify the communications center they are joining the pursuit.

2 Although the actual role may vary, the K-9 unit should assume responsibilities as an additional unit to include tracking, locating, and potentially apprehending suspects. The K-9 unit should also act as a deterrent and provide additional safety for officers.

(d) Supervisory Responsibilities. Upon being notified of the pursuit, the supervisor shall immediately notify the communications center they are joining or monitoring the pursuit and accepting supervisory responsibility. The supervisor is accountable for the following:

1 Taking an active role in the pursuit and conducting an ongoing evaluation of the incident once becoming aware of the pursuit.

a The supervisor must also balance 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.

2 Discontinuing the pursuit, when necessary, in accordance with the policy contained in this chapter.

3 Ensuring the pursuit is conducted in accordance with the provisions of this chapter, including:

a No more than the necessary number of units are involved.

b Request for aircraft has been made.

c The appropriate radio channel is being utilized.

d Effected allied agencies have been notified.

4 Proceeding to the termination point, if at all practicable, to provide guidance and supervision, and to gather information for the pursuit report.

(e) Aircraft Responsibilities.

1 Whenever aircraft are available (according to information provided by dispatch) the supervisor, OIC, or primary pursuit unit shall request air support to a pursuit in progress.

2 When requested to do so, aircraft shall respond to a pursuit in progress.

3 If departmental aircraft are not available, other law enforcement aircraft may be requested. Only one aircraft should be utilized at any one time.

4 No other aircraft shall join the pursuit unless directly requested by the pilot of the primary aircraft. If additional aircraft are requested or the primary role is relinquished to another aircraft, confirmation of the acceptance of that mission shall be obtained and acknowledged by the pilot of the primary aircraft. Once the role of primary aircraft is assumed by another, that aircraft shall remain in that capacity until that pilot discontinues pursuit, relinquishes the role, or the pursuit is terminated. If the pilot of any involved aircraft chooses for any reason to discontinue involvement in the pursuit, the primary ground unit and all other aircraft shall be notified and acknowledgement of such action received.

5 If departmental or allied agency aircraft are involved in a pursuit, personnel shall strongly consider terminating their active involvement in the pursuit, when conditions permit, allowing air crews to monitor the pursued vehicle to a location where units can be directed to make an arrest on the driver of the pursued vehicle. When making a decision regarding an aircraft becoming the primary pursuit unit, and ground units terminating their involvement, consideration should be given to the following:

a Flight crew tasking.

b Lighting conditions.

- c Time of day.
- d Traffic conditions.
- e Airspace.
- f Environmental conditions.
- g Allied agency aircraft condition and crew proficiency.
- h Visibility.
- i Fuel status.

6 Involved aircraft should perform the following roles during a pursuit:

- a Keep vehicle/suspects under surveillance until termination of pursuit.
- b Advise the pursuing units and/or supervisor of the progress of the pursuit, as well as conditions relating to vehicular or pedestrian traffic safety and volume, weather, the speed of the pursuit, and other items which may affect officer/public safety. This information may also effect the decision on whether or not to continue the pursuit.
- c Advise the pursuing units and/or supervisor whether or not videotaping of the pursuit is occurring. At the conclusion of the pursuit, the involved aircraft shall notify the supervisor of the availability of the video footage.
- d As soon as possible, advise the primary unit and supervisor of the number of law enforcement units involved in the pursuit.
- e Assist the communications center with coordinating the pursuit with other Areas, communications centers, and allied agencies.
- f Use searchlight(s) to illuminate the suspect vehicle unless directed otherwise by ground units.
- g Transport personnel, spike strip, or other required items when practical.

h Record roof identification numbers of all involved units during, and at the termination point of, the pursuit. Advise the primary pursuit unit and/or supervisor of the roof identification numbers.

(f) Communications Center Responsibilities.

1 Immediately informing an on-duty field supervisor when a pursuit is initiated.

2 Selection of the appropriate radio channel, and/or initiating a Code 33 when radio traffic can be expected to interfere with the pursuit, or at the specific request of the supervisor or primary pursuit unit.

3 Notifying allied agencies if a potential involvement can be expected and specifying whether assistance is requested or if the notification is for information only.

4 Relaying pertinent information from allied agencies.

5 Providing necessary information to back-up units and obtaining 10-28 and 10-29 information.

6 Determining the availability of law enforcement aircraft as soon as possible and notifying the supervisor and/or the primary unit of their availability.

NOTE: All communications relative to a pursuit should be broadcast utilizing "S" channel frequencies.

d. Pursuit Procedures.

(1) Initiation of a Pursuit.

(a) Before a pursuit is initiated, the officer must balance the known or reasonably suspected offense(s), and the apparent need for immediate capture against the risks to peace officers, innocent motorists, and others to protect the public.

(b) A pursuit should only be initiated to apprehend a violator who refuses to voluntarily comply with the law requiring them to stop.

(c) Unless a greater hazard would result, a pursuit should not be undertaken if the subject(s) can be identified to the point where later apprehension can be accomplished.

(2) Pursuit into Another California Highway Patrol Area or Allied Agency's Jurisdiction.

(a) When a pursuit extends into another CHP Area or allied agency's jurisdiction, the responsible supervisor, or the primary unit if a supervisor is not available, shall determine if the other Area or allied agency should assume the pursuit. The following should be considered:

- 1 The distance and speed involved.
- 2 The pursuing officer's possible unfamiliarity with the new Area.
- 3 The willingness and capability of the other CHP Area or allied agency to take over the pursuit.
- 4 Communication limitations at longer distances.

(b) If it is determined that the control of the pursuit should be relinquished to another CHP Area or allied agency, the request shall be clearly relayed to that Area or agency. Confirmation of their acceptance of that mission should be obtained.

(c) If the pursuit is assumed by another CHP Area or allied agency, the initiating officer and the participating supervisor should proceed, at legal speeds, to the termination point (if within a reasonable distance) to provide guidance and information required for the arrest.

(3) Pursuits From Other Jurisdictions into California Highway Patrol Areas.

(a) California Highway Patrol participation in an allied agency's pursuit is appropriate only in response to a specific request for participation. Mere notification of the existence of a pursuit shall not be construed as a request for participation. Upon such notification, the communications center shall clarify whether CHP is being requested to assist in the pursuit.

(b) In addition to a formal request through the telecommunications system by an allied agency, officers may be summoned by hand/arm gestures and/or verbal requests. An officer responding to these types of requests shall immediately make the required notifications to the communications center and to their supervisor.

(c) Prior to acceptance of a pursuit from an allied agency, the field supervisor shall determine the degree of CHP involvement, if any, and provide the appropriate direction. When appropriate, the supervisor or

primary unit shall attempt to cancel allied agency units if control of the pursuit is assumed by the CHP.

(4) Discontinuing a Pursuit.

(a) An officer shall discontinue a pursuit when directed by a supervisor.

(b) Under certain circumstances the officer should discontinue a pursuit. Such circumstances may include, but are not limited to:

1 The known circumstances of the pursuit present an extreme safety hazard to the public, the officer, or the suspect (e.g., a heavy vehicle or pedestrian traffic volume, school zones, extreme speeds, weather conditions, traffic conditions, the availability of air support, the officer's lack of familiarity with the location).

2 Information about the suspect's identity has developed during the pursuit which will allow later apprehension.

3 The pursued vehicle's location is no longer definitely known.

4 An allied agency has been notified to discontinue their participation in the pursuit but refuses to do so. Additionally, if the pursuit tactics being used by the allied agency are not within CHP policy, officers shall discontinue the pursuit. In such cases, the allied agency shall be notified of the Department's discontinuation of the pursuit.

(c) When discontinuing a pursuit, the supervisor or primary pursuit unit shall make radio contact with the officer(s) involved and ensure that the officer(s) acknowledge the order to discontinue the pursuit.

NOTE: Throughout a pursuit, those involved shall exercise sound professional judgment and balance the risks of pursuit (to both the public and the officers) against the known or reasonably suspected offense and the apparent need for apprehension. The decision to continue or discontinue the pursuit shall remain open to reassessment.

(5) Legal Intervention/Forcible Stops.

(a) The decision to attempt legal intervention shall be based on careful consideration of all facts apparent to the officer, and should be initiated when conditions permit. A supervisor's permission should be obtained prior to initiating legal intervention.

(b) Legal intervention on a pursued vehicle may be undertaken only under the following circumstances:

1 When the officer has reason to believe the continued movement of the pursued vehicle would place others in imminent danger of great bodily harm or death, and

2 When the apparent risk of harm to entities other than the occupant of the pursued vehicle is so great as to outweigh the apparent risk of harm involved in making the forcible stop.

(c) An occupied, privately owned vehicle shall not be used during legal intervention to stop another vehicle.

(d) The following tactics may be used to stop a pursued vehicle. Selection of the best method in each circumstance should be preceded by an evaluation of all factors surrounding the individual event. These factors may include the volume of vehicular and pedestrian traffic, school zone, weather and road conditions, speed of the suspect vehicle, officer safety. The method used should offer the greatest probability of success with the least likelihood of injury to the general public, the officer, and the occupants of the fleeing vehicle. When attempting legal intervention, officers should be reminded that officer safety should not be compromised.

1 Channelization. Officers may deliberately direct a vehicle into a given path or location (e.g., unpaved roadway, dead-end road) by using stationary objects (pylons, barricades, vehicles) placed in the current path of the pursued vehicle.

2 Roadblocks. Officers should be guided by Chapter 16, Roadblocks, of this manual, in how to employ a roadblock and may elect to use roadblocks with the concurrence of a supervisor. The use of roadblocks must be weighed against the potential risk presented by continuing with the pursuit.

3 Ramming. Officers may elect to use a deliberate crash between a patrol vehicle and the pursued vehicle to terminate a pursuit. A supervisor's permission should be obtained prior to the ramming or utilization of the PIT. For execution of the PIT method, see Annexes A and B. The guidelines below shall be followed.

a Motorcycles. Officers shall not ram motorcycles or similar vehicles except:

1/ When necessary in defense of the officer's life or life of another, or

2/ During the subject's actual commission of an assault with a deadly weapon (ADW) with a vehicle, or

3/ When necessary to prevent the escape of a person whom the officer reasonably believes has committed a felony through the use or threatened use of deadly force, or

4/ When necessary to apprehend a person who has committed an ADW with a vehicle which the officer reasonably believes has resulted in serious injury or death.

b Vehicles other than motorcycles.

1/ To ensure an officer is not left in a vulnerable position, consideration should be given to the final resting place of the patrol car and its proximity to the violator's vehicle prior to ramming.

2/ Ramming should not occur when either the pursued vehicle or the pursuing vehicle is traveling in excess of 35 miles per hour (MPH).

3/ Officers driving patrol vehicles equipped with supplemental restraint system airbags should be aware of the airbag system and its operation.

a/ Officers are cautioned that airbags are designed to deploy at an impact angle of 35 degrees or less and at impact speeds over 14 MPH into a fixed object and 28 MPH into a movable object.

b/ When the airbag system deploys, it inflates and deflates in less than one second and should not cause any additional loss of control; however, the officer's vision may be impaired. After an airbag deployment, the officer should not continue driving the vehicle other than to proceed to a safe stop. Friction or chemical burns may result from the airbag deployment, and medical treatment should be provided as necessary. Caution should be taken to get the vehicle to a repair facility due to the expended airbag being attached to the steering wheel.

4 Hollow Spike Strip. Officers may elect to deploy the hollow spike strip to terminate a pursuit. Whenever possible, a supervisor's permission should be obtained prior to deploying the spike strip. If the hollow spike strip is deployed, the following guidelines shall be followed:

a The spike strip shall not be used to stop motorcycles, mopeds, or similar vehicles.

b The spike strip should not be deployed to stop the following vehicles unless the continued movement of the pursued vehicle would result in an unusual hazard to others.

1/ Any vehicle transporting a hazardous material as defined in Section 2402.7 CVC.

2/ Any passenger bus transporting passengers.

3/ Any school bus transporting pupils.

4/ Any vehicle that would pose an unusual hazard to innocent parties.

c Area commanders shall develop procedures relating to proper deployment locations within their commands and familiarizing Area personnel in the proper use of the spike strip. Division Chiefs shall review and approve Area procedures for spike strip deployment.

d Spike strip deployment plans shall include the following:

1/ Provisions for close coordination between pursuing units and the person deploying the strip.

2/ The spike strip shall not be used in locations where geographic configurations increase the risk of injury to the suspect (e.g., on roadways with curves or bounded by steep descending embankments, or at any location where the safety of proceeding or opposing traffic cannot be assured).

3/ Pursuing units should notify the deploying unit as far in advance as possible.

4/ The officer deploying the spike strip should be in a position at a predetermined location to allow sufficient time for deployment.

5/ The officer with the spike strip should not attempt to overtake and pass a high-speed pursuit in order to position the spike strip.

6/ Deployment locations should have reasonably good sight distances to enable the officer deploying the strip to observe the pursuit and other traffic as it approaches.

7/ Extreme care should be exercised when deploying the spike strip to reduce the possibility of damage to uninvolved vehicles and pedestrians. After deploying the spike strip, personnel should immediately seek protection.

8/ Area commanders should ensure that enough spike strips are available to meet the plan needs and officers are properly trained.

5 Boxing-In. The use of boxing-in as a technique for terminating pursuits is discouraged. Under ordinary circumstances, the potential hazard outweighs the chance for successful stop of a violator and, therefore, should only be used at slow speeds or where the obvious risks can be eliminated or appreciably reduced.

6 Use of Firearms. Officers may use firearms under the legal authority provided to them and only in self-defense, in the defense of others, or in apprehension. The use of a firearm shall be in conformance with Chapter 1 of this manual.

(6) Pursuit Termination.

(a) Self-discipline and sound professional judgment are the keys to the successful conclusion of a pursuit and apprehension of the suspect(s).

(b) Upon termination of the pursuit, the suspect(s) shall be taken into custody in accordance with law and departmental policy. This shall be done utilizing only the amount of force necessary to affect an arrest without compromising officer safety and/or public safety.

NOTE: Procedures for the apprehension of the suspect(s) are included and incorporated herein by reference in this manual.

(c) The roles and responsibilities of units and coordination, management and control at the termination of an interjurisdictional pursuit shall be the same as those pursuits which occur within the Department's exclusive jurisdiction, which is detailed throughout this chapter.

e. Post-Pursuit Procedures.

(1) Initiation of the Incident Command System. After the termination point is determined to be safe and secure, the supervisor or senior officer on-scene shall assume incident command and ensure the Incident Command System is established, if necessary.

(2) Vehicle Inspection. Enforcement vehicles involved in pursuits or high-performance driving (e.g., responding to an emergency call) may sustain a loss of brake efficiency when the brakes are overused and overheated. Pursuit and other high-performance driving may also damage an enforcement vehicle's suspension, undercarriage, or tires. Therefore, the driver of an enforcement vehicle utilized during a high-speed pursuit or any other high-performance driving conditions shall notify their immediate supervisor. The supervisor shall ensure the vehicle is placed out-of-service if the vehicle experienced any level of reduced brake efficiency or damage during the high-performance driving. It is not intended every vehicle driven under high-performance conditions be placed out-of-service. Personnel shall utilize sound professional judgment in making the decision to place a vehicle out-of-service. However, should any doubt exist, the vehicle shall be immediately placed out-of-service. Before a vehicle is placed back in service, an automotive technician shall perform an overall safety inspection focusing on the following: braking system, suspension system, steering system, tires, wheels, and undercarriage/chassis.

(3) Debriefing. At the conclusion of the pursuit, the supervisor, when appropriate, should conduct an incident debriefing with the officer(s) involved in the pursuit. The purpose of the debriefing is to analyze pursuit techniques and procedures, as well as providing feedback regarding the incident.

(4) Administrative Review. A supervisor shall evaluate all pursuits and complete a CHP 187, Pursuit Report, when the incident meets the definition of a pursuit. All pursuit reports shall be documented using the automated Pursuit Reporting System (PRS). The entry into PRS shall be completed within ten calendar days of the pursuit.

f. Pursuit Planning, Coordination, and Training.

(1) Coordination with allied agencies shall be undertaken in each Area. Written guidelines or a statement of understanding concerning any coordinated plans or the policy considerations of each agency are highly desirable to enhance operations during pursuit events.

(a) The statement of understanding shall include and result in the following:

- 1 An acknowledgement of the pursuit policies of each agency.
- 2 Cross-training in order to ensure each agency is aware of policy differences and characteristics.
- 3 A discussion of communication interoperability issues.
- 4 A discussion of incident command considerations.
  - a In an effort to enhance safety during pursuit operations, Area commanders shall, on an annual basis, correspond with the local members of allied law enforcement agencies in order to articulate and update the components of the statement of understanding.
  - b Those agencies not desiring to enter into mutual pursuit agreements shall be made aware of the departmental pursuit policy.

(2) In major metropolitan areas, Divisions may elect to coordinate planning and training with allied agencies.

(3) Each Area shall include in its Standard Operating Procedure a local pursuit training guide, which addresses local terrain and conditions unique to the Area. The purpose of the local pursuit training guide is to improve safety by providing situational awareness regarding the operating environments relative to surface street pursuits in both incorporated and unincorporated portions of the command.

(a) The local pursuit training guide should address the following:

- 1 General characteristics and considerations of surface streets with respect to particular urban, suburban, or rural environments.
- 2 General population density considerations.
- 3 General traffic considerations, including vehicle and pedestrian traffic patterns and volume. This may include areas of particular concern such as schools.
- 4 Pursuit restrictions pertaining to the allied agency of jurisdiction. Such restrictions may affect the availability of allied agency assistance, if needed, when engaging in a pursuit or termination of a pursuit.
- 5 Officer safety considerations relevant to particular locations of concern (e.g., high crime area).

(b) The Area commander shall ensure the local pursuit training guide is reviewed on an annual basis to ensure its content is current and sufficient.

(4) Quarterly Review. The contents of this chapter, and the local pursuit training guide, shall be reviewed by all uniformed employees at the rank of sergeant and below on a quarterly basis. Additionally, all uniformed employees at the rank of sergeant and below shall review the contents of this chapter and the local pursuit training guide upon transferring to a new command.

(5) Annual Completion of CHP 228, Pursuit Policy Training Attestation. The CHP 228 shall be completed annually by all uniformed employees per Section 17004.7 CVC.

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