

CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Manager
ATTN: Deborah Edgerly
FROM: Police Department
DATE: October 14, 2003

RE: **An Informational Report from the Chief of Police on Current Policy, Procedures, and Precautions Used for Vehicle Pursuits in the City of Oakland**

SUMMARY

This report outlines the policy and procedures to be followed by Department personnel regarding vehicle pursuits in the City of Oakland. These procedures provide specific criteria and direction to Department personnel and are intended to reduce potential hazards to the general public and to the officers engaged in vehicle pursuits.

FISCAL IMPACT

This is an informational report.

BACKGROUND

In November of **1999**, the Police Department, in concert with staff from the City Attorney's Office, began a process to update the Department's emergency driving and pursuit policy (General Order J-4, copy attached). At that time, officers could engage in a vehicle pursuit for any offense including minor traffic infractions. The intention of the update was to institute a "best practices" model in this area and reduce the potential civil liability exposure of the City. A new policy was adopted in April 2000 and all officers, supervisors and command staff received training on the new policy.

KEY ISSUES AND IMPACTS

Pursuit Objectives and Priorities

The purpose of all vehicle pursuits is "to safely apprehend violators when they refuse to voluntarily comply with the law without unnecessarily endangering citizens, Department personnel and property. The protection of human life shall always be the primary consideration."¹

The policy additionally states: "Whenever officers pursue an offender, they shall continually weigh the risk of collision against the gravity of the offense which prompted the pursuit.

¹ Oakland Police Department General Order **J-4**: "Emergency Driving, Pursuit (Code 3), Pursuit Intervention, & Safety Belt Regulations" (Rev. 18 Apr 00), Section II.C.I

Whenever the collision risks outweigh the benefits of apprehending the violator, the pursuit shall be abandoned. **Officers are NOT required to continue any pursuit.**"²

General Pursuit Provisions

The pursuit policy limits the initiation of vehicle pursuits to firearm-related misdemeanors and felony violations. Supervisors and commanders **in the field** may authorize pursuits for other violations. However, several factors are used to determine whether to initiate and/or allow a pursuit to continue. They include:

- Gravity of the offense and need to apprehend in relation to community safety and public welfare.
- Safety of the public in the area of the pursuit.
- Volume of vehicular and pedestrian traffic in the area.
- Safety of pursuing officer(s).
- Traffic and road conditions.
- Speeds involved.
- Availability of air support.
- Whether the suspect is known and can be apprehended at a later time.

Upon the initiation of a pursuit, a supervisor establishes supervisory control of the pursuit by immediately broadcasting that they are monitoring the situation. Among other duties, the supervisor ensures that the proper number of units are involved in the pursuit, determines if the police helicopter is available and should be engaged, and decides if another agency (CHP or other local law enforcement agency) should be notified (when it appears that the pursuit may be in or is heading toward another jurisdiction).

No more than two police units should be involved in the direct pursuit. Unmarked vehicles and police motorcycles are to relinquish a vehicle pursuit upon the arrival of marked units.

"During pursuits, General Order J-4 regulations state that officers shall not drive faster than **20 miles per hour over the posted speed limit**, except on freeways or with supervisory or command approval."³

Termination of Pursuits

Using the abovementioned factors, either the pursuing unit(s) or a supervisory or command officer may terminate a pursuit at any time. Each unit and the supervisory or command officer

² *ibid.*, Section II.C.2

³ *ibid.*, Section V.B.12

are responsible for continually assessing whether the seriousness of the alleged crime justifies continuing the pursuit. The immediate apprehension of a violator is never more important than the safety of innocent persons or the officers themselves. The pursuit policy lists a number of circumstances that require the immediate termination of pursuits, including:

- The danger to the community created by the pursuit outweighs the necessity of immediate apprehension in relationship to the seriousness of the alleged crime.
- Weather or traffic conditions compared to the nature of the underlying crime substantially increase the danger of pursuit.
- Lengthy pursuits.
- Presence of pedestrian or vehicular traffic which necessitates frequent maneuvering of the police vehicle.
- Presence of children going to and from school.
- The offender can be identified and apprehension can occur at a later time.

Follow-Up Process

California Vehicle Code §14602.1 requires that every local law enforcement agency complete a report concerning a police pursuit and forward it to the California Highway Patrol. Therefore, following the termination of any pursuit, OPD's General Order J-4 states that supervisors shall complete a Pursuit Report form [Form No. 187 (Rev. 4-98) OPI 042]. The Pursuit Report provides a detailed written account of the pursuit. The report is reviewed by the chain of command and forwarded to the Office of the Chief of Police.

If an injury occurs to any party as a result of a vehicle collision during a pursuit, if a Pursuit Intervention Maneuver was used, or at the direction of the Chief of Police, the Pursuit Report is forwarded to the Departmental Safety Coordinator, with orders to convene the Department Safety Committee⁴ for a review of the circumstances surrounding the pursuit. The Committee determines if the pursuit was in compliance with Department policy.

The Department Safety Committee is comprised of the following permanent members:

1. Commander, Training Division (Chair)
2. Department Safety Coordinator (assigned to Training Division)
3. Traffic Division Administrative Sergeant

⁴ Oakland Police Department General Order G-4: "Departmental Safety" (Rev. 24 Aug 98), and Special Order 4892, dated 11 Mar 99.

4. Fleet Coordinator
5. City Attorney representative (non-voting)

In addition, the Chief of Police appoints four temporary members to the Department Safety Committee on January 15 and July 15, for six-month terms. The temporary members consist of one Captain, one Lieutenant, one Sergeant, and one Officer.

After its review, the Safety Committee issues a report and finding of “in compliance” or “out of compliance” with the Department’s pursuit regulations. The report is then forwarded to the bureau commander of the officer(s) involved and the Chief of Police. The findings of the Committee can result in a disciplinary investigation against and/or additional training for the involved officer(s) and/or the supervisor of the pursuit. In addition, the committee makes recommendations, regardless of the finding, for additional training for the Department or policy changes.

Oakland Police Department pursuits are also entered into a Police Pursuit Database. This database is a project of the International Association of Chiefs of Police (IACP). The database allows law enforcement executives to track individual officers for possible trends, and also compare pursuit information with other agencies.

Since January 1, 2003, there have been 76 vehicle pursuits in the City of Oakland. Of the total pursuits this year, 25 (32%) were terminated as a result of a collision (according to a study by the National Institute of Justice, 40% of vehicle pursuits result in accidents).⁵ However, only four (less than one percent) of the pursuits resulted in an injury. Pursuits initiated for a felony offense accounted for 46 (60%) of the total pursuits. In 57 (75%) of the pursuits, a suspect was apprehended. Police Department members terminated 17 pursuits due to public safety considerations.

Eight hours of driving training is conducted every 18 months. Two hours is specifically devoted to a classroom discussion of General Order J-4 and the pursuit policy. Department supervisors monitor the driving behavior of their subordinates and are responsible for ensuring that they drive reasonably and safely. When improper driving behavior is recognized, it is corrected through counseling, training, and/or discipline.

SUSTAINABLE OPPORTUNITIES

Economic - The Department’s pursuit policy is structured to serve as an effective management strategy to reduce or prevent the City’s exposure to incidents of civil liability and litigation.

⁵ Alpert, Geoffrey P. *Police Pursuit: Policies and Training*. Washington, DC: National Institute of Justice, 1997.

Environmental -None noted.

Social Equity - Vehicle pursuits are inherently dangerous. They are used to apprehend violators who refuse to comply with the law and pose a danger to Oakland residents. However, the Police Department's pursuit regulations are designed to ensure that no pursuit shall continue at the expense of the safety of bystanders and responding officers.

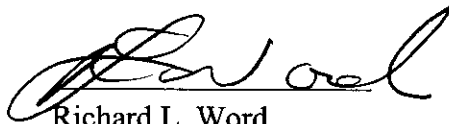
SENIOR CITIZEN AND DISABILITY ACCESS

There are no senior citizen or ADA issues associated with this report.

RECOMMENDATION

Recommend acceptance of the report.

Respectfully submitted,



Richard L. Word
Chief of Police

Prepared by: Lieutenant Jeffrey Loman
Training Division
Bureau of Services

Attachment

APPROVED AND FORWARDED TO
THE PUBLIC SAFETY COMMITTEE:


Office of the City Manager

OFFICE OF CHIEF OF POLICE
OAKLAND POLICE DEPARTMENT

MEMORANDUM

TO: All Personnel

DATE: 18 Apr 00

SUBJECT: Revision of Departmental General Order J-4, EMERGENCY DRIVING, PURSUIT (CODE 3), PURSUIT INTERVENTION, & SAFETY BELT REGULATIONS (Rev. 18 May 98).

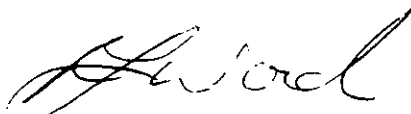
General Order J-4 has been revised to update Departmental policy and procedures regarding operating a police vehicle in Code 3 status or while engaged in the immediate pursuit of a vehicle. The order also updates the regulations and requirements for the use of seat belts or safety restraining devices.

The provisions of Special Orders 4497 (1 Jan 91), USE OF SEAT BELTS and 4674 (15 Jul 94), USE OF SEAT BELTS are incorporated in this order and they are hereby canceled.

The evaluation coordinator for this order shall be the commander of the Bureau of Field Operations, who, without further notice, shall forward the required report to the Chief of Police on or by 18 Oct 00.

Personnel shall place the order in their General Order Manual and make the necessary changes to the Table of Contents and Index.

By order of



Richard L. Word
Chief of Police

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PUBLIC SAFETY CMTE.

OCT 14 2003



DEPARTMENTAL
GENERAL
ORDER

Rev.
18 Apr 00

J-4

Index as:

Ref. CALEA
Standard: 41.2.1-3;
41.3.3; 61.3.4;
81.2.5

Code 3 Driving Regulations
Emergency Driving Regulations
Immediate Pursuit Driving Regulations
Operation of Police Vehicle
Pursuit Intervention Maneuvers
Pursuit, Immediate, Driving Regulations
Seat Belt Requirement

**EMERGENCY DRIVING, PURSUIT (CODE 3), PURSUIT
INTERVENTION, & SAFETY BELT REGULATIONS**

I. PURPOSE

- A. The purpose of this order is to establish regulations and procedures for members who are operating a police vehicle in Code 3 status, engaged in the immediate pursuit of a vehicle, and/or desire to employ a pursuit intervention.
- B. In addition, this order sets forth the responsibilities and duties of members driving Code 3, or engaged in immediate pursuit of a vehicle, and establishes procedures to assist in deciding a course of action when so engaged.
- C. The order includes the responsibilities of commanders and supervisors pertaining to emergency driving of subordinates and the use of pursuit intervention techniques.
- D. This order is intended to reduce potential hazards to the public and members engaged in pursuits of fleeing suspects by providing specific criteria and direction to members, including Department Safety Belt regulations.

II. POLICY

- A. It is the policy of the Department that a vehicle pursuit, or Code 3 response, is justified only when the necessity of immediate apprehension or the emergency outweighs the level of danger created by the pursuit.
- B. Pursuits are intended to carry out the Department's duty to act affirmatively in order that the offender will be apprehended and brought to trial for the offense committed.
- C. Pursuit Objectives and Priorities:
 - 1. The purpose of all vehicle pursuits is to safely apprehend violators when they refuse to voluntarily comply with the law without unnecessarily endangering citizens members and property. The protection of human life shall always be the primary consideration.
 - 2. Whenever officers pursue an offender, they shall continually weigh the risk of collision against the gravity of the offense which prompted the pursuit. Whenever the collision risks outweigh the benefits of apprehending the violator, the pursuit shall be abandoned. **Officers are NOT required to continue any pursuit.**
 - 3. Officers not directly engaged in the pursuit may parallel the direction of flight and proceed to the scene if ordered to do so by the supervisor/ command officer/dispatcher. All speed and traffic laws enroute shall be obeyed, except as provided in Section IV.

III. DEFINITIONS

- A. A **Vehicle Pursuit** is an event involving one or more law enforcement officers attempting to apprehend a subject operating a motor vehicle while the subject is trying to avoid arrest by using high speed driving or other evasive tactics. A failure to yield does not constitute a pursuit unless the driver's actions demonstrate the above factor.

- B. **Pursuit Intervention Maneuvers** are one or more authorized techniques designed to terminate a Vehicle Pursuit in a safe and prudent manner.
1. **Channelization** is the blocking of egress routes from intersections with vehicles or barricades, leaving only one exit available to the pursued vehicle, in order to direct the vehicle to or away from specific areas (i.e., unpaved roadway, dead-end street). See Attachment A.
 2. **Boxing In** entails surrounding a pursued vehicle with police vehicles; which synchronize their speed and maneuvers, forcing the pursued vehicle to slow and eventually stop. The technique may also be used to surround a stationary vehicle to prevent its movement. See Attachment B.
 3. **Pursuit Immobilization Technique (P.I.T.)** immobilizes a pursued vehicle by causing it to spin and stop by momentarily pushing its rear quarter panel with the corresponding front quarter panel of a police vehicle. See Attachment C.

IV. GENERAL PROVISIONS GOVERNING CODE 3 OPERATIONS

- A. The order sets forth regulations governing the operation of police vehicles during Code 3 assignments and during immediate pursuits of suspected offenders. A distinction is made in this order between Code 3 assignments and driving during vehicle pursuits; however, the provisions equally apply.
- B. This directive is based upon a recognition of the basic need for emergency responses and/or pursuit of criminal offenders under certain circumstances; great reliance, however, is placed upon the individual officers, supervisors and commanders in the application of their experience, common sense and training.

- C. The responsibilities of the Communications Division concerning the dispatch of Code 3 police response and requirements during vehicle pursuits are set forth in this order. The general obligations of command and supervisory members are also defined in this directive.
- D. The provisions of this order comply with California Vehicle Code Sections 17001, 17004, 21055, 21056, 21806, 21807, 25102, 25252, 25258, 25259, 27002, and 27315.5.
- E. The terms "officer," "police officer" and "member" are synonymous and include persons of all sworn ranks employed by the Oakland Police Department. "Employees," or non-sworn personnel shall never engage as the driver in a vehicle pursuit or Code 3 response.
- F. The following definitions apply to the purposes expressed in this order:

Code 1: These assignments are not urgent; however, they shall be handled at the earliest opportunity of the unit assigned. Units dispatched on Code 1 calls shall not be placed out of service.

Code 2: These assignments are urgent but are not emergency runs. Red lights and sirens shall not be used on Code 2 calls. Units sent on such calls must comply strictly with all traffic laws and regulations.

Code 3: These are emergency assignments calling for all **practical** haste. Response to Code 3 calls shall be made with red lights visible from the front as a warning to other drivers and pedestrians and sirens operating as reasonably necessary to give warning of the approaching emergency vehicle. Although the State Vehicle Code exempts police officers from compliance with certain provisions, due regard for safety is required at all times.

- G. Communications Division personnel shall dispatch field officers Code 3 **only** under the following circumstances:

1. When a situation involves imminent potential for serious injury to persons.
 2. In order to prevent a crime of violence.
 3. When there is a serious public hazard.
 4. When a Code 3 response will significantly enhance the likelihood of apprehending a dangerous fleeing felony suspect.
- H. Except as specified below, officers shall drive Code 3 only when specifically instructed to do so by the Communications Division or by a supervisory or command officer.
1. An officer who receives a dispatched Code 2 assignment may, on the basis of field information not available to the dispatcher, respond Code 3, provided that the officer has knowledge of specific, identifiable circumstances that warrant a Code 3 response pursuant to this order and that he/she immediately informs the Communications Division of the code upgrade.

Example: Officer Smith just left a domestic dispute call. The victim told him that her husband threatened to kill her and left to get his gun. Officer Smith is dispatched back to the location after being informed via radio that the husband has returned. Officer Smith may respond Code 3 and shall inform the Communications Division of same.
 2. An officer who receives field information regarding an emergency may initiate a Code 3 response, provided that the circumstances warrant a Code 3 response as provided in Section V, A, and that he/she immediately informs the Communications Division of the Code 3 action.

Example: Officer Martin is dispatched to a call of shots fired into a house, and people are injured. Officer Martin may respond Code 3 and shall advise the Communications Division of same.

3. Officers may drive Code 3 in response to a 940B call. Only those units most likely to arrive first at the scene should advise the Communications Division of their Code 3 response.
- I. An officer who is in immediate pursuit of a suspect shall drive in accordance with the modified Code 3 driving regulations set forth in Part V of this order.
- J. An officer who receives a dispatched Code 3 assignment may respond Code 2 on the basis of field information not available to the dispatcher and shall respond Code 2 if ordered by a supervisory or command officer. In either case, the responding officer shall immediately inform the dispatcher of the code change.

Example: Officer Jones is dispatched Code 3 to a large fight. Officer Anderson broadcasts he is on-scene and the fight is over, but he needs one unit to stand by. Officer Jones modifies the response to Code 2 and advises the Communications Division of same.

- K. Except during immediate pursuits, officers driving Code 3 shall comply strictly with all the following regulations:
 1. Officers shall activate the vehicle's emergency red and auxiliary lights.
 2. Officers shall sound the siren, as reasonably necessary, as a warning to other drivers and pedestrians.
 3. The **maximum speed** at which an officer may drive is **20 m.p.h. over the posted speed limit**.
 4. Officers shall obey traffic control devices, such as stop signs, traffic control signals and railroad grade crossing signals. Officers may proceed through such traffic control devices only after bringing their police vehicle to a **complete stop** and being certain it is safe to proceed.

5. Officers shall enter blind intersections at a speed **no greater than 15 m.p.h.** Vehicle Code Section 22352(a) defines a blind intersection as one where the driver, during the last 100 feet of his/her approach to the intersection, does not have a clear, unobstructed view of the last 100 feet of all other highways that enter the intersection.
6. Officers shall at all times drive defensively with due consideration for the safety of the public, other members and property and shall at all times remain cognizant of the following Vehicle Code restrictions on emergency driving:
 - a. Vehicle Code Section 21055 exempts the driver of an authorized emergency vehicle from general rules of the road if the driver of the vehicle sounds a siren as reasonably necessary **and** the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians **and** one of the following conditions:
 - 1) The vehicle is being driven in response to an emergency call; **or**
 - 2) The vehicle is engaged in rescue operations; **or**
 - 3) The vehicle is being used in the **immediate** pursuit of an actual or suspected violator; **or**
 - 4) The vehicle is responding to, but not returning from, a fire alarm.

Any member participating in one of the above acts must also use auxiliary lights in addition to the lighted red lamp required by Vehicle Code Section 21055.

- b. The exemption granted to emergency vehicles by Vehicle Code 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 does it protect him/her from the consequences of an arbitrary exercise of the privilege granted. (Vehicle Code Section 21056)
 - c. Officers shall at all times observe the California State basic speed law: "No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent, having due regard for weather and visibility and the traffic on and the surface and width of the highway, and in no event at a speed which endangers the safety of persons or property." (Vehicle Code Section 22350)
- L. Officers shall not respond Code 3 or be involved in a pursuit with a prisoner in the police vehicle.

**V. GENERAL PROVISIONS GOVERNING IMMEDIATE PURSUIT
DRIVING AND THE USE OF PURSUIT INTERVENTION
MANEUVERS**

A. When to Initiate a Vehicle Pursuit:

Pursuits shall be initiated only when a law violator clearly exhibits an intent to avoid arrest by using a vehicle to flee or when a suspected law violator refuses to stop and flees in a vehicle **and** when there is no unreasonable threat to the public or the officer from initiating the pursuit. **Except upon the approval of a commander or supervisor in the field, an officer shall not initiate a vehicle pursuit when the only known underlying criminal violation (lawful arrest or detention) is a non-firearm-related misdemeanor or infraction involving the Vehicle Code.**

1. The pursuing officer shall consider the following factors in determining whether to initiate and/or continue a pursuit. Command and Supervisory officers shall consider these factors in determining whether to authorize the use of pursuit intervention techniques.
 - a. The gravity of the offense and the importance of and necessity for immediate apprehension in relationship to community safety;
 - b. Safety of the public in the area of the pursuit (i.e., the presence of children, the elderly or disabled in the vicinity of the pursuit, the proximity to hospital or school zones of the pursuit);
 - c. Safety of the pursuing officer(s);
 - d. The volume of vehicular and pedestrian traffic in the area;
 - e. Location of pursuit;
 - f. Familiarity of the officer and supervisor with the area of pursuit;
 - g. Road and weather conditions;
 - h. Speeds involved;
 - i. Time of day;
 - j. Quality of radio communications between pursuing unit(s) and the dispatcher and supervisor;
 - k. The performance capabilities of the police vehicle;
 - l. Availability of air or field support;
 - m. Whether the officer has a ride-along passenger with him/her;

- n. Whether the suspect is known and can be apprehended at a later time;
- o. Whether the suspect is known to be a juvenile;
- p. When a non-suspect vehicle and/or pedestrian accident has occurred during a pursuit.

B. Procedures While Engaged In Pursuit

- 1. Prior to initiating a pursuit, an officer who intends to stop a vehicle shall drive as close as practical to the violator before activating emergency lights and siren. (The officer shall be close enough to discourage the driver from fleeing but not so close that the driver cannot see the red lights in his/her rear view mirror.)
- 2. An officer who initiates a pursuit shall, on a primary patrol channel, immediately notify the dispatcher of:
 - a. The known law violation(s) or reason(s) for the pursuit;
 - b. Description of the vehicle pursued;
 - c. Number and description of known occupants;
 - d. The location, direction of travel and speed on a continuing basis.
- 3. The dispatcher shall impose radio silence on all units on the designated frequency except those that are actually involved in the pursuit.
- 4. During a pursuit, officers shall activate their vehicle emergency lights **and** shall activate their sirens as reasonably necessary **and** shall maintain radio contact with the Communications Division.

5. The supervisory or command officer shall immediately advise the Communications Division that he/she is monitoring the pursuit.
6. Unless otherwise ordered to do so by a supervisory or command officer, **no more than two units** may pursue violators in Code 3 status. The officer who initiates a pursuit shall be designated as the primary pursuit unit and will remain so designated until advised otherwise by a supervisory or command officer in control of the pursuit or relinquishes to another officer.
7. Motorcycle officers and officers in unmarked vehicles who initiate a pursuit or act as secondary vehicles shall relinquish their role to marked units immediately upon command or observation of the arrival of a marked unit proximate to the primary unit. Only those vehicles that are equipped with a red light visible from the front, auxiliary lights, and siren shall participate in any Code 3 response or pursuit.
8. An officer who joins as a second unit in the pursuit of a violator shall immediately notify the Communications Division that he/she is operating Code 3.
9. In the event there is a passenger officer in a pursuit vehicle, he/she shall be responsible for advising the driver whenever a collision is imminent and/or the pursuit should be abandoned.
10. A supervisory or command officer, whether in a pursuit vehicle or not, shall be responsible for supervisory control of the pursuit or the pursuit intervention and shall not hesitate to order officers to abandon pursuits in accordance with Section VI.
11. When a police helicopter is airborne and available, Communications Division personnel shall immediately direct it to the route of a pursuit.

- a. When the helicopter has focused on the pursued vehicle and so informed Communications, the dispatcher shall inform all pursuing units of those facts.
 - b. Helicopter officers shall continually inform Communications Division personnel of the location, direction and speed of the pursued vehicle and direct ground units to appropriate locations to effect the apprehension of the violator.
12. During pursuits, officers shall not drive any faster than **20 M.P.H.** over the posted speed limit except when driving on the freeway, or upon supervisory or command approval.
 13. Only upon the express order of a command or supervisory officer shall Pursuit Intervention Maneuvers, as described in Section V, D of this order, be used by a pursuing officer.

C. When to Implement a Pursuit Intervention Maneuver:

1. Only upon the express order of a command or supervisory officer shall Pursuit Intervention Maneuvers, as described in Section V, D of this order, be used by a pursuing officer; or
2. A pursued vehicle has caused repeated property damage and the use of intervention techniques is manifestly necessary to prevent further damage. The test of necessary is met when all other reasonable means of stopping the vehicle have been exhausted.

D. Pursuit Intervention Maneuvers

Subject to the provisions contained in Section V, C of this order, command or supervisory officers in the field may authorize the use of the pursuit intervention techniques described below:

1. Channelization (See Attachment A)

- a. When practical, the use of barricades or cones is preferred to the use of vehicles for blocking egress routes from intersections.
 - b. Only members who have received Departmental training in the use of the technique may participate in pursuit interventions using channelization.
 - c. When police vehicles are used to block exits from intersections the emergency brake shall be set and the engine shut off. Members shall exit the vehicles and move to a position of safety.
 - d. Current regulations regarding the number of pursuing units permitted shall remain in effect.
2. Boxing In (See Attachment B)
 - a. The boxing in technique shall not be used when the occupants of the pursued vehicle are known or believed to be armed.
 - b. Only members who have received Departmental training in the use of the maneuver may participate in pursuit interventions using boxing in.
 - c. When authorizing the use of boxing in, supervisors and command officers shall authorize a sufficient number of units to participate in the pursuit and application of the technique.
3. Pursuit Immobilization Technique (P.I.T.) (See Attachment C)
 - a. Under no circumstances shall a pursuit immobilization technique be employed at speeds in excess of 35 m.p.h.

- b. Only members who have received Departmental training in its use may employ the pursuit immobilization technique.
 - c. Occupants of police vehicles employing the technique shall wear seat belts.
 - d. When authorizing the use of the pursuit immobilization technique, supervisors and command officers shall authorize three (3) units to participate in the pursuit. One unit shall be designated to use the technique. The other two units shall be assigned to conduct a high-risk car stop on the suspect vehicle following its immobilization.
- E. Channelization, Boxing In, and the Pursuit Immobilization Technique are the only methods approved for stopping suspects' vehicles. Other methods (e.g., "ramming," "roadblocks," et cetera) shall not be used.
- F. Pursuits Into Other Jurisdictions
 - 1. When a pursuit extends into the geographical jurisdiction of another law enforcement agency, a supervisory or command officer shall decide whether to terminate or relinquish the pursuit. In making this determination, the following factors in addition to the factors listed in section VI, shall be considered:
 - a. The possibility that the pursuing officer is not familiar with the area;
 - b. The distance involved;
 - c. Communications limitations;
 - d. The pursuit can be assumed by another agency.

2. The pursuing officer or supervisor shall, as soon as possible, inform the Communications Division if assistance from another agency will likely be needed.
3. If it is determined that the pursuit should be relinquished to another agency, the request shall be clearly relayed to that agency and confirmation of acceptance of the pursuit shall be obtained before the pursuit is relinquished. Mere notification to another agency of a pursuit in progress shall not constitute a request to join or transfer responsibilities for the pursuit.
4. When a pursuit is terminated, the initiating unit, supervisor or command officer shall immediately notify the Communications Division and the officers engaged in the pursuit to abandon the pursuit. This information shall be immediately relayed to any other involved agency.
5. When a pursuit is assumed by another agency:
 - a. The officer initiating the pursuit shall, at the direction of and with supervisory approval, proceed Code 2 to the termination point so as to provide information which may be required for the arrest.
 - b. If the distance involved makes this impractical, the officer shall meet the arresting officers at the jail or other place of detainment.

G. Pursuit From Another Jurisdiction

The mere notification from another agency of a pursuit in progress shall **not** be construed as a request to join in the pursuit.

1. Oakland Police Department units may become actively involved in the pursuit **only** at the request of that agency **and** with the approval of a supervisory or command officer.
2. In no event, however, may an officer join a pursuit involving two or more other police vehicles.

3. When considering whether to take over a pursuit entering Oakland from an outside jurisdiction, a supervisory or command officer shall, prior to responding to the request, determine whether the pursuit conforms to this General Order.

VI. TERMINATION OF PURSUITS

When to Terminate a Pursuit:

- A. Unless otherwise ordered by a supervisory or command officer, the responsibility for deciding when a pursuit should be terminated shall rest with the primary pursuing officer.
- B. Officers involved in a pursuit **must** continually assess whether the seriousness of the crime justifies continuing the pursuit.
- C. The immediate apprehension of the violator is never more important than the safety of innocent persons or the officers themselves. Officers are not required to continue any pursuit.
- D. Pursuits shall be terminated immediately in any of the following circumstances:
 1. The danger to the community created by the pursuit outweighs the necessity of immediate apprehension in relationship to the seriousness of the crime.
 2. Weather or traffic conditions compared to the nature of the underlying crime substantially increase the danger of pursuit. Examples of particularly hazardous driving conditions include, but are not limited to, the following:
 - a. Driving at high speeds when traffic conditions impede safe vehicle operation.
 - b. Traversing traffic-controlled, congested, narrow or blind streets.

- c. Pursuits which necessitate turning corners rapidly and frequently.
 - d. Lengthy pursuits.
 - e. Presence of pedestrian or vehicular traffic which necessitates frequent maneuvering of the police vehicle.
 - f. Presence of children going to and from school.
 - g. Quality of radio communications or effective operation of the warning equipment is poor.
 - h. Weather or other environmental conditions which inhibit safe operation of the vehicle.
- 3. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile.
 - 4. The pursued vehicle's location is no longer known to a certainty.
 - 5. The offender can be identified to the extent that apprehension can be accomplished at a later time.

VII. COMMAND AND SUPERVISORY OFFICERS' RESPONSIBILITIES

- A. Supervisory and command officers shall advise the Communications Division immediately upon monitoring pursuits. If no supervisory or command officer immediately assumes this responsibility, the Communications Division shall assign an available supervisory or command officer to monitor the pursuit.
- B. An on-duty command officer shall at all times be mindful of radio traffic. Upon being notified of a Code 3 response or a pursuit, the command officer shall evaluate the circumstances and need pursuant to this policy and shall assure the following:
 - 1. Proper units are involved in the pursuit;

2. Available aircraft have been requested;
 3. Proper radio frequency is being used;
 4. Affected agencies are being notified;
 5. The decision to request another agency's assistance;
 6. The decision to grant assistance in response to the request of another agency;
 7. The decision whether or not the pursuit should be terminated.
- C. Command and supervisory officers shall consider the factors listed in Section V, A, 1, a-p of this order in determining whether to authorize the use of an intervention.
- D. The supervisor shall monitor the Code 3 response, pursuit, or pursuit intervention until the situation has stabilized or terminated and shall assert control by directing the actions of field personnel.
- E. A command officer may modify the actions of the dispatcher or the field unit engaged in a Code 3 response or pursuit.
- F. Supervisory personnel shall ensure that no more than two police cars are engaged in a vehicle pursuit. Supervisory personnel monitoring the pursuit will be held accountable for continuation of a pursuit by officers when circumstances indicate that it should have been terminated.
- G. A command officer or supervisor shall immediately order the termination of the pursuit when it appears that the pursuit poses a serious and unreasonable risk of harm to the public.

The responsible command officer or supervisor will neither be criticized nor disciplined when his/her decision is to terminate rather than continue a pursuit. Pursuits shall be terminated under the conditions set forth in Section VI.

- H. A supervisory or command officer shall respond to the termination point of a pursuit. The supervisory or command officer shall supervise officers at the scene until police activities are concluded.
- I. Within 24 hours, the supervisory or command officer shall submit an analysis and critique of the pursuit and/or pursuit intervention on the Pursuit Report Form (TF 3051) to the Office of the Chief of Police and the Departmental Safety Coordinator.
 - 1. The Departmental Safety Committee shall be convened to review pursuit reports whenever:
 - a. An officer, violator, passenger or non-involved party is injured as a result of a vehicle collision occurring during a pursuit.
 - b. At the direction of the Chief of Police to determine whether there was compliance with the provisions of this order.
 - c. A Pursuit Intervention Maneuver was used.
 - 2. The Safety Committee shall issue and report a finding of "in compliance" or "out of compliance" with this order and forward its report to the bureau commander of the member involved and the Chief of Police, in accordance with provisions in Departmental General Order G-4, DEPARTMENTAL SAFETY.
- J. Supervisory and command officers shall pay particular, continuing attention to their subordinates' driving habits to ensure that they drive safely and reasonably and follow the regulations contained in this order. Superior officers shall implement continuing measures to ensure that improper driving behavior is recognized and corrected through counseling, training, or, if necessary, disciplinary measures.

VIII. STATE REPORTING REQUIREMENTS

- A. California Vehicle Code Section 14602.1 (CVC) requires that every local law enforcement agency complete a report concerning a police pursuit, and forward it to the California Highway Patrol (CHP).
- B. The CHP has designed Form No. 187 (Rev 4-98) OPI 042 for the purpose of reporting a police pursuit. The form requires the following:
 - 1. Whether any person involved in a pursuit or a subsequent arrest was injured and the nature of the injury.
 - 2. The violations which caused the pursuit to be initiated.
 - 3. The identity of the officer(s) involved in the pursuit.
 - 4. The means or methods used to stop the suspect being pursued.
 - 5. The charges filed with the court by the District Attorney.
- C. Supervisors shall complete Pursuit Report Form No. 187 for each incident involving their members. If members from two or more divisions are involved in a pursuit, the responding Patrol Division commander or supervisor shall complete one report for all members involved.
- D. Supervisors shall complete Section I of the Pursuit Report Form No. 187 and forward the original copy to the Bureau of Field Operations (BFO) Administration Section for processing to the CHP.
- E. File copies of completed reports are forwarded to the Training Section Safety Coordinator who shall prepare and submit a quarterly report to the Office of Chief of Police which details an analysis of the reports.

IX. USE OF SAFETY BELT

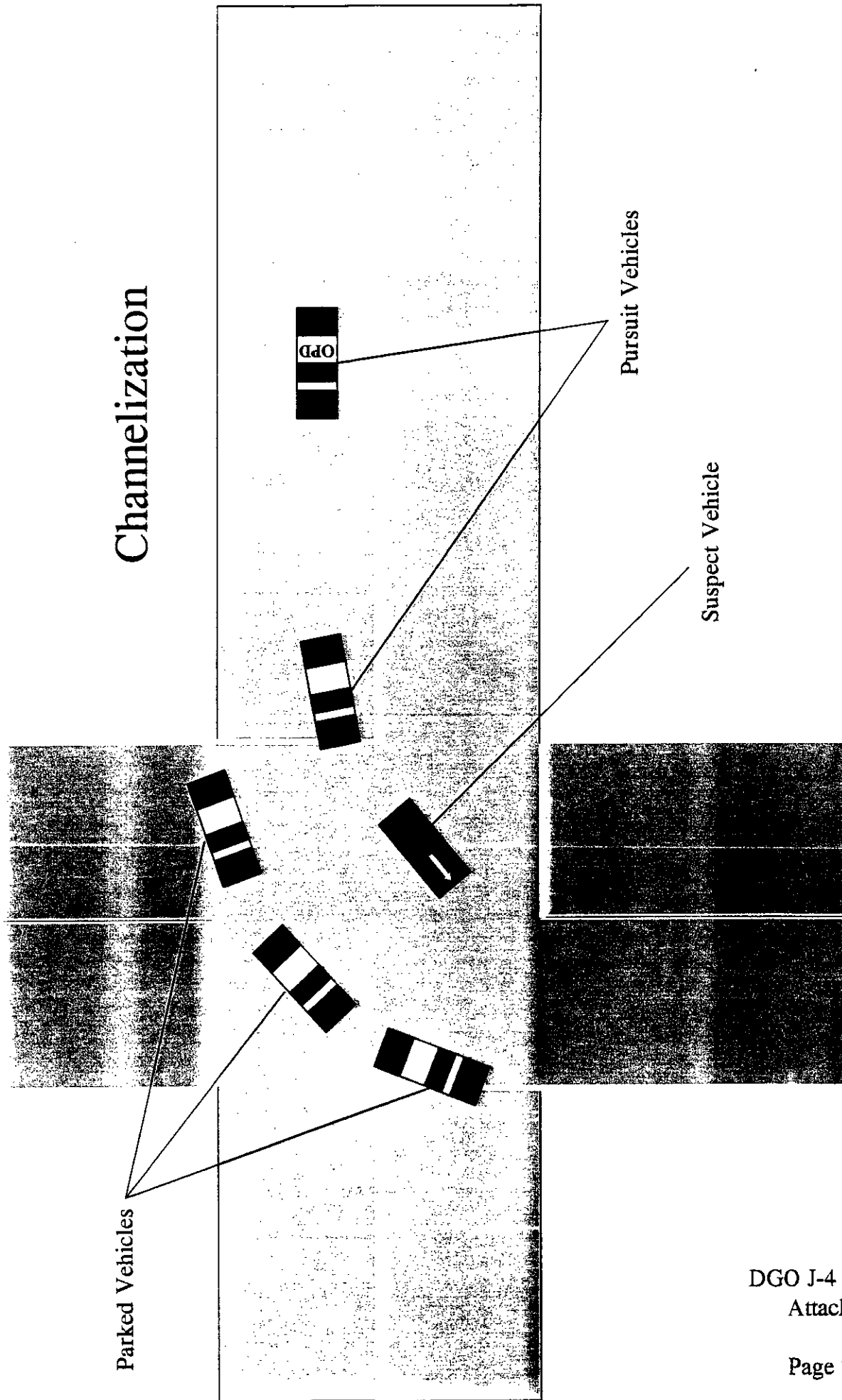
- A. All members, employees and other persons (except prisoners) operating or riding in Departmental vehicles shall be required to wear an occupant safety restraining device as prescribed by California Vehicle Code Section 27315, 27315.3, 27315.5, 27360(b). California Vehicle Code Section 27315.5 allows for the exception described in Part IX, D.
- B. A Department vehicle is any motor vehicle which is under the direction and control of the Police Department including privately-owned vehicles used for City business.
- C. Officers engaged in a Pursuit Immobilization Technique (P.I.T.) **shall wear the safety belt.**
- D. When a potentially dangerous situation is perceived or anticipated by an officer (except that noted in Section IX, C.), and the officer is able to articulate the dangerous conditions of said situation and/or exigent circumstances, the officer's safety belt may be removed to allow adequate time for safe response to the situation. During such operations, the safety belt may be removed when, in the belted officer's judgment, wearing the safety belt might adversely affect such operation or endanger the vehicle's occupants.

By order of

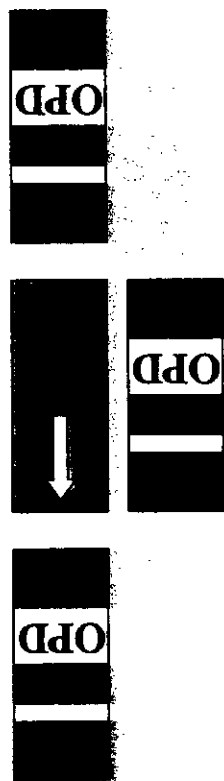


Richard L. Word
Chief of Police

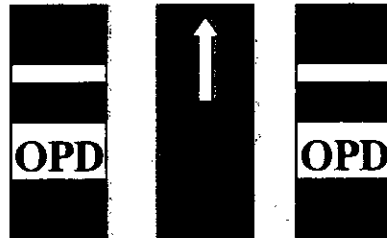
- Attachments:
- A. Channelization diagram
 - B. Boxing In diagram
 - C. Pursuit Immobilization Technique diagram



Guard Rail



OR



Boxing In

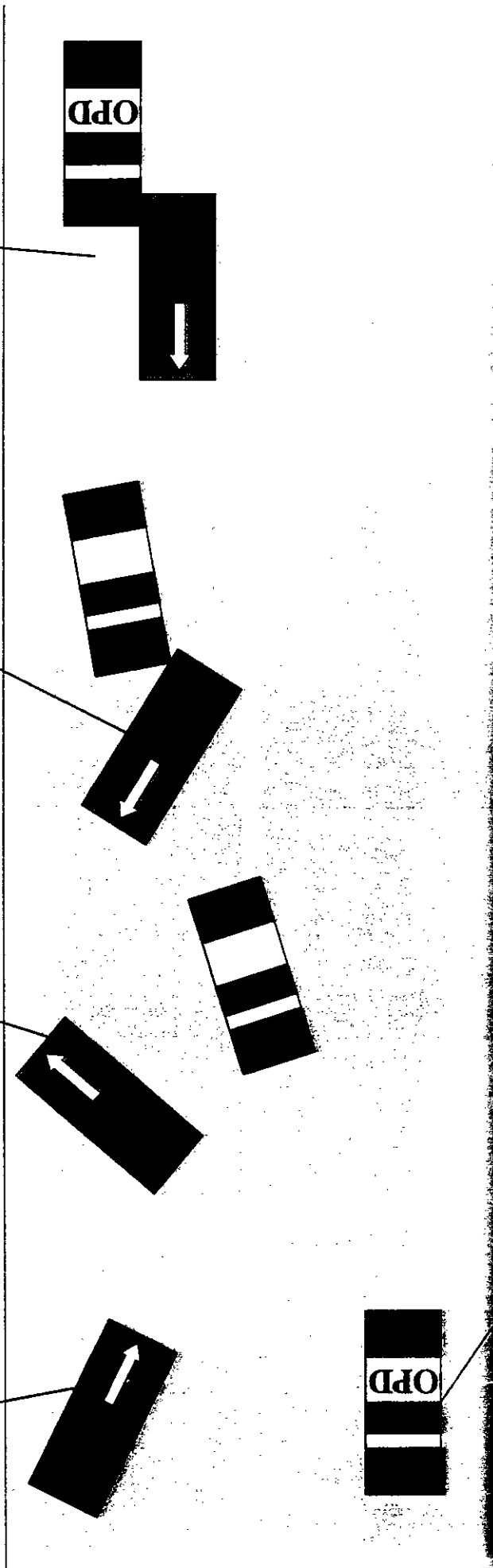
STATIC OR MOVING

3. Suspect vehicle separates from police vehicle

4. Suspect vehicle stops

1. Initial contact
< 35 mph

2. Suspect vehicle begins to spin



Police vehicle continues -- high risk stop is completed by other units

PUBLIC SAFETY CMTE.

OCT 14 2003

DGO J-4 - 18 Apr 00
Attachment C

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Pursuit Immobilization Technique