
**NEVADA COUNTY
SHERIFF'S OFFICE**



GENERAL ORDER
21
Effective Date 02/08/85

SUBJECT

EMERGENCY DRIVING POLICY/PURSUIITS

POLICY

It is the policy of the Nevada County Sheriff's Office for an officer to initiate a pursuit when a law violator refuses to stop and uses his vehicle to flee. There are several determining factors to consider as to whether or not a pursuit should be initiated. This General Order provides specific pursuit procedures to be utilized which comply with the policy requirements set forth in the California Vehicle Code. It will be the policy of the office that all sworn personnel shall attend and complete a vehicle pursuit training program as described in Penal Code § 13519.8.

PURPOSE

It is the purpose of this General Order to provide specific guidelines for law enforcement officers in order to enable them to determine when the interests of public safety and effective law enforcement justify a vehicular pursuit, and when a vehicular pursuit should be initiated, continued, or terminated. Vehicular pursuits expose the officer, the fleeing violator, pedestrians, drivers, and passengers of other motor vehicles to the possibility of death or serious injury. The safety of all persons and the exemption of the County and its employees from liability are considerations that demand responsible and controlled "Code 3" responses at all times.

CODE REFERENCE

- A. Vehicle Code §14602.1: Contents of Vehicle Pursuit Report required by CHP
- B. Vehicle Code §17004.7: Immunity of public agency from liability in an action resulting from a vehicular pursuit where an accident occurred between the fleeing suspect and a third party
- C. Vehicle Code §21055 and §21056: Exemption of authorized emergency vehicles from specific traffic laws during vehicle pursuits
- D. Vehicle Code §22350: Basic Speed Law
- E. Penal Code §13519.8: High Speed vehicle pursuits; training courses and guidelines.

CASE LAW

DEFINITIONS

- A. Assisting Pursuit Officer: The officer assisting the primary pursuit officer in the active pursuit of a fleeing vehicle.
- B. 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, visibility, 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.
- C. Code 3 Response: A designation that a call is of an emergency nature, involving the possibility of loss of life, serious injury, or major property damage. An officer responding to a "Code 3" broadcast by dispatch shall operate the authorized emergency vehicle with the red light and siren activated. While a determination that a response designated "Code 3" is normally made by dispatch personnel, a "Code 3" can also be initiated by field personnel or a field supervisor under the appropriate circumstances.
- D. Dispatch Personnel: Individuals assigned to monitor and broadcast radio communication and query telecommunication systems at either the Nevada City or Truckee Dispatch Centers.
- E. Field Personnel: Deputies, reserve deputies, investigators, and ranking deputies assigned to patrol an area, respond to calls for service, investigate crimes or supervise other personnel in the unincorporated areas of Nevada County.
- F. Field Supervisor: Those personnel appointed to be the officer in charge, assigned to field training officers, sergeants, and lieutenants whose function is to supervise and manage responses and incidents in a field setting.
- G. Non-Continuing Violation: Where the violation has occurred and ended; when any potential danger from such violation has passed.
- H. Non-Hazardous Violations: Motor vehicle equipment defects, registration violations, et cetera.
- I. Primary Pursuit Officer: The officer initiating the pursuit of a fleeing vehicle.
- J. Failure to yield- A vehicle is not egregiously violating any traffic law, but refuses to yield to emergency lights and siren.

- K. Unmarked Unit: A sheriff's vehicle which is not clearly marked as a usual and customary patrol car, yet does have a red light and siren.
- L. Vehicle Pursuit: An active attempt to stop a moving motor vehicle when the driver of such vehicle is aware of the attempt, and is resisting apprehension by maintaining or increasing speed, or by any other action which demonstrates that the party is either evading or ignoring the officer's attempt to affect the stop.

PROCEDURE

A. Initiation of Pursuit

Generally, deputy sheriffs shall make every reasonable effort to apprehend a fleeing vehicle. A unit with a civilian passenger (e.g. citizen, witness, prisoner) will either abstain from a pursuit or stop and have the rider exit the vehicle prior to engaging in the pursuit. Therefore, a pursuit may be initiated whenever a law violator refuses to stop and uses his vehicle to flee given the factors below. The pursuit should always be tempered with common sense and the officer should be aware of the degree of hazard to which he exposes himself and others. The decision to conduct such a pursuit should depend upon the seriousness of the threat that the violator presents to other persons or to society in general, and should be weighed against the dangers involved to other highway users, pedestrians, the officer in pursuit, and the suspect. Hence, the following factors will be continuously considered when an officer is making a determination whether to initiate or continue a pursuit:

1. The location of the pursuit, the population density, and the nature of the area, (i.e., residential, commercial, school zone, open highway, et cetera)
2. The safety of the public and the pursuing officers, and the hazard created by the pursuit; whether there is an unreasonable risk of injury to the public, the suspect, or to the pursuing officers.
3. The officer's familiarity with the area and roads.
4. The volume, type, speed, and direction of vehicular traffic; whether pursuit speeds will dangerously exceed the normal flow of traffic.
5. The volume of pedestrian traffic and whether pedestrian traffic safety is unreasonably compromised.
6. The officer's driving skills, and the capability of the police vehicle(s) involved in the pursuit (SUV or Pickup vs. sedan).
7. The nature of the violation; whether the suspect is believed to have committed a recent violent felony crime, whether the suspect is believed to be in possession of a weapon, whether the suspect poses an immediate threat to society in general, if not stopped.

8. Whether or not the violation has been completed, is non-hazardous and non-continuing, (i.e., failure to obey a stop sign, a traffic signal, improper passing, et cetera). Situations where the only known reason for the pursuit is a traffic violation, a criminal warrant not of an egregious nature (generally would be that of a Part 1 offense, per DOJ reporting standard) and the suspect has not stopped after a short distance, do not warrant pursuits or the operation of pursuit vehicles at excessive speeds.
9. The weather, time of day, and road conditions, (i.e., foggy, rainy, slippery, unlit roadways, the width and curves of the roadway, stopping and sight distances).
10. Whether or not the officer is reasonably certain of the identity of the suspect, and whether the suspect can most likely be located at another time and place. This identification may be accomplished through the use of visual sighting or DMV records.

B. Termination of Pursuit:

Termination of a pursuit will be made when:

1. The pursuing officer knows, or is reasonably certain, that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor or a non-serious felony and the safety factors involved are greater than the juvenile can cope with.
2. The pursuing officer becomes unfamiliar with the roads and territory into which the pursuit has extended in which he or she determines that continued pursuit is hazardous to the safety of the public or the officer or officers in pursuit.
3. The speeds are dangerously exceeding the normal flow of traffic. This determination must be made as pursuit speed approaches 50% greater than the posted speed limit of the road traveled.
4. The dangers of continuing the pursuit outweigh the need for immediate apprehension of the suspect.
5. The vehicular and/or pedestrian traffic safety is becoming unreasonably compromised.
6. The pursued vehicle's location is no longer definitely known.
7. The suspect has been identified to the point where the pursuing officer determines that later apprehension can reasonably be accomplished.
8. No pursuit shall leave the political jurisdiction of Nevada County without supervisor or management approval. Pursuits must be of an egregious nature generally of a violent felony or of a driving act that seriously endangers the public.

A vehicular pursuit shall be terminated when the pursuing officer is directed to terminate the pursuit by the supervising officer. Pursuing officers shall acknowledge the termination order, and cease their emergency driving operation.

C. Tactical Considerations:

1. Officers should not assume that all persons who flee from the police and refuse to yield are felons. Experience has shown that many pursuits involve misdemeanor violations only.
2. In the heat of a chase, the violator frequently refuses to give up and the officer likewise feels an obligation to succeed in the pursuit. This psychological phenomenon can cloud an officer's judgment and may cause the officer to continue the chase beyond the point where common sense and good judgment would require the pursuit to be terminated.
3. Officers shall keep their vehicles under control at all times and drive at a speed which will enable them to avoid hazards which can be reasonably anticipated by being alert and exercising due care. Never drive beyond your limits or beyond the limitations of your vehicle.
4. Radio transmissions should be brief and concise.
5. At all times during the "Code 3" response, peace officers shall not exceed a speed which is reasonable and prudent given the prevailing conditions.(See B-3 above).
6. Regardless of speed, red lights and siren will be activated in all pursuits as a warning to other drivers and pedestrians of the operation of an emergency vehicle in that vicinity.
7. Pursuing officers shall not intentionally ram, bump, or sideswipe a pursued vehicle in order to cause the driver to lose control of the vehicle, or in order to force the vehicle off the road, unless the officer determines, and the supervisor agrees, such action to be absolutely necessary to apprehend a suspected felon who poses a substantial risk of causing death or serious bodily injury to the public or to law enforcement officers if not apprehended without delay.

D. Delegation of Responsibility:

1. Dispatch Personnel:
 - a. Dispatch personnel shall take the following action upon notification of the commencement of a vehicle pursuit:
 - (1) Immediately clear the air with a "Code 33" which will remain in effect until either the conclusion or termination of the pursuit.

- (2) Alert the nearest field supervisor so that the supervisor can monitor and/or terminate the pursuit if he or she determines it is unreasonable under the existing circumstances. Notification shall be made to the duty lieutenant who will then actively monitor and may terminate the pursuit given the circumstances. In the event neither patrol lieutenants are contacted, then the next higher rank in command shall be called and appraised of the pursuit.
 - (3) Notify any allied jurisdiction that a pursuit may be entering its territory. However, only the supervisor monitoring the pursuit can authorize dispatch to request the allied agency's assistance in continuing the pursuit.
- b. Dispatch personnel initiating a "Code 3" response are responsible for notifying any other agency which is also dispatching emergency equipment that the Nevada County Sheriff's Office is initiating a "Code 3" response.
 - c. Dispatch personnel shall contact the CHP if air support is needed (See Section I of this General Order for instructions.)
 - d. When advised by an allied agency that a pursuit is entering the jurisdiction of Nevada County, dispatch personnel shall verify whether or not such agency is requesting the Nevada County Sheriff's assistance in continuing the pursuit, or whether the agency is simply notifying Nevada County that the pursuit may enter into its territory.
 - e. Dispatch personnel who authorize or otherwise become aware of a pursuit or any other type of a "Code 3" response shall notify the supervisor of the situation.
2. Field Personnel (Primary Pursuit Officer):
- a. Field personnel may institute a "Code 3" response in circumstances where the responding officer possesses information and/or in-depth knowledge of the circumstance or parties involved which would justify the response.
 - b. Field personnel initiating or participating in pursuits will immediately notify dispatch and provide the following information:
 - (1) Identification of the unit in pursuit.
 - (2) The location, speed, and direction of the pursuit.
 - (3) The reason for the pursuit.
 - (4) A description of the vehicle being pursued and the license number, if known.
 - (5) Traffic conditions.

- (6) Any information concerning the use of firearms, threat of force, or other hazards or factors that may be present.
 - c. The primary pursuit officer, upon the approval of the field supervisor, may determine that air support is needed, and instruct dispatch to request such air support from the CHP.
3. Field Personnel (Assisting Pursuit Officer):
 - a. Once a vehicle pursuit is initiated, the pursuit will consist of the involvement of one primary pursuit vehicle and one assisting unit. Normally, only two units will directly participate in a pursuit at one time in conjunction with the supervisor charged with the responsibility of the pursuit.
 - b. It shall be the duty of the assisting pursuit officer:
 - (1) To provide adequate cover for the primary pursuing unit.
 - (2) To become the primary pursuit unit if the original pursuing unit should become disabled. Should this occur, the assisting unit should immediately advise dispatch that it has become the primary pursuit unit.
 - c. Field personnel participating in pursuits will immediately notify dispatch that they have become the assisting officer and unit, and that they are joining in the pursuit.
 - d. In the event that another unit becomes either better positioned or is in a closer proximity to the primary pursuit unit, that unit shall become the assisting unit and the former assisting unit shall immediately cease any violation of traffic laws and/or the use of lights and siren.
4. Field Supervisor:
 - a. Field supervisors will become **proactively** involved in every vehicle pursuit. A field supervisor **shall** be responsible for **actively** monitoring each pursuit (either by radio transmissions or by appearing at the location of the pursuit) from the time of its initiation throughout its conclusion. Upon the commencement of a vehicle pursuit, the field supervisor shall determine:
 - (1) Whether circumstances warrant the continuation or termination of the pursuit.
 - (2) Whether or not the proper radio frequency is being used at all times during the pursuit.

- (3) ***Whenever possible to request the assistance of the CHP to take over the responsibility of the pursuit, with our units becoming secondary. NCSO will retain primary investigative roles once pursuit is terminated.***
 - (4) Whether or not the Sheriff's Office will retain jurisdiction and remain responsible for a pursuit that may enter another agency's boundaries.
 - (5) Whether or not to utilize tactical intervention in an effort to capture the suspect(s).
- b. Upon request of the primary pursuit officer, or upon the field supervisor's own determination, the field supervisor shall direct dispatch to request air support from the CHP.
 - c. It shall be the responsibility of the field supervisor to make a determination as to the number of units assigned to participate in a vehicle pursuit, and insure that only that number of vehicles participate in the pursuit unless otherwise directed. (In most cases a maximum of two units will be assigned to participate in the pursuit. Under extraordinary circumstances, the field supervisor may assign additional units to participate in the pursuit.) Such a determination should be made upon the following factors:
 - (1) The nature of the crime
 - (2) The number of suspects who are being pursued.
 - (3) Whether the participating units are occupied by one or two officers.
 - (4) Any other clear and articulable facts that would warrant participation by additional units.
 - d. It shall be the responsibility of the field supervisor to determine whether or not to grant assistance in response to a request for assistance by another agency.

The supervisor or manager monitoring the pursuit shall determine the length and duration of the pursuit.

E. Conclusion of Pursuit:

1. A vehicle pursuit is considered concluded when one of the following occurs:
 - a. The pursuit is successful and results in the apprehension of the suspect or suspects involved. In the event the suspect or suspects are taken into custody, such arrest shall be made in compliance with the terms of the department's "Use of Force" policy as described in General Order 23.

- b. The pursuit is terminated because of mitigating factors.
 - c. The suspect is successful in eluding the peace officers and escapes.
2. When the pursuit has been concluded, the following procedure shall be followed:
- a. In conformance with Vehicle Code §14602.1, each officer initiating a pursuit shall complete Section I of the California Highway Patrol Form 187 (Rev. 1/92) by the end of the shift in which the pursuit occurred.
 - b. In the event the officer initiating the pursuit is unable to complete Section I of the California Highway Patrol Form 187, the watch commander or the field supervisors monitoring the pursuit will complete such report.
 - c. Completed reports shall be forwarded to the Highway Patrol in accordance with Vehicle Code §14602.1.

F. Tactical Intervention

The attempted termination of a pursuit by the use of a tactical intervention can only be authorized by a corporal (FTO) or above. Tactical intervention may include the use of spike strips, boxing in, or other tactical moves designed to disable the fleeing vehicle. These methods should not be used in misdemeanor pursuits or non-violent felonies, and only as a last resort in suspected felony cases where an immediate and continuing major threat to the safety of the public exists. (Please refer to Division Directive #2, Establishing Roadblocks, when circumstances call for the establishment of a roadblock.)

1. Hollow Spike Strips – 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 the following vehicles:
 - Motorcycles
 - Mopeds
 - 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.
 - Any vehicle transporting a hazardous material as defined in Vehicle Code Section 2402.7.
 - Any passenger bus transporting passengers.
 - Any school bus transporting pupils.
 - c. 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.

- d. Area commanders should assure that enough spike strips are available to meet the plan needs and that officers are properly trained.

G. Unmarked Units/Sport Utility Vehicles (SUVS); Marked 4WD Patrol Pickups

1. Under most circumstances, unmarked units shall not get involved in pursuit situations. These vehicles are not equipped in a manner which affords the public the ability to immediately identify the vehicle as an emergency/police vehicle. One of the only exceptions to this rule would be a situation where the officer in the unmarked unit is a witness to an incident which, without the officer's response, may result in serious injury or death to a member or members of the public or to a peace officer if the situation were left unattended. Under this circumstance, the officer responding to the situation shall adhere to this General Order. An unmarked unit will relinquish the pursuit to the first marked unit that arrives on the scene, and will terminate any high-speed pursuit immediately.
2. As with unmarked vehicles, marked (SUVS) and Marked 4WD Patrol pickups, should avoid becoming involved in vehicle pursuits because of their inherent instability at high speeds. Whenever possible, a marked Sheriff's Department sedan equipped with overhead emergency lights shall take over surface street pursuits from a marked (SUV) as soon as practical. **Exception: SUVs can be used for pursuits involving off-road driving conditions when using an SUV is the safest means for continuing a pursuit.**

H. Joint Agency Pursuits:

1. The Nevada County Sheriff's Office shall not join in an active pursuit by another agency unless specifically requested to do so by that agency, and then only with the approval of the supervisor in charge. When advised by an allied jurisdiction that a pursuit is entering the jurisdiction of Nevada County, the Nevada County's Sheriff's Office need not assist or respond unless a specific request for assistance is made by the allied jurisdiction. It shall be the responsibility of dispatch personnel to determine whether or not a request for assistance has been made by that agency.
2. When a pursuit initiated by the Nevada County Sheriff's Office crosses over into the boundaries of another police agency within our county or enters an adjoining county, the supervising officer shall determine if a request shall be made to the allied police agency to assume the pursuit. When making this determination, the following should be considered.
 - a. The distance and speed involved up to that point.
 - b. The pursuing officer's familiarity with the roads and territory in the allied police agency's jurisdiction.

- c. The willingness and capability of the allied police agency to assume the pursuit.
3. If it is determined that the pursuit should be relinquished to the allied police agency, such request shall be clearly relayed to the agency. Confirmation of the agency's acceptance of the pursuit should be obtained.
4. Once a vehicle pursued by the Nevada County Sheriff's Office crosses over into the boundaries of another police agency, and that agency assumes the pursuit, the Nevada County vehicle which initiated the pursuit becomes the back-up vehicle and the other agency's vehicle becomes the primary pursuit vehicle. If an additional police vehicle from the allied agency joins in the pursuit, the Nevada County officer should proceed (at legal speeds) to the termination point, if within a reasonable distance, to provide guidance and information required for the arrest.
5. After relinquishing a pursuit to an allied agency, the Nevada County officer shall attempt to monitor, by radio, the communications between the allied agency's officers in order to locate the scene where the pursuit has terminated. The Nevada County officer shall continue to provide Nevada County dispatch with his or her location, as well as the circumstances surrounding the termination of the pursuit.
6. **Although the initiating agency has a legal right to continue a pursuit into another jurisdiction, the Nevada County Sheriff Department requires that a request by the allied agency involved to abandon the pursuit within their boundaries will be complied with immediately. This applies whether the Nevada County Sheriff's Office is the initiating or the assisting agency.**

I. Air Support:

Maximum use of any available CHP aircraft should be made as quickly as possible. The CHP Air Division considers pursuits and other "officers needing back-up" calls as their top priority. This includes calls for help from their own agency as well as any allied law enforcement agency. Their fixed-wing aircraft are available during daylight hours, have faster response times, and have up to six hours of flight time. Their helicopter has a slower response time, has a maximum of one and one-half hours of flight time, and has searchlight and F.L.I.R. capabilities. All CHP aircraft are capable of direct radio contact with the Nevada County Sheriff's Office dispatch and field units.

If air support has the fleeing vehicle in immediate surveillance, and the pursuit is not of an egregious or violent felony nature, then Nevada County units involved shall when practical and reasonable, discontinue the use of Code 3 driving, and follow in a safe manner maintaining constant communication with the Air support

The request for air support should come from the primary pursuit officer and/or the field supervisor.

J. Officers' Certification and Training:

1. All officers must certify that they have received, read, and understand this policy as described VC § 17004.7 (b) (2).
2. All sworn personnel shall attend and complete a vehicular pursuit training program as described in PC § 13519.8.