314 - Vehicle Pursuits

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314.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement Deputies and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide Deputies with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit related collisions. Vehicular pursuits require Deputies to exhibit a high degree of common sense and sound judgment. Deputies must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing Deputies.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no Deputy or Supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where Sheriff's Office policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Deputies must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Deputies' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable Deputy would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

314.11 VEHICLE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement Deputies attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed driving or other evasive tactics such as driving off a highway, turning suddenly, or willfully failing to yield to an officer's signal to stop.

314.2 DEPUTY RESPONSIBILITIES

It shall be the policy of this Office that a motor vehicle pursuit shall be conducted only with red light and siren as required by Vehicle Code § 21055 for exemption from compliance with the rules of the road. The following policy is established to provide Deputies with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Vehicle Code § 21056.

314.21 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to Deputies, innocent motorists and others.
- (c) Apparent nature of the fleeing suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety).
- (d) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time.
- (e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
- (f) Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing Deputies under the conditions of the pursuit.
- (g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) Availability of other resources such as helicopter assistance.
- (I) The police unit is carrying passengers other than Deputies. Pursuits should not be undertaken with a prisoner(s) in the police vehicle.

314.22 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the Deputy or Supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect(s)' escape.

The factors listed in § 314.21 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Deputies and Supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s).

In addition to the factors listed in § 314.21 the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing Deputies and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) Pursued vehicle's location is no longer definitely known.
- (c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- (d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, Deputies should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) When directed by a supervisor, a Deputy shall immediately terminate the pursuit.

314.23 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the Deputy and Supervisor. Evaluation of vehicle speeds shall take into consideration public safety, Deputy safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, Deputies and Supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit:

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the Deputy.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

314.3 PURSUIT UNITS

Pursuit units should be limited to three vehicles; however, the number of units involved will vary with the circumstances. A Deputy or Supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of Deputies involved would be insufficient to safely arrest the suspect(s). All other Deputies should stay out of the pursuit, but should remain alert to its progress and location. Any Deputy who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

314.31 MOTORCYCLE DEPUTIES

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practical.

314.32 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and sirens are generally prohibited from initiating or joining in any pursuit. Deputies in such vehicles, however, may become involved in emergency activities involving serious crimes or life threatening situations. Those Deputies should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of emergency police vehicles or any law enforcement helicopter. The exemptions provided by Vehicle Code § 21055 do not apply to Deputies using vehicles without emergency equipment.

314.33 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the Deputy initiating the pursuit is the apprehension of the suspect(s) without unreasonable danger to themselves or other persons.

Notify Dispatch that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

- (a) Reason for the pursuit
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of known occupants.
- (f) The identity or description of the known occupants.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a Supervisor, secondary unit, or air support, the Deputy in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and in order to concentrate on pursuit driving, the primary Deputy should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit.

314.34 SECONDARY UNIT(S) RESPONSIBILITIES

The second Deputy in the pursuit is responsible for the following:

- (a) Immediately notifying the dispatcher of entry into the pursuit
- (b) Remaining a safe distance behind the primary unit, unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.

314.35 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle;
- (b) Because intersections can present increased risks, the following tactics, should be considered:
 - Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - Pursuing units should exercise due caution when proceeding through controlled intersections.
- (c) As a general rule, Deputies should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:
 - Requesting assistance from an air unit and the California Highway Patrol.
 - Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - Requesting other units to observe exits available to the suspect(s).
- (d) Notifying the California Highway Patrol and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.
- (e) Deputies involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit.

314.36 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Deputies are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public or position themselves for pursuit intervention if necessary and authorized in conformance with the guidelines established in 314.74. Deputies should

remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a Supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road. The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

314.37 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of Supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

314.38 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide deputies and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

314.4 SUPERVISORY CONTROL AND RESPONSIBILITY

It is the policy of this Office that available supervisory and management control will be exercised over all motor vehicle pursuits involving Deputies from this Office.

The field supervisor of the Deputy initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue

the pursuit under the guidelines of this policy.

- (f) Ensuring that aircraft are requested if needed.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Controlling and managing SCSO units when a pursuit enters another jurisdiction.
- (j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

314.41 WATCH COMMANDER RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Watch Commander has the final responsibility for the coordination, control and termination of a motor vehicle pursuit and shall be in overall command.

314.5 COMMUNICATIONS

If the pursuit is confined within county limits, radio communications will be conducted on the primary channel unless instructed otherwise by a Supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this Office or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

314.51 DISPATCH RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Dispatch will:

- (a) Coordinate pursuit communications of the involved units and personnel:
- (b) Notify and coordinate with other involved or affected agencies as practical:
- (c) Ensure that a field supervisor is notified of the pursuit;
- (d) Assign an incident number and log all pursuit activities;
- (e) Broadcast pursuit updates as well as other pertinent information as necessary; and
- (f) Notify the Watch Commander as soon as practical.

314.52 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

314.6 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary Deputy or Supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary Deputy

or Supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

314.61 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Sonoma County Sheriff's Office is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of Deputies at the termination of a pursuit initiated by this Office shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and CHP units, a request for CHP assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves the freeway and a request for assistance is made to this Office, the CHP should relinquish control.

314.62 PURSUITS EXTENDING INTO SHERIFF'S OFFICE JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this Office should not join a pursuit unless specifically requested to do so by the agency whose Deputies are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this Office may join the pursuit until sufficient units from the initiating agency join the pursuit. The unit from this Office shall notify Dispatch and the on-duty Supervisor of his/her action.

When a request is made for this Office to assist or take over a pursuit from another agency that has entered Sheriff's Office jurisdiction, the Supervisor should consider these additional following factors:

- (a) Ability to maintain the pursuit.
- (b) Circumstances serious enough to continue the pursuit.
- (c) Adequate staffing to continue the pursuit.
- (d) The public's safety within Sheriff's Office jurisdiction.
- (e) Safety of the pursuing Deputies.

As soon as practical, a Supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or Supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by Deputies of this Office will terminate at county limits provided that the pursuing Deputies have sufficient assistance from other sources. Ongoing participation from this Office may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within Sheriff's Office jurisdiction, Deputies shall provide appropriate assistance to officers from the allied agency including, but

not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

314.7 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practical.

314.71 WHEN USE AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a Supervisor. In deciding whether to use intervention tactics, Deputies/Supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the Deputies and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the Deputy at the time of the decision.

It is imperative that Deputies act within the bounds of legality, good judgment and accepted practices.

314.72 **DEFINITIONS**

Boxing-In A tactic designed to stop a violator's vehicle by

surrounding it with law enforcement vehicles and then

slowing all vehicles to a stop

Pursuit Intervention Technique A low speed maneuver designed to cause the suspect

vehicle to spin out and terminate the pursuit

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

Roadblocks A tactic designed to stop a violator's vehicle by

intentionally placing an emergency vehicle or other immovable object in the path of the violator's vehicle

Spikes or Tack StripsA device that extends across the roadway designed to

puncture the tires of the pursued vehicle

314.73 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Deputies should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any Deputy from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

314.74 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the Deputies, the public, or anyone in or on the vehicle being

pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use.

Deputies shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) Only those Deputies trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and should only perform the maneuver with approval of a Supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to Deputies, the public and occupants of the pursued vehicle.
- (b) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable and alternative method. This policy is an administrative guide to direct Deputies in their decision-making process before the fact of ramming another vehicle. It is not a standard for civil or criminal litigation to judge the propriety of the act that is a matter for the courts to determine by established law. When ramming is to be employed as a means with which to stop a fleeing vehicle, one or more of the following factors should be present:
 - The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to society if not apprehended.
 - The suspect is driving in willful or wanton disregard for the safety of persons; or, driving in a reckless and life-endangering manner.
 - If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (c) As with all intervention techniques, pursuing Deputies should obtain Supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to Deputies, the public and occupants of the pursued vehicle.
- (d) The use of spike strips should be approved in advance by a Supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Deputies should carefully consider the limitations of such devices as well as the potential risks to Deputies, the public and occupants of the pursued vehicle.
- (e) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a Supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, Deputies or other members of the public.

314.75 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties. Upon termination of a vehicle pursuit, Deputies should consider safety of the public and peace officers as an important factor when taking the suspect into custody.

314.8 REPORTING REQUIREMENTS

The following reports should be completed upon conclusion of all pursuits:

- (a) The primary Deputy should complete appropriate crime/arrest reports.
- (b) After obtaining available information, the Field Supervisor shall complete the following:
 - 1. The CHP 187A Allied Agency Vehicle Pursuit Form pursuant to Vehicle Code Section 14602.1(b).
 - 2. The Sonoma County Sheriff's Office Pursuit Review Form.
 - 3. Obtain the dispatch audio recording of the pursuit to be used for post-pursuit critique and training needs.

All the above shall be forwarded to the on-duty Watch Commander or, if the Watch Commander was off-duty at the time of the pursuit, to the Supervisor's assigned Lieutenant.

(c) The Lieutenant will review the Supervisors assessment of the pursuit and determine if the pursuit was within policy and law. The Lieutenant will complete their review findings on the Pursuit Review Investigation and describe any learning points that can be used to augment training needs. The Lieutenant will ensure that the completed CHP 187A report is submitted to the CHP not later than 30 days following the pursuit (Vehicle Code Section 14602.1).

If the pursuit is determined to be outside of this policy and/or the law and discipline above a letter of reprimand will be recommended, a Policy & Procedure investigation will be conducted. Upon completion, this investigation will be forwarded to the Section or Division Captain for review. The Captain will forward the recommendation to the appropriate Division Assistant Sheriff or Sheriff to determine what, if any, disciplinary action or training is to be taken.

314.81 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary POST training on pursuits required by <u>Penal Code</u> § 13519.8, all sworn law enforcement members of this Office will participate no less than annually in regular and periodic Sheriff's Office training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to deputies and others. (Vehicle Code § 17004.7(d))

314.82 POLICY REVIEW

Each sworn law enforcement member of this Office shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

314.9 APPLICATION OF MOTOR VEHICLE PURSUIT POLICY

This policy is expressly written, adopted and promulgated pursuant to the provisions of <u>Vehicle Code</u> §17004.7, with consideration of the POST Vehicle Pursuit guidelines developed in accordance with Penal Code Section 13519.8.

REVISION HISTORY

04/16/2006 01/14/2010 03/22/2010 04/24/2012 07/01/2016