



DEPARTMENTAL REGULATIONS  
CONCORD POLICE DEPARTMENT

GENERAL ORDER 20  
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Chief of Police

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**EMERGENCY OPERATION OF VEHICLES**

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**A. POLICY STATEMENT**

The emergency operation of a police vehicle carries with it a tremendous responsibility. Although there are laws that provide for qualified immunity for law enforcement personnel, officers have a legal and moral obligation to operate their vehicle in a safe and prudent manner when responding to an emergency situation or when engaged in a motor vehicle pursuit. Members of the Concord Police Department are committed to balancing the need to apprehend a fleeing suspect with the obligation to act in a manner that is safe for the community, the violator and themselves.

**A. GENERAL**

1. The purpose of this order is to establish uniform procedures for the emergency operation of police vehicles pursuant to Section 21055 of the California Vehicle Code and to establish guidelines for the safe conduct of vehicular pursuits in accordance with Section 17004.7 of the California Vehicle Code.
2. These guidelines are intended to direct officers in the field with the necessary consideration of the interests of public safety and effective law enforcement when initiating, controlling and terminating a vehicle pursuit.

**B. DEFINITIONS**

1. Emergency Driving - Any time an emergency vehicle is operated under the provisions of California Vehicle Code Section 21055.
2. Pursuit - An active attempt by one or more police officers to apprehend a suspect operating a motor vehicle while the suspect is attempting to avoid capture by using high speed driving or other evasive tactics to avoid apprehension, or driving in a legal manner but willfully failing to yield to the officer's signal to stop.
  - .1 An "officer's signal to stop" is defined by at least one lighted red lamp visible from the front of the emergency vehicle and the person either sees or reasonably should have seen the lamp.
  - .2 The peace officer's motor vehicle is sounding a siren.
3. Legal Intervention - Any method, restriction, or obstruction utilized or intended for the purpose of preventing free passage of motor vehicles on a highway in order to affect the apprehension of an actual or suspected violator in a motor vehicle.

1. **Pursuit Intervention Maneuvers (PIM)** are one or more authorized techniques designed to terminate a Vehicle Pursuit in a safe and prudent manner.

.01 **Pursuit Immobilization Technique (PIT)** 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.

.02 **Spike Strips** is a device, employing hollow quills, which are designed to cause the controlled release of air from a target vehicle's tires.

4. Primary Pursuing Unit- The police unit initiating a pursuit or any unit that assumes control of the pursuit.

5. Secondary Pursuit Unit – The police unit joining a pursuit to assist the Primary Pursuit unit.

6. Concerned Supervisor - The field supervisor or a Commander who takes command of and maintains management and control of a pursuit.

7. Terminating a Pursuit - Specific actions and clear communication by the officer(s) which demonstrate that the act of pursuing the involved vehicle is no longer occurring, in accordance with the factors set forth in Section E 4. If the pursuit is terminated, the pursuing units and units paralleling the pursuit shall immediately:

.1 Deactivate their red lights and siren

.2 Obey all speed and traffic laws; and

.3 Disengage the pursuit by turning off from the pursued vehicle's direction of travel or pulling to the curb. DO NOT CONTINUE TO FOLLOW.

.4 Notify dispatch by radio that the pursuit has been terminated

3. Response Codes

.1 Code 1 - The assignments are not urgent; however, they shall be completed at the earliest convenience.

.2 Code 2 - These assignments are not emergencies but are to be handled immediately. All traffic regulations must be strictly adhered to.

.3 Code 3 - An emergency response that authorizes officers to operate the police vehicle with the red emergency light(s) on and siren functioning as may be reasonably necessary, as a warning to other drivers and pedestrians.

### **C. EMERGENCY RESPONSE PROCEDURES**

1. The California Vehicle Code provides that the driver of an authorized emergency vehicle shall be exempt from the Vehicle Code subsections described in Section 21055. The exemption thus provided applies only when the authorized emergency vehicle is being operated under the following circumstances:

.1 A red light is displayed and is visible to the front of the vehicle as a warning to other drivers and pedestrians; and

.2 A siren is being sounded as may be reasonably necessary; and

.3 The authorized emergency vehicle is being operated under one of the following circumstances:

.01 In responding to an emergency call or

.02 While engaged in rescue operations or

.03In the immediate pursuit of an actual or suspected violator of the law

2. 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 protect him from the consequences of an arbitrary exercise of the privilege granted." (Vehicle Code Section 21056)
3. Warning lights
  - .1 Red/blue warning lights shall be in operation only during actual emergency operation of the patrol vehicle or to warn motorists of an extreme hazard in the roadway.
  - .2 When blocking a traffic lane or part of a traffic lane, rear-facing emergency warning lights shall be operating.
4. An officer operating an emergency vehicle Code 3 should proceed at a reasonable speed and shall consider the following factors/conditions in determining whether the speed is reasonable:
  - .1 Volume of vehicular traffic
  - .2 Volume of pedestrian traffic
  - .3 Road conditions
  - .4 Weather conditions
  - .5 Performance capabilities of the police vehicle
  - .6 Nature of the offense or emergency
5. Except when in immediate pursuit or when effecting a traffic stop, the speed at which police vehicles should be operated in an emergency response should normally not exceed 20 mph over the posted speed limit.
6. Police vehicles on Code 3 assignment may proceed through traffic control devices that would normally restrict passage, ONLY AFTER THE DRIVER IS REASONABLY ASSURED THAT HE OR SHE CAN SAFELY DO SO.
7. A safe distance shall be maintained between emergency vehicles operating Code 3 on the same road.
8. The first unit arriving at the scene of an emergency shall evaluate the situation and advise radio as soon as possible of the number of additional units required, as well as their level of response code.
9. Officers shall not use the traffic signal priority strobe (Opticom) unless responding to an emergency as described in section C.1.3 of this policy. Every emergency vehicle that has the Opticom strobe light shall have a feature that disables the strobe light when the vehicle is placed into park. If an officer discovers this feature has been disabled, the vehicle shall immediately be taken out of service and sent back for repair.

#### **D. VEHICLE PURSUITS**

This vehicle pursuit policy is adopted in accordance with Section 17004.7 of the California Vehicle Code and is designed to address 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 peace officers, innocent motorists, and others to protect the public. The following guidelines and procedures are established to direct officers engaged

in the pursuit of a fleeing suspect by requiring them to weigh the seriousness of the offense against the potential dangers to themselves and members of the community.

## 1. Pursuit Guidelines

- .1 The goal of any pursuit is to capture the violator without unnecessarily jeopardizing life or property. The immediate apprehension of a violator is never more important than the safety of innocent persons or the officers themselves.
- .2 Any time an officer engages in a pursuit, the officer shall continually question whether the seriousness of the offense justifies continuing the pursuit and continue the pursuit only as long as it is reasonably safe to do so.
- .3 It is not the intent of these guidelines to discourage officers from apprehending fleeing motorists; however, in all cases of high speed driving, the safety of members of the public and officers must be of primary concern.
- .4 In order to minimize the likelihood of a pursuit, officers intending to stop a vehicle shall be within close proximity to the vehicle before attempting the stop.
- .5 Officers conducting a surveillance of an unoccupied, parked vehicle shall utilize, whenever practical, tactics that are designed to prevent the suspect from gaining control of and putting the vehicle in motion.

## 2. Use of Emergency Equipment

- .1 Red emergency lights and siren shall be used continuously on all vehicle pursuits. If for any reason the emergency equipment fails, the pursuit must be discontinued by the unit experiencing the failure.

## 3. Initiation, Continuance, and Termination of Pursuits

- .1 Pursuits may be initiated only when there is reasonable suspicion of a law violation that clearly exhibits an intent to avoid apprehension by using a vehicle to flee.
- .2 The goal of any pursuit is to capture the violator without unnecessarily jeopardizing life or property. Officers involved in a pursuit shall constantly evaluate the necessity for continuing the pursuit. Officers must determine whether the seriousness of the initial violation and/or any subsequent violations reasonably warrants continuation of the pursuit
  - .01 Officers must never continue a pursuit solely on the belief that the suspect must be apprehended at all costs.
  - .02 Pursuing officers should remember that they do not have to out-drive the fleeing vehicle, only maintain visual contact.
- .3 The following factors should be considered by officers involved in pursuits when assessing whether any pursuit should be initiated, continued, or terminated:
  - .01 The protection of the public, given the known or reasonably suspected offense and apparent need for immediate capture against the risks to the public and the officers.
  - .02 Speeds involved as compared to the roadway speed limit and traffic conditions
  - .03 Vehicular and pedestrian traffic volume

- .04Weather conditions such as rain, fog, ice, etc.
- .05Time of day and location (school zone, residential, downtown, etc.) and traffic conditions
- .06Road conditions such as reduced width, loose material, blind intersections, etc.
- .07Familiarity of the officer and supervisor or commander with the area of the pursuit
- .08Quality of radio communications between pursuing unit(s), the dispatcher, and the supervisor
- .09The seriousness of the original crime and its relationship to community safety
- .10Performance capability of the police vehicles involved in the pursuit
- .11Ability of officer(s)
- .12Availability of air or field support.
- .13Passengers in officer's vehicle and the pursued vehicle

.4 Pursuits should be discontinued or terminated when, in addition to the factors enumerated above,:

- .01In the officer's opinion, it appears that the pursuit poses a serious and unreasonable risk of harm to the pursuing officers or the public, balanced against the seriousness of the violations.
  - .001 Officers will not be subject to criticism or disciplinary action for a decision not to participate in, or to discontinue a pursuit that he/she believes is unsafe.
- .02The Primary officer loses sight of the suspect vehicle and the pursued vehicle's location is no longer definitely known.
- .03The suspect drives the wrong way on a freeway. In the event a suspect vehicle enters the freeway the wrong way officers should terminate the pursuit and may consider:
  - .001 Maintaining visual contact with the suspect vehicle by following it on the correct side of the freeway
  - .002Requesting other units to observe the exits available to the suspect vehicle
- .04The suspect(s) are known or can be identified to the point where later apprehension can be accomplished under safer conditions.
- .05The officer is unfamiliar with the area and is unable to relay his/her location to the dispatcher and/or other responding units.
- .06Pursuing officers lose radio contact and no allied agency is present to maintain or reestablish radio contact.
- .07Any of the unit's required emergency equipment ceases to function properly.
- .08Officers shall terminate the pursuit upon the order of an on duty supervisor or a Commander.
- .09The officer is transporting any person other than a police officer or citizen who has signed a waiver of liability.

.10When transporting a prisoner.

#### 4. Units Involved in Pursuits

- 1 Only two units (one Primary and one Secondary unit), shall pursue a suspect vehicle Code 3 absent the expressed authorization of an on-duty supervisor or a Commander. Officers in other units shall stay clear of the pursuit, and should stay off the air but remain alert to the progress and location of the pursuit.

.01If either the Primary or Secondary officer immediately involved in the pursuit identifies the need for an additional unit(s), that officer shall direct such a request to the supervisor monitoring the pursuit.

.001 In determining the appropriate number of units to be involved in a pursuit, the supervisor should consider factors described in section E 3 of this General Order.

.02Additional officers may parallel a pursuit at the request of a supervisor and while paralleling, shall observe the rules of the road. Paralleling units may be assigned responsibilities including traffic control in advance of the pursuit or assisting at the termination point.

- 2 If a pursuit is initiated by a motorcycle unit, the motorcycle officer shall relinquish the role of Primary Unit when a marked, four-wheel unit joins the pursuit and may then assume the role of secondary unit. The motorcycle officer shall also relinquish the role of secondary unit when a second marked, four-wheel unit is available to join the pursuit. Once the pursuit has ended, the motorcycle officer should proceed to the termination point of the pursuit.

- 3 If an automated license plate reader unit and/or an unmarked unit with emergency equipment initiates a pursuit, those units shall relinquish the role of Primary and/or Secondary unit immediately upon command or observation of the arrival of a marked unit proximate to the pursuing unit(s).

.01During pursuits, unmarked units are to be used as cover and on the perimeter only, and are not to join in pursuits.

- 4 Unmarked units without emergency equipment shall not initiate or join in a pursuit.

#### 5. Responsibilities and Tactics of Pursuing Units

- 1 In determining appropriate driving tactics, officers involved in pursuits must continually assess those tactics appropriate for the pursuit. The need for capture of the suspect must be weighed against the risks to the public and involved officers.

##### 2 Primary Pursuit Unit

.01The Primary Pursuit Unit shall immediately notify the dispatcher that a pursuit is underway and provide the following information:

.001The known law violation or reason for the pursuit

.002Description of the vehicle, including license number, if possible

.003Location and direction of travel

.004Speeds of the pursued vehicle

.005Number and description of occupants of the vehicle

.02The responsibility of the officer(s) in the Primary Pursuing Unit is the apprehension of the suspect without unreasonably endangering themselves or members of the public. All officers involved in the pursuit (including passengers officers), shall be responsible for the following:

.001The conduct of the pursuit until relinquished to another unit or a supervisor;

.002Judicious operation of the vehicle and the tactics used during the pursuit;

.003 The decision to discontinue the pursuit when the risks of continuation appear unreasonable;

.004 Assumption of command at the termination point of the pursuit until the arrival of a supervisor.

### .3 Secondary Pursuit Unit

.01The secondary officer joining the pursuit shall immediately notify the dispatcher that they have joined the pursuit and identify their unit. They may take over communication duties, if in a position to do so, at the discretion of the primary unit. The secondary unit shall be responsible for covering the primary unit.

.4 The unit responsible for communication duties will regularly and reasonably broadcast updates on the progress of the pursuit. Updates may include:

.01Speed

.02Location, direction, and roadway conditions

.03Pedestrian and vehicle traffic volume

.04New violations

## 6. Dispatch Responsibilities

.1 It shall be the responsibility of the police dispatch center to:

.01Maintain communications with pursuing units, broadcast information on the pursuit to other units, and constantly track the direction of travel and location of the pursuit.

.001If the pursuing officer's radio transmissions are clear, it is not necessary for the dispatcher to repeat every radio transmission. However, the dispatcher shall repeat all officer safety information such as the presence of or brandishing of weapons, shots fired, items thrown from the vehicle, significant direction or location changes, etc.

.02Initiate a Code 33.

.03Inform the patrol supervisor and a Commander immediately that a pursuit has been initiated

.04Confirm by radio broadcast when a supervisor has advised they are monitoring the pursuit.

.05Notify allied agencies and specify if assistance is, or is not, requested by the pursuing units and provide details as needed

.06Provide all other necessary assistance such as directing backup units and relaying stolen/registration information on the suspect vehicle

## 7. Supervisory Responsibilities

- .1 The field supervisor of the primary pursuit unit or in his/her absence, the most available field supervisor or Commander shall maintain control of the pursuit by continuously monitoring the pursuit and assessing the situation to insure that the pursuit is conducted within Department guidelines.
  - .01 Upon hearing that a pursuit has been initiated, the supervisor shall broadcast that he/she is monitoring the pursuit.
  - .02 As necessary, the concerned supervisor shall assert control by directing specific units out of the pursuit, reassigning the primary or secondary units, ensuring that communications are maintained with pursuing units, ensuring that effected allied agencies are notified and/or requesting air support.
  - .03 The concerned supervisor shall order the discontinuance of the pursuit when it appears to the supervisor that the pursuit poses a serious and unreasonable risk of harm to the pursuing officers or the public, balanced against the seriousness of the violation. Factors to consider include those contained in section E3 of this General Order.
  - .04 To properly monitor and direct the pursuit, Code 3 vehicle operation is authorized for the supervisor, at his/her discretion.
  - .05 A supervisor or commander involved in a pursuit shall relinquish his/her supervisory control to an uninvolved supervisor or commander, regardless of rank, as soon as practical.
  - .06 The supervisor shall proceed to the termination point, if at all practical, to provide guidance and the necessary supervision.

## 8. Air support Units

- .1 Air Support Units from allied agencies may be requested by the Primary Unit or supervisor to provide assistance in pursuits.
  - .01 Such units can provide valuable information to pursuing units such as upcoming traffic congestion, hazards, or other factors which might endanger the safety of officers or the public.
- .2 Overall control of the pursuit shall remain with the Primary Pursuit Unit and/or the concerned supervisor. However, the Primary Pursuit Unit may relinquish pursuit responsibility to an air support unit if the circumstances indicate the air support unit can maintain surveillance while ground units deploy for apprehension. Once the pursuit has been relinquished to the air support unit for surveillance by the Primary Pursuing unit or concerned supervisor, the pursuing unit(s) should downgrade from code 3 status and return to paralleling the pursued vehicle while obeying all traffic and speed laws.

## 9. Pursuits into Other Jurisdictions

- .1 When a pursuit extends into another jurisdiction, the patrol supervisor or primary officer in the pursuit (if the supervisor is not available) should determine if the other law enforcement agency should be requested to join the pursuit. The following should be considered:
  - .01 The original violation and any other violations that have occurred
  - .02 The distance traveled to that point
  - .03 Pursuing officer(s) familiarity with the area

.04 Communication limitations at longer distances

.05 Whether the allied agency is willing to assume or join the pursuit at the request of the Concord supervisor

.06 Whether or not adequate units can be spared to continue the pursuit

.07 Any other known pertinent facts

.2 If the pursuit is assumed by another agency, the primary officer should proceed to the termination point, if within a reasonable distance, to provide information which may be required for the arrest.

.01 As initiating agency, the Concord Police Department is responsible for handling the prosecution of the violation which caused the pursuit.

.02 As initiating agency, Concord Police officers shall take custody of the violator unless more serious crimes occurred in the allied jurisdictions.

.03 The agency having or witnessing the most serious crime should retain custody of the violator.

#### 10. Pursuits from Other Jurisdictions into the City of Concord

.1 Notification by another agency of a pursuit in progress shall not be construed as a request to join in the pursuit. Officers shall not assist the outside jurisdiction unless:

.01 Concord Police units are specifically requested to do so and authorized by the concerned supervisor

.02 The emergency nature of the situation dictates the need for assistance by Concord units

.2 If a police vehicle from another jurisdiction continues a pursuit into Concord city limits, or initiates a pursuit in Concord and assistance is not requested, units from Concord may parallel the pursuit and be prepared to assist should the pursuit end in Concord.

.01 Concord units may only join in the pursuit if requested by the other jurisdiction, or

.02 It is clearly demonstrated that the outside agency is unable to request assistance, or

.03 The emergency nature of the situation dictates the need for assistance by Concord units

.3 When practical, requests for assistance directed to the Concord Police Department should be reviewed and approved by the patrol supervisor or Commander.

.4 Should Concord units become involved they will assume the role of support unit(s) to the pursuing agency. Concord units will not take over the pursuit merely because it is within the Concord city limits.

.01 Once the pursuit has left the Concord city limits, assisting Concord units will terminate their involvement when it appears that the pursuing officer(s) have sufficient assistance.

#### 11. Legal Intervention

.1 The Concord Police Department recognizes and trains its personnel in the use of the Precision Intervention Technique (PIT) and the spike strip as legal intervention to stop a fleeing vehicle.

- .01 Only officers who have received training and demonstrated proficiency in the application of the PIT, under the direction of the Concord Police Department Training Unit, may implement the PIT maneuver.
- .2 The practice of legal intervention is extremely hazardous and should be undertaken only as a last resort.
  - .01 The decision to forcibly stop a fleeing vehicle should be based on careful consideration of all the apparent facts.
  - .02 Privately owned vehicles shall not be used to forcibly stop another vehicle.
- .3 The use of roadblocks as a form of intervention to stop a fleeing vehicle is prohibited.
- .4 Whenever possible, the officer should advise a supervisory or command officer prior to implementing legal intervention.
  - .01 It is recognized that the rapidly changing circumstances of a pursuit may render a request for and granting of approval by a supervisor or commander both impractical and untimely.
- .5 Legal intervention may be taken under the following circumstances:
  - .01 When there is reason to believe that the continued movement of the pursued vehicle would place others in imminent danger of great bodily harm or death.
  - .02 When the apparent risk of harm to others than the occupant of the pursued vehicle is so great as to outweigh the apparent risk of harm involved in making a forcible stop.
  - .03 When sufficient units/officers are available in the immediate area to take control of the suspect, once the pursued vehicle has been forcibly stopped.
- 12. The use of a vehicle for legal intervention carries the same legal, moral, and policy considerations as the use of firearms. Intervention with the use of a vehicle is far more hazardous to the physical safety of the officer(s) and the public.
  - .1 The tactics employed in each forcible stop should offer the greatest possibility of success with the least likelihood of injury to the general public, the officer and the suspect.
- 13. Pursuit Conclusion
  - .1 Upon the conclusion of a pursuit and during the capture of the offender, the officer in the Primary Pursuing Unit maintains command of the incident unless relinquished to another officer or supervisor. The tactics used to secure the scene and capture the suspect must be chosen with consideration of:
    - .01 The safety of the public and officers
    - .02 Availability of resources and additional units
    - .03 Condition of officers involved in the pursuit
    - .04 Characteristics of the termination location, including the usefulness of a perimeter
- 14. Accidents During Pursuits

- .1 If the pursuing units and/or suspect vehicle become involved in an accident, the accident should be investigated by the law enforcement agency having jurisdiction of the area in which the accident occurred.
- .2 In the event that a pursuit results in a serious injury or death, the investigation shall be conducted as provided by the Contra Costa Fatal Incident Protocol.

#### 15. Post Pursuit Documentation and Review

- .1 The primary officer in a pursuit shall complete an original police report documenting the facts leading up to, during and after the pursuit.
  - .01As is necessary, the supervisor may direct other officer(s) involved in a pursuit to complete supplemental reports documenting their participation in, or observations of the pursuit and any follow up investigation.
  - .02In order to insure consistency, all reports written by officers involved in a specific pursuit shall be approved by the same supervisor.
- .2 The concerned supervisor shall comply with 14602.1 VC and ensure that a CHP 187 pursuit report is completed. The supervisor shall also ensure that details of the pursuit are entered in the computerized Daily Log and request that an audio tape recording of all radio traffic pertaining to the pursuit is prepared and provided to the Field Operations Division Commander.
- .3 All reports, statements, photographs and audio tapes pertaining to a pursuit shall be forwarded to the Field Operations Division Commander.
- .4 The department will conduct an administrative review of the pursuit to ensure that the pursuit was conducted in compliance with departmental policies. The administrative review should also include a critique of the incident and utilization of the critique as a training tool.
  - .01Membership on the Vehicle Pursuit Review Board shall include the members currently seated on the Accident Review Board.
  - .02One other position on the board may be designated by the Chief of Police as is necessary.
  - .03The review process will provide officers who have participated in a pursuit with the opportunity to critique the effectiveness of this policy:
    - .001In its ability to prepare officers for the decisions that must be made prior to and during a pursuit.
    - .002Its ability to impress upon officers the importance of considering the safety of the public as well as all parties involved in the pursuit.
- .5 The Field Operations Commander shall direct that a documented annual analysis be completed of all the employee-involved accidents and vehicle pursuits that were reviewed by the Accident Review board during the calendar year.

#### 16. Training

- .1 Sworn officers will receive regular and periodic training on vehicle pursuits.
  - .01The subject content of the training will at minimum include this General Order and will include consideration of the topics described in Penal Code section 13519.8.

## **E. ESCORT SERVICES**

1. Concord Police Department personnel will not provide escort services to civilian vehicles during medical emergencies. If an officer encounters or is called to the scene of a medical emergency involving a person being transported in a civilian vehicle, the officer will activate the Emergency Medical System and have an ambulance respond to the scene.
  - .1 Only in a life threatening emergency, and only after receiving the approval of a supervisor, may an officer transport a victim to a medical facility in a Concord Police emergency vehicle.
2. Concord Police Department personnel may provide law enforcement escort services for certain officials or VIP's at the direction of the Chief of Police, or his/her designee.
3. Requests for escort services for oversized loads or hazardous materials will normally be referred to the Concord Police Department Traffic Bureau, after the transporting firm has received all required City of Concord permits.
  - .1 Escorts of this nature that are conducted by the Concord Police Department shall be coordinated by the Traffic Bureau supervisor, and reviewed by the District Commander of the affected district.