

Berkeley Police Department General Order Revision Form

SUMMARY OF CHANGES

02/11/2025

G.O. 38 -Motor Vehicle Pursuits

Page 6 #E- Updated to state, The Chief of Police “**designee**” will conduct an annual review and analysis of motor vehicle pursuits, and The analysis “**should be submitted by the end of the first quarter of the calendar year.**”

	BERKELEY POLICE DEPARTMENT GENERAL ORDER	GENERAL ORDER: 38
MOTOR VEHICLE PURSUITS		
ISSUE DATE:	EFFECTIVE DATE:	DISTRIBUTION: ALL PERSONNEL
AMENDED:	RESCINDS: ALL PREVIOUS VERSIONS	
ACCREDITATION STANDARDS: CALEA 41.2.2, 41.2.3		NUMBER OF PAGES: 6

PURPOSE: The purpose of this directive is to establish restrictions on motor vehicle pursuits and to delineate the duties and responsibilities of members involved in such pursuits. This directive applies to all members. [CALEA 41.2.2]

POLICY: Since motor vehicle pursuits present a danger to officers and the public, it is the policy of the Berkeley Police Department to limit the circumstances in which such pursuits take place and to regulate how they are conducted.

Definitions:

Caravanning - The operation of police vehicles in a group, or in a line, or alongside each other in a pursuit situation.

Marked Vehicle - Any Berkeley Police Department vehicle that has "POLICE" markings and a roof-mounted emergency light bar.

Motor Vehicle Pursuit - An attempt by an officer operating a departmental vehicle to stop a motor vehicle when it is reasonably apparent to the officer that the driver of that vehicle is aware of the attempt and is resisting apprehension by increasing speed, disregarding traffic control devices, or maneuvering the vehicle in an evasive manner.

Reasonable Belief - Examples of reasonable belief include, but are not limited to:

- an officer observing a vehicle described in a BOLO (Be on the Lookout) for a recent violent felony
- an NCIC hit on an individual's name for a violent felony

Semi-Marked Vehicle - Any Berkeley Police Department vehicle that has "POLICE" markings but is not equipped with a roof-mounted emergency light bar.

Supervisor - For the purposes of this policy, the supervisor includes sworn supervisors of the Berkeley Police Department.

Unmarked Vehicle - Any Berkeley Police Department vehicle without "POLICE" markings.

Violent Felony - For the purposes of this policy, violent felony includes the following crimes: murder, manslaughter, vehicular homicide, leaving the scene of an accident involving serious injury or death, attempted murder, kidnapping, robbery, carjacking, sexual battery, aggravated battery, aggravated assault, aggravated stalking, or any felony involving the use of a firearm or deadly weapon.

PROCEDURES:

SPECIAL CONSIDERATIONS [CALEA 41.2.2 a]

- A. Initiating Officer Responsibility - Before deciding to engage in a motor vehicle pursuit, a police officer should assess the danger to the public and to themselves that the pursuit will create. Officers engaged in pursuits will be held accountable for compliance with this policy. Pursuing Officers are held solely accountable for the pursuit until notification of a supervisor. Information developed or discovered after the pursuit cannot be used to justify the pursuit itself.
- B. Supervisor Responsibility/Pursuit Supervisor - The pursuit supervisor shall manage the pursuit following this general order. A pursuit supervisor shall have a reasonable time in which to obtain information to determine whether to approve the pursuit. During this time, the pursuing officer may continue the pursuit subject to the other limitations of this pursuit policy.
- C. Deferred Apprehension - Officers have a duty and the authority to apprehend all law violators. However, when immediate apprehension cannot be made with reasonable safety, an officer should attempt to get enough information to make an arrest at a later time.
- D. Vehicle Mechanical Condition - Officers must consider the condition and capability of their vehicle before engaging in a pursuit.
- E. Environmental Conditions - The influence of road, weather, and environmental conditions should be considered when deciding to engage in a pursuit.

LIMITATIONS ON PURSUITS [CALEA 41.2.2.b]

- A. Violent Felonies - An officer may engage in a motor vehicle pursuit of a person the officer reasonably believes has committed a violent felony as defined in this policy or for whom there is an outstanding arrest warrant for a violent felony.
- B. Motor Vehicle Theft - With supervisory approval, an officer may pursue a motor vehicle that is confirmed as being stolen, and only when the need to make an immediate apprehension outweighs the potential risk to the general public posed by the pursuit. It is not sufficient that the vehicle matches the general descriptions i.e., make, model, and color, of a vehicle that has been reported stolen.
- C. Non-Violent Felonies (other than Motor Vehicle Theft), Misdemeanors, Criminal Traffic Offenses, and Traffic Infractions - An officer may not engage in a motor vehicle pursuit of a person who has committed only a non-violent felony (other than motor vehicle theft), a misdemeanor, a criminal traffic offense, a traffic infraction or a combination thereof.

PURSUIT ELIGIBILITY [CALEA 41.2.2 b]

- A. No more than two police vehicles should become involved in a pursuit, those being the primary unit and one backup unit assigned by the field supervisor.
- B. Additional assistance may be authorized by a supervisor based on the nature of the offense, the number of suspects, the number of units available, and other factors. Units available for backup are to remain in their assigned zones unless otherwise directed by a

supervisor. However, units may move to that point in their zone which is closest in proximity to the location of the pursuit.

- C. All sworn members involved in or responding to the location of a motor vehicle pursuit should communicate their actions to the pursuit supervisor so the pursuit can be effectively managed.
- D. Unmarked, semi-marked, and special police vehicles (SPV) should not engage in a pursuit unless specifically authorized by a supervisor. Those who have been authorized by a supervisor to engage in a pursuit should relinquish the primary position upon arrival of the first marked vehicle, assuming a secondary position in the pursuit. Upon arrival of a second marked vehicle, the unmarked, semi-marked, or SPV vehicle should terminate their involvement in the pursuit.

PRIMARY/INITIATING PURSUIT UNIT RESPONSIBILITIES

Once in pursuit, the initiating officer should immediately notify communications and the supervisor that a pursuit is in progress. The officer should provide updates on speed, direction, number of occupants in the vehicle, and any other safety factors that should be conveyed. [CALEA 41.2.2 c]

BACK-UP/SECONDARY PURSUIT UNIT(S) RESPONSIBILITIES

The second unit in a pursuit should assume responsibility for radio communications allowing the primary unit to devote full attention to driving. [CALEA 41.2.2 d]

PURSUIT TACTICS

- A. The primary pursuit unit should use emergency lights and sirens at all times during the pursuit.
- B. The second unit may use its siren intermittently, when necessary to facilitate radio communications. The siren should be used when in heavy traffic or approaching an intersection. The second unit should use emergency lights at all times during the pursuit.
- C. Unauthorized vehicles joining in the pursuit, i.e., caravanning is prohibited.
- D. Officers who operate vehicles equipped with In-Car video are required to activate their systems and record any pursuit regardless of position (primary, secondary, or supervisor). All tapes or digital recordings are to be submitted as evidence, and supervisors are to submit a copy of all recordings from Property and Evidence for the Pursuit Packet and Review Board.
- E. Officers in a pursuit should not drive in the oncoming lane of traffic. However, officers may cross the centerline of roadways temporarily to pass slower traffic if safety permits.
- F. Officers in pursuit should not drive the wrong way on a one-way street unless exigent circumstances exist. Officers pursuing in such instances should lower their speeds as necessary and exercise extreme caution.
- G. Officers should not pursue a motor vehicle traveling the wrong way on a limited-access highway. This includes officers pursuing in the proper lane of traffic while the offender travels the wrong way. With supervisory approval, officers may continue to safely travel in the proper lane of travel without emergency equipment.

- H. Units engaged in a motor vehicle pursuit should not pass one another unless permission is granted by the vehicle being passed.
- I. Pursuing units should switch to the talk-around channel when radio communications with dispatch are lost.
- J. Members should not contact officers from other law enforcement agencies directly and request assistance in a pursuit. All requests for outside assistance should be routed through the Communications Center.

STOPPING A PURSUED VEHICLE [CALEA 41.2.3 b]

- A. Upon stopping a vehicle that has fled, felony stop procedures should be used, unless exigent circumstances exist.
- B. During a pursuit, rolling roadblocks, boxing in, heading off, and/or stationary roadblocks are prohibited.
- C. Officers may use authorized tire deflation devices to stop a fleeing vehicle. Supervisory approval is required for the use of deflation devices, and they may be deployed at the officer's discretion. However, only sworn personnel who have attended the appropriate training are authorized to deploy the devices. The devices should only be used on vehicles traveling at speeds of 10 MPH or more and should not be used to stop motorcycles or other two-wheeled vehicles. [CALEA 41.2.3 c]
- D. Ramming a fleeing vehicle is prohibited. [41.2.3 a]
- E. The use of a firearm to stop a fleeing vehicle is prohibited.

PURSUIT SUPERVISOR'S RESPONSIBILITIES [CALEA 41.2.2 g]

- A. The supervisor in command of the motor vehicle pursuit is accountable for adherence to this policy.
- B. Upon being notified of a motor vehicle pursuit, the pursuit supervisor is responsible for acknowledging responsibility, via radio, as pursuit supervisor, assuming management and control of the pursuit, and when appropriate, advising the pursuing unit(s) to terminate the pursuit.
 - 1. Initial responsibility for being the pursuit supervisor shall be affixed to the field supervisor of the primary unit.
 - 2. Should that supervisor be unavailable to manage the pursuit, the Corporal within the area where the pursuit originates is then responsible for managing the pursuit.
 - 3. Should the Corporal be unavailable to manage the pursuit, any on-duty supervisor shall assume responsibility for managing the pursuit. In cases of emergency, a supervisor is not relieved of the responsibility to act, even though a subordinate or incident is not under the supervisor's direct command.
- C. A supervisor who becomes the primary or secondary unit in a pursuit will not assume the task of pursuit supervisor. That responsibility will transfer to another field supervisor who will then acknowledge being the pursuit supervisor.

OFFICER IN COMMAND (OIC) RESPONSIBILITIES

- A. The OIC of units involved in a motor vehicle pursuit is responsible for monitoring the pursuit and assisting the pursuit supervisor as necessary.
- B. The OIC should hold an open critique session of the pursuit, preferably during a briefing, wherein both the positive and negative aspects of the pursuit can be discussed. During the critique session, the audio tape of the pursuit should be played. [CALEA 41.2.2 k]

COMMUNICATION CENTER'S RESPONSIBILITIES [CALEA 41.2.2 f]

When advised that a pursuit is in progress, Dispatchers are responsible for:

- 1. Clearing the channel for emergency traffic only.
- 2. Immediately verify that the appropriate patrol supervisor and OIC are advised of the pursuit.
- 3. Performing relevant record and motor vehicle checks.
- 4. Coordinating assistance, to include other law enforcement agencies, under the direction of the OIC or the pursuit supervisor.

INTER-JURISDICTIONAL PURSUITS [CALEA 41.2.2 j]

- A. Officers should not become involved in another agency's pursuit unless specifically authorized by a Berkeley Police Department field supervisor. Officers should provide assistance rather than assume a primary position in another agency's pursuit.
- B. Once another agency's pursuit exits the City of Berkeley, units should terminate their assistance unless specifically authorized by a Berkeley Police Department field supervisor.

PURSUIT TERMINATION [CALEA 41.2.2 h]

- A. Officers or supervisors may terminate a pursuit for safety reasons when the risk to society outweighs the need to make an apprehension at that moment. The decision of an officer or supervisor to terminate a pursuit for safety reasons is not subject to review.
- B. Any unit ordered to terminate a pursuit by the pursuit supervisor should terminate the pursuit immediately and acknowledge the order by radio.
- C. When aerial assistance becomes available consideration should be given to terminating the pursuit.
- D. Except in exigent circumstances units will terminate a pursuit when contact with the pursuit supervisor is lost.

PURSUIT REVIEW PROCEDURES AND ANALYSIS [CALEA 41.2.2 i, 41.2.3 e]

- A. Every pursuit shall be documented in an event report by the initiating officer. Assisting officers shall document their actions in a supplement report.
- B. The pursuit supervisor will complete a Vehicle Pursuit Review Report (Incident Report - Form C) and attach all relevant reports, photographs, and a tape recording of the radio transmissions from the pursuit and DVDs/Video tapes from In-Car Videos and Body

Cameras from all involved officers. The pursuit review file will be submitted through the chain of command to the Patrol Commander for review.

- C. The affected Bureau Commander will chair a Pursuit Review Board to examine the pursuit. Standing board members shall include the affected Division Commander, Internal Affairs Sergeant or Detective, Training Officer, and Supervisor of Communications.
- D. The Pursuit Review Board will review the pursuit file and render an advisory opinion, in writing, to the Chief of Police as to the pursuit being within pursuit policy guidelines; however, the Chief of Police shall have final authority to determine if the pursuit was within department policy guidelines.
 - 1. After final review by the Chief of Police, the pursuit review file shall be forwarded to the Accreditation Manager for filing and statistical analysis.
 - 2. If the Pursuit Review Board's opinion is that the reviewed pursuit violates the pursuit policy, the pursuit review file shall be forwarded to the Internal Affairs Unit for the creation of an Employee Incident Report (EIR) and further investigation as directed by the Chief of Police.
- E. The Chief of Police's **designee** will conduct an annual review and analysis of motor vehicle pursuits. The purpose of this analysis is to review each incident to determine if there are any patterns or trends that indicate training needs and/or policy modifications. The analysis **should be submitted by the end of the first quarter of the calendar year.** [CALEA 41.2.2 I]

TRAINING

Officers shall receive documented initial training on the pursuit policy, as well as an annual documented review of the pursuit policy by all sworn personnel. (CALEA 41.2.2 m, n)

DRAFTED BY: Captain Evelio Valdespino	DATE:
REVIEWED BY: Colonel Art Jackson Chief of Police	DATE:
APPROVED BY: Berkeley City Council	DATE: