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EXHIBIT 1

California Commission on
Peace Officer Standards and Training
Learning Domain 16: Search and Seizure
Chapter 3: Warrantless Searches and Seizures
Exigent Circumstance Searches

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CALIFORNIA COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING

Basic Course

Workbook Series

Student Materials

Learning Domain 16

Search and Seizure

Version 4.8

THE MISSION OF THE CALIFORNIA COMMISSION
ON PEACE OFFICER STANDARDS AND
TRAINING IS TO CONTINUALLY ENHANCE
THE PROFESSIONALISM OF CALIFORNIA LAW
ENFORCEMENT IN SERVING ITS COMMUNITIES

Basic Course Workbook Series

Student Materials

Learning Domain 16

Search and Seizure

Version 4.8

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Exigent Circumstance Searches

Introduction Peace officers may lawfully enter an area in which an individual has a reasonable expectation of privacy, when there is a *compelling need for official action* and no time to secure a warrant.

Necessary conditions

Exigent circumstances means an emergency situation requiring swift action to prevent:

- imminent danger to a person's life or safety
- serious damage to property
- imminent escape of a suspect
- imminent destruction or removal of evidence

NOTE: Once inside, peace officers may do whatever is necessary to resolve the emergency – nothing more. Once the emergency has dissipated (no longer any imminent danger to life, property, etc.), a warrant may be needed for further searching.

NOTE: For additional information or exigent circumstance searches, refer to LD 9: *Crimes Against Children*.

Scope of a search

Under exigent circumstances, the primary purpose of the officer's entry is to attend to the emergency situation. After entering the premises, officers may conduct a search only if it is

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reasonable to believe a search is necessary to secure the emergency.

Officers who are conducting a lawful search based on exigent circumstances may seize any item in **plain view** if there is probable cause to believe the item is contraband or evidence of a crime.

Exception to knock and notice

When exigent circumstances exist, peace officers are normally not required to comply with knock and notice procedures before entering.

Imminent danger to life

If an officer reasonably believes a *person* (victim or other person), inside an area that would be considered private *property*, may be injured or ill and in *immediate need* of help, the officer may enter the property without a warrant.

The following table illustrates a number of situations where there may be an imminent danger to life.

Emergency	A peace officer may enter without a warrant if the officer reasonably believes that . . .
Sick or injured person	there is a medical emergency where

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	a person may be incapacitated.
Child abuse	a child inside the premises is presently being physically abused, or a child is in immediate need of protection.
Violent assault	there are people inside the residence who constitute an imminent and serious threat to themselves or others.
Domestic violence	entry is necessary to protect a victim by preventing ongoing or additional violence.

Imminent danger to property

If an officer reasonably believes there is a need to enter a private area in order to protect the *property* of the owner or occupant, the officer may enter without a warrant.

The following table illustrates situations where there may be an imminent danger to property.

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Emergency	A peace officer may enter without a war-rant if the officer reasonably believes that . . .
Burglary	the premises are presently being burglarized.
Other emergencies	the premises are on fire, or there are dangerous chemicals or explosives on the premises which pose a danger to people or property.

Imminent escape

It is lawful for peace officers to enter private property without a warrant in order to prevent the *escape* of a suspect, especially if the suspect is armed and dangerous or has just committed a violent felony.

The following table describes two types of exigent circumstance pursuits.

Type of Pursuit	A warrantless entry is permitted if . . .
<i>Hot</i> pursuit	officers attempt to detain or arrest

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	the suspect in a public place, but the suspect flees inside a private area.
Fresh pursuit	there is no physical chase, but officers are quickly responding to information concerning the suspect's whereabouts, and the officers reasonably believe the suspect's escape is imminent.

Destruction of evidence

Peace officers may enter premises without a warrant or consent when there is immediate danger of destruction or removal of crime-related evidence.

NOTE: A mere suspicion that evidence will be destroyed does not amount to exigent circumstances. There must be specific facts that evidence will likely be destroyed or removed without intervention.

Re-entry	Following the exigent circumstance, peace officers must vacate the premises within a reasonable amount of time and may not reenter <i>unless</i> they obtain a search warrant or consent.
Creating an exigency	Peace officers may <i>not</i> use exigent circumstances as an excuse for a warrantless entry if they have <i>created</i> the emergency unnecessarily by their own conduct.
Examples	<p>Two officers were investigating a truck hijacking that occurred earlier in the day. When the officers arrested three of the known suspects outside of a residence, one of the suspects told the officers that the fourth suspect was inside the home. Entry into the residence by officers, without a warrant, was lawful to prevent the escape of the fourth suspect.</p> <p>A commercial property was found unlocked and unattended. The officer entered the property to locate the name and phone number of the owner and to see if there were any signs of someone inside. While inside, the officer discovered contraband in plain view. The entry was legal because the</p>

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officer was attempting to prevent damage or further damage to the property.

While responding to a neighbor's complaint of strange noises coming from a nearby apartment, officers found a trail of fresh blood in the hallway leading to the apartment door. When the officers started to announce themselves, they heard vague moaning sounds from inside. The officers reasonably suspected that someone inside the apartment was in need of immediate medical attention and entered the property without a warrant or consent.

EXHIBIT 2

El Segundo Police Department Policy Manual

Policy 151.55: Supervisor's Responsibility
and Control [Vehicle Pursuits]

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* * *

when a four-wheeled marked police unit has joined the pursuit.

3. K-9 Units: In the event a pursuit is initiated by an officer operating a K-9 unit, the pursuing K-9 officer shall relinquish primary and secondary responsibilities in the pursuit when a four-wheeled marked police unit has joined the pursuit. The K-9 unit should continue as a third pursuing unit to assist at its termination point.
 4. Officers shall not become involved in a vehicular pursuit while transporting a prisoner.
- C. Secondary or back-up unit, defined: A unit which may take over the broadcast if requested by the primary unit and takes over primary responsibility if the primary unit becomes disabled. The number of units involved in the pursuit will vary with the circumstances and be determined by:
1. Nature of crime.
 2. Number of suspects.
 3. Whether participating units are one or two-man cars.
 4. Other clear and articulated facts that would warrant the increased hazard.

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A pursuit shall normally consist of no more than two (2) units: The primary unit and the secondary or back-up unit. Either unit may request additional units to join the pursuit if it appears that the officers in the primary and secondary pursuit vehicles would not be sufficient to safely affect the arrest of the suspect(s). If available, a K-9 unit should join in a pursuit to assist at its termination point.

The factors set forth in section 151.45(A) and (B) should also be considered in determining whether additional units should be deployed. At no time shall any units become involved in the pursuit without promptly notifying the dispatcher, via voice radio, that they are entering the pursuit. The ultimate authority to assign additional pursuit units rests with the Field Sergeant or Watch Commander. Officers in all other units shall stay out of the pursuit, but remain alert to its progress and location.

1. Responsibilities of the secondary pursuit unit shall be to:
 - a. Assist the primary unit in maintaining contact with the pursued vehicle.
 - b. Maintain a safe distance behind the primary unit.
 - c. Take over communications responsibility with dispatch, relieving

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the primary unit of that responsibility if necessary.

- d. Assist the primary unit in making arrest(s) and controlling the situation at the successful termination of the pursuit.
- e. Avoid passing or taking a position in front of the primary unit unless requested to do so by the primary unit or instructed to do so by the Field Sergeant or Watch Commander. If this occurs, the roles of the primary and secondary units will be reversed.
- f. Take over as primary unit in the event the existing primary unit drops out of the pursuit due to mechanical or equipment failure.
- g. Cease pursuit and stop and render aid to the primary unit in the event the primary unit is involved in a major collision.

If the pursuit was initiated due to a felony involving serious bodily injury or death, the officer of the secondary unit may continue to pursue and notify dispatch of the accident.

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151.55 SUPERVISOR'S RESPONSIBILITY AND CONTROL:

- A. Field Sergeant Responsibilities. The responsibilities of the Field Sergeant may be to:
1. Initiate pursuit. In incidents where a supervisor is the primary or secondary unit, it is recommended the supervisor relinquish the pursuit to other units in order to maintain supervisory responsibilities.
 2. Allow pursuits to continue.
 3. Monitoring pursuits.
 4. Ensure that only authorized units are involved in the pursuit or if necessary, authorizing additional unit participation.
 5. Authorizing outside agency participation and/or intervention.
 6. Assess whether the pursuit should continue using the factors listed in Section 151.45 of this policy.
 7. Assign other units to assist in blocking traffic, clearing intersections, etc., as circumstances dictate.
 8. Coordinating air support.
 9. Authorize Physical intervention.
 10. Proceed to the general area of the pursuit or when possible, engage in

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the pursuit to provide on-scene supervision.

11. Terminate the pursuit when, in his/her opinion, it is unsafe or no longer necessary, as more fully set forth in section 151.45 of this policy.
12. Proceed to the termination point of a successfully completed pursuit and supervise the scene.
13. Complete the ESPD Post-Pursuit Critique Form, which includes an analysis of the pursuit tactics, enforcement tactics at the termination point and any further recommendations. The analysis should examine compliance with Department policy, legal issues, and evaluation of any force used.
14. Completion of the CHP 187A Form. This form is available on-line at <http://www.chp.ca.gov/publications/index.html>

151.57 WATCH COMMANDER'S RESPONSIBILITIES.

The Watch Commander shall be in overall command of the operation. This command responsibility shall include all Department units working within the City.

- A. The Watch Commander shall respond to the Watch Commander's office and immediately take command. In order to maintain operational command and control, the Watch Commander shall establish "hot line" communications with the

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Communications Center. The Communications Center shall immediately and directly carry out the requirements of the Watch Commander.

- B. If necessary, to assert operational control, the Watch Commander may communicate with field units via station transmitting capabilities.
- C. Should the Watch Commander be in the field during a pursuit, he shall accomplish the requirements of his duties by use of his car radio.
- D. The Watch Commander shall decide based upon his assessment of all information received whether the continuation or termination of the pursuit is warranted. In the absence of prompt information from the primary or secondary units, he shall order termination of the pursuit.

151.60 PURSUIT DRIVING TACTICS:

Officers attempting to stop a vehicle shall be within close proximity to the violator's vehicle before activating the red lights and attempting the stop.

- A. Units should not parallel a pursuit unless they are attempting to use a spike strip or attempting to block intersections and these actions are approved by the Field Sergeant or Watch Commander. Units paralleling a pursuit shall exercise extreme caution and good judgment in the

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operation of the police vehicles so as not to present any undue threat of damage or injury. The paralleling unit shall not join or interfere with the pursuit and shall curtail all pursuit-related activity at the boundary of its assigned area.

- B. Roadblocks will only be used as a last resort, when all other means and efforts to stop a person fleeing in a motor vehicle have failed and the violator constitutes a continuing and major threat to the safety of others.
 - 1. Any roadblock employed in a pursuit situation shall be approved and controlled by the Field Sergeant or Watch Commander who is directing the pursuit.
 - 2. A reasonably effective advance warning system must be deployed to alert motorists (including the fleeing person) of the approaching roadblock. This warning system may consist of the overhead emergency lights of a marked police vehicle and must become effective not later than at the time the roadblock is constructed.
 - 3. Adequate distance will be allowed for the fleeing vehicle to come to a safe stop without colliding with the roadblock.
-

EXHIBIT 3

Hawthorne Police Department Policy Manual

Policy 300.5: Reporting the Use of Force

Policy 300.6: Medical Consideration

Policy 300.7: Supervisor Responsibility

Hawthorne Police Department
Policy

Use of Force

300.4 DEADLY FORCE APPLICATIONS

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances (Penal Code § 835a):

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, the officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Officers shall not use deadly force against a person based on the danger that person poses to him/herself, if an objectively reasonable officer would believe the

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person does not pose an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a).

An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer’s subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a TASER device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles or belly chains.

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- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges any of the above has occurred.

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Bureau policy.

300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports

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and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.7 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of

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uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 WATCH COMMANDER RESPONSIBILITY

The Watch Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

300.9 USE OF FORCE ANALYSIS

At least annually, the Patrol Bureau Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
 - (b) Training needs recommendations.
 - (c) Equipment needs recommendations.
 - (d) Policy revision recommendations.
-

EXHIBIT 4

La Verne Police Department Policy Manual

Policy 429: Foot Pursuits

Foot Pursuits

429.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

429.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

429.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

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Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

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- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

429.4 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.

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- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the Communications Officer or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.

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- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

429.5 RESPONSIBILITIES IN FOOT PURSUITS

429.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier

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- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the Communications Officer of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

429.5.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

429.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

429.5.4 COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the Communications Officer is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.

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- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Watch Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

429.6 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.

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- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

EXHIBIT 5

Long Beach Police Department Policy Manual

Policy 7.1.7: Vehicle Pursuits

7.1.7 VEHICLE PURSUITS

Revised June 2, 2016

The Patrol Bureau will have audit responsibility.

7.1.7.1 DEFINITIONS

Revised June 2, 2016

- A) **Pursuit** – An event involving one or more law enforcement officers attempting to apprehend a suspected or actual violator of the law in a motor vehicle while the driver is using evasive tactics, including, but not limited to, high speed driving, driving off a highway, turning suddenly, or driving in a legal manner but failing to yield to the other's signal to stop.
- B) **Actively involved units** – The primary unit, the secondary unit, and any other unit pursuing the suspect vehicle.
- C) **Other Involved units, including, but not limited to:**
 - 1) Units requested by supervisor for traffic control
 - 2) Units needed to set perimeter
 - 3) Units needed for rescue or arrest teams
 - 4) Units for evidence collection and transportation
 - 5) Air support
- D) **Supervisor** – A sworn employee with the rank of Sergeant or higher.

- E) **Surveillance mode** – Observation of the suspect vehicle, by the Air Support Unit (ASU), after a pursuit has been terminated by ground units.
- F) **Pursuit rated vehicle** – Pursuant to California Vehicle Code (CVC) § 21806, vehicles with the following:
 - 1) Alternating headlights that flash on and off;
 - 2) A forward facing, fixed red light; and
 - 3) A siren sounding.

7.1.7.2 INITIATING PURSUITS

Revised June 2, 2016

The duty of a suspect to yield to the lawful authority of an officer is defined in CVC § 21806 and requires the police unit's red light and siren to be activated at all times.

Officers are authorized to initiate a pursuit in the following circumstances:

- 1) The officer has reasonable cause to believe that the suspect he or she is attempting to arrest has committed, is about to commit, or is threatening to commit a felony crime.
- 2) The officer, prior to initiating the pursuit, has reasonable cause to believe that the driving ability of the suspect is so impaired that the suspect may cause death or serious injury to another person.

An officer initiating a pursuit should, as soon as reasonably possible, notify the Disaster Preparedness and

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Emergency Communications Department (Communications Center) of the following:

- 1) Location;
- 2) Direction of travel;
- 3) Speed;
- 4) Reason for initiating the pursuit;
- 5) Vehicle description and license plate, if available;
- 6) Number of additional units reasonably needed to join the pursuit to safely effect the arrest;
- 7) Other facts relating to the suspect(s) that may present an increased danger;

When approval for continuation cannot be obtained by a supervisor, officers shall cancel the pursuit.

7.1.7.3 OFFICER RESPONSIBILITIES

Revised June 2, 2016

A vehicle pursuit shall be conducted with red light and siren for exemption from compliance with the rules of the road, as required by CVC § 21055. Officers shall drive with due regard and caution for the safety of all persons using the highway, as required by CVC § 21056.

7.1.7.4 ASSESSMENT OF RISK FACTORS

Revised June 2, 2016

A police pursuit is a dangerous activity that should be engaged in with the utmost awareness of the risks to

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other drivers, bystanders, the officers, and the suspect(s). The primary purpose of a motor vehicle pursuit is to arrest fleeing suspects with the minimum amount of force necessary and to minimize the risk of harm to people and property. Even when a pursuit is justified, everyone involved must continually evaluate whether the dangers or risks of a pursuit outweigh the need to immediately apprehend the suspect.

Some factors which should be considered and evaluated when initiating, authorizing, continuing, or terminating a pursuit include, but are not limited to:

- 1) Time of day;
- 2) Vehicular traffic conditions;
- 3) Pedestrian traffic conditions;
- 4) Weather conditions;
- 5) Roadway conditions, e.g., slippery or under construction;
- 6) Area of pursuit, e.g., near school or residential area;
- 7) Severity of crime;
- 8) Whether the suspect has been identified and/or can be located, making later apprehension probable;
- 9) Speed and recklessness of suspect;
- 10) Capabilities and limitations of pursuing vehicle;
- 11) Availability of backup;
- 12) Officer's familiarity with area of pursuit;

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- 13) Quality of radio communications with the dispatcher, pursuing units, and the authorizing supervisor;
- 14) Whether the suspect is known to be a juvenile; and
- 15) Involvement of the Air Support Unit.

7.1.7.5 PURSUIT COORDINATION

Revised June 2, 2016

The unit that initiates the pursuit shall be the primary unit and shall broadcast all pertinent information regarding the pursuit, unless the primary unit specifically requests the ASU or another actively involved unit to broadcast.

The primary unit may request as many units as necessary to allow for control and arrest of the suspect(s). The field supervisor in charge of the pursuit will authorize the number of units to engage, or assist, in the pursuit. This decision will be based upon an assessment of the risk factors and information received from the primary unit.

7.1.7.6 AIR SUPPORT UNIT (ASU) RESPONSIBILITIES

Revised June 2, 2016

When available, the ASU shall respond to the scene of a pursuit and shall assist pursuing units and the supervisor as follows:

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- 1) Notify the Communications Center when they have visual contact with a pursuit;
- 2) If requested, assume responsibility for broadcasting locations and the direction of travel of the pursuit;
- 3) Assist ground units and the supervisor monitoring the pursuit by identifying and broadcasting all potential safety risks;
- 4) Once visual contact is made, provide the supervisor with the number of ground units involved;
- 5) When possible, identify units participating in the pursuit for the purpose of management and control;
- 6) Stay in radio contact with assisting ground units to aid in the capture of the suspect(s);
- 7) Electronically record the pursuit and the termination point (the recording shall be placed into evidence);
- 8) When a supervisor terminates a pursuit and surveillance mode is initiated, the ASU will assume a position that affords the suspect little possibility of detecting the ASU. The searchlight will not be used during the surveillance mode. The ASU will follow the suspect vehicle until the vehicle stops, or the surveillance is canceled.

7.1.7.7 FOREIGN JURISDICTION PURSUITS

Revised June 2, 2016

LBPD units, including the ASU, shall not engage in pursuits initiated by foreign jurisdictions, unless the

pursuit meets the criteria of the LBPD pursuit policy and assistance is requested by the pursuing agency.

LBPD units engaged in a foreign jurisdiction's pursuit shall terminate their involvement if the pursuit leaves the Long Beach city limits, unless directed to continue by an LBPD supervisor.

If a foreign jurisdiction pursuit terminates within the Long Beach city limits, the LBPD supervisor who approved the pursuit shall verify which agency will coordinate pursuit termination activities.

7.1.7.8 PURSUITS LEAVING CITY LIMITS

Revised June 2, 2016

If an LBPD pursuit leaves the city limits, the unit broadcasting the pursuit shall immediately notify the supervisor. The supervisor will direct the Communications Center to inform other affected agencies of the pursuit.

Supervisors may request an outside agency to take over a pursuit if it reasonably appears the other agency is better able or equipped to continue the pursuit. If a pursuit is turned over to another agency, LBPD units shall verify that agency has assumed control and then shall terminate participation; however, the primary unit and field supervisor will remain available to cooperate with the arresting agency if the suspect(s) is apprehended.

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If a request is made by another agency for the LBPD to abandon a pursuit within that agency's jurisdiction, that request shall be complied with immediately.

7.1.7.9 PURSUIT LIMITATIONS

Revised March 2, 2018

- 1) Police vehicles not equipped for pursuits shall not engage in a pursuit;
- 2) When the ASU is ordered to perform in a surveillance mode, all units will attempt to stay clear of the area in which the suspect vehicle is operating;
- 3) Vehicles transporting prisoners shall not engage in pursuits under any circumstances;
- 4) Officers shall not use a vehicle as a barricade, or to make intentional contact with a suspect vehicle during a pursuit, unless using an authorized pursuit intervention technique (PIT), or the use of deadly force is justified. The use of a vehicle as a force option is governed by LBPD Manual § 7.1.2 USE OF FORCE.

7.1.7.10 MOTORCYCLE UNITS

Revised June 2, 2016

A motorcycle unit may only initiate a vehicle pursuit for a violent felony or in other extreme circumstances. The supervisor shall acknowledge that a motorcycle unit is involved and approve or cancel the pursuit. The supervisor must explain the necessity of the motorcycle unit's involvement, per LBPD Manual § 7.1.7.14

SUPERVISOR POST-PURSUIT RESPONSIBILITIES.

Unless otherwise directed by a supervisor, motorcycle units shall cease their involvement when a four-wheeled, pursuit rated vehicle joins the pursuit and takes over as the primary unit. Once a motorcycle unit ceases involvement in the pursuit, they shall follow all requirements in LBPD Manual § 7.1.7.12 PURSUIT TERMINATION.

7.1.7.11 TIRE DEFLATION DEVICE

Revised June 2, 2016

Tire deflation devices should be used whenever possible to safely end vehicle pursuits. Only personnel who are trained in the operation and deployment of tire deflation devices shall be permitted to deploy these devices. Use of a tire deflation device shall be documented on a Supervisor's Vehicle Pursuit Report.

The Collision Investigation Detail will be responsible for the following:

- 1) Maintaining liaison with manufacturing companies for equipment purchase and replacement;
- 2) Training existing and newly assigned personnel in the use of tire deflation devices;
- 3) Distributing tire deflation devices throughout the Patrol Divisions;
- 4) Ensuring tire deflation devices issued to the Divisions are properly maintained;

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- 5) Maintaining expertise regarding the tire deflation device, usage, and procedural issues.

Unless the use of deadly force is justified, tire deflation devices shall not be used to stop the following vehicles:

- 1) Motorcycles, mopeds, or other similar type vehicles
- 2) Vehicles transporting hazardous materials
- 3) Buses with passengers

7.1.7.12 PURSUIT TERMINATION

Revised June 2, 2016

A pursuit shall be immediately terminated under the following conditions:

- 1) A field supervisor orders the pursuit terminated;
- 2) Officers lose visual contact with the suspect vehicle and the ASU is not in a position to provide immediate directions;
- 3) Officers lose clear radio contact with the Communications Center;
- 4) Officers lose clear radio contact with the field supervisor authorizing the pursuit.

Once the decision is made to terminate the pursuit, pursuing units shall:

- 1) Obey the rules of the road;
- 2) Deactivate their red lights and siren;
- 3) Turn off from the pursued vehicle's direction of travel (do not follow);

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- 4) Notify the Communications Center of the termination;
- 5) ASU will not continue to follow the vehicle unless placed into surveillance mode.

7.1.7.13 SUPERVISOR RESPONSIBILITIES

Revised June 2, 2016

A field supervisor shall be notified immediately when a unit initiates a pursuit. After evaluation of the circumstances surrounding the pursuit, the field supervisor shall make a decision on whether to allow the pursuit to continue and shall transmit that decision to the pursuing unit. If possible, the supervisor should not be actively involved in the pursuit, but shall monitor radio transmissions and be responsible for the progress of the pursuit. The supervisor may terminate the pursuit at any time.

Any supervisor initiating a pursuit shall be considered the primary unit and subject to the duties of a primary unit, including seeking authorization for the pursuit from another supervisor. The supervisor should relinquish his or her role as the primary unit to the first assisting unit on scene.

7.1.7.14 SUPERVISOR POST-PURSUIT RESPONSIBILITIES

Revised June 2, 2016

A field supervisor shall go to the scene of a terminated pursuit and take command. The supervisor shall be

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responsible for ensuring all appropriate crime and arrest reports are filed.

On each pursuit, the supervisor shall complete a Supervisor's Vehicle Pursuit Review, which will include the following:

- 1) Identification of all personnel involved both authorized and unauthorized;
- 2) Summary of the events leading up to the pursuit;
- 3) Chronological events of the pursuit;
- 4) Pertinent events occurring after the pursuit;
- 5) Any retraining.

A supervisor who was actively involved in a pursuit shall not file the Supervisor's Vehicle Pursuit Review.

7.1.7.15 DISASTER PREPAREDNESS AND EMERGENCY COMMUNICATIONS DEPARTMENT (COMMUNICATIONS CENTER) RESPONSIBILITIES

Revised June 2, 2016

Upon notification by a unit that he or she is in pursuit, the Communications Center will contact a sworn field supervisor to take supervisory control of the pursuit. The supervisor will be informed of all available information including the units involved.

The dispatcher handling communications for the pursuit will provide all necessary information to the field units. All units will be advised when the pursuit is terminated or a supervisor requests a surveillance mode.

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Any necessary information will then be conveyed to the ground units to avoid unnecessary contact with the suspect during the surveillance operation.

The cancellation of a pursuit will be broadcast to all units along with the suspect's direction of travel, so units may stay clear of the suspect vehicle.

7.1.7.16 REVIEW OF PURSUITS – POLICE VEHICLE AND AIR SUPPORT UNIT

Revised June 2, 2016

The Collision Investigation Detail shall gather all pertinent pursuit information and generate a Pursuit Review Report. This report shall contain an analysis summary of the pursuit reports, supervisor's report, video recordings, audio recordings, and any other information related to the pursuit.

7.1.7.17 REVIEW OF PURSUITS – TIME PERIOD

Revised June 2, 2016

Pursuant to CVC § 14602.1, the Collision Investigation Detail shall complete all State-mandated reporting requirements within 30 days.

7.1.7.18 REVIEW OF PURSUITS – COMMANDER RESPONSIBILITIES

Revised June 2, 2016

The involved employee's Commander will review the Pursuit Review Report, provide recommendations and

administrative insight for the recommended action, and forward the Pursuit Review Report to the involved employee's Bureau Deputy Chief.

7.1.7.19 REVIEW OF PURSUITS - BUREAU RESPONSIBILITIES

Revised June 2, 2016

The involved employee's Bureau Chief will review the Pursuit Review Report, and forward the Pursuit Review Report to the Internal Affairs Division.

The involved employee's Division Commander and the CID supervisor will be notified of any action to be taken.

7.1.7.20 TRAINING

Revised June 2, 2016

All sworn personnel will participate in Annual training that shall include, at minimum, a review of this policy.

EXHIBIT 6

Los Angeles Police Department Policy Manual
Volume 3: Management Rules and Procedures
Policy 579.15: Objectives of Body Worn Video

When time constraints do not allow for the normal ordering process and a required DICVS recorded file is needed before the next scheduled courier delivery, the requesting Department employee shall ensure that the DICVS recorded file is retrieved from PD's Central Property Section's evidence counter. In such cases, the approving supervisor shall follow the same procedures to request the disc through the COBAN link on the Departments LAN.

Additionally, a telephonic request shall be made to PD's Central Property Section's watch commander to advise of the need to expedite the request.

Note: Department supervisors from non-geographic bureaus and divisions shall ensure that the DICVS recorded file is retrieved from PD's Central Property Sections evidence counter after completing the established procedures.

AREA PROPERTY DISPOSITION COORDINATORS RESPONSIBILITY. The Area Property Disposition Coordinator shall monitor the DICVS recorded video disc(s) and the Digital In-Car Video Evidence Control Log, located in the analyzed evidence locker, to ensure the timely and proper disposition of the videos.

579.15 OBJECTIVES OF BODY WORN VIDEO. The following provisions are intended to provide LAPD Officers with instructions on when and how to use Body Worn Video (BWV) to ensure reliable recording of enforcement and investigative contacts with the public. "Officers," as referenced below, include all sworn

personnel. The Department has adopted the use of BWV by uniformed personnel to:

- Collect evidence for use in criminal investigations and prosecutions;
- Deter criminal activity and uncooperative behavior during police-public interactions;
- Assist officers with completing reports and providing testimony in court;
- Promote accountability;
- Assist in resolving complaints against officers including false allegations by members of the public; and,
- Provide additional information for officer evaluation, training, and continuous improvement.

Body Worn Video provides additional information regarding an investigative or enforcement contact with a member of the public. Body Worn Video recordings, however, provide a limited perspective of the encounter and must be considered with all other available evidence, such as witness statements, officer interviews, forensic analyses and documentary evidence, when evaluating the appropriateness of an officer's actions.

BODY WORN VIDEO EQUIPMENT. Body Worn Video equipment generally consists of a body-mounted camera with a built-in microphone and a handheld viewing device. The BWV camera is worn on the outside of an officer's uniform, facing forward to make video and audio recordings. The BWV video and audio

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recordings are stored digitally on the BWV camera and can be viewed on a handheld viewing device or an authorized computer. An officer cannot modify, alter, or delete video or audio once recorded by the BWV camera.

WHEN ACTIVATION OF BODY WORN VIDEO EQUIPMENT IS REQUIRED. Officers shall activate their BWV devices prior to initiating any investigative or enforcement activity involving a member of the public, including all:

- Vehicle stops;
- Pedestrian stops (including officer-initiated consensual encounters);
- Calls for service;
- Code 3 responses (including vehicle pursuits) regardless of whether the vehicle is equipped with In-Car Video equipment;
- Foot pursuits;
- Searches;
- Arrests;
- Uses of force;
- In-custody transports;
- Witness and victim interviews (except as specified below);
- Crowd management and control involving enforcement or investigative contacts; and,
- Other investigative or enforcement activities where, in the officer's judgment, a video

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recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later investigation or review.

INABILITY TO ACTIVATE PRIOR TO INITIATING ENFORCEMENT OR INVESTIGATIVE ACTIVITY. If an officer is unable to activate his or her BWV prior to initiating any of these enforcement or investigative activities, the officer shall activate the device as soon as it is practical and safe to do so. As in all enforcement and investigative activities including vehicle and pedestrian stops, the safety of the officers and members of the public are the highest priorities.

RECORDING OF THE ENTIRE CONTACT. The BWV shall continue recording until the investigative or enforcement activity involving a member of the public has ended. If enforcement or investigative activity with a member of the public resumes, the officer shall activate the BWV device and continue recording.

DOCUMENTATION REQUIRED FOR FAILING TO ACTIVATE BODY WORN VIDEO OR RECORDING THE DURATION OF THE CONTACT. If an officer is unable or fails to activate the BWV prior to initiating an enforcement or investigative contact, fails to record the entire contact, or interrupts the recording for any reason, the officer shall set forth the reasons why a recording was not made, was delayed, was interrupted, or was terminated in the comments field of the incident in the Computer Aided Dispatch (CAD) System, Daily Field Activity Report (DFAR),

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Form 15.52.00, Traffic Daily Field Activity Report, Form 15.52.01, Sergeant's Daily Report, Form 15.48.00, Metropolitan Division Officer's Log, Form 15.52.04 or Gang Enforcement Detail – Supervisor's Daily Report Form, 15.49.00.

Exceptions: Officers are not required to activate and record investigative or enforcement encounters with the public when:

- A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational;
- In the officer's judgment, a recording would interfere with his or her ability to conduct an investigation, or may be inappropriate, because of the victim or witness's physical condition, emotional state, age, or other sensitive circumstances (e.g., a victim of rape, incest, or other form of sexual assault);
- Situations where recording would risk the safety of a confidential informant, citizen informant, or undercover officer; or
- In patient-care areas of a hospital, rape treatment center, or other healthcare facility unless an enforcement action is taken in these areas.

CONFIDENTIAL NATURE OF RECORDINGS.

Body Worn Video use is limited to enforcement and investigative activities involving members of the public. The BWV recordings will capture video and audio

evidence for use in criminal investigations, administrative reviews, and other proceedings protected by confidentiality laws and Department policy. Officers shall comply with all applicable laws and policies regarding confidential information including Department Manual Section 3/405, *Confidential Nature of Department Records, Reports, and Information*. Unauthorized use or release of BWV recordings may compromise ongoing criminal and administrative investigations or violate the privacy rights of those recorded. Therefore, any unauthorized use or release of BWV or other violation of confidentiality laws and Department policies are considered serious misconduct and subject to disciplinary action.

PROHIBITION AGAINST MODIFICATION OF RECORDINGS. Officers shall not copy, edit, alter, erase, or otherwise modify in any manner BWV recordings except as authorized by law or Department policy. Any violation of this provision is considered serious misconduct and subject to disciplinary action.

NOTICE TO MEMBERS OF THE PUBLIC OF RECORDING. Officers are encouraged to inform individuals that they are being recorded when feasible. Officers, however, are not required to obtain consent from members of the public when the officer is lawfully in the area where the recording takes place. For example, an officer who lawfully enters a business or residence shall record any enforcement or investigative activity, as set forth above, and is not required to obtain consent from members of the public who may also be present. In addition, officers are not required to play

back BWV recordings to allow members of the public to review the video footage.

PROHIBITION AGAINST RECORDING PERSONNEL IN NON-ENFORCEMENT OR INVESTIGATIVE SITUATIONS. Body Worn Video equipment shall only be used in conjunction with official law enforcement and investigative activities involving members of the public. Body Worn Video shall not be used to record Department personnel during briefings, meetings, roll calls or while in private spaces such as locker rooms or restrooms.

DEPARTMENT-ISSUED EQUIPMENT ONLY. Officers assigned BWV equipment shall not use any other non-Department issued video or audio equipment, such as personally owned video or audio recorders, to record enforcement or investigative activities involving members of the public unless expressly authorized by a supervisor. Uniformed supervisory personnel, however, may use digital recording devices other than a BWV to record interviews when conducting use of force or personnel complaint investigations. Nothing in this provision precludes personnel from utilizing authorized still photography equipment.

PROPERTY OF THE DEPARTMENT. Body Worn Video equipment and all data, images, video, and metadata captured, recorded, or otherwise produced is the sole property of the Department and any unauthorized release is strictly prohibited.

TRAINING REQUIRED. Officers who are assigned a BWV must complete Department-approved training in

the proper use and maintenance of the devices before deploying to the field.

INSPECTION AND TESTING OF EQUIPMENT.

The BWV equipment is the responsibility of the assigned officer and will be used with reasonable care to ensure proper functioning and reliability. At the start of a field assignment, officers shall inspect and test their BWV and make sure it is undamaged and operating properly. Officers shall document the results of their inspection in the comments field of “Status Change – SW” entry within CAD, in the comments field of the DFAR or Traffic DFAR, the Sergeant’s Daily Report, Gang Enforcement Detail – Supervisor’s Daily Report, or Metropolitan Division Officer’s Log.

DAMAGED, MALFUNCTIONING OR INOPERABLE EQUIPMENT.

If an officer’s BWV malfunctions or is damaged, the officer shall notify an on-duty supervisor (who shall notify the watch commander) and complete an Employee’s Report, Form 15.07.00. The officer is required to provide the malfunctioning or damaged equipment to the kit room officer and obtain a functional BWV before deploying to the field.

IDENTIFYING RECORDINGS.

For each incident recorded on a BWV, officers shall identify the event type and other information using the BWV equipment and software that best describes the content of the video (i.e. arrest, traffic stop, report). Body Worn Video recordings, however, are not a replacement for written reports or other required documentation such as a CAD summary or DFAR.

STORAGE OF RECORDINGS. At the end of each shift, officers shall upload all BWV recordings to secure storage by docking the device at the station.

VIEWING OF BODY WORN VIDEO RECORDINGS BY OFFICERS. The accuracy of police reports, officer statements, and other official documentation is essential for the proper administration of justice and complying with the Department's obligation to maintain full and complete records of enforcement and investigative activities. Investigators, supervisors, prosecutors, and other officials rely on complete and accurate records to perform their essential duties and responsibilities. Officers are therefore required to review BWV recordings on their assigned device or authorized computer prior to documenting an incident, arrest, search, interview, use of force, or other enforcement or investigative activity to ensure that their reports, statements, and documentation are accurate and complete.

PROCEDURE FOR REVIEWING BODY WORN VIDEO RECORDINGS IN CATEGORICAL USE OF FORCE INCIDENTS. If an officer is involved in a Categorical Use of Force (CUOF), such as an officer-involved shooting, an officer shall not review his or her BWV until authorized by the assigned Force Investigation Division (FID) investigator. Once authorized, the officer shall review his or her BWV recording, and any other relevant BWV footage as deemed necessary and appropriate by the assigned FID supervisor, prior to being interviewed by investigators. An officer may have an employee representative present during the

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review of the BWV recordings without the FID investigator or supervisor present. The separating and monitoring of officers involved in a CUOF shall be maintained during the review of BWV recordings and a review shall not occur jointly among involved employees.

DOCUMENTATION OF RECORDINGS. Officers are required to document any portion of an incident captured on the BWV system under the heading “Photos, Recordings, Video, DICV, BWV and Digital Imagine on all administrative and investigative reports (e.g., The suspect’s spontaneous statements and actions were recorded via BWV”). If an employee is unable to review the BWV recording before submitting a report, the officer must document in this section the circumstances that prevented his or her review. If any portion of an incident resulting in an arrest was captured by BWV equipment, officers shall identify the existence of a BWV recording on all necessary forms including the City Attorneys Disclosure Statement.

SUPERVISOR’S RESPONSIBILITIES. Supervisors assigned to any unit with BWV-equipped officers shall:

- Ensure that officers assigned BWV equipment have completed Department-required training and are familiar with applicable policies and procedures;
- Conduct periodic inspections of officers assigned BWV equipment and ensure that the

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BWV cameras are properly affixed to the officers' uniforms and fully operable;

- Ensure officers upload all BWV recordings at the end of their shifts; and,
- Review relevant BWV recordings prior to submitting any administrative reports (e.g. non-categorical use of force investigations, pursuits, officer-involved traffic collisions).

After conducting an inspection of an officer's assigned BWV equipment, the supervisor shall document the inspection in his or her Sergeant's Daily Report. If any of the BWV equipment is found to be defective, the supervisor must ensure that the equipment is removed from service and immediately replaced. The supervisor must also complete an Employee's Report regarding the defective equipment and notify the system administrator at Information Technology Group via email at BWV@lapd.lacity.org. Watch commanders must document the supervisor's findings in their Watch Commander's Daily Report, Form 15.80.00, and take any appropriate action depending on the cause of the problem.

RECORDINGS IN NON-CATEGORICAL USE OF FORCE INCIDENTS – SUPERVISOR'S RESPONSIBILITIES. Supervisors investigating Non-Categorical Use of Force (NCUOF) incidents shall, when available, allow involved officers to review their BWV recordings and, if deemed necessary, review other BWV recordings to ensure complete and accurate reports and documentation of the incident.

RECORDINGS IN CATEGORICAL USE OF FORCE INCIDENTS – SUPERVISOR’S RESPONSIBILITIES. Supervisors assigned to any unit with BWV-equipped officers must take possession of an officer’s BWV equipment when the officer is involved in a Categorical Use of Force, ensure the recording has stopped, power off the camera, and maintain custody until transferred to FID personnel.

Note: Supervisors, however, shall not view the BWV recording without express authorization of FID.

Force Investigation Division investigators, upon arrival at the scene of a Categorical Use of Force incident, shall take possession of any involved officer’s BWV camera and complete the upload process.

WATCH COMMANDER’S RESPONSIBILITIES. Watch commanders assigned to any unit with BWV-equipped officers shall:

- Conduct roll call training on expectations, use, and maintenance of the BWV equipment and debrief BWV captured incidents of value;
- Review deviations from BWV policy and procedures and take appropriate action;
- Ensure all BWV anomalies identified by the Area training coordinator have been addressed and any appropriate documentation is returned to the Area training coordinator for commanding officer review;

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- Review supervisor inspections regarding defective equipment, systems, and ensure necessary steps are taken to have them repaired;
- Review Sergeant's Daily Reports to ensure inspections of sworn personnel assigned BWV units are being conducted and documented. If field inspections are not properly documented, the watch commander must take appropriate action to correct the deficiency and appropriately document the findings (i.e., Employee Comment Sheet, Form 01.77.00, Supervisor Action Item, Notice to Correct Deficiencies, Form Gen. 78, or a Complaint Form, Form 01.28.00) and the corrective action taken. The corrective action must also be documented within the Learning Management System (LMS); and,
- Log the appropriate disposition on the Video Evidence Control Log, Form 10.11.05, which must be maintained in the analyzed evidence locker at the concerned Area.

KIT ROOM OFFICER'S RESPONSIBILITIES. Officers assigned to the kit room shall:

- Conduct daily inspections of all BWV docking equipment to ensure they are active;
- Inspect any BWV devices returned to the kit room as inoperative;
- Assign spare units to sworn personnel who returned their primary unit to the kit room; and,

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Note: If found to be defective, the kit room officer must declare the item inoperable and verify that an Employee's Report has been completed. If it is discovered that no documentation exists declaring the item inoperable, the kit room officer must complete an Employee's Report and submit the Employee's Report to the watch commander accompanied with the equipment log at the completion of the officer's shift

- Provide a copy of the Employee's Report documenting the inoperable equipment to the Area training coordinator along, with any of the inoperable equipment.

TRAINING COORDINATOR'S RESPONSIBILITIES. Area training coordinators shall:

- Verify officers have been trained on the use and deployment of BWV;
- Document all employees who have been trained on the use of BWV into the LMS including all traffic officers and reserve officers eligible for field duty;
- Ensure all employees transferring into the Area receive proper training on the use and deployment of BWV;
- Review all Employee's Reports documenting inoperable equipment and facilitate the equipment's repair;
- Deliver all inoperable equipment to the Information Technology Group (ITG), Tactical Technology Section; and,

- Notify the watch commander or specialized unit officer in charge (OIC) in the event that it appears that BWV equipment has been tampered with.

COMMANDING OFFICER'S RESPONSIBILITIES.

Area commanding officers (Areas with BWV) are responsible for ensuring compliance with BWV training, policies, and procedures by regularly monitoring and inspecting BWV equipment within their command. Area commanding officers are also responsible for supervising the proper maintenance and disposition of division records, ensuring adherence to record retention protocols and properly filing all BWV documents for future reference.

INFORMATION TECHNOLOGY GROUP, TACTICAL TECHNOLOGY SECTION, RESPONSIBILITIES. The OIC of ITG, Tactical Technology Section, is responsible for:

- Coordinating warranty service and maintenance through Department-approved vendor(s);
- Providing technical assistance and subject matter experts related to investigations; and,
- Coordinating the replacement of inoperable, malfunctioning or damaged equipment and/or systems.

579.17 USE OF BODY WORN VIDEO OR DIGITAL IN-CAR VIDEO SYSTEM FOR LOS ANGELES POLICE DEPARTMENT TRAINING PURPOSES.

The following procedures must be followed when

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Department personnel seek to use digital video recordings for training purposes.

For Official Use Only. As set forth in Department Manual Sections 3/579.13, Digital In-Car Video System (DICVS) Use and Deployment, and 3/579.15, Objectives of Body Worn Video, Body Worn Video (B WV) and DICVS footage may only be used for official Department purposes and any unauthorized use or release of video footage is considered serious misconduct subject to disciplinary action.

Video Recordings Released to the Public. Video or audio footage previously released to the public by the Department (e.g., video, audio, or other recordings released in a critical incident community briefing pursuant to Department Manual Section 1/420.55, or video introduced as evidence in a civil or criminal hearing) may be used for training or other appropriate purposes and approval pursuant to this manual section is not required.

Tactical Debriefs and Extensive Retraining Sessions. Nothing shall restrict the use of BWV or DICVS during authorized Tactical Debriefs or Extensive Retraining Sessions following the adjudication of a use of force.

Supervisor's Responsibilities. If a supervisor identifies a BWV or DICVS recording that he or she desires to use for internal Department training purposes, the supervisor shall obtain written consent from the Department employee(s) that are readily identifiable to the video-viewing audience (e.g., facially, viewable

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name tag, officers name mentioned audibly), complete a Digital Video Recordings for Training Consent, Form 13.16.00, and attach it with the Request/Approval for Use of Digital Video for Training, Form 13.16.01, which includes the applicable reference number of the video recording. The supervisor shall then submit both forms to the Area/divisional commanding officer (CO) for approval.

Area/divisional Commanding Officer's Responsibilities.

- The Area/divisional CO must confirm that the particular video recording that is requested to be used for training is not the subject of or relevant to:
 - Any ongoing administrative investigation, pending personnel complaint, administrative appeal, grievance, arbitration, criminal investigation against an officer, civil litigation against the Department, or Board of Rights proceeding; or,
 - A pending adjudication regarding a use of force, pursuit, or traffic collision.

Note: If one of these actions is initiated and pending after approval to use BWV or DICVS footage for Department training purposes, the Department entity that learns of the new circumstance must immediately notify Personnel and Training Bureau (PTB) to determine, in

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consultation with appropriate Department entities, whether the footage should continue to be used for training purposes.

- The Area/divisional CO shall review and submit the Digital Video Recordings for Training Consent and the Request/Approval for Use of Digital Video for Training to his or her bureau CO.

Bureau Commanding Officer's Responsibilities.

The bureau CO shall review and submit the Digital Video Recordings for Training Consent and the Request/Approval for Use of Digital Video for Training to the Information Technology Group (ITG) CO.

Information Technology Group Commanding Officer's Responsibilities. The ITG CO shall review and submit the Digital Video Recordings for Training Consent and the Request/Approval for Use of Digital Video for Training to the PTB CO.

Personnel and Training Bureau Commanding Officer's Responsibilities. The PTB CO shall review and submit both the Digital Video Recordings for Training Consent and the Request/Approval for Use of Digital Video for Training to the Director, Office of Constitutional Policing and Policy (OCP), for approval if the training is to be conducted for persons outside of the Department. Otherwise, the PTB CO shall send the Request/Approval for Use of Digital Video for Training to the respective bureau, with copies to the requesting division and ITG. The PTB CO shall have final authority on approval of the Request/Approval for

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Use of Digital Video for Training, if the training is to be conducted solely for Department personnel. Personnel and Training Bureau shall maintain all necessary databases and tracking mechanisms for all Request/Approval for Use of Digital Video for Training.

Director, Office of Constitutional Policing and Policy, Responsibilities. The Director, OCPP, shall have final authority on approval of the Request/Approval for Use of Digital Video for Training when the training is to be conducted for non-law enforcement personnel or training programs sponsored by other jurisdictions. The original request/approval for use of digital video for training shall be returned to PTB for retention.

For Los Angeles Police Department Audiences Only: Video recordings approved for training purposes shall only be used for the training of law enforcement and other Department personnel and only if the training video is pertinent to those attending, as determined by the highest-ranking supervisor present. If any members of the public will be present during training, approval must be obtained from the Director, OCPP, prior to the use of the video recording.

This policy does not affect Department Manual Section 1/420.55, Critical Incident Video Release Policy, regarding video release for critical incidents or the Department's obligations, or waivers of exemptions under the California Public Records Act.

579.18 TELEMATICS SYSTEM. Vehicles (to include all Department moving conveyances; motorized or not)

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equipped with Telematics will enable the Department to monitor vehicle operation in near real-time, providing easy-to-use, real-time maps, dashboards, and reports. The data is updated a few times a minute or when ? trigger-events ? occur. Historical data can be made available for up to 12 months. Telematics tracks various components including, but not limited to:

- Vehicle identifiers (e.g., ? shop ? number, vehicle identification number);
 - Vehicle diagnostic data) e.g., airbag sensor, mileage, idling);
 - Vehicle speed, location, and direction of travel;
 - Use of seatbelts;
-

EXHIBIT 7

Torrance Police Department Policy Manual

Policy 307: Vehicle Pursuits

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers 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 reduce the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

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 officer 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 department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuits are not always predictable and decisions made pursuant to this policy will be

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evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officer's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer 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.

Department employees shall not request, encourage, or permit any civilian to take any action or institute any pursuit of suspected or known criminals. Whenever an employee becomes aware that a civilian has initiated such a pursuit, the employee shall, whenever possible, encourage the pursuit to be terminated immediately.

307.1.1 VEHICLE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers 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 driving in a legal manner but willfully failing to yield to an officer's signal to stop.

307.2 OFFICER RESPONSIBILITIES

It shall be the policy of this department that a vehicle pursuit shall be conducted only with a 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 officers with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Vehicle Code § 21056.

To discourage violators or suspects, from attempting to avoid arrest by fleeing, officers should be in close proximity to the violator's vehicle, whenever possible, before activating a red light and attempting to stop the suspect vehicle. Officers, when possible, should request and wait for assisting units to get into position before initiating a vehicle stop that may result in a pursuit.

307.2.1 WHEN TO INITIATE A PURSUIT

Officers 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

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offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

- (c) Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).
- (d) The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects 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 officers 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 officers 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).

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- (k) Availability of other resources such as helicopter assistance.
- (l) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner in the police vehicle.

307.2.2 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 officer 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 When to Initiate a Pursuit of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers 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.

In addition to the factors listed in When to Initiate a Pursuit of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing officers and the fleeing vehicle is so great that further

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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) There are 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, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) Pursuit is terminated by a supervisor.

307.2.3 SPEED LIMITS

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

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Should high vehicle speeds be reached during a pursuit, officers 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 officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

307.3 PURSUIT UNITS

Pursuit units should be limited to three units and a supervisor; however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspects. All other officers should stay out of the pursuit, but should remain alert to its progress and location. Any officer 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.

307.3.1 MOTORCYCLE OFFICERS

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police

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motorcycle as primary and/or secondary pursuit unit as soon as practical.

307.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

307.3.3 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 officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to him/herself or other persons.

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

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- (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 or secondary unit, the officer 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 officer should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit.

If the primary unit contains only one officer, officers shall transfer primary unit responsibility to a two-officer unit when that unit is in a position to assume primary unit responsibilities. The one-officer unit shall then continue the pursuit as a secondary unit unless relieved of such duties by another two-officer unit or a supervisor.

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307.3.4 SECONDARY UNITS RESPONSIBILITIES

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

- (a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit.
- (b) Remain 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) The secondary officer should be responsible for broadcasting the progress of the pursuit unless the situation indicates otherwise.

307.3.5 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) Officers, 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:

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1. 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.
 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (c) As a general rule, officers 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:
1. Requesting assistance from an air unit.
 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 3. Requesting other units to observe exits available to the suspects.
- (d) Notifying the California Highway Patrol (CHP) and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.
- (e) Officers 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.

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307.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should consider remaining in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

All involved units in the pursuit should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit.

307.3.7 AIRCRAFT ASSISTANCE

Coordination of the pursuit shall not be relinquished to the air unit unless the pursuing unit or a supervisor directs that this action be taken. If 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 report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether or not to continue the pursuit.

307.4 SUPERVISORY CONTROL AND RESPONSIBILITY

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

The field supervisor of the officer 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 police 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 available.

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- (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 TPD units when a pursuit enters another jurisdiction.
- (j) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

307.4.1 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 vehicle pursuit and shall be in overall command. In addition, the Watch Commander shall review all pertinent reports related to the arrest, if any.

307.4.2 DIVISION COMMANDER RESPONSIBILITY

After the Sergeant completes his/her review of the pursuit on the Administrative Review form (TPD 705), the TPD 705 and associated documents shall be forwarded to the affected Division Commander for review. The Division Commander will complete his/her review and

then forward the TPD 705 with the supporting documents to the Patrol Coordinator.

307.5 COMMUNICATIONS

If the pursuit is confined within the City 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 department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

307.5.1 COMMUNICATION CENTER RESPONSIBILITIES

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

- (a) Coordinate pursuit communications of the involved units and personnel.
- (b) Notify and coordinate with other involved or affected agencies as practicable.
- (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.

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- (f) Notify the Watch Commander as soon as practicable.
- (g) Keep the designated supervisor and the Watch Commander informed of all assisting units leaving the City.
- (h) Immediately notify Torrance units whenever they are advised of another jurisdiction in pursuit entering the City.

307.5.2 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.

307.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether 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 officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

307.6.1 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 Torrance Police Department 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 officers at the termination of a pursuit initiated by this department 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 department, the CHP should relinquish control.

307.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit.

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The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit. No more than two units may join the pursuit unless authorized by the supervisor or the Watch Commander.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this 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 this jurisdiction
- (e) Safety of the pursuing officers

As soon as practicable, 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 officers of this department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

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In the event that a pursuit from another agency terminates within this jurisdiction, officers 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.

307.7 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, blocking, boxing, PIT (Precision Intervention Technique), legal intervention or roadblock procedures. In this context, legal intervention 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 practicable.

307.7.1 WHEN USE IS AUTHORIZED

Whenever possible, a supervisor's permission should be obtained before intervention is attempted. In deciding whether to use intervention tactics, officers/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 officers 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 officer at the time of the decision.

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

307.7.2 DEFINITIONS

Blocking or vehicle intercept – A slow-speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

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.

Precision Intervention Technique (PIT) – A low-speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.

Legal Intervention – 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.

307.7.3 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. Officers 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 officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

307.7.4 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, 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. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by officers who have received training in such tactics after giving consideration to the following:
 1. The need to immediately stop the suspect vehicle or prevent it from leaving

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substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.

2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
 3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
 4. The target vehicle is stopped or traveling at a low speed.
 5. At no time should civilian vehicles be used to deploy this technique.
- (b) Only those officers trained in the use of the Precision Intervention Technique (PIT) will be authorized to use this procedure. Use of the PIT should be considered based on the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle, as well as the following:
1. The officer must believe that the continued movement of the pursued vehicle would place uninvolved persons in imminent danger of great bodily harm or death.
 2. The apparent risk of harm to uninvolved persons is great and outweighs the apparent risk of harm involved in using intervention.

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3. Other reasonable means of apprehension have been considered, such as: continue to follow, calling for air support, setting up roadblocks and calling for other agency assistance.
 4. Forcible stops should not be attempted when the pursued vehicle is traveling in excess of 35 MPH.
 5. An uninvolved motorist-occupied vehicle shall never be used to forcibly stop a pursued vehicle.
 6. Whenever possible, a supervisor's permission should be obtained before intervention is attempted.
 7. Intervention should not be used when the pursued vehicle is a pickup truck or similar type vehicle when subjects are occupying the open bed portion, unless deadly force would be justified.
 8. Intervention of motorcycles shall not be attempted unless deadly force would be justified.
 9. Intervention is a use of force and therefore shall comply with the Department's Use of Force policy.
- (c) As with all intervention techniques, pursuing officers should obtain supervisor approval, when practical, 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

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consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

- (d) 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, officers or other members of the public.
- (e) If either the suspect vehicle or the pursuing unit loses control after the intervention and collides with property or vehicles, a Traffic Collision Report (TPD 554) would be necessary to cover that collision only. If the collision causes serious injuries, the California Highway Patrol should be requested to handle the investigation.

307.7.5 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. The designated

supervisor shall respond immediately to the termination point of the pursuit and is responsible for controlling police actions at the scene and ensuring adherence to Department policy. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties.

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspects following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspects.

307.8 REPORTING REQUIREMENTS

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

- (a) The primary officer should complete appropriate crime/arrest reports.
 1. Date and time of pursuit
 2. Length of pursuit
 3. Involved units and officers
 4. Initial reason for pursuit
 5. Starting and termination points
 6. Disposition (arrest, citation), including arrestee information if applicable
 7. Injuries and/or property damage
 8. Medical treatment
 9. Name of supervisor at scene

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- (b) The Field Sergeant shall ensure that an Allied Agency Vehicle Pursuit Report (CHP 187A) is filed with the CHP no later than 30 days following the pursuit (Vehicle Code § 14602.1). The Field Sergeant shall forward the report to the Watch Commander for review and distribution.
- (c) After first obtaining the available information, a field supervisor shall promptly complete an Administrative Review form (TPD 705), and submit it to his/her Division Commander. See attachment: TPD 705 Administrative Review Form.pdf
- (d) The designated supervisor shall ensure the Administrative Review form (TPD 705) is completed if intervention occurs and/or force is used to take the suspect into custody. Intervention is a use of force and should not be documented on a Traffic Collision Report (TPD 554).
- (e) Any unintentional collisions involving police units shall be reported on the appropriate Traffic Collision Report and investigated by CHP if there are any serious injuries.

307.8.1 SUPERVISOR REPORT RESPONSIBILITIES

The Division Commander shall review each pursuit by any personnel within his/her command to ensure compliance with this policy and to address any training issues. The original Administrative Review form (TPD

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705) and related reports shall be forwarded to the Patrol Coordinator for statistical purposes.

The employee's Bureau Commander shall review all of the documentation related to the pursuit and determine if the incident was within policy and tactically sound.

The Deputy Chief of Police shall make the final disposition in the case and return his/her findings to the Personnel Division for appropriate notification of findings to the concerned personnel.

307.8.2 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, all sworn members of this department will participate no less than annually in regular and periodic department 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 officers and others Vehicle Code § 17004.7(d)).

307.8.3 POLICY REVIEW

Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments. The POST attestation form, or an equivalent form, may be

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used to document the compliance and should be retained in the member's training file.

307.9 APPLICATION OF VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines.
