

VEHICLE PURSUITS INVOLVING LAW ENFORCEMENT



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This investigation is motivated by the County of Los Angeles Sheriff's Department (LASD) Core Value, "With integrity, compassion, and courage, we serve our communities,"¹ and a

Los Angeles Police Department (LAPD) Strategic Goal, "Reduce harms from employee-involved traffic collisions" and "Reduce harms from workplace conduct".²

I SUMMARY

When a police officer engages in a vehicle pursuit, there is a potential risk of injury or death to him or her-self, the pursued and to innocent bystanders. The vehicles involved become dangerous tools, even weapons. There are unintended injuries and deaths in the County of Los Angeles (the County) from pursuits. Any pursuit must balance the increased risk against the law enforcement goals. The Los Angeles County Civil Grand Jury (CGJ) investigated the factors that determine this balance in the County. The CGJ found that these are:

- the likelihood that the potential crime causing the pursuit is one that justifies the increased risk.
- the likelihood that a vehicle pursuit will achieve its law enforcement goal.

¹ <http://shq.lasnews.net/pages/PageDetail.aspx?id=2066>

² <http://assets.lapdonline.org/assets/pdf/LAPD%20Strategic%20Plan.pdf>

- the likelihood that pursuits at elevated risk can cause injury or death to bystanders, the police officer, and/or the pursued.
- the quality of skill that the police officer possesses in order to evaluate the evolving risks of the pursuit, including his/her driving skills.
- the policies that govern police vehicle pursuits in the County.
- the assignment of responsibility for the consequences of a pursuit.

The CGJ has found that each of these can be a source for potentially improving police pursuit practices. With improvements in practices, the County can reduce the number of consequential injuries and deaths from police vehicle pursuits.

II BACKGROUND

A police pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspected violator of the law in a motor vehicle while the driver is using evasive tactics. Evasive actions can be high speed driving, driving off a highway, turning suddenly, or even driving in a legal manner but failing to yield to the officers' signal to stop.³ A high speed pursuit is one at speeds greater than that of the normal surrounding traffic.⁴

One County Example of Unintended Consequences of Police Vehicle Pursuits

On November 15, 2015 at 8:45 pm a 15-year-old boy was decapitated after being hit by a stolen car that was fleeing the police. In court one of the officers testified that she radioed for a police helicopter and other officers so they could stop the vehicle as they followed behind. The officer stated that she and her partner continued to follow the car at speeds exceeding 60 mph without turning on their lights and sirens. They did not attempt to stop the driver as he sped along Venice Blvd. The stolen car was traveling at 90 mph when it struck the 15-year-old as he was walking across the street. The Los Angeles Police Department claimed that they were not in a pursuit, although the officers admitted in court to following the suspects' car at speeds exceeding 60 mph.⁵

A USA Today analysis shows more than 5,000 bystanders and passengers have been killed across the United States in police chases since 1979.⁶ Tens of thousands more were injured as officers repeatedly pursued drivers at high speeds and in hazardous conditions, often for minor infractions.⁷

Elevated Risk Justified?

According to a report from the International Association of Chiefs of Police (IACP) and the National Institute of Justice, 91% of high-speed chases are initiated in response to a non-violent

³ <https://definitions.uslegal.com/p/police-chase/>

⁴ Note: Although frequently pursuits are conducted with flashing lights and sirens, these signaling devices are not required to define a pursuit according to the LASD driving policy, for example.

⁵ <http://www.latimes.com/local/lanow/>

⁶ USA Today July 30, 2015

⁷ Ibid.

crime. The study analyzed nearly 8,000 high-speed chases in the IACPs database. It found that 42% involved a simple traffic infraction, another 18% involved a stolen vehicle, and 15% involved a suspected drunk driver.⁸ Similar statistics are expected for the County.

These results suggest some questions. Is it worth putting lives at risk by traveling through urban areas at high speed to apprehend somebody who ran a red light? Or who failed to signal a turn? If a driver is drunk, does it make sense to engage him in a high-speed pursuit, making him even more dangerous to bystanders?

Pursuit Successes

Information on the probability of law enforcement success for vehicle pursuits in the County are suggested by the following data sent to us by email directly from the California Highway Patrol (CHP).

For the Reporting Period: 10/1/ 2015 through 09/30/2016:

- Count of Total Pursuits: 421
- Count of Multi-Agency Pursuits: 59

Event Terminating the Pursuit	Apprehension Count	Non-Apprehension Count
Suspect vehicle voluntarily stopped	111	-
Suspect vehicle involved in a collision	64	8
Suspect abandoned vehicle and fled on foot	33	24
Pursuit aborted by law enforcement agency	19	47
Forcible stop	18	-
Suspect vehicle escaped patrol vehicle	12	59
Suspect vehicle and patrol vehicle collided	1	-
Patrol vehicle became involved in a collision	1	-
Suspect vehicle became disabled	17	1
Unspecified	6	-
Subtotal	282	139
Total	421	

If law enforcement’s goal is to achieve apprehension, the above statistics show a 67% success rate. However, in 17% of the pursuits there was a collision with the possibility of injury and/or death,

⁸ <http://www.theiacp.org/portals/0/pdfs/ManagingPolicePursuitsExecBrief.pdf>

and the certainty of property damage. Is this the best balance that can be realized between law enforcement goals and the risk of unintended consequences?

Injuries or Deaths from Vehicle Pursuits in California

From CHP for the County Reporting Period: 10/1/ 2015 through 09/30/2016:

	Deaths	Injuries
Suspect Driver	3	32
Suspect Passenger(s)	0	4
Officers	0	9
Uninvolved Third Party	0	0
Total	3	45

The above statistics show an 11% rate of death and/or injury from the reported 421 County pursuits reported for the period.

California leads the nation in high-speed pursuit deaths. Hopefully the state and local jurisdiction will enact legislation to limit this kind of senseless tragedy.⁹

In the City of Los Angeles (Los Angeles) there were injuries in about 15% of the pursuits in 2015.¹⁰ This was up markedly from prior years. Los Angeles has averaged 45 injuries per year from vehicle pursuits over the recent past.

At the national level, the Department of Justice stated that police pursuits are the “most dangerous of all ordinary police activities.” Police chases have killed nearly as many people as justifiable police shootings. 322 people died as a result of police pursuits in 2013.¹⁰

Police Training for Vehicle Pursuits

The CGJ visited the vehicle pursuit training facilities for the LASD and LAPD. There was a wide discrepancy in the quality of the two facilities, as described below. In addition, the CGJ found that the policies for on-going pursuit training are inadequate to insure high levels of skill in the field.

Vehicle Pursuit Training for the LASD

⁹ <http://articles.latimes.com/print/1998/may/27/news/mn-53889> ¹⁰

Ibid.

¹⁰ <https://www.usatoday.com/story/news/2015/07/30/police-pursuits-fatal-injuries/30187827/>

The CGJ visited the LASD's Emergency Vehicle Operations Center (EVOC) located in Pomona, CA. This training facility is owned by the County. The tour given by the sheriff's field training officer showed the training for vehicle pursuits. The track and the equipment at the facility left a negative impression. This facility was at one time shared with LAPD (see next section.) To improve the operations at this facility to a higher standard, County awareness of its condition and additional funding is required.

The following are some observations of the CGJ from the EVOC tour:

- LASD does not require a regular re-certification process or training for high speed driving under stressful conditions. This is a perishable skill and will deteriorate over time unless practiced.
- The 16 cars assigned to EVOC are all out of date and none of these vehicle types are used in the field.
- The LASD has a current budget of \$40,000 a year for EVOC.
- Only 40 hours of training per officer is allocated for LASD vehicle pursuits.
- A system consisting of a long hose with an employee posted on a milk crate directing the flow of water to one specific area is employed for skid recovery training.
- There are no portable lights on the track to simulate a real street corner.
- LASD trainers are not involved in patrol school where deputies are trained before being assigned to patrol duty. Patrol school might be improved by presenting pursuit information.
- The collision avoidance exercise is given while traveling at speeds of only 35 MPH. This test is intended to measure the driver's quick response avoiding cones and wrong lanes.
- It was noted that pursuit training could be enhanced if actual field experiences could be reproduced at EVOC. LASD pursuit driving trainers could investigate pursuit-related injuries at the scene to harvest this kind of information.

Vehicle Pursuit Training for the Los Angeles Police Department

The CGJ visited the LAPD Edward M. Davis training facility in Granada Hills, CA. The officer leading the tour was extremely professional and shared a vast amount of knowledge on vehicle pursuits, weapons training, and simulator training. No question went unanswered. The CGJ discovered a state of the art training facility complete with a Pursuit Training Facility that rivals a professional racetrack complete with turns, straightaways, side streets and cul-de-sacs. The buildings had class rooms, and what was described as a million-dollar simulator room which places police cadets in actual driving and pursuit simulations. There was also video shown to the cadets of what not to do after a vehicle pursuit. Our observations included:

- The facility was well organized with up-to-date equipment.
- The water reclamation system reuses the water utilized on the track.
- The fleet of cars was comparable with what was used in the field.
- The trainers displayed high enthusiasm.
- A high quality simulator provides lifelike pursuit situations to the student.
- The high quality of the state-of-the-art LAPD facility was apparent.
- Although not discussed during the tour, the LASD suggestion about bringing field pursuit injury data into training is also applicable to the LAPD.

Policies on Vehicle Pursuits

In the CGJ's opinion, the onset and execution of a police vehicle pursuit should be governed by a well-thought out policy that is internalized by officers who receive effective training. These policies should be informed by the best data available on the factors affecting a pursuit. It should be expected that the policies would be almost entirely common to all police jurisdictions. There have been some efforts to realize this ideal condition as described here.

The passage of California Senate Bill 601 (Marks) in 1993 added new language to Penal Code §13519.8. This new section required the Commission on Peace Officer Standards and Training (POST) to establish guidelines and training for law enforcement's response to vehicle pursuits. Draft guidelines were reviewed by law enforcement executives and trainers, legal advisors, communication center managers, and public representatives several times before they were approved by the POST Commission and published in 1995.¹¹

Since the County has numerous police authorities, in the CGJ's opinion, it would be sensible to have a unified set of vehicle pursuit policies that apply throughout the County. By example, the LASD and the LAPD each have a different governing policy document which are not identical.¹²¹³

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As a result of Senate Bill 719, POST assembled law enforcement trainers, managers and executives, as well as members of the public to update the California Law Enforcement Vehicle Pursuit Guidelines 1995. These guidelines are not a pursuit policy. The guidelines provide a starting point for local police authorities in drafting their actual pursuit policies.¹⁴

As an example of how pursuit policies updates might reduce the risk of injuries and deaths, an FBI study in 2010 indicated that if police broke off pursuits in a manner that was obvious to the fleeing driver, he/she was likely to drive more safely within a short time. This would reduce the likelihood of the fleeing driver causing injuries at the cost of potentially allowing his escape.¹⁵

Responsibility from Vehicle Pursuits Consequences

Laws and court decisions described below have shielded police in various ways from responsibility for unintended consequences of vehicle pursuits. In the opinion of the CGJ these protections tend to reduce barriers to vehicle pursuits for police officers and their departments.

The United States Supreme Court shielded police from being sued in federal court for deaths and injuries resulting from high-speed chases, even reckless ones.¹⁶ The Supreme Court has decided that police officers are to be given maximum deference when sued for damages. The high court said officers are often forced to make split-second judgments. When a suspect ignores the law and

¹¹ The California Law Enforcement Vehicle Pursuit guideline

¹² LASD Driving Policy (3-01/090.07 thru 5-09/210.30)

¹³ <http://www.pursuitwatch.org/stories/LAPD.htm>

¹⁴ http://lib.post.ca.gov/Publications/vp_guidelines.pdf

¹⁵ <https://leeb.fbi.gov/2010/march/evidence-based-decisions-on-police-pursuits-the-officers-perspective>

¹⁶ <http://articles.latimes.com/print/1998/may/27/news/mn-53889>

speeds away, an officer's instinct is to pursue. The court ruled that the decision to pursue a fleeing vehicle, while perhaps unwise and imprudent, does not violate constitutional rights. The decision threw out a federal lawsuit filed by the parents of a Sacramento teenager who died in 1990 when he fell from a motorcycle while being chased by police at speeds up to 100 mph.¹⁷

(California) Senate Bill 719 modified Penal Code §13519.8 and the related Vehicle Code §17004.7. Agencies must now adopt and annually train their peace officers on a pursuit policy that addresses each of the pursuit guidelines (from Penal Code §13519.8) in order to qualify for immunity under Vehicle Code §17004.7.¹⁸

California has one specific area of law that is unique among all 50 states. California Vehicle Code Section 17004.7 provides immunity to law enforcement for injury to and death of innocent bystanders even when officers do not follow the vehicle pursuit policy their agency has adopted. Accountability for innocent victims and the families left behind is removed.¹⁹ The Supreme Court's ruling together with the California law close the door to virtually all claims resulting from police pursuits.

III METHODOLOGY

The following resources were used for this report. The CGJ Vehicle Pursuits Committee would like to express our gratitude for the openness and cooperation of the people and organizations that enabled the preparation of this report.

Tours and Interviews

- Tours of the facilities of the LASD Emergency Vehicle Operations Center (EVOC); and the LAPD Edward M. Davis Training Facility
- Visits to the County Coroner's Office; and the Bureau of Victim Service in the County District Attorney's Office
- Phone interviews with the LASD Field Operations Support Services; and the LAPD Air Bureau
- A report received from CHP

Media Coverage

- Manual of Policy from www.lasd.org
- Los Angeles Times, various articles
- USA Today, various articles

IV FINDINGS

1. Police pursuits are causing unnecessary bystander injuries and deaths.

¹⁷ Ibid.

¹⁸ The California Law Enforcement Vehicle Pursuit guideline

¹⁹ <http://www.kristieslaw.org/indexhome.htm>

2. Most vehicle pursuits are not provoked by serious crimes.
3. Vehicle pursuits are not assured of satisfying police goals – for example: arrests, reducing dangers to the public, issuing citations.
4. The Sheriff's vehicle pursuit training facility EVOC is substandard, particularly when compared with the LAPD's facility. Training hours are limited and vehicles used are not the same as those used in the field.
5. The LAPD vehicle pursuit training facility sets a high standard.
6. Neither the Sheriff nor the LAPD have a policy for recurring or continued vehicle pursuit training. As a result, continuous quality of driving skill in the field cannot be assured.
7. Current vehicle pursuit policies do not reflect the best statistical information with respect to causation by serious crimes, the likelihood of law enforcement successes, and the probability that injuries or deaths that may occur.
8. Pursuit training could be made more realistic if actual field injury data associated with pursuits were incorporated in the training.
9. The legal protections of police involved in vehicle pursuits lower the barriers to initiating pursuits.

V RECOMMENDATIONS

1. The County of Los Angeles Sheriff's Department (LASD) should work with the Los Angeles Police Department (LAPD) to establish a task force to define/update sheriff pursuit policies that are likely to result in fewer civilian casualties and less property damage.
2. The LAPD should work with the LASD to establish a task force to define/update police pursuit policies that are likely to result in fewer civilian casualties and less property damage.
3. The Los Angeles City Council should recommend LAPD to adopt best practices for police policies defined in Recommendations 1 and 2 above.
4. The County of Los Angeles Board of Supervisors (BOS) should call on all police authorities within the County to adopt the best practice for pursuit policies defined in 1 and 2 above.
5. The LASD should increase the required training hours for vehicle pursuit training.
6. The LASD should require regular re-certification of vehicle pursuit skill.
7. The LAPD should require regular re-certification of vehicle pursuit skill.

8. The BOS should upgrade the County's vehicle pursuit facility to a standard similar to the LAPD's facility.
9. The LASD's vehicle pursuit trainers should investigate injuries involving vehicle pursuits at the scene.
10. The LAPD's vehicle pursuit trainers should investigate injuries involving vehicle pursuits at the scene.

VI REQUIRED RESPONSES

California Penal Code Sections 933(c) and 933.05 require a written response to all recommendations contained in this report. Responses shall be made no later than ninety (90) days after the Civil Grand Jury publishes its report and files it with the Clerk of the Court. Responses shall be made in accord with Penal Code Sections 933.05 (a) and (b).

All responses to the recommendations of the 2016-2017 Civil Grand Jury must be submitted on or before September 30, 2017, to:

Presiding Judge
 Los Angeles County Superior Court
 Clara Shortridge Foltz Criminal Justice Center
 210 West Temple Street
 Eleventh Floor-Room 11-506
 Los Angeles, CA 90012

Responding Agency	Recommendations
County of Los Angeles Board of Supervisors	12.4, 12.8
County of Los Angeles Sheriff's Department	12.1, 12.5, 12.6, 12.9
Los Angeles Police Department	12.2, 12.7, 12.10.
Los Angeles City Council	12.3

VII ACRONYMS

BOS	County of Los Angeles Board of Supervisors
CGJ	2016-2017 Los Angeles County Civil Grand Jury
CHP	California Highway Patrol
EVOC	Emergency Vehicle Operation Center
FBI	Federal Bureau of Investigation
IACP	International Association of Chief Police
LAPD	Los Angeles Police Department

LASD
POST

Los Angeles Sheriff Department
Peace Officer Standards Training