

Agenda Report

TO: CITY COUNCIL

DATE: JULY 11, 2005

THROUGH: LEGISLATIVE COMMITTEE

FROM: CITY MANAGER

SUBJECT: SUPPORT OF SENATE BILL 719 (ROMERO): VEHICLE PURSUITS

RECOMMENDATION

It is recommended that the City Council:

1. Support Senate Bill 719 (Romero), which amends and expands several laws relating to police vehicle pursuits.
2. Authorize the Mayor to send correspondence to the appropriate authorities stating Pasadena's position.

BACKGROUND

This bill was introduced to address a growing concern that police vehicle pursuits have the potential to cause tragic loss of life, extensive property damage and personal injuries to innocent bystanders. This bill calls for mandatory public education, increases driver awareness to the dangers of fleeing from the police in vehicle chases, and increased sentencing and penalties for persons who flee from the police. There are ten specific provisions to Senate Bill 719 which are listed below.

1. Any individual who is injured or dies by any party where a peace officer is operating a motor vehicle in an effort to apprehend a suspect where the suspect is evading, fleeing, or attempting to elude the police officer will qualify as a crime victim which will engage the individual to receive compensation from the Restitution Fund.

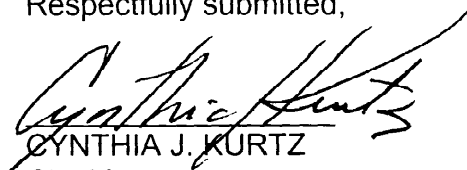
2. Police agencies would be required to adopt, promulgate and require regular and periodic training regarding an agency's pursuit policy. The agency would be required to comply with the Peace Officers Standards and Training guidelines.
3. The Department of Motor Vehicles will be required to include a minimum of one question on the driver's license exam to ensure the understanding of the risks and punishments associated with eluding a pursuing peace officer's motor vehicle.
4. Penalties for willful flight or attempt to elude a pursuing peace officer, while operating a motor vehicle, will increase from 6 months to a year in county jail.
5. Penalties for willful flight or attempt to elude a pursuing peace officer, while operating a motor vehicle, with wanton disregard for persons or property will increase from 1 year to 2, 3 or 4 years in prison or 1 year in county jail.
6. Penalties for willful flight or attempt to elude a pursuing peace officer, while operating a motor vehicle, with wanton disregard for persons or property resulting in serious bodily injury will increase from 3, 4 or 5 years to 3, 5 or 7 years in prison.
7. Penalties for willful flight or attempt to elude a pursuing peace officer, while operating a motor vehicle, with wanton disregard for persons or property resulting in death will result in 4, 6 or 10 years in prison.
8. All traffic safety programs that receive State funds will be required to provide information on the risks to public safety of peace officer motor vehicle pursuits, and the penalties that may result from evading a peace officer.
9. The California Highway Patrol would be required to collect additional pursuit data and provide a paper or electronic form for law enforcement agencies to submit their reports within 30 days to the CHP.
10. Adoption and implementation of a pursuit policy that complies with new POST guidelines will be mandatory for law enforcement agencies.

The police department has had a pursuit policy in place for an extended period. The policy specifically addresses the responsibilities, procedures, supervision and termination of vehicle pursuits, and generally meets the specific areas that the policy must cover under this bill. The bill does not change existing liability relative to police pursuit.

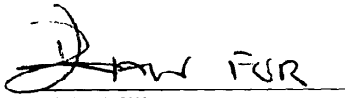
FISCAL IMPACT

Implementation of this bill will have no direct fiscal impact. The only impact on local government is the policy insurance component, which is already in place and meets all requirements contained within this bill.

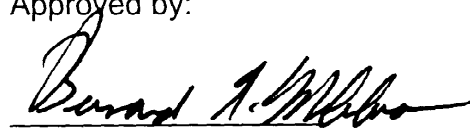
Respectfully submitted,


CYNTHIA J. KURTZ
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