

August 1, 1991

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

SUBJECT: SCOTT WEINER v. CITY OF SAN DIEGO, et al.
Court of Appeal Case No. D012274
San Diego Superior Court Case No. 618187

The City recently prevailed in a case in which the Fourth District Court of Appeal upheld a statutory immunity for public entities which have adopted written police-pursuit policies. The Court, in a published opinion also approved of the City's pursuit policy, finding that it meets the interests of public safety required by the statute.

The ruling is significant in that it firmly establishes Vehicle Code Section 17004.7 as a viable immunity which protects the City from liability when a fleeing criminal suspect, who is being pursued by police, is involved in a traffic collision. It is also the first published opinion in which a pursuit policy has been judicially approved. The appellate decision, which affirmed the trial court's dismissal of the case at the pleading stage, is particularly important because it allows the City to invoke the immunity prior to incurring any litigation costs.

On July 25, 1991, the California Supreme Court denied a petition seeking review of the appellate court's decision.

Deputy City Attorney James M. Chapin handled the case at the trial and appellate level on behalf of the City of San Diego.

Respectfully submitted,
JOHN W. WITT
City Attorney

JWW:JMC:vtc:Lit.
Enclosure
RC-91-37