

The City Attorney
City of San Diego
MEMORANDUM
236-6220

DATE: July 19, 1988

TO: Jack McGrory, Assistant City Manager; and Bob
Burgreen, Acting Chief of Police

FROM: City Attorney

SUBJECT: Adoption of Police Pursuit Procedure

You asked this office if Council approval and adoption of
Department Procedure 1.3, Pursuit Procedures, is necessary or
whether the Manager's approval will suffice.

Vehicle Code section 17004.7 provides some immunity for a "public
agency" which "adopts a written policy on vehicular pursuits"
complying with certain articulated standards. Since the term
"public agency" is not defined in the Vehicle Code and there is
no case law on the issue as yet, there is no clear cut answer to
your question. However, pending interpretation by the
legislature or courts, we believe the only way to assure immunity
for the City under the law is by formal adoption by the City
Council. The timing of the request for approval is at the
discretion of the City Manager and Police Department. If the

Procedure will not be taken before Council for a protracted
period of time, we advise placement of a memorandum from the City
Manager indicating approval and "adoption" by the City in the
appropriate Police Department Training Division file.

Please keep this office advised and send us a copy of the City
Manager's memorandum to file if that is the course of action you
decide to take.

JOHN W. WITT, City Attorney

By

Nina B. Deane

Deputy City Attorney

NBD:lfs:524

cc C. Fitzpatrick

R. Johnson

MS-88-10