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## VEHICULAR PURSUIT

### **PURPOSE:**

To establish guidelines, policies, and procedures relating to vehicular pursuits.

### **POLICY:**

It is the policy of the Pagedale Police Department to guide and direct officers in utilizing department vehicles in a safe and efficient manner. This General Order is to regulate and govern an officer's conduct in the evaluation of situations in which vehicular pursuits are performed. The following shall apply to all vehicular pursuits.

### **DEFINITIONS:**

Authorized Emergency Vehicle: Any Pagedale Police Department vehicle equipped with a siren and emergency lights, which are readily visible from the front and rear of the vehicle.

Bumping/Ramming: Deliberate contact by a police vehicle with the pursued vehicle. (Note: For safety purposes, officers who attempt to ram in deadly force situations should be aware that any vehicle contact may result in air bag deployment.)

Caravanning: The operation of police vehicles in a group or in a line or alongside each other in a pursuit situation.

Impaired Driving: Driving in such a manner as to place other individuals at immediate and substantial risk of serious physical injury from the suspect's driving.

Initial Unit: The police vehicle responsible for initiating the pursuit.

Paralleling: The operation of police vehicles, other than those involved in the pursuit, on streets or roadways parallel to the pursuit route.

Primary Unit: The police vehicle in closest proximity to the fleeing vehicle with primary responsibility for conducting the pursuit. The primary unit may or may not be the initial unit.

Pursuit: An active attempt by a law enforcement officer operating an authorized emergency vehicle and utilizing simultaneously emergency warning lights and sirens to apprehend one or more occupants of another moving vehicle when the driver of the fleeing vehicle is trying to avoid capture by using high speed driving or other evasive tactics such as driving off a roadway, making

sudden or unexpected movements, or maintaining legal speed but willfully failing to yield to the officer's signal to stop, or otherwise attempting to elude the Officer.

A driver who is suspected of operating a motor vehicle in an impaired condition may not realize that an officer is attempting to stop him. An officer who is following a driver that is not yielding to the officer's emergency lights and siren, but otherwise is not taking any overt action to avoid apprehension (i.e. excess acceleration, high speeds, obvious attempts at evasion, etc.), is not in pursuit of the vehicle for purposes of this policy.

Pursuit-Rated Vehicle: Any Pagedale Police Department vehicle that has received a designation from the manufacturer as being designed and properly equipped for pursuit situations.

Pursuit Termination: Stopping or turning away from the direction of the pursuit coinciding with the deactivation of emergency vehicle lights and sirens.

Secondary Unit: The second police vehicle involved in the pursuit. The secondary unit is a backup to the primary unit and follows the primary unit at a safe distance.

Roadblock: A restriction, obstruction, or device intended for the purpose of preventing free passage of motor vehicles on a roadway in order to affect the apprehension of a suspect.

#### GENERAL:

1. The initiation or continuation of a pursuit is authorized **only** when the necessity of an immediate apprehension of a suspect outweighs the level of risk associated with the pursuit. Any action taken by an officer must first and foremost be to protect and preserve the safety of the public. Officers will also weigh the need for an immediate apprehension with the risk to officer safety.
2. The only Pagedale Police Department vehicles which are allowed to be involved in any pursuit as a primary police vehicle are:
  - A. Any "Fully Marked" Pagedale Police Department Patrol Vehicle with an overhead lightbar.
3. Officers shall not initiate a high-speed pursuit when the only known violation at the time of the pursuit is a traffic violation or a misdemeanor, such as Assault 4th, Stealing under \$500, etc., unless in the discretion of the officer, the suspect, if allowed to flee, would present a danger to human life or cause serious injury.
  - A. Generally, *a high-speed pursuit* should not be initiated when a driver is merely suspected of being intoxicated.

4. Considerations in determining whether to initiate, maintain, or terminate a pursuit include, but are not limited to:
  - A. Does the immediate apprehension of the suspect outweigh the level of danger created by the pursuit?
  - B. The seriousness and nature of the offense or situation.
  - C. Does the pursuit create a greater hazard than previously existed?
  - D. The relative performance capabilities of the pursuit vehicle and the vehicle being pursued.
  - E. Road, weather and environmental conditions.
  - F. Population density, vehicular, and pedestrian traffic.
  - G. The presence of other people in the involved vehicles.
  - H. Ability to identify the suspect(s) at a later time.
  - I. Possibility of alternative action.
  - J. **If the pursuit is or becomes more dangerous than the pursued suspect(s), DO NOT PURSUE.**

**PROCEDURES:**

1. An officer may initiate a pursuit only when operating a vehicle as defined above in accordance with applicable state law; and when the officer(s) reasonably believes:
  - A. The suspect committed or attempted to commit a felony; or
  - B. The suspect stole a marked or unmarked police vehicle; or
  - C. The crime involved the use or threatened use of deadly force; **and**
  - D. The initiation or continuation of a pursuit is authorized **only** when the necessity of an immediate apprehension of a suspect outweighs the level of risk associated with the pursuit. **Any action taken by an officer must first and foremost be to protect and preserve the safety of the public.** Officers will also weigh the need for an immediate apprehension with the risk to officer safety.

- E. Only department marked authorized emergency vehicles as defined above may pursue or be used as a primary or secondary unit in the pursuit.
  - i. Unmarked police vehicles shall not engage in pursuits, but may follow a violator at a reasonable speed and keep a vehicle under surveillance until an authorized emergency vehicle arrives.
  - ii. Non-pursuit-rated emergency vehicles shall not engage in pursuits unless no other alternatives for pursuit exist. Upon the arrival of a Department pursuit-rated emergency vehicle, all non-pursuit-rated vehicles shall terminate.
- 2. The primary unit shall continually re-evaluate and assess the pursuit situation, including all initiating factors. A pursuit may be terminated at any time by the primary unit. A pursuit must be terminated whenever conditions would lead a reasonable person to believe that the level of danger to the community or others outweighs the necessity of immediate apprehension of the suspect or when so directed by a supervisor. In all instances, a pursuit shall be terminated under any of the following circumstances:
  - A. If, in the opinion of the pursuing officer or a supervisor, there is a clear and unreasonable danger to the officer and/or others created by the pursuit that outweighs the necessity for immediate apprehension; or,
  - B. The suspect's identity has been established to the point that later apprehension can be accomplished and there is no longer any need for immediate apprehension; or,
  - C. The prevailing traffic, roadway, or environmental conditions indicate the futility or increased danger to the safety of the public or the pursuing officers in the continued pursuit; or,
  - D. The pursued vehicle's location is no longer known or visual contact has been lost.
- 3. Pursuit Operations:
  - A. Officers with non-police personnel such as citizens, chaplains, interns, prisoners, witnesses, and victims in their vehicles, shall not engage in pursuits unless they are the initiating pursuit vehicle and shall be relieved as the primary vehicle at first opportunity.
  - B. All fully marked emergency vehicle operations shall be conducted in strict conformance with departmental directives as well as all applicable laws and regulations.
  - C. Upon engaging in a pursuit, the officer shall activate the emergency warning equipment, to include emergency warning lights and siren, in accordance with state law. If both the

emergency warning lights and siren are not being used, the vehicle is not classified as an emergency vehicle and the operator must not engage in a pursuit.

- D. Operating police vehicles in a manner or at a speed in which the officer does not have sufficient control of the vehicle to ensure the safety of the public is strictly prohibited, regardless of the circumstances.
- E. Upon engaging in a pursuit, the officer shall immediately notify the dispatcher of the pursuit; the location and direction of the pursuit; the description of the pursued vehicle, suspects, etc. and; the initial purpose of the attempted stop.
- F. The officer shall continually keep the dispatcher updated on the pursuit to include informing the dispatcher when the pursuit has terminated and any other pertinent information.
- G. The assist unit, upon joining the pursuit, shall immediately notify the dispatcher of its identity. If the primary unit is a one-person unit, the assisting unit may assume radio communications responsibility, allowing the primary unit to devote full attention to driving.
- H. The assist unit will maintain a safe distance behind the primary unit, but close enough to render back-up assistance if and when required.
- I. If the primary unit becomes disabled, the assisting unit will become the primary unit. The dispatcher will advise the field supervisor and other units that a new back up is needed. The next unit to join the pursuit will be designated as the new back-up unit.
- J. When engaged in a pursuit, officers shall not drive with reckless disregard for the safety of others.
- K. Unless circumstances dictate otherwise, a pursuit shall consist of no more than two police vehicles; a primary and secondary unit. All other vehicles shall stay clear of the pursuit unless instructed to participate by a supervisor.
- L. The primary pursuit unit shall become the secondary unit when another unit has been assigned the responsibility. When feasible, the patrol vehicle with the most prominent markings and emergency lights shall be the primary pursuit unit.
- M. There shall be no caravanning by field units not directly involved in the pursuit.
- N. Pursuing units shall not attempt to pass any other police vehicles involved in the pursuit unless an officer makes a good faith determination and reasonably believes that such

actions are deemed to be reasonably appropriate and necessary, i.e. a fully marked secondary unit passing a slick top primary unit in order to assume primary.

- O. When terminating a pursuit, the officer(s) shall immediately deactivate all emergency equipment and either pull to the side of the road and stop or change their direction of travel. Under no circumstance may an officer continue to follow a vehicle after termination of a pursuit.

#### 4. Forcible Stopping Techniques

- A. During the course of a pursuit, deliberate contact between vehicles, such as bumping or ramming, is prohibited unless circumstances for use of deadly force exist. (Note: For safety purposes, officers who attempt to ram in deadly force situations should be aware that any vehicle contact may result in air bag deployment.)
- B. During the course of a pursuit, forcing pursued vehicles off the roadway, into parked cars or any other obstacles, boxing in, heading off, or driving alongside the pursued vehicle, etc. while they are in motion is prohibited.
- C. This department does not authorize nor provide training in the use of roadblocks or forcible stopping techniques such as moving roadblocks, fixed roadblocks, circle systems, roadway barriers, road spikes, tire deflation devices, pit maneuvers, or other pursuit interruption techniques. This shall include the stopping of traffic to block lanes during a pursuit.
- D. Firearms may be discharged in the direction of a vehicle only if the occupants of the vehicle represent a direct and immediate threat to the life or safety of the Officer(s) or others.

#### 5. Dispatcher Responsibilities:

- A. Clear the radio channel of any unnecessary traffic and advise all other units that a pursuit is in progress, providing all relevant information.
- B. Immediately notify a supervisor of the pursuit.
- C. Notify, as may be required, surrounding jurisdictions of the pursuit in progress, its direction and all other pertinent information.
- D. Control all radio communications during the pursuit.
- E. Receive and record all incoming information on the pursuit and pursued vehicle.

- F. Monitor the pursuit and relay direction, location, and all other pertinent information.
  - G. Coordinate assistance under the direction of a supervisor.
  - H. Continue to monitor the pursuit until it has been terminated.
6. Inter-Jurisdictional Pursuits:
- A. The pursuing officer(s) shall notify the dispatcher when it is likely that a pursuit will continue into another jurisdiction.
  - B. When a pursuit initiated by an outside agency enters our jurisdiction, the dispatcher shall make an immediate inquiry to determine the reason for the pursuit and whether assistance is required.
  - C. When a pursuit initiated by an outside agency enters our jurisdiction, this department's personnel shall not become involved in another agency's pursuit unless permitted to do so by a supervisor or; unless it is clearly demonstrated that a unit from an outside agency is unable to request assistance or; the emergency nature of the situation dictates the need for assistance. In such instances, all departmental pursuit policies shall be in effect and a supervisor, once made aware of the situation, will be responsible for determining whether department personnel shall continue or abort the pursuit.
  - D. If feasible, officers involved in pursuits entering other municipalities should ensure the police department in the municipality is notified of the pursuit either directly or through other communications. Any assistance or action desired of the local law enforcement agency should be specifically communicated to that agency. Pursuits going into municipalities may be turned over to the local law enforcement agency or simply terminated if the increased risk to public safety warrants such action.
7. Supervisor Responsibilities:
- A. Upon being made aware of a vehicular pursuit, the appropriate supervisor shall monitor the incoming information, coordinate and direct the activities of the pursuit as needed to ensure that proper procedures are used.
  - B. Require the pursuit to be terminated when the pursuit does not meet the requirements of this General Order.
  - C. Limit the number of vehicles involved in the pursuit in accordance with the guidelines of this General Order.

- D. When possible, a supervisor shall proceed to the termination point of the pursuit to ensure that all necessary assistance is rendered, provide guidance and ensure all necessary investigations are conducted.
  - E. The supervisor shall ensure that all necessary reports, forms, etc. are completed as may be required by this directive and all other applicable General Orders.
  - F. Shall notify the Patrol Commander as soon as reasonably practical after a pursuit has been terminated and the situation has been brought under control. In all instances, such notifications shall be made prior to the supervisor ending their tour of duty. The Patrol Commander will be responsible for notifying the chief of police as may be appropriate.
  - G. Prior to final approval of any report, the approving supervisor shall consult with the Patrol Commander regarding each individual incident and the circumstances surrounding the pursuit.
8. Reporting and Review Process:
- A. Whenever an officer engages in a pursuit, the officer shall file a written police report on the incident. The report shall be written and completed as soon as reasonably practical after the incident.
  - B. The appropriate supervisor shall prepare a written memorandum which critiques the pursuit and shall include a statement(s) as to whether the supervisor believes the pursuit was conducted in accordance with department guidelines. If the supervisor believes the pursuit was not conducted in accordance with department policy, the supervisor shall explain in sufficient detail why they have made such a determination. The supervisor will then forward his/her notification/written critique in memorandum form and unapproved copy of the police report to the Patrol Commander for his review.
  - C. If a supervisor is involved in a pursuit, it is not practical for he/she to complete a critique of the pursuit. In the event that a pursuit is initiated by a supervisor or a supervisor is involved in any fashion, the supervisor will still be responsible to forward a memorandum and an unapproved copy of the pursuit to the Patrol Commander.
  - D. The Patrol Commander shall conduct an administrative review of the pursuit report(s), memorandums, etc. and shall also conduct any follow-up inquiry as may be necessary to determine if the pursuit was conducted in accordance with department policy. The Patrol Commander shall prepare a separate written critique of all pursuits and forward it, along with copies of all reports and other documents relating to the incident, to the Chief of Police for final review.

- E. The Chief of Police or his designee shall conduct an annual analysis of incidents involving vehicle pursuits to determine patterns or trends that may indicate training needs and/or policy modifications.

9. Training:

Periodic training on vehicular pursuits will be conducted as may be determined by the Chief of Police.

This General Order supersedes all prior directives and orders inconsistent therewith.

By Order Of:

Signature on File

Captain Eddie Simmons  
Office of Chief of Police  
Pagedale Police Department

Distribution: All Department Personnel