

	DELMAR POLICE DEPARTMENT	
	Policy 7.15 Vehicle Pursuits	
	Effective Date: 10/20/14	Replaces: 3.20 (1995)
	Approved: <u>Ivan Barkley</u> Chief of Police	
	Reference: DPAC: 2.1.2	

I. POLICY

Pursuits represent a dangerous and difficult task that receives much public and legal scrutiny when accidents, injuries, or death result. Pursuing officers and supervisors must justify their actions and, once they have decided to pursue, continuously evaluate the safety of their actions. Further, forcible measures to stop a fleeing driver, as detailed below, are prohibited except where deadly force is appropriate.

Officers shall comply with all applicable portions of Policy 7.15 when involved in vehicle pursuits.

II. PURPOSE

To establish procedures governing the operation of police vehicles, with special attention to emergencies and pursuits.

III. DEFINITIONS

- A. Boxing In: A deliberate tactic by two or more pursuit vehicles to force a pursued vehicle in a specific direction or to force it to reduce speed or stop by maneuvering the pursuit vehicles in front of, behind, or beside the pursued vehicle.
- B. Caravanning: Direct participation in a pursuit by department vehicles other than the primary and authorized support vehicles.
- C. Emergency Driving: Driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation.
- D. Emergency Equipment: Emergency lights, siren, or air horn designed to give intermittent signals automatically. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.
- E. Normal or Routine Driving: That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly-understood "rules of the road."

- F. Primary Pursuit Vehicle: Normally the department vehicle that begins the pursuit or the vehicle closest to the fleeing suspect. The primary pursuit vehicle may be re-designated by order of the on-duty supervisor.
- G. Pursuit: An active attempt by a law enforcement officer operating a motor vehicle and utilizing emergency warning lights and an audible device to apprehend one or more occupants of another moving vehicle when the officer reasonably believes that the driver of the fleeing vehicle is aware of the officer's attempt to stop the vehicle and is resisting apprehension by increasing vehicle speed, ignoring the officer or otherwise attempting to elude the officer.
- H. Trailing/Following: The simple act of following along behind the violator while giving both visual and audible indication that the violator should stop, and advising dispatch and other units of the violator's location and actions. The terms "trailing" or "following" should no longer be used in the context of police pursuits. Research has shown that there is no difference in the behavior of the officers involved in either a pursuit or the act of following or trailing.
- I. Risk: The degree of danger or hazard to the public or officers.
- J. Roadblock: Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect.
- K. Support Vehicles: The second or additional department vehicles, participating in the pursuit, which follows the primary pursuit vehicle at a safe distance and helps the primary one once the suspect vehicle has stopped, or which can assume the primary role if circumstances dictate.

IV. PROCEDURES FOR PURSUITS

A. Justification for pursuit:

It is essential that Officers **not** assume that an individual observed for a traffic violation must be involved in something more serious because he is fleeing. Officers must rely on what they know, not what they think or sense. Increasing risks during a pursuit can only be justified by what is known.

B. Violent Felonies Only

1. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intentions to avoid apprehension for a known violent felony, by refusing to stop when properly directed to do so. Pursuit may also be justified if the officer reasonably believes that the suspect, if allowed to flee, would present a danger to human life or cause serious injury.
 - a. The Supreme Court has acknowledged that felony vehicle flight constitutes a "violent felony" under the federal Armed Career Criminals Act. It shall be the policy of the Delmar Police Department

that where there is no known violent felony associated with a vehicle attempting to elude, officers are not justified in initiating or continuing a pursuit.

2. Pursuits will not be initiated for traffic offenses, misdemeanors or misdemeanor property crimes.
3. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
4. In deciding whether to initiate pursuit, the officer shall take into consideration:
 - a. road, weather and environmental conditions;
 - b. population density and vehicular and pedestrian traffic;
 - c. the relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
 - d. the seriousness of the offense;
 - e. the presence of other persons in the police vehicle;
 - f. the speed of the officer's vehicle; and
 - g. traffic conditions.

C. Primary officer responsibilities

1. The officer's primary responsibility in a pursuit is the safe operation of the vehicle. Only marked vehicles with emergency equipment should be used for continuous pursuits at high speeds. If the initial pursuit is undertaken by an unmarked vehicle, such vehicle shall immediately abandon the role of primary unit when a marked vehicle has intercepted and undertaken the pursuit.
2. Upon engaging in a pursuit, the pursuing vehicle shall continuously activate emergency warning equipment to include emergency lighting, headlight flashers, and siren.
3. The officer shall notify the dispatcher of the following:
 - a. The location of the officer and the suspect's vehicle.
 - b. The direction of travel.
 - c. The license number (and state) of the suspect's vehicle.

- d. The description of the suspect's vehicle.
 - e. The reason for the pursuit.
4. The officer will, to the best of their ability, keep the dispatcher informed of the location and direction of travel.
 5. Whenever the risk to the public or the officer outweighs the immediate need to apprehend the suspect, the officer will terminate the pursuit.

D. Supervisor's responsibilities

1. The on-duty supervisor or an officer of higher authority shall monitor the pursuit and ensure compliance with department policy by directing officers to join or abandon pursuit, re-designating primary and support pursuing vehicles if necessary, approving or directing pursuit tactics, and terminating the pursuit.
2. The on-duty supervisor shall monitor the pursuit and may respond to the location of the stopped suspect. The supervisor may end the pursuit at any time that he or she feels circumstances warrant.
3. No more than two department vehicles should pursue a fleeing suspect without the specific authorization of the on-duty supervisor. In authorizing additional department vehicles to pursue, the supervisor shall consider:
 - a. The nature of the offense;
 - b. The number of suspects;
 - c. The number of officers currently participating as primary and support vehicles;
 - d. Any injuries or property damage already sustained as a result of the pursuit;
 - e. Any other clear, articulated facts that would justify the assignment of additional department vehicles.
4. After the incident, the on-duty supervisor shall critique the pursuit with all of the officers involved and direct all participants to submit reports.
5. The on-duty supervisor at the time the pursuit was begun will retain authority over the pursuing officers of the department for the duration of the pursuit.
6. The supervisor may direct the use of tire-deflation devices, as appropriate. See paragraph G.11 below.

E. Supporting officers' responsibilities

1. Normally the first back-up unit to respond shall help the primary officer in pursuing the suspect and making the arrest. The secondary pursuing officer is responsible for broadcasting the progress of the pursuit and controlling the pursuit tactics. By handling these communications responsibilities, the primary officer can focus attention on the pursuit driving.
2. If the secondary pursuing officer is separated from the pursuit or disengages, he or she will notify the Dispatcher and the primary pursuing unit will assume the radio communications.

F. Dispatcher's Responsibilities

1. Communications personnel shall notify any available supervisor of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.
2. Record all pertinent information about the pursued vehicle.
3. Advise all other officers of the pursuit and the information given by the pursuing officer. Assist in directing back-up units to strategic locations.
4. Alert all other nearby law-enforcement agencies of the pursuit and information given by pursuing officer when continuing beyond the city.
5. Query METERS, DELJIS, and NCIC for license data and any warrants.

G. Rules of pursuits

1. Officers shall not intentionally ram, bump, or collide with a fleeing vehicle nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle.
2. Boxing-in is prohibited. Attempting to stop a vehicle or force a vehicle from the roadway by driving alongside or in front of a fleeing vehicle places officers at a distinct tactical disadvantage should the driver or passenger intend to use deadly force against an officer. Additionally, a boxed-in vehicle increases the chances of a cross-fire situation for officers.
3. The use of stationary or a rolling roadblock is prohibited. Officers may block major intersections as a warning to the public but shall not intentionally position a police vehicle in such a manner as to block the path of a vehicle being pursued.
4. Caravanning is prohibited. Only two department vehicles (excluding the supervisor) should participate in a pursuit at any time unless specifically authorized by a supervisor.
5. Officers shall not fire their weapons from a moving department vehicle.

6. If the on-duty supervisor orders the pursuit to end, then the primary and supporting pursuing officers shall cease immediately. Also, the pursuing officer(s) shall end the pursuit if at any time during the course of the pursuit he or she loses sight of the fleeing vehicle for more than ten (10) seconds. The pursuing officers may continue to look for the suspect but shall reduce their speed to Code 2 and utilizing all emergency equipment required for a Code 2 response. If after thirty (30) seconds the pursued vehicle is not located, all officers will reduce their vehicle operation to Code 1.
7. Officers are strictly prohibited from engaging or assisting with vehicle pursuit when accompanied by civilian passengers or when transporting prisoners.
8. Intersections are a particular source of danger. When approaching an intersection where signal lights or stop signs control the flow of traffic, officers shall:
 - a. Slow and enter the intersection at a reduced speed and only when safe; when all other vehicles are aware of the officer's presence.
 - b. Resume pursuit speed only when safe. When using emergency lights, siren, and headlamps, the officer is requesting the right of way and does not absolutely have the right to run a red traffic light or stop sign.
9. When two or more vehicles are involved in pursuit, each unit shall maintain a safe distance, especially when passing through intersections. Each unit involved in the pursuit should use a different siren-sound selection if circumstances and safety permit. The use of different siren-sound combinations can help the primary and secondary vehicles hear one another and alert motorists and bystanders that two or more vehicles are operating under emergency conditions.
10. Should the suspect drive in a direction opposite to the flow of traffic during the pursuit, the pursuing officer shall not follow the suspect in the wrong direction but instead transmit via radio detailed observations about the suspect vehicle's location, speed, and direction of travel. The pursuing officer may be able to follow the suspect on a parallel road.
11. Tire Deflation Devices
 - a. Officers who have been trained in the use of tire deflation devices are authorized to deploy the devices when approved by a supervisor.
 - b. Deployment must be made safely and in an area that is free of obstructions for at least 50 yards in each direction.
 - c. Deployment is made per manufacturer's instructions always keeping the deploying officer safe from possible vehicular danger.

- d. The device must be retracted prior to departmental vehicles running over them.
- e. Officers deploying the device will notify on coming departmental vehicles of the deployment location so that they may slow to avoid running over the devices.

H. Out-of-jurisdiction pursuits

1. Pursuits beyond the local jurisdiction require the direct approval of the on-duty supervisor and, if approved, shall be conducted according to this order. The dispatcher shall notify the appropriate jurisdiction of the pursuit and request help.
2. Once the pursuit has entered another jurisdiction, if officers from that jurisdiction enter the pursuit, department officers shall cease their emergency driving (unless circumstances require their continued pursuit), turn off emergency equipment, and follow the pursuit while observing all posted speed limits and traffic control devices.
3. If officers from another jurisdiction pursue a suspect into our jurisdiction, department officers shall enter the pursuit only if the other agency specifically requests help and the on-duty supervisor approves our participation. This does not prohibit an officer from being dispatched to a point of advantage or to the termination point of a pursuit. Additional assistance may be provided as the circumstances dictate.
4. Officers authorized to assist outside agencies engaged in pursuits will do so only within the guidelines of this order and will terminate the pursuit when the pursuit leaves the city limits.
5. When a fleeing suspect is apprehended in another county, the apprehending officer shall take the arrested person before the court commissioner or appropriate court magistrate of that county. The on-duty supervisor shall confer with the other jurisdiction to determine which shall maintain custody of the suspect based upon the seriousness of the charges and the likelihood of release by court personnel.

I. TERMINATING PURSUITS

1. This order has noted the necessity for a pursuing officer to continuously evaluate the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the officer can make.
2. Officers will not continue pursuits unless there remains sufficient information available to associate the vehicle or its occupants with the commission of a violent felony offense or a life threatening situation. The Department does not recognize a driver fleeing from police as a life threatening situation in itself. However, it may be

determined later that a life threatening situation was created by the continuation of a pursuit.

3. Officers shall discontinue a pursuit under the following circumstances:
 - a. The on-duty supervisor or a higher authority orders it.
 - b. The pursuing emergency vehicle experiences an equipment or mechanical failure that renders the vehicle unsafe for emergency driving, to include malfunction of the emergency lighting equipment, siren or the officer loses radio communications with the dispatcher.
 - c. A pursuing vehicle is involved in an collision with another vehicle or strikes any object, to include signs, poles, trees, curbs, etc. that may have obscured vision (broken windshield) or may have caused damage to steering, braking, tires/rims or other critical vehicle parts rendering the vehicle unsafe to continue the pursuit.
 - d. The pursued vehicle has outdistanced the pursuing officer and the distance between the officer and the pursued vehicle is such that continuing the pursuit would require speeds endangering the officer and the public, or the location or the pursued vehicle is not known.
 - e. The pursued vehicle is a motorcycle or high performance vehicle.
 - f. The pursued is known to be occupied by children.
 - g. A person has been injured during the pursuit and no medical or department personnel are able to provide help.
 - h. The pursuing officer perceives a clear, unreasonable danger to other officers, the fleeing suspect, or the public, and the danger created by continuing the pursuit outweighs the value of apprehending the suspect at the time. An unreasonable danger exists, but is not limited to situations when the speed dangerously exceeds the normal flow of traffic or when vehicular or pedestrian traffic necessitates erratic maneuvering exceeding the performance capabilities of the vehicle or the driver.
 - i. There no longer exists reasonable cause to believe that the person being pursued has committed, has attempted to commit, or is committing a violent felony.
4. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the officer shall stop, give his or her location, and continue efforts to apprehend on foot. Circumstances may dictate, however, a continued pursuit of the person(s) using the emergency vehicle. Support vehicles shall be dispatched in close proximity to offer assistance. The pursuing officer should be cautious, however, that the pursued vehicle may carry other persons who might assault the pursuing officers. Should the individual stop and remain in the vehicle, officers will not rush the vehicle. Appropriate felony stop procedures should be used.

V. FOLLOW-UP REQUIREMENTS

1. The on-duty supervisor shall ensure that all participating officers document their involvement in the pursuit whether or not the suspect was stopped. The initiating officer will complete a departmental Pursuit Incident Report Form (Form 7.15). Other officers involved will prepare a supplemental report documenting their participation. Reports shall be completed before the end of the officer's tour of duty.
2. The supervisor shall ensure the proper off-loading of all video recordings of the pursuit and shall review the pursuit for compliance with policy and forward all documentation to the Patrol Division Commander for review.
3. In the absence of a supervisor (Sergeant or Corporal) a non-participating officer shall ensure sections 1. & 2. are completed. If all non-supervisory officers on the shift were involved, this responsibility will rest with the secondary officer to include ensuring the Patrol Division Commander was notified by him or herself or the dispatch office.
4. The Patrol Division Commander will review the reports submitted by officers and all video recordings to determine compliance with policy. All patrol vehicle video and dispatch office audio recordings shall be copied to another media (CD, DVD, USB Flash) to prevent loss. The Patrol Division Commander provides copies to the Chief of Police.
5. The Patrol Division Commander will initiate a Pursuit Review Board made up of a Patrol Sergeant, an Administrative Sergeant and a Corporal selected from shifts or assignments not the same as the pursuit officers under review.
6. The Patrol Division Commander will prepare a report to the Chief of Police documenting the findings of the Pursuit Review Board as well as any findings and recommendations as a result of those findings. The Chief of Police will have the final decision in all matters concerning vehicular pursuits.
7. Annually, the Chief of Police will cause an analysis of all vehicle pursuits occurring during the previous year to be conducted. The analysis will be designed to determine if the current policy is being followed, whether any changes are needed in the current policy, and any training needs of the department.

VI. REPORTING GUIDELINES

- A. Primary Officer
 1. submit a detailed offense report to include a Pursuit Driving Report Form
 2. electronically tag the mobile video recording as "evidence" and off-load to the video server as soon as practical
- B. Secondary Officer
 1. submit a supplemental report to the original offense report

2. electronically tag the mobile video recording as “evidence” and off-load to the video server as soon as practical
- C. Other Participating Officers
1. submit a detailed supplement to the original offense report and electronically tag the mobile video recording as “evidence” and off-load to the video server as soon as practical
- D. Patrol Supervisor
1. assemble an officer-involved-pursuit packet containing:
 - a. patrol supervisor’s supplement report to the original offense report;
 - b. offense and supplemental reports from all involved officers;
 - c. case numbers from involved outside agencies;
 - d. CAD call sheet;
 - e. crash report(s) and diagram(s) (if applicable);
 - f. ensure all video downloads have been accomplished and the recordings are electronically tagged to prevent erasure;
 - g. submit complete packet to the Patrol Division Commander
- E. Patrol Division Commander
1. Upon receiving the officer-involved pursuit packet and obtaining copies of the video and audio (dispatch) recordings the Patrol Division Commander will:
 - a. Review the information contained in the packet and on the video and audio recordings
 - b. Prepare a critique memorandum which provides the following information:
 - (i) a brief synopsis of the pursuit;
 - (ii) identity of the controlling supervisor;
 - (iii) location (start and end);
 - (iv) time (start and end);
 - (v) elapsed time;

- (vi) weather and traffic conditions;
 - (vii) policy compliance/non-compliance;
 - (viii) arrests and charges files;
 - (ix) conclusion regarding the pursuit.
- c. Forward the officer-involved pursuit packet, video/audio recordings and the critique memo to the Chief of Police.
 - d. Notify the Chief of Police regarding the findings and recommendations of the Pursuit Review Board.