

**Law Enforcement
Policies and Procedures**

Subject: Vehicular Pursuit – <u>Restrictive</u>	Policy Number: 4.18
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Approval Authority Title and Signature:	

POLICY:

High speed vehicular pursuits are *critical incidents*. The way in which high-speed vehicle pursuits are responded to, performed, terminated, and supervised is an important element of protecting the public we serve. Due to the unique conditions within the community we serve the agency designee has determined that high speed pursuits are generally **restricted** to *exigent circumstances*, and when occurring are authorized and closely monitored by supervisors.

DEFINITIONS:

- **Authorized Emergency Vehicle** - A vehicle equipped with operable emergency equipment as defined by state law, including a siren and emergency signaling lights. The presence of marked units, using its emergency lights and/or sirens minimizes the risk to the public by providing warning.
- **Boxing-in** - A technique whereby two or more patrol units move into positions around the fleeing suspect vehicle, forcing a *box*. *Once the box is formed, all officer units slow, causing the violator in the box to slow as well.* This can also be considered a form of *rolling roadblock*.
- **Channeling** - A form of boxing-in, or setting of conditions by emergency vehicles that directs vehicular traffic, or the suspect's vehicle, onto another roadway or into an area of limited escape. Depending on the form, this can also be considered a type of *rolling roadblock*.
- **Controlled Contact** - Often referred to as *Pursuit Intervention Technique* [PIT] or *Tactical Vehicle Intervention* [TVI], these tactics are an intentional act of making contact with a suspect's moving vehicle to force it from its course of travel. These are skilled maneuvers that require specific officer training. Generally, *controlled contact* is undertaken at lower speeds, and is frequently intended to cause the violator leave the roadway in a methodical manner. When performed correctly, the suspect's engine may stall out.

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- **Controlled Deflation Device** - Sometimes called *spike strips* or *quill strips*. Tire deflation devices when properly deployed may help reduce the speed of the pursuit by disabling one or more of the suspect's tires. Tire deflation devices are not a guarantee, as certain vehicles now have *run-flat tires*.
- **Exigent Circumstance** - An emergency situation requiring swift action to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a violent suspect, or destruction of evidence. There is no ready litmus test for determining whether such circumstances exist, and in each case the extraordinary situation must be measured by the facts known by officials.
- **High-speed** - In the context of a vehicle pursuit, generally speeds reaching twenty [20] miles-per-hour over the posted speed limit. This is not a rule, but rather a guide. Other factors should be considered such as road conditions, traffic, weather, terrain, etc.
- **Motor Vehicular Pursuit** - An active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspect(s), who know that an officer is trying to stop them, and who have given some indication of the intent not to stop or yield. The intent not to stop can be by increasing speed, bypassing traffic control devices, or by other means.
- **Offset Position** - Moving the officer's unit approximately one-half the length of either side of the fleeing vehicle while continuing to trail. This offset position allows the officer to see oncoming traffic, and to expose emergency warning lights to the view of oncoming vehicles. From this position officers can more readily anticipate the suspect's actions, and possibly influence suspect turns at intersections.
- **Pursuit Intervention Technique [PIT]** - See the definition of *Controlled contact*, above,
- **Primary Unit** - The law enforcement unit that first joins the pursuit or any unit that assumes the lead pursuit vehicle position.
- **Public Harm Risk** - The degree of risk to the public posed by the actions of a suspect, usually equated to the initial act giving rise to the subject's decision to initiate a pursuit, and subsequent actions of the fleeing suspect. Generally comprised of two elements: the risk inherent in crime(s) committed by the suspect, and the risk faced by the public should the suspect be allowed to continue his/her dangerous activity.

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- **Pursuit Management Continuum** - A specific type of resistance-control continuum or matrix, reflecting the relationship between pursuit causation factors and the tactics and techniques that may reasonably be used in the apprehension of the fleeing suspect. The continuum supports the decision-making process by outlining tactical initiation, continuation, and termination options and tactics.
- **Roadblock** - Placing vehicles or objects in the path of a suspect's moving vehicle to encourage or force it to stop. Roadblocks are generally described as *stationary*, or *rolling* [*moving*]. *Stationary* roadblocks are set at a fixed point, and all elements or equipment are stationary. *Rolling* or *moving* roadblocks move with the flow of the pursuit with the intent of gradually reducing speed or changing direction, thereby supporting the eventual stop.
- **Secondary Unit** - Any law enforcement vehicle that becomes involved as a backup to the *primary unit*, and follows in the direct path of the pursuit or supports the *primary unit* at a safe distance.
- **Tactical Vehicle Intervention [TVI]** - See the definition of *Controlled contact*, above.
- **Trailing** - Simple act of following along behind the suspect vehicle while giving both visual and audible indications that the violator should stop, and advising the public, dispatch, and other units of the suspect's location and actions. *Trailing* provides warning to pedestrians, and other drivers of the potential danger posed by the fleeing suspect. Care is taken to attempt to maintain a safe and extended interval between the suspect vehicle and the following or trailing unit(s).
- **Uncontrolled Contact** - Sometimes referred to as *ramming*, this tactic represents a higher level of intentional contact between the suspect's vehicle and the officer's unit. *Uncontrolled contact* is frequently attempted at higher speeds than intentional collisions, is unpredictable, and presents a high degree of risk to the officers involved. Uncontrolled contact may constitute deadly force, depending on the circumstances of the incident.
- **Vehicle Pursuit** - A vehicle pursuit begins when a violator drive away or attempts to evade an officer who has signaled for the motorist to stop. Violators initiate a vehicle pursuit, not the officer. The officer may decide to continue or terminate the pursuit; however the violator's actions start it.
- **Violent Suspect** - A known or suspected criminal actor who is perceived by the officer to have committed, or is likely to commit, a violent act against another by means of *deadly force*, to include use of a motor vehicle, while attempting to evade capture.

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DISCUSSION:

Considering the agency designee's commitment to protecting the general public, and specifically innocent life, high-speed vehicular pursuits are conducted under the guidelines of this policy.

Violators fleeing in a vehicle by employing high-speed or reckless conduct present an unpredictable danger to the general public, officers, and the suspects themselves. Of particular importance is the possibility of damage or injury this violator may cause to members of the public who are not involved in the pursuit. This threat to the public may continue or even increase even after a pursuit has been terminated unilaterally by officers. There is no legal or scientific basis to conclude that by officers disengaging from a pursuit, the violator will now follow all traffic laws. Reasonable officers know that most pursuits start when an officer observes a moving violation that if left unchecked will ultimately endanger other motorists at a later date or time.

There are no easy answers when it comes to deciding when to continue or terminate a high-speed pursuit. The U.S. Supreme court has observed that officers making these decisions are often given the . . . *choices between two evils*.

Although most pursuits end in an arrest, and without injury, it is impossible to predict the behavior of others, especially when they are behind the steering wheel of a vehicle. A suspect willing to travel at high-speeds and exhibiting erratic and violent behavior is a serious threat to the general public, with or without the presence of the officer. Vehicle pursuit conditions *are tense, uncertain, and rapidly evolving situations*. Under such conditions officers should continually assess the risk to themselves and the general public.

Exigent Circumstances & Requests to Participate in Vehicle Pursuit:

High speed pursuits are conducted by officers of this agency only where officers observe or perceive a threat of physical harm to the public or officers, and when approved by a supervisor. The observed or perceived threat may be specific to an individual, group of individuals, or the public in general.

The determination of *exigent circumstances* may be based on observed behavior of the suspect, reports, or officer perception that the fleeing suspect has attempted or committed:

1. Potentially life-threatening motor vehicle violations, such as *reckless driving, failure to heed traffic control device, failure to stop when signaled to do so by an officer, etc.*;
2. Homicide, seriously injured, or aggravated assault, to include acts with a motor vehicle;
3. Kidnapped another or has a hostage;
4. Violent sexual assault or rape;
5. Terroristic or active shooter incident;

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6. Armed or aggravated robbery or other imminent life-threatening activity;
7. Felony theft, including theft of a motor vehicle;
8. Is a reported or suspected violent felon; and/or
9. If he/she remains at large there is serious threat to the public.

PROCEDURES:

1. Only officers who have been trained in *pursuit driving* are authorized to request or participate as a driver in a high-speed vehicle pursuit.
2. A law enforcement officer having determined that *exigent circumstances* exist, will after activating his/her emergency warning devices, immediately notify their supervisor, and provide the justification for continuing the pursuit, and other relevant information.
3. If affirmative permission to continue the pursuit is not received the officer will terminate the pursuit, and notify dispatch and the supervisor of the decision and action being taken.
4. In deciding whether to seek permission to engage in or continue a vehicle pursuit, officers may consider:
 - a. Observed or reported offense(s);
 - b. The continued threat the violator poses to others, if their dangerous conduct continues unchecked;
 - c. Road, weather, and environmental conditions;
 - d. Population density, and vehicular and pedestrian traffic;
 - e. Relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
 - f. Presence of other persons in the police vehicle and vehicle being pursued [if known];
 - g. Skill, training, and experience of the pursuing officer;
 - h. Alternative means or opportunity of apprehending the violator; &/or
 - i. Officer's knowledge of the area and roadways.

Officers are cautioned not to rely solely on a license plate number and vehicle descriptions when determining if the suspect *may be apprehended at a later date*. A license plate may identify the vehicle but does not identify a violator. Officers know that a license plate may be on the wrong vehicle, or be on a stolen vehicle. .

Pursuit Officer Responsibilities:

1. Pursuing officer activates appropriate warning equipment, including audible siren and emergency signaling lights to signal the actor to stop, and to provide continued warning to the public.
2. Notify dispatch that a violator has initiated a high-speed pursuit, and the officer is following. Time and conditions permitting, the officer provides the following information:
 - a. Unit identification;

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- b. Description and license number of the fleeing vehicle, if known;
- c. Initial and subsequently observed offenses;
- d. Location, speed, and direction of travel of the fleeing vehicle; &
- e. Number of occupants in the fleeing vehicle, and descriptions, if known.

Failure to provide this information may result in a supervisor decision to terminate the pursuit.

3. Keep communications updated on the progress of the pursuit.
4. All emergency vehicle operations conform to traffic laws and regulations.
5. Unless circumstances dictate otherwise, a pursuit is limited to no more than two emergency vehicles; a *primary* and a *secondary* (back-up) unit. All other personnel must stay clear of the pursuit, unless instructed to participate by the controlling supervisor or primary pursuit officer. A third unit in the pursuit can be a K-9 unit, and does not require approval of a supervisor.
6. Any *primary* or *back-up* unit sustaining damage or failure of essential vehicular equipment during pursuit must discontinue pursuit. The withdrawing unit notifies communications so that another unit may be assigned to the pursuit.
7. *Primary* pursuit unit will become *secondary* when the fleeing vehicle comes under air surveillance or when another unit has been assigned or assumes *primary* responsibility.
8. When air surveillance is established, all units directly involved in the pursuit follow the directions of the air unit, as long as visual contact is maintained by the aircraft.
9. A *primary* unit will become the secondary unit when the primary unit determines any conditions unfavorable for that unit to be the lead unit.

Communications Center Responsibilities:

1. Immediately advise a supervisor of essential information regarding the pursuit, and designate a *controlling supervisor, if available*.
2. Carry out the following activities and responsibilities during the pursuit:
 - a. Receive and record relevant incoming information about the pursuit and the pursued vehicle and suspects;
 - b. Request another Communications Officer to assist with recording the information and communications on other radio channels involved in the pursuit;
 - c. Control radio communications and clear radio channels of all non-emergency calls; instruct non-direct units to use a designated support channel;
 - d. Obtain criminal record and vehicle checks of the suspects;
 - e. Coordinate and dispatch back-up assistance, as directed or requested;
 - f. Notify neighboring jurisdictions, when practical, that the pursuit may extend into their locality;
 - g. Place emergency medical, fire, or hazardous materials responders on stand-by for rapid response in case of injury to persons, fire, or hazardous materials incident; &
 - h. Verify the location and type of termination.

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Supervisor Responsibilities:

It is the responsibility of controlling supervisor to:

1. Make a determination as to allow or terminate a request to engage in or continue a pursuit;
2. Continually monitor evolving events, and provide direction, leadership, and instructions;
3. Summon additional assistance and resources as needed;
4. Coordinate, direct, and reinforce use of proper procedures;
5. Where possible, respond to the route where a pursuit is occurring, and to the location of the stopped vehicle, once the pursuit has ended;
6. Insure that the agency designee is kept apprised of the decision, action taken, and results; &
7. Insure that that all *after action reports* are properly documented.

PURSUIT TACTICS:

1. Officers will not normally follow the pursuit on parallel streets unless authorized by the controlling supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
2. When following the suspect vehicle, officers try to obey the *three to four second rule*, attempting to stay *at least three to four seconds behind the suspect vehicle*, as determined by estimating the passing times of fixed objects.
3. Patrol units with the most prominent markings and emergency lights are used to pursue, particularly as the primary unit.
4. Motorcycles may be used for pursuit only in exigent circumstances and when weather and related conditions allow. Motorcycles must disengage when direct support from marked patrol units becomes available.
5. A decision to discharge firearms at or from a moving vehicle is governed by the agency's *use of force* policy [See: 05.01, *Use of Force & Deadly Force*].
6. Use of roadblocks is governed by the agency's *roadblock* policy [See: 07.15, *Roadblocks*].
7. Officers must use appropriate safety tactics, and must keep in mind the necessity to use only *reasonable and necessary force* to take suspects into custody.
8. Secondary or back-up officers, if available, will affect arrests; the pursuing officer assumes the role of backup, if feasible.

Pursuit Termination Tactics:

The agency designee, has determined that such a use of force is a critical use of force incident, and should be employed only when it is perceived that the threat to officers and other innocent life is clearly present.

1. Any officer engaged in or supporting the pursuit may terminate the pursuit at

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anytime.

2. Generally, once a violator starts a high-speed vehicle pursuit it will be *successfully terminated* because of one or more of four means:
 - a. Violator decides to stop the pursuit;
 - b. Officer termination due to unfavorable conditions as perceived by an officer;
 - c. Officer termination when the suspect is positively identified and may be arrested at a later date; and/or
 - d. Successful results from the deployment of termination tactics, techniques, or devices.
3. Primary pursuing unit and supervisor continually re-evaluate and assess the evolving situation, including the violator's actions, and terminate the pursuit whenever he or she reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of stopping the violator's dangerous behavior by making an immediate apprehension.
4. In the event of a collision involving a vehicle or person, a back-up officer stops and renders assistance, including calling for medical assistance as necessary.
5. Intervention tactics short of deadly force [spike strips, roadblocks, low speed tactical intervention techniques, low speed channeling (with appropriate advance warning), etc.] may be used when it is possible to do so in safety, and when the officers utilizing the technique have received appropriate training in the applied tactic. Beyond the discussions contained in other portions of this policy, here are some tactical issues to consider:
 - a. **Trailing** – The tactic of *trailing* can be employed at most speeds, however involves no immediate efforts to stop the suspect. Depending on officer perceptions and tactics, an incident may evolve from *pursuit mode* to a *trailing mode*, and back to a *pursuit mode*.
 - b. **Roadblock** – An important tactic to consider. Will always be employed in conjunction with the agency's roadblock policy [See: 07.15 *Roadblocks*].
 - c. **Channeling** – Can sometimes be effective in redirecting the escaping vehicle away from other traffic or congested areas, or influencing the pursued driver into other desired areas.
 - d. **Boxing-In** – Requires a high degree of training and good communications. When using three law enforcement vehicles, the fourth side must be a natural or man-made barrier such as a guard-rail, fence, wall, or tree line. The *boxing-in* tactic is usually most effective on slow moving vehicles. Boxing-in can be used effectively to slow the speed of a pursuit and force the suspect to stop.
 - e. **Controlled Deflation Device** – *Spike strips* and similar devices **may not** be used on fleeing motorcycles unless deadly force is otherwise

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authorized by the agency's *use of force* policy [See: 05.01, *Use of Force & Deadly Force*]. Consider:

- i. When deploying tire deflation devices maintain a position of cover anytime you employ a tire deflation device.
 - ii. Tire deflation devices may or may not reduce the speed or halt the pursuit. After deployment, the actor may decide to run on wheel rims, and some vehicles are equipped with *run-flat-tires*.
 - iii. Officer(s) deploying deflation systems must immediately remove the system from the roadway after the suspect vehicle passes the deployment location. Failure to do so may cause following units and innocent travelers to suffer damage to their tires, as well.
- f. **Controlled Contact** - Intentional contact between vehicles at high-speed, is only used in those case and instances where the pursuing officer determines that the danger created by the fleeing suspect to the general public is HIGH, and that timely intervention may save innocent lives. Remember, contact between an officer's unit and the suspect's vehicle is either *intentional* or *unintentional*. Clearly, *ramming* is an intentional act. Ramming and PIT are intended by the officer to accomplish some type of termination or re-direction of the pursuit.
- i. PIT and TVI maneuvers are most effective between about 25 and 45 MPH.
 - ii. Anything less than 25 mph won't work. There is not enough inertia to be effective.
 1. Over 45 mph and the reactions of the two vehicles at greater speeds are unpredictable.
6. When an officer terminates a pursuit, and/or trailing the officer should:
- a. Decrease speed to the posted limit or less;
 - b. Turn-off all warning equipment such as audible siren and emergency signaling lights;
 - c. Pull over to the side of the road and stop, or turn in a direction that is not in a direct path of the initial route of the pursuit.
 - d. Notify dispatch of the termination, location of the officer, and reason for the termination; &
 - e. With caution, resume other duties in a different or opposite direction, if reasonably practical.

PURSUIT MANAGEMENT CONTINUUM:

To better understand the dynamics of any motor vehicle pursuit, the policy of the agency designee, the associated decision-making process, and tactical options look at a pursuit management continuum. Our Pursuit Management Continuum is based on several fundamental concepts:

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1. Officers can disengage from pursuit or de-escalate the control mechanisms being used any time they reasonably believe it to be appropriate.
2. Control alternatives available in a pursuit assume officers and supervisors use proper tactics and reasonable decision-making and not take into consideration the worst possible result. While it is possible that lethal harm can result from the use of lower level control methods, it is not the officer's intended result. The actual outcome should have nothing to do with the reasonableness or unreasonableness of an officer's actions. The questions should be:
 - a. Did the officer attempt to apply the technique or tactic correctly and judiciously; &
 - b. Were the officer's intentions in good faith?
3. Escalation and de-escalation of the continuum is keyed to the level of pursuit causation factors at work and the escalating risk factors. Officers evaluate the totality of the circumstances in which they find themselves when making decisions.
4. Officers should attempt to stay at, or below, the control level that matches the pursuit level [i.e., *Level Two Pursuit = Level Two Control*]. The suspect's deliberate escalation of the *pursuit level* typically causes officers to consider escalating the *control level*.
5. Decisions regarding the use of particular pursuit control tactics should not be based solely on the likely liability exposure, but should give significant consideration to the degree of risk faced by the involved officers, and the general public.
6. As with other tactical considerations, officers should only utilize tactics and techniques for which they have been trained.

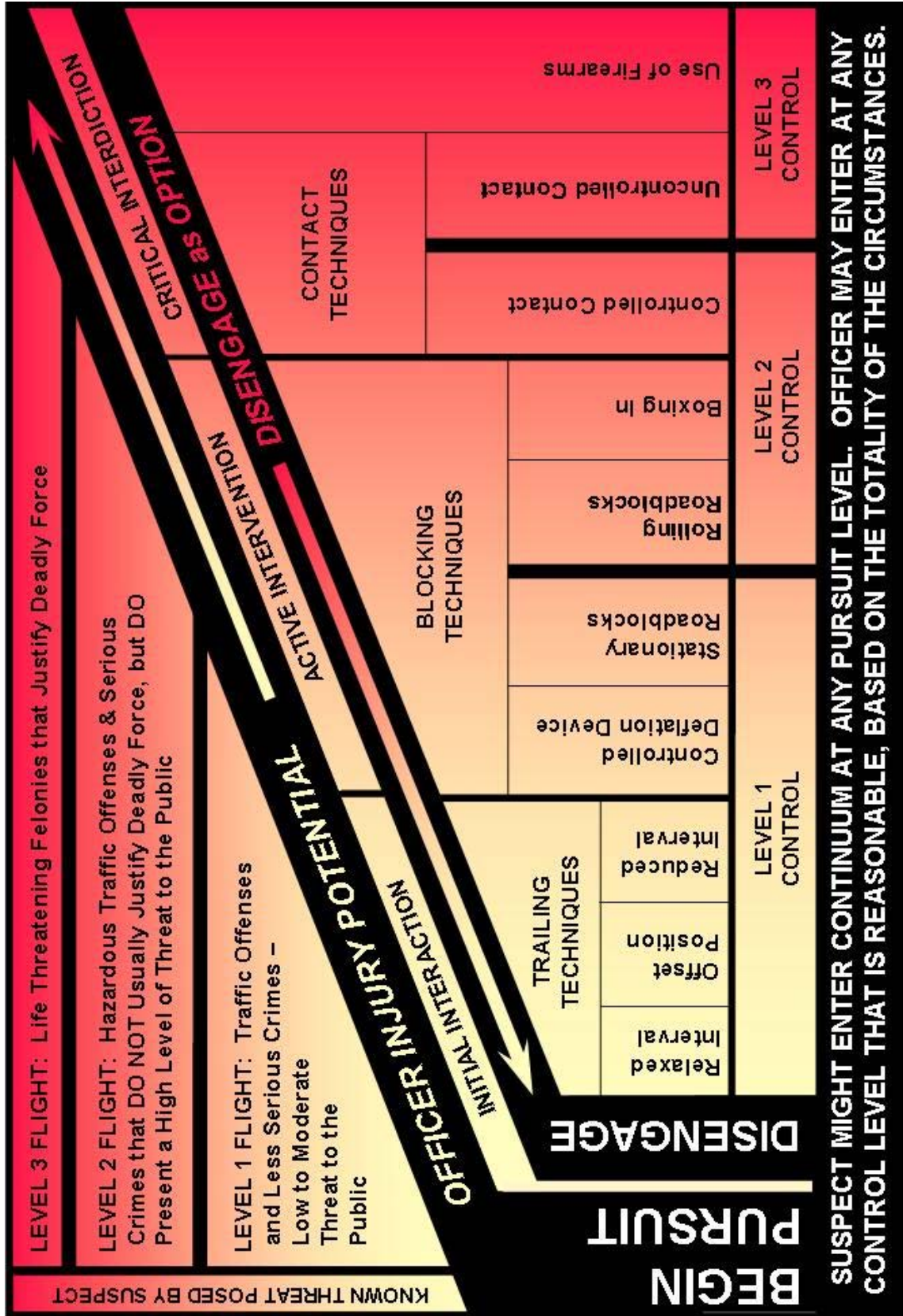
Use of Force & Pursuit Management Continuum Relationships:

To better understand the application of the Pursuit Management Continuum and how it can aid officers, review the Use of Force Continuum in 05.01 *Use of Force & Deadly Force*. The concept in each is to attempt an application of the least force necessary to bring the suspect into compliance.

Obviously no two scenarios are the same. A suspect might enter either the Use of Force Continuum or Pursuit Management Continuum at any level. Officers faced with each situation may likewise enter at any control level that is reasonable, based on the totality of the circumstances. Fortunately, for officers and the public, the great majority of offenders will safely yield at the mere presence of an officer. It is the criminal actor that does not apply good reason and yield that makes the associated decision making process difficult and dangerous for officers and the general public.

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Special thanks to Attorney Mike Brave, for his assistance in the development of this Continuum.
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Pursuit & Control:

To better understand the *Pursuit Management Continuum* on the previous page it is important to understand that the degree of risk of public harm can be classified at three levels, as can the techniques and tactics employed to control pursuits. Pursuits at a certain level reasonably justify use of control techniques from the corresponding control level or lower [i.e., *Level Two Pursuit = Level Two & Level One Controls*].

The various control techniques can be grouped as to their general traits and common elements. These are:

1. **Initial Interaction** – Techniques that represent a relatively low risk of injury to the officers and the public. Often naturally occurring, these techniques do not require any special resources or personnel.
2. **Active Intervention** – Techniques that require additional personnel, specialized equipment or training, and/or advanced planning. These tactics represent a greater degree of risk to officers and the public. Additionally, these techniques usually constitute *seizures* under the Fourth Amendment of the U.S. Constitution.
3. **Critical interdiction** – Techniques that represent the greatest degree of risk to officers. These techniques approach and contemplate the use of deadly force, and should only be undertaken when high levels of control are necessary.

Control Levels:

1. **Level 1 Pursuit/Level 1 Control** – A pursuit initiated to apprehend an individual fleeing after committing a simple traffic offense or less serious crime. Pursuit for these offenses can be justified, yet many of the more hazardous pursuit tactics should not be used, due to the minimal potential for public harm. Techniques and tactics that are generally acceptable in these instances are:
 - a. Relaxed interval;
 - b. Offset position;
 - c. Reduced interval;
 - d. Controlled deflation devices; &/or
 - e. Stationary roadblocks.
2. **Level 2 Pursuit/Level 2 Control** – Pursuits that are initiated or continued for very hazardous traffic offenses such as driving while intoxicated, reckless driving, or felonies. Either the originating offense or an offense that occurs during the pursuit, present a high level of danger to the public, but not so high that deadly force is routinely justified in the apprehension attempt. Level 2 control techniques are more aggressive in nature, and call for officer vehicles to move in front of a fleeing suspect. Techniques and tactics that are generally acceptable in these instances include Level 1 approaches, and:
 - a. Rolling roadblocks;
 - b. Boxing-in; &/or
 - c. Controlled contact.

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3. **Level 3 Pursuit/Level 3 Control** – These pursuits are initiated or continued following an officer’s perception that a life-threatening felony has just occurred that justifies the use of deadly force in the apprehension of the fleeing suspect. Examples include armed robbery, assault with a deadly weapon, attempted or actual assault with a motor vehicle, aggravated kidnapping, murder, etc. The offense may be the initiating cause for the chase or an observed suspect behavior during the chase. Level 3 control techniques can be extremely hazardous to the officers that attempt them and the general public, and should only be utilized in emergency situations where a human life is already at great risk. In essence, Level 3 control techniques are almost indistinguishable from the use of deadly force; therefore, officers considering their use should ask themselves if the death of the violator is acceptable as an outcome to the event. Techniques and tactics that are generally acceptable in these instances include Level 1 and Level 2 tactics, and:
 - a. Uncontrolled contact; &
 - b. Use of firearms.

OTHER TACTICAL & OPERATIONAL CONSIDERATIONS:

Inter-Jurisdictional Pursuits:

1. Pursuing officers notify communications when it is likely a pursuit will cross into neighboring jurisdictions or across the city/county of this agency or state lines.
2. Pursuit into a bordering state conforms to the laws of both states and any applicable inter-jurisdictional agreements.
3. When pursuits enter other jurisdictions, officers are governed by the policies of their own agencies, known inter-local agreements, and state law.
4. If necessary, request communications operators in other jurisdictions use *plain talk*. There should not be any use of *ten codes*, *local jargon*, or other coded communications; as other officers involved in the pursuit may not understand or respond to an unfamiliar coding system.

After-Action Reporting:

1. All officers participating in a high-speed vehicle pursuit will file a written report or supplement the report of the primary officer, on the appropriate form detailing the circumstances, their actions, and observations. An after action report is filed whether an apprehension is made or not. Tracking all pursuits is an important element of the agency’s training and policy planning process.
2. A copy of the post pursuit report is forwarded to the command staff for an internal review.
3. Supervisors and the training officer determine whether policy was followed and identify training deficiencies or areas needing attention.

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Training:

Officers who operate emergency vehicles will receive initial and periodic update training on the agency's pursuit policy and safe driving tactics. Only those officers trained on tire deflation devices, PIT, or TVI techniques or other equipment or termination techniques are authorized to deploy or attempt these maneuvers.

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