

GERMAN TOWNSHIP POLICE DEPARTMENT  
General Order

Subject: **PURSUIT POLICY**  
Date of Issuance: 10/10/13  
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Chapter 41.2  
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I. PURPOSE

To establish guidelines for German Township Police Department Officers, in the handling of motor vehicle pursuit situations, and to maximize the safety considerations for officers, suspects and citizens.

II. DEFINITIONS

The following definitions apply for the purpose expressed in this policy:

- A. Intra-jurisdictional: inside German Township jurisdiction.
- B. Inter-jurisdictional: outside the jurisdiction of German Township and involving other agencies.
- C. Moving Roadblock/Forcible Stopping: The use of one or more law enforcement vehicles, in motion, to block the roadway to prevent escape of a pursued vehicle or to prevent approaching vehicles from continuing.
- D. O-I-C: Officer-in-Charge, pursuant to German Township Policy and Procedures Manual
- E. O.R.C.: Ohio Revised Code.
- F. Primary Pursuing Unit: the police unit that initiates a pursuit or any unit that assumes control of the pursuit.
- G. Pursuit: an active attempt by one or more police officers operating a motor vehicle(s) and utilizing BOTH audible and visible emergency equipment to apprehend one or more occupants of a motor vehicle while the driver of the pursued vehicle attempts to avoid capture by using high speed driving or other evasive tactics or by maintaining normal speed, but willfully ignoring the officer's signal to stop.
- H. Road Spikes: any apparatus used to puncture the tires of a fleeing vehicle in order to bring a pursuit to a close.
- I. Roadblock and Stationary Roadblock: a temporary operation in which law enforcement or other authorized personnel stop some or all vehicular traffic in order to inspect individual vehicles or their contents or to interview drivers.

- J. Supervisor: means a German Township Police Supervisor.
- K. Violent Felony: A felony that involves an actual or threatened attack which the officer has reasonable cause to believe could result or has resulted in death or serious bodily injury. The following is the list of crimes that are considered violent felonies and are the only crimes for which a pursuit is authorized:
1. Aggravated Murder, 2903.01;
  2. Murder, 2903.02;
  3. Voluntary Manslaughter, 2903.03;
  4. Involuntary Manslaughter, 2903.04;
  5. Aggravated Vehicular Homicide, 2903.06;
  6. Felonious Assault, 2903.11;
  7. Aggravated Assault, 2903.12;
  8. Kidnaping, 2905.01;
  9. Abduction, 2905.02;
  10. Rape, 2907.02;
  11. Sexual Battery, 2907.03;
  12. Aggravated Arson, 2909.02;
  13. Arson, 2909.03;
  14. Aggravated Robbery, 2911.01;
  15. Robbery, 2911.02;
  16. Aggravated Burglary, 2911.11;
  17. Burglary, 2911.12;
  18. Inciting to Violence, 2917.01; and
  19. Aggravated Riot, 2917.02.

### III. EVALUATING CIRCUMSTANCES

- A. The purpose of pursuit is the apprehension of persons who refuse to voluntarily comply with the law requiring drivers to stop upon command. Among the stated goals of this Department is the protection of life and property.
- B. Factors to consider in initiating or continuing a pursuit:
1. Nature of the offense - pursuits are limited to the following circumstances:
    - a. the pursuit must take place without unreasonable delay after the offense is committed;
    - b. the pursuit is initiated within the limits of the political subdivision in which the peace officer is appointed;
    - c. the offense involved is a violent felony as defined above.
  2. The vehicle's capability and reliability;

3. Familiarity with roadways and area;
  4. Weather conditions;
  5. Time of day (daylight, darkness, etc.);
  6. Road conditions (bumpy, sharp turns, hills, curves, intersections, etc.);
  7. Geographic location (school zone, residential, business, etc.);
  8. Population density (pedestrians, etc.).
- C. If a pursuit is deemed necessary and initiated, then A CONTINUAL RECONSIDERATION OF THE ABOVE FACTORS MUST BE MADE BY THE OFFICER.
- D. The decision to abandon the pursuit may be the most intelligent course of action. OFFICERS MUST CONTINUALLY QUESTION WHETHER THE SERIOUSNESS OF THE CRIME JUSTIFIES CONTINUING THE PURSUIT. A FRESH (HOT) PURSUIT MAY BE TERMINATED UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:
1. If, in the opinion of the pursuing officer, or the supervisor, there is a clear and unreasonable danger to the officer and other users of the highway created by the pursuit that outweighs the necessity for immediate apprehension;
  2. 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;
  3. The prevailing traffic, roadway and environmental conditions indicate the futility of continued hot pursuit;
  4. The pursued vehicle's location is no longer known;
  5. The pursuing officer knows, or is reasonably certain, that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor or non-serious felony and the safety factors involved are obviously greater than a juvenile can cope with.

6. The lead car in a pursuit initiated by another agency becomes disabled or is unable to continue pursuit.
- E. The termination of a pursuit does not prohibit the following of a vehicle at a safe speed, or remaining in an area to reinitiate pursuit if the opportunity and conditions permit.

#### IV. PURSUIT PROCEDURES

##### A. Initiating Officer's Responsibility

1. The officer initiating the pursuit shall, in all cases, notify the dispatcher as soon as pursuit is initiated and provide the following information:
  - a. police unit's identifying number;
  - b. location, speed and direction of travel;
  - c. vehicle description and license number (if known);
  - d. number of occupants and driver's description (if known);
  - e. traffic and road conditions.
2. Failure to provide the above information may be cause for the supervisor to order termination of the pursuit.
3. The initiating officer bears operational responsibility for the pursuit unless relieved by the supervisor.
4. The authority for the initiating officer's responsibility is subordinate to the command of the supervisor.
5. The initiating officer may maintain pursuit as long as it is safe to do so, or until directed to terminate the pursuit by a supervisor, or until the suspect is stopped.
6. At all times, the initiating officer maintains the authority and obligation to terminate a pursuit whenever he/she believes the risks and safety of the involved officers and others outweighs the danger to the community if the suspect is not immediately apprehended.

##### B. Secondary Officer's Responsibilities:

1. The pursuit will not involve more than two(2) units: the initiating (primary) unit and one (1) backup unit. If more assistance is specifically requested, the amount will be determined by:

- a. the nature of the offense;
  - b. the number of occupants;
  - c. the number of officers in participating units; and
  - d. other clear and articulated facts that would warrant further assistance.
2. The secondary unit, upon joining the pursuit, shall immediately notify the dispatcher. If the primary unit is a one-officer unit, the secondary unit shall assume radio communications responsibility, allowing the primary unit to devote full attention to driving. If the primary unit is a two-officer unit, then the passenger will assume responsibility for radio communications. The primary unit is to otherwise refrain from unnecessary radio traffic.
  3. The secondary unit will maintain a safe distance behind the primary unit, but close enough to render assistance, if and when necessary.
  4. Assistance will be coordinated by the dispatcher under the direction of the initiating unit or a supervisor. A supervisor will be notified of the identity and location of backup units who may assist.
  5. Only a German Township Police Supervisor may authorize more than two (2) units to be in active pursuit. All other units will remain aware of the direction and progress of the pursuit, but shall not actively participate and shall not respond or parallel the pursuit unless specifically authorized to do so.
  6. If the primary unit becomes disabled, the secondary unit will become the primary unit. Another unit will then be assigned as a backup unit.

C. Supervisor's Responsibilities:

1. Upon being notified of the pursuit, the supervisor shall verify the following:
  - a. no more than the required or necessary units are involved in the pursuit;
  - b. any outside agency which may become involved in the pursuit is promptly notified.
2. The supervisor will continue to direct the pursuit and approve or order alternative tactics, and maintain control until the pursuit is concluded. In the absence of adequate information from the primary or backup unit, the supervisor may order termination of the pursuit.

3. It is not necessary that the supervisor be physically present in order to begin coordination and assert control in the pursuit.
4. The supervisor shall proceed to the pursuit termination point to provide guidance and necessary supervision.
5. The supervisor shall be responsible to file a written report in the form of an inter-office memo to the Chief of Police. This report shall contain a synopsis of the events surrounding the pursuit as well as an analysis and critique of the pursuit. The report shall also contain a conclusion as to whether or not the pursuit was in compliance with departmental policy and procedure. A copy of the initiating officer's Offense Report will be attached to this report. Submission of this report to the Chief of Police shall be due no later than the second business day after the pursuit occurs, unless directed otherwise.

The Chief of Police will review those reports on an annual basis and prepare a written analysis of such.

6. At all times, the supervisor maintains the responsibility to terminate a pursuit if he/she believes the risk and safety of the involved officers and others outweighs the danger to the community if the suspect is not immediately apprehended.

D. Pursuit Vehicle Operation and Tactics:

1. Offensive Tactics:
  - a. In the course of a pursuit, deliberate contact between vehicles or forcing a pursued vehicle into parked cars, ditches, or any other obstacle while the pursued vehicle is in motion, shall be prohibited, unless such actions are specifically authorized by a supervisor.
  - b. The reckless or hazardous driving maneuvers of the pursued vehicle shall not be duplicated by any involved unit.
  - c. During the course of the pursuit, officers are only authorized to disregard those traffic laws from which they are specifically exempted by law.
  - d. THE PURSUING VEHICLE SHALL HAVE ALL AUDIBLE AND VISIBLE EMERGENCY EQUIPMENT IN USE. In daylight hours, the use of the police vehicle headlights is required.

2. **Passing:** There shall be no attempt by officers to pass other units involved in the pursuit unless the passing officer receives specific permission from the primary unit, supervisor or O.I.C.
3. **Spacing:** All units in pursuit, whether the vehicle in front of the unit is the pursued vehicle or another police vehicle, shall space themselves at a distance that will ensure proper slowing and stopping in an assured clear distance in the event the lead vehicle stops, slows or turns.
4. **Number of vehicles:** No more than TWO (2) police vehicles will become involved in a pursuit, unless specifically directed otherwise by a supervisor. All other officers shall be alert to the pursuit progress and location.
5. **Unmarked vehicles:** Officers operating an unmarked German Township owned police vehicle (providing they are using emergency lights and siren) may engage in a pursuit until such time as a marked vehicle is able to take over the pursuit. At such time, the unmarked vehicle will withdraw from active pursuit.
6. **Controlled Access/Divided Highways:** Officers shall not pursue suspects by driving the wrong way on a controlled access or divided roadway unless specifically authorized to do so by a supervisor. Authorization shall only be granted in those cases in which action can be done with safety. When a pursued vehicle is driving the wrong way on a controlled access or divided roadway, other police vehicles will be utilized to warn oncoming traffic of the danger. Such warning should NOT be given from a moving vehicle, except as a last resort.
7. **Prohibited actions against fleeing vehicles -** The following methods of attempting to stop or force a fleeing vehicle from the roadway are prohibited:
  - a. Stationery or moving roadblocks (box-in).
  - b. Bumping, ramming, or by driving alongside or in front of the vehicle and;
  - c. Discharging weapons from a moving vehicle or at a moving vehicle and is limited to ONLY those circumstances justifying deadly force and then in accordance with General Order Section 1.3
8. **Safety:** This section does NOT relieve an officer from the duty to drive with due regard for the safety of all persons and property near or in the roadway.

E. Dispatcher's Responsibilities:

1. Receive and record all incoming information on the pursuit;
2. If the German Township Police Supervisor or O.I.C. is not aware of a pursuit, to immediately notify him/her that a pursuit is in progress;
3. The German Township Chief of Police **MUST BE NOTIFIED IMMEDIATELY OF ANY PURSUIT WHICH OCCURS WHEN THERE IS NO GERMAN TOWNSHIP POLICE SUPERVISOR ON DUTY;**
4. Clear the radio of any unnecessary traffic and advise all other units that a pursuit is in progress, providing all relevant information;
5. Perform relevant record and motor vehicle checks;
6. Maintain control of all radio communications during the pursuit;
7. Coordinate assistance under the direction of a German Township Police Supervisor;
8. Notify appropriate jurisdictions as required;
9. Continuously monitor the pursuit until its conclusion.

F. Interjurisdictional Pursuits (outside German Twp.)

1. The dispatcher, upon request and with approval of the primary unit, supervisor or O.I.C., will notify outside agencies that this department is, or soon will be, in pursuit within their jurisdiction. The dispatcher will specify that the call is either a request for assistance or a courtesy notification with no assistance required.
2. Notification by another jurisdiction of a pursuit in progress shall not be construed as a request for assistance. **THE DISPATCHER MUST ASK IF THE OUTSIDE AGENCY IS REQUESTING ASSISTANCE, OR MAKING A COURTESY NOTIFICATION.**
3. Officers will only become involved in another department's pursuit if: 1) requested; 2) there is only a single law enforcement vehicle involved in the pursuit; and 3) the other agency's initial reason for the pursuit involved a violent felony. If all criteria is met, the officer will notify a supervisor immediately upon joining the pursuit. Regardless of who initiated the



pursuit, the participating German Twp. police officer shall be governed by the pursuit policies of German Township at all times.

4. The person receiving notification of a pursuit by an outside agency shall assess the circumstances to determine if the pursuit is likely to enter this department's jurisdiction. Prior to making any radio broadcast, the dispatcher will obtain from the notifying department, the same information an initiating unit is expected to provide.
5. Requests by other agencies for pursuit assistance will be approved by a German Township Police Supervisor. The closest unit will then be designated as the pursuit unit. Any additional assistance by this department must be specifically authorized by a German Township Police Supervisor.
6. If at any time Officers from an outside jurisdiction violate any parts of this General Order, it shall be the pursuing officer's discretion whether to continue the pursuit or to terminate. The severity of the policy violation and the seriousness of the offense that initiated the pursuit should be taken into consideration. If a supervisor or O.I.C. is present, it shall be his/her authority to terminate or continue the pursuit

#### V. GENERAL PROVISIONS RELATING TO THIS POLICY

- A. Vehicles that have prisoners, witnesses, suspects, complainants or other non-police personnel, including civilian riders, aboard WILL NOT become engaged in vehicular pursuit situations.
- B. Fresh (hot) pursuit of felony violators across state lines is authorized. Upon entering another state, the officer will relinquish his control and position to the first official encountered in that state.
- C. All officers and occupants in a police vehicle in a pursuit SHALL wear their seat belts.
- D. The supporting role in a police pursuit is to ensure the safety of the pursuit initiating officer.

If the lead car in a pursuit initiated by another agency becomes disabled or is unable to continue pursuit, the German Township vehicle involved in the pursuit shall terminate participation in the pursuit as soon as safe and practical.

- E. If a pursuit is terminated but the suspect car is later seen within a relative amount of time, pursuit can be re-established. This only applies to pursuits initiated by German Township, or suspect vehicles located within German Township. **A RE-EVALUATION OF THE FACTORS SURROUNDING THE PURSUIT MUST BE MADE PRIOR TO RE-INITIATION OF THE PURSUIT.**
  
- F. The initiating officer is required to file an Offense Report and/or Statement of Facts, whether or not an apprehension was made. In this report, it will be necessary to outline the following specifics of the pursuit, including:
  - 1. Type of offense which initiated the pursuit;
  - 2. Location(s);
  - 3. Route(s);
  - 4. Duration;
  - 5. Weather conditions;
  - 6. Traffic conditions;
  - 7. Approximate speed;
  - 8. Any unusual circumstances;
  - 9. Any other pertinent information such as type/make/model of vehicle pursued, occupants, descriptions, etc.
  
- G. Specific Ohio Revised Code Sections Relating to this Policy
  - 1. 4511.03 - Emergency or Public Safety Vehicles to Proceed Cautiously Past Red or Stop Signals
  - 2. 4511.24 - Emergency and Public Safety Vehicles Excepted; Conditions
  - 3. 4511.45 - Right of Way of Public Safety Vehicles
  - 4. 4513.21 - Horns, Sirens and Warning Devices