

# **Police Vehicle Pursuits: A Violation of our Sworn Oath or a Matter of Duty?**

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## *Abstract*

*This paper examined the current status of vehicle pursuits in Florida's law enforcement agencies. Three hundred fourteen agencies were surveyed to learn the extent of litigation over pursuits, reporting, training, and policies. The survey revealed three areas of concern: lack of report keeping; weak policies; and training consistent with pursuit policies. Finally, this paper proposes improvement in the above mentioned areas and suggestions for a model vehicle pursuit policy.*

## Police Vehicle Pursuits

"To Serve and Protect" - all of us in law enforcement have taken this oath. Furthermore, regardless what others may say, we hold a strong conviction to its meaning. However, we violate the latter of this oath on a daily basis by placing innocent citizens in jeopardy during vehicle pursuits. Statistical information from the U.S. Department of Transportation reveals approximately 250,000 high speed chases occur each year. Coincidentally, out of these 250,000 chases, 6,000 to 8,000 end in crashes. Out of these crashes about 500 people are killed, and close to 5,000 are injured (Auten, 1989). Since the 1970's, there are numerous reports reflecting both pros and cons of police pursuits. Unfortunately, there is currently inefficient information relating liability with training, department policies, and the number of police vehicle pursuits to justify the continuance of pursuits or to eliminate them. Therefore, this project correlates liability with these issues.

Police pursuits have been a topic of concern since the early 1970's. In fact, the U.S. Department of Transportation sponsored the first complete study on pursuits and was published by Fennessy and Joscelyn (1972). Law enforcement, in this study, argued that if police officers were restricted from "hot" pursuits, then chaos would result. However, in contrast to the law enforcement's argument, physicians felt that high speed pursuits resulted in an unacceptable number of casualties. This controversy continued through the 1980's, when the California Highway Patrol conducted an exploratory study on police pursuits. The California Highway Patrol's study was limited to mainly freeways during a six-month period. However, two important findings came out of the California Highway Patrol's report. First, the report found 77% of the suspects were apprehended. Second, the report found that 70% of the pursuits ended without an accident. These findings should lend credibility to the policy of continuing vehicle pursuits.

However, the police pursuit controversy is not limited to only studies, but in the court system as well. For example, in Cannon v Taylor (1986), the U.S. Court of Appeals for the Eleventh Circuit ruled that a person injured by the negligence or even the gross negligence of a police officer has no cause of action for violation of a federal right. The court indicated that these are actions for the state court to decide and they do not rise to the level of a constitutional deprivation. In contrast, however, the U.S. Supreme Court reasoned, in Miami v. Harris (1986), that vehicle ramming, roadblocks, and other intentional physical actions may rise to the level of a constitutional violation.

Additionally, the controversy over police pursuits became even more cloudy in the state court cases directing liability. First, an example of "no liability" on behalf of the officer is shown in the case of Draper v City of Los Angeles, California (1949). In this case the police officers were pursuing a stolen vehicle suspect. During the pursuit, the suspect entered an intersection at a speed over 60 miles per hour against a stop sign, and collided with a third party. Although the officer's vehicle was not involved in the accident, it was shown that his vehicle was not equipped with a siren. As a result of the lack of emergency equipment, the suspect argued that the failure of the officer to warn approaching vehicles was the cause of the accident and ultimately the injuries to the third party. The court held that the fleeing driver's actions were distinct from the officer's actions. Further, the court ruled that it was the suspect's affair and not that of the officers. Additionally, the court stated that the pursuit probably contributed somewhat to the reckless driving, however, the officers were under no duty to allow a leisurely escape.

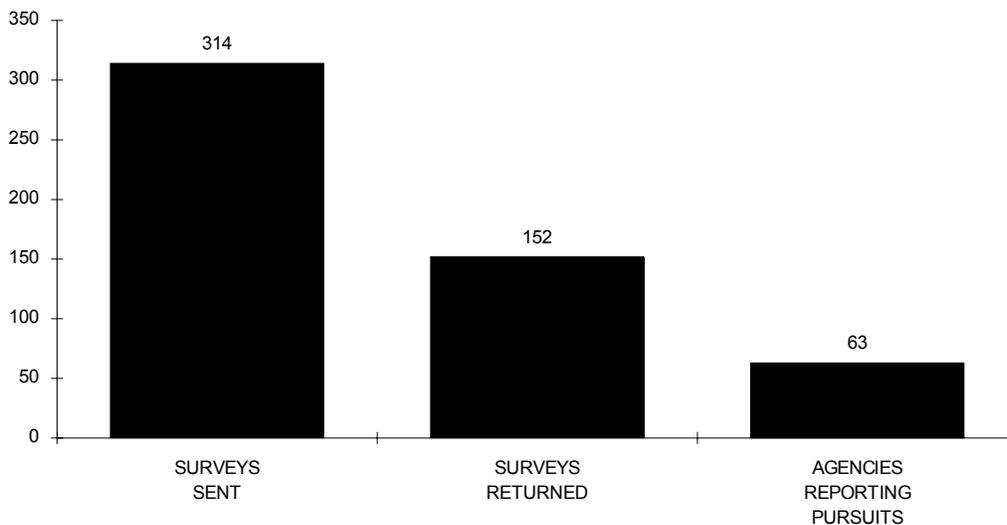
In contrast, other courts have found liability for police officers even when they use the proper warning devices, such as in the case of Kuzmics v Santiago, Pa. (1978). Although the officers had used their lights and siren, they still could be liable if the jury found it was unreasonable for the officers to continue the chase in a congested area. Further, the court held that the duty to arrest the law violator does not justify taking unreasonable risks.

So the question still remains, "Do we, as law enforcement officers, continue to pursue or not pursue?" The answer to this question is difficult at best, since the fact remains that most pursuits originate out of nothing more than a traffic violation or an officer's suspicion of an unlawful action (Auten, 1989).

A survey was sent to 314 city agencies throughout the state of Florida. Of these surveys, 152 were returned for a 48.4% return rate from various sized agencies. A 48.4% return is a strong indicator of the growing concern among administrators in the area of vehicle pursuits. Further, a questionnaire was sent to Hunt Insurance Group and the League of Cities Insurance Company of corresponding recipient agencies. This was done to cover the litigation portion of this project. Information contained within this report was obtained by reviewing the returned pursuit policies, training outlines, and completed surveys.

In analyzing the data obtained from the surveys, a few interesting areas were uncovered. First, 89 agencies or 58.6% of those responding either did not have records, or simply did not respond to the number of vehicle pursuits or litigation rising from vehicle pursuits.

This lack of report keeping is one concern revealed by this survey. Proper record keeping should be the basis for proposed training and budgetary training items. Further, properly maintained records could be invaluable since we all know litigation has risen its ugly head, especially in the area of training. I would suspect that if a survey was sent on firearms training most, if not all, agencies would have up to date records. These firearms' records would include all training and any incidents in which an officer used his weapon. After all we know these records will help us if we are sued;



then why are we lacking in the area of vehicle pursuits? This question becomes more alarming when you look at the training and policy issues.

Consequently, training is another area of concern revealed by the surveys. For instance, out of the 152 agencies that responded to the survey, only 65 agencies or 42.8% offered training on vehicle pursuits. Furthermore, only 19 agencies enclosed a copy of their training outline with the returned survey. In reviewing these outlines a majority of the agencies offered training including lectures, videos, and hands-on format. The smaller agencies, for budget reasons, relied on a lecture type format of vehicle pursuit training. Interestingly, out of these 19 agencies, only three included a high speed driving course. Although 74 agencies allow the use of offensive tactics, only one conducts training in this area. These offensive tactics include the use of roadblocks, both moving and stationary, and ramming with some restrictions. These restrictions included the permission of a supervisor, safety, and only as a last resort. Only as a *"last resort,"* but don't we also limit the use of a firearm to only as a *"last resort?"* If firearms training and policies match, then why don't we match pursuit training to our policies?

On the issue of pursuit policies, I received copies from 106 agencies out of the 152 that responded to the survey. Of these pursuit policies, there were some similarities, however, most areas ran the gamut of diversity. In the area of similarities, most agencies who have motorcycles do not allow them to pursue unless in extreme emergencies. Additionally, most agencies prohibited shooting from or at a moving vehicle unless to protect life. Pursuing juveniles, if known, is another area prohibited in most policies. Further, most policies had disclaimers holding the officer responsible for their initial engagement or their actions during a pursuit. These disclaimers included some of the following:

- Officer will be held strictly accountable.
- An officer has the responsibility to drive in a manner that shall least endanger any person or property.
- Should not needlessly endanger other persons.

- A motor vehicle pursuit is justified only when the necessity of immediate apprehension outweighs the level of danger created by the pursuit.
- No pursuit if the officer, or any citizen will be exposed to unnecessary risk.

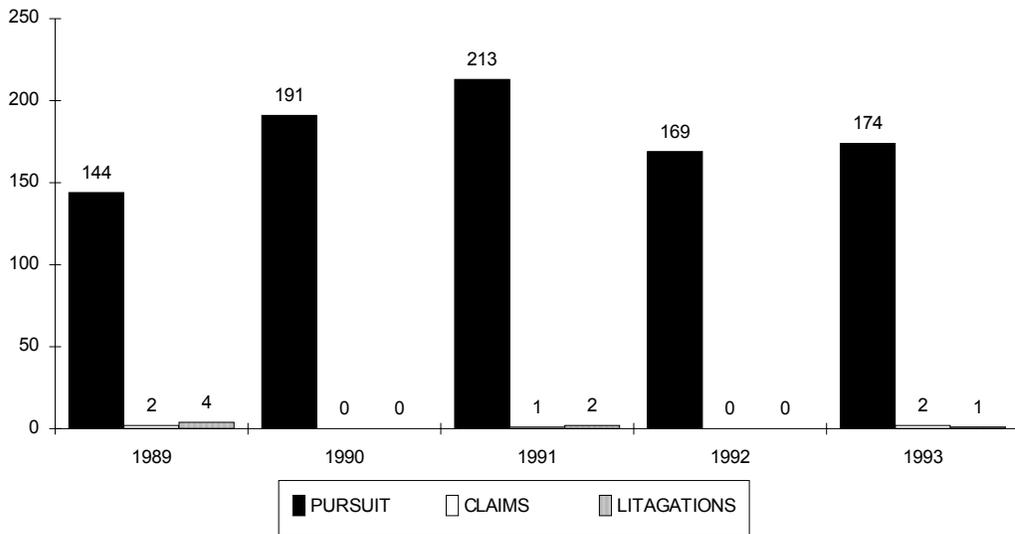
Finally, one area that most policies were closely similar was in their definition of vehicle pursuits. This definition is as follows:

*An active attempt by a law enforcement officer operating a motor vehicle and utilizing simultaneously all emergency equipment to apprehend one or more occupants of another moving vehicle when the driver of the fleeing vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing his speed, ignoring the officer, or attempting to elude the officer while driving at speeds in excess of the legal speed limit.*

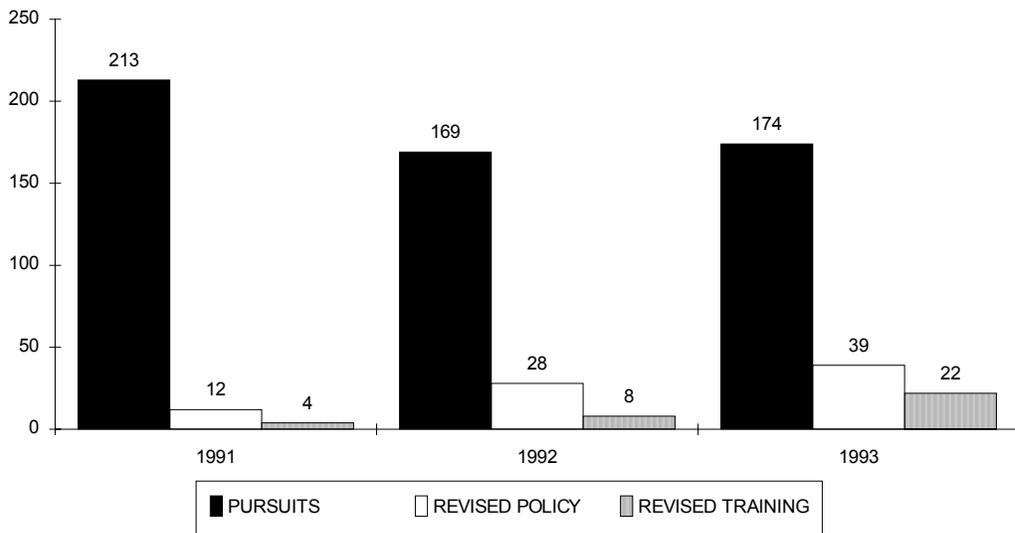
In contrast to similarities, there were two areas of diversity that raise concern. The first area of diversity is when an officer can pursue. Out of the 106 agencies, only one agency had a "NO PURSUIT" policy. Seventy-one agencies allowed pursuits for felonies or crimes of violence only. These policies included leaving the scene of an accident with serious injuries or death. Ten agencies stated pursuits for misdemeanor violations "SHOULD BE AVOIDED." However, 11 agencies allowed misdemeanor pursuits with some restrictions. These restrictions included the permission of a supervisor, within the officer's area of authority, and environmental conditions at the time of the pursuit. The number of agencies governing "when" an officer was allowed to pursue was 93, leaving 13 agencies' policies not covering this issue.

The second area of concern falls in the area of "after action" reports. Fifty-one agencies or less than half of the agencies that sent their policies required an "after action" report of some kind. Without these reports how can we recommend proper training or policies to protect our officers, departments and the citizens we service? Further, these reports would show substance to our recommendations for training and policy should we have to defend them in litigation.

Since litigation was the driving force behind this article, the survey requested information on claims arising out of police pursuits from 1989 through 1993. Sixty-three agencies or 41.5% of those responding had information regarding vehicle pursuits and litigation. In 1989, these agencies reported 144 pursuits, two claims, and four cases of litigation. An increase in vehicle pursuits was seen in 1990 with 191 reported pursuits and no claims or cases of litigation. Again, in 1991 reported vehicle pursuits increased to 213 with one claim and two cases of litigation. Interestingly, 1992 showed an approximate 20% decrease in vehicle pursuits to 169 with no reported claims or cases of litigation. However, 1993 shows a slight increase in vehicle pursuits to 174 with two claims and one case of litigation.



Surprisingly, if you follow the year agencies reported that they revised their training curriculum and pursuit policies correlate with the rise and fall of pursuits. Between the years 1991-93, seventy-nine agencies or 58 % reported that they revised their pursuit policy. Additionally, 34 or 52.3% of the responding agencies reported revising their training curriculum during this same period. Consequently, vehicle pursuits hit a peak in 1991 followed by an approximate 20% decrease in 1992. In contrast 1993 showed only a .03% increase in police related vehicle pursuits. Could this possibly mean that training and sound policies lead to better judgment by our officers?



On the basis of the data received it would appear that Florida **currently** is experiencing no problems with suits arising out of vehicle pursuits. So, do we as administrators breathe a sigh of relief and turn our minds to other fires? A futuristic leader will key in on the word **currently** and answer unequivocally, "no." Although Florida's law enforcement is doing an outstanding job considering budget cuts,

increasing crime rates, and changing demographics, there are areas we need to improve upon in the area of reporting, training, and policies.

Obviously, we will all agree that providing proper pursuit training and guidance in the form of policies and procedures are steps in the right direction. However, how can we recommend proper training or policies and procedures without reviewing up to date records of performance? Of the 106 agencies that sent copies of their pursuit policies only 51 or 48% required some sort of "after action" report. Further, 89 or 58.6% of responding agencies did not respond to questions concerning the number of vehicle pursuits involving their officers. In order to keep our agencies free of government imposed policies we must keep records of our performance. "After action" reports are an excellent source in providing these needed records. These "after action" reports should include the time of day, weather and traffic conditions, original reason for the pursuit, final charges, speeds and duration of the pursuit, and a synopsis by the officer(s). Then, these "after action" reports need to be reviewed by training officers and staff for recommendation to revise training and policy. Finally, these records will be invaluable when justifying your budget or defending your training and policies in a law suit.

Our training is another area that we need to improve upon. Again, out of the 152 agencies that responded only 19 sent copies of their training curriculum. Further, only 65 or 42.8% responded that they offered some type of pursuit training. The largest type of training offered is in "lecture" form followed by "video" to finally "hands-on." I would suspect that a chief or sheriff would cringe at the thought of reducing their firearms training to "lecture" or "video" only training. Please don't misunderstand me, any type of training is better than none. However, I think we would all agree that "hands-on" is by far a better form of training. I know that police agencies with limited budgets will argue that they simply can not afford this luxury. My answer to this statement is, "When are we going to pull law enforcement into the arena of a profession?" One way to achieve a professional status is to standardize and consolidate in areas of training. Law enforcement needs to stop thinking with the mentality of "my" agency and start thinking in terms of what is good for all law enforcement. There is so much that can be accomplished if we combined these areas of common needs. Some agencies in south Florida are already coming together to establish a common pursuit policy; why not training as well? Today's technologies offer vast simulation training for law enforcement. Unfortunately, today's technology is too costly for most departments. However, with combined efforts many departments could benefit from this technology today. Even if technology is still too costly, this shared adventure would open a sea of knowledge.

Finally, complementing training and policy is another area of concern noticed in the survey. In reviewing the 106 pursuit policies, 74 or 69.8% of the agencies allowed offensive tactics. Again, offensive tactics included roadblocks and ramming to terminate a vehicle pursuit. In contrast, only one department conducted training in the area of offensive tactics. Further, 17.9% or 19 of the policies reviewed did not state who was in charge in the event of a vehicle pursuit. This lack of command is further compounded with 11 agencies allowing misdemeanor pursuits within limitations. Without a firm policy setting responsibility how are we to ensure that these limitations are followed? As mentioned previously, the pursuit policies ran the gamut of disparity. As long as this

gamut of disparity remains, attorneys will have ammunition to benefit their clients.

Therefore, law enforcement must work toward an agreement on a pursuit policy. This pursuit policy must prohibit pursuits for misdemeanors, juveniles, and the use of offensive tactics unless training complements the offensive tactic used. Further, pursuit policy must limit the number of police vehicles engaged in the vehicle pursuit to two, the use of unmarked units unless life threatening situations exist, and no motorcycle pursuits. Finally, police pursuit policies must include an "after action" report, a definition of a vehicle pursuit, and cautionary statements due to weather, traffic and road conditions and the ever changing environmental conditions during the vehicle pursuit. These decisions on a pursuit policy will not be an easy task, especially in the dawn of the new legislative enactment making fleeing and eluding an officer a third degree felony (chapter 94-276, effective 1/94). Based on pursuit policies reviewed, research, and personal opinion, this researcher developed a model vehicle pursuit policy (See Appendix A).

### The Future

Will this new law, making fleeing and eluding a third degree felon, reduce high speed pursuits or will the perpetrator be more determined to get away? Law enforcement administrators need to work with legislators to enact laws that will assist the officers in performing their duties safely. The state of Wisconsin enacted such a law in 1993 entitled, "Vehicle Owner's Liability for Fleeing a Traffic Officer," (section 2, 346.175). In essence, this law gives the officer the choice to avoid a high speed pursuit and cite the owner of the fleeing vehicle. The owner then can avoid paying a fine from \$300.00 to \$1,000 by providing information of the driver at the time of the violation(s). These types of laws will enable the law enforcement officer to fulfill their duty to "PROTECT."

Another avenue that is becoming available to law enforcement is in the area of technology. In April of 1994, the departments of Defense and Justice signed a five-year agreement to cooperate on solving problems common to the military and law enforcement. Some of the technology is already available to aid law enforcement in the area of vehicle pursuits and training. A microwave system that can disable a vehicle is one example of this technology; Too expensive of a gadget for law enforcement you say? Remember how auto makers were pressured into making seat belts and air bags standard equipment? Well, insurance companies are already paying out huge claims for stolen vehicles. If law enforcement and insurance companies unite in pressuring automobile makers, "disabling equipment" could be in use in the near future.

Along this same line, technology has a "lojack" tracking device that could be installed into vehicles so they can be located at a later date. These devices would give officers an alternative to risking innocent lives in a high speed vehicle pursuit. New technology is also aiding law enforcement in the area of training. Available "virtual reality" simulators can take the place of expensive "high speed" pursuit courses. Another advantage to "virtual reality" training is the elimination of wear and tear on police vehicles coupled with officers' safety. "Virtual reality" will finally allow policy and training to complement each other since roadblocks and defensive tactics could be used in the simulator.

In conclusion, Florida law enforcement administrators currently are doing a fine job in the field of vehicle pursuits. However, reporting, training, and policies need to be reviewed and updated. First, agencies must develop a system to keep track of vehicle pursuits. Second, a prerequisite for any agency is to have their training endorse their pursuit policies. Eventually we will bear the burden for failure to train our officers in what we allow them to do. Additionally, training needs to reflect recommendations received from a complete reporting system that is reviewed by training personnel and staff. Third, policies, as much as possible, need some standardization among police agencies. Finally, we need to keep in mind that if we fail to police ourselves then we face the consequence of government imposed statutes dictating policy for our departments.

**Captain Rick Lenimier** started his 24 year law enforcement career at age 14 as a dispatcher for the Perry Township Volunteer Police Department in Ohio. Rick has been a sworn member of the Ocala Police Department since 1979. Currently assigned to Operations, he has worked as a motor officer, narcotics and vice investigator, emergency services unit commander, and in every other area of the department except special investigations. He is a certified instructor in high liability areas.

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Miami v Harris, (1986).

Vehicle Owner's Liability for Fleeing a Traffic Officer, The state of Wisconsin section 2, 346.175.

## Appendix A

### **EMERGENCY/PURSUIT DRIVING OPERATIONS POLICY**

The purpose of this policy and procedure is to provide guidelines for members of this department while engaged in activities associated with "law enforcement" driving tasks. Whenever any doubt exists as to the precise meaning of this policy or procedure members are encouraged to contact their immediate supervisor for an explanation of the portion in doubt. It is not the intent of this policy and procedure, to eliminate the members' discretion. However, member's discretion cannot be applied indiscriminately and therefore is subject to the guidelines herein. Officers will be held accountable for their individual decisions and the manner in which they are carried out. Policies and procedures can not be expected to encompass every possible situation. Therefore, members are strongly encouraged to consult with their individual supervisors regarding the performance of tasks not specifically covered by this policy.

#### **515.05 Emergency Driving Operations**

An emergency response is an integral part of law enforcement. However, it is not a response that should be used indiscriminately without deliberation and careful decision making. Therefore, it is imperative that each officer receiving a call of an emergency make every possible effort to determine whether an emergency driving response would be justified by the conditions then existing.

**EMERGENCY= An event or situation in which there is a direct or immediate threat to human life or well being and emergency police response can diminish or eliminate that threat.**

**In deciding whether to engage in emergency driving operations, members of this department shall consider the following:**

1. The department's definition of an "emergency."
2. Whether the situation being responded to, based upon the information available and a reasonable judgment constitutes a life threatening emergency.
3. That the speed of the police response will diminish or reduce the then existing threat to human life or well being.
4. If a reported crime in progress, the time lapse between the occurrence of the incident and the time reported to the department, and whether the perpetrators are believed to still be at the scene.
5. Road, weather, traffic conditions, and distance from the scene of the incident.
6. The number and type of other emergency units also responding to the scene.
7. Whether it is reasonable to believe that the prompt administering of first aid or other medical assistance will save a life or diminish the effect of injuries.

**The following situations would normally be considered to warrant an emergency driving response code 2:**

1. Property crimes in progress.
2. Traffic accidents with injuries.

**The following situations would normally be considered to warrant an emergency driving response code 3:**

1. Officer needs assistance/help.
2. Any situation involving an ongoing assault against an officer to citizen.
3. Life threatening felony in progress.

While engaged in an emergency driving response personnel shall use both siren and blue lights throughout the response except, as noted in the following paragraph.

In certain situations, such as, robberies in progress, to avoid causing a hostage situation, an officer, at their discretion, may elect to engage in a "silent" approach to the scene. If a "silent" approach is deemed to be warranted by the conditions then existing, the following procedures will apply:

1. Emergency warning equipment will be utilized until such use may frighten or warn possible suspects.
2. Once a "silent" run has been initiated, officers shall comply with all existing traffic laws and regulations.

Personnel operating departmental unmarked vehicles, or motorcycles shall not engage in emergency driving responses unless authorized to do so by a supervisor. However, operational staff may engage in emergency driving responses.

When engaged in an emergency driving response officers shall at all times maintain control of their vehicle and drive in a manner that demonstrates due care and caution and a regard for the lives and property of others.

**When engaged in an emergency driving response the following driving practices shall be followed:**

1. The speed of the vehicle shall not exceed more than 15 mph over the allowable/posted limit, during a code 2 call, without the expressed permission of a supervisor.
2. When approaching a controlled intersection with a red light or stop sign facing the approaching vehicle, officers shall slow to a speed necessary, including stopping, to ensure that all cross traffic has stopped before proceeding through the intersection.

3. When approaching an uncontrolled intersection officers shall slow to a speed that would enable them to successfully evade any suddenly appearing vehicle or pedestrian.
4. Before proceeding through any intersection officers shall slow to a speed that would enable them to successfully evade any suddenly appearing vehicle or pedestrian.
5. Officers shall not drive the wrong way on one-way streets.

**A decision to engage in an emergency driving response may be made in any of the following ways:**

1. Assigned by a supervisor.
2. Assigned by communications personnel.
3. Individual officer discretion after a careful analysis of the known facts and in consideration of this policy.

Officers shall not participate in escorting other emergency vehicles unless so assigned by a supervisor.

**The following communications procedures shall be followed while engaged in an emergency driving response:**

1. If officer initiated, communications shall be advised of the initiation of the response and the reason(s) therefore.
2. If officer initiated, communications shall be advised of the beginning point of the response and the destination.
3. In all cases officers shall advise communications of their arrival on the scene and their location.

### **515.06 Pursuit Driving Operations**

Pursuit driving operations can be an extremely hazardous undertaking and should never be initiated in the "heat of the moment" without having derived the benefits associated with a careful, well thought out process of decision making. The best policy to follow is "When in doubt, don't." The ability to pursue fleeing violators of the law must remain a viable law enforcement option, but only as the result of sound decision making on the part of individual officers and supervisors, and when exercised within the following parameters.

**PURSUIT = An attempt by an officer of this department in an authorized emergency vehicle to apprehend one or more occupants of another moving vehicle when the driver of the fleeing vehicle is attempting to evade apprehension by maintaining or increasing their speed or by otherwise ignoring the officer's signals to stop.**

Only departmental vehicles fully equipped with operational emergency lights and siren and complete police department markings are authorized to engage in pursuit driving

operations. However, operational staff may engage in pursuit driving operation only until a marked unit can become the primary unit.

While engaged in pursuit driving operations officers shall at all times maintain control of their vehicle and drive in a manner that demonstrates due care and caution and regard for the lives and property of others.

While engaged in a pursuit driving response personnel shall use both the siren and blue lights throughout the duration of the pursuit.

The firing of any firearm by members of this department at a fleeing vehicle, or the occupants therein, while engaged in the pursuit, is strictly prohibited.

**In making a decision whether to engage in pursuit driving operations officers of this department shall consider the following factors:**

1. The seriousness of the law violation committed by the suspects(s).
2. Departmental written guidelines governing pursuit driving operations.
3. Traffic conditions then existing.
4. Existing road type and condition.
5. Existing weather conditions.

**When considering the seriousness of the law violation committed by the suspect(s) in deciding whether to engage in pursuit driving operations, the following general guidelines shall apply:**

1. Pursuit is justified only when the officer has probable cause to believe that a forcible felony has or is about to be committed.
2. A forcible felony, for the purpose of this policy, shall mean murder, armed robbery, sexual battery, arson or use of explosive devices to a structure presumed to be occupied, kidnapping, armed burglary, or any felony which involves the use or threat of deadly force against an individual.
3. This policy shall not prohibit the pursuit of a suspect where the suspect presents imminent danger of serious bodily injury or death to any person or person, or where failure to pursue may result in grave injury or death to an individual, such as DUI or leaving the scene of an accident involving serious injury or death. In these cases, the officer must be able to articulate the reason completely as to why a pursuit was initiated under these conditions.

**4. Pursuits shall not be permitted under the following conditions:**

- Minor traffic offenses
- Municipal ordinance violations
- Non-traffic misdemeanors
- When the identification of the misdemeanant is known, or can be established and poses no immediate danger to the public.
- Eluding the officer resulting solely from a traffic infraction.

**When considering the existing traffic conditions in deciding whether to engage in pursuit driving operations the following factors shall be considered:**

1. The actual volume of traffic, (i.e., heavy, medium, light.)
2. The unpredictable nature of other drivers' actions.
3. The presence of pedestrians.

**When considering the existing road type and condition in deciding whether to engage in pursuit driving operations officers shall weigh the following:**

1. The impact of traffic control devices, especially electronic signals, upon the flow of traffic.
2. Locations where vision obstructions, bridge abutments, guardrails, or other physical characteristics could restrict or otherwise alter the flow of traffic.

**The speed of department vehicles while engaged in an active pursuit driving operation shall not exceed 20 mph over the posted speed limit without the expressed permission of a supervisor.**

At no time during any active pursuit being engaged in by member of this department shall more than two vehicles be involved, i.e., "caravanning" is expressly prohibited. The only exception to this will be those situations in which the use of a forcible-stop technique has been authorized by a supervisor.

The unit originally initiating a pursuit shall be designed as the Primary Unit and the unit in direct support shall be designated as the Secondary Unit.

**The officer in the Primary Unit shall have the following responsibilities:**

1. Deciding whether to initiate pursuit driving operations.
2. Deciding when to terminate an active pursuit in the absence of supervisor's orders to do so.
3. Advising communications of:
  - a) The initiation of pursuit driving operations.
  - b) The location at which pursuit driving operations are being initiated.
  - c) The reason for initiating pursuit driving operations in specific, offense related terms.
  - d) The description of the suspect vehicle.
  - e) The description of occupants in the suspect vehicle, if possible.
  - f) The number of occupants in the suspects vehicle, if possible.
  - g) The direction of travel.
  - h) The continuing progress of the pursuit to include locations, the speed of the suspect vehicle.

**The officer in the Secondary Unit shall have the following responsibilities:**

1. To assume pursuit communications responsibilities for the Primary Unit when in position to do so.
2. To assume the Primary Unit position should the Primary Unit be unable to continue the pursuit.
  - a) When doing so, the Secondary Unit becomes the Primary Unit, and assumes all applicable responsibilities pertaining to the unit designation.
  - b) In the event circumstances dictate #2 above, another unit shall be assigned to the pursuit to assume the Secondary Unit responsibilities.
3. To provide backup assistance to the Primary Unit when the suspect vehicle is ultimately stopped.
4. To assist the Primary Unit in the execution of forcible stop techniques when authorized.

**In certain extreme and limited circumstances it may be necessary to use forcible stop procedures to terminate an active pursuit. The proper combination of circumstances warranting the use of such procedures will be rare and such procedures should never be undertaken without due deliberation and careful decision making. In using forcible stop techniques the following shall apply:**

1. No forcible stop technique shall be attempted unless it is approved in advance by a supervisor.
2. The application of the technique must be necessary to reduce or eliminate an active, ongoing threat to the lives of innocent citizens or officers.
3. Officers must remember that the application of any forcible stop technique constitutes a level of force likely to cause property damage, injury, or death to those involved either directly or indirectly in the pursuit.
4. Officers authorized to attempt a forcible stop technique must ensure that sufficient police vehicles are available, and in position, before attempting to implement the technique.
5. At no time shall privately owned vehicles or other property be used to implement a forcible stop technique.
6. In attempting to implement a forcible stop technique officers shall ensure that the vehicle to be stopped has sufficient time to react to the technique and space in which to stop safely without colliding with other vehicle or objects.
7. Forcible stop techniques shall only be used when properly authorized, when the conditions stated in #2 has been satisfied, and when all other reasonable and available means to stop the fleeing suspect have been exhausted.
8. Whenever any forcible stop technique is to be attempted, every possible effort shall be made to isolate innocent persons from probable harm before attempting the technique.
9. Officers must remember that even though the use of a forcible stop technique has been properly authorized that the changing conditions in the pursuit environment may dictate that the technique not be attempted.

10. The following forcible stop techniques, listed in order of preferred use, may be considered and implemented when properly authorized by a supervisor.
  - a. Channelization
  - b. Roadblock-induce to stop
  - c. Boxing in
  - d. Roadblock-forced to stop
11. The use of a police vehicle to ram a fleeing vehicle is strictly prohibited.
12. In implementing any forcible stop technique that causes the stationary positioning of departmental vehicles in or near the path of travel of the suspect vehicle, officers shall retreat to a position of safety prior to the actual approach of the suspect vehicle.

**Any active pursuit may be terminated before the apprehension of the fleeing suspect(s). The overriding concern in every pursuit must be the safety of innocent persons at all times. The conditions in which a pursuit is being conducted can and do change during the course of the pursuit. Pursuing officers must be constantly aware of this changing environment and the level of hazard presented to the public by the continuation of the pursuit. Officers must be prepared to, and shall, terminate a pursuit whenever the hazards to the public presented by the pursuit outweigh those presented by the escape of the suspect(s). An active pursuit may be terminated in the following ways or conditions:**

1. When in the judgment of the pursuing officer(s) that it is no longer safe to continue the pursuit.
2. When in the judgment of a supervisor that it is no longer safe to continue the pursuit.
3. When the identity of the suspect(s) is known and apprehension is likely at another time.
4. When there is a reasonable belief that the suspect will discontinue their reckless disregard of the lives and property of others if the pursuit is discontinued and when no compelling reason for immediate apprehension exists.
5. When the fleeing vehicle is being operated by a juvenile and no compelling reason for immediate apprehension exists.

**Whenever instructed to terminate a pursuit by a supervisor, officers shall immediately discontinue pursuit driving operations.**

**No active pursuit shall proceed beyond jurisdictional boundaries without the expressed permission of a supervisor.**

**Officers of this department shall not participate in pursuits initiated by other police agencies without the expressed permission of a supervisor, and when so assigned shall have specific assignment and pursuit limits.**

**Officers authorized to participate in active pursuits initiated by other police agencies shall continually advise communications of their location and pursuit activities during their involvement in the pursuit.**

**Officers authorized to participate in active pursuits initiated by other police agencies shall be bound by the policies and procedures stated herein and shall discontinue their involvement in such pursuits when they have exceeded the limits of their communications equipment or when instructed to do so by a supervisor.**

**Whenever a member of this department is engaged in pursuit driving operations the following procedures shall be followed:**

1. Unless attempting a forcible stop procedure, officers shall not drive in front of or alongside the suspect vehicle.
2. When approaching a controlled intersection with a red light or stop sign facing the approaching unit, officers shall slow to a speed necessary, including stopping, to ensure that all cross traffic has stopped before proceeding through the intersection.
3. When approaching an uncontrolled intersection, officers shall slow to a speed necessary, including stopping, to ensure that all cross traffic has stopped before proceeding through the intersection.
4. Before proceeding through any intersection officers shall slow to a speed that would enable them to successfully evade any suddenly appearing vehicle or pedestrian.
5. Officer shall not drive the wrong way on one-way streets.
6. Whenever necessary to avoid a traffic accident, officers shall yield the right-of-way to all other traffic.

**During pursuit driving operations conducted by any member of this department the immediate supervisor of the involved personnel shall have the following responsibilities:**

1. To continually monitor the progress and activities of the pursuit.
2. To authorize departmental participation in active pursuits initiated by other police agencies at their request.
3. To order the termination of any pursuit driving operations involving members of this department when in their judgment it is in the best interests of the department and/or the public to do so.
4. To ensure that proper communications are maintained and conducted during the course of the pursuit.
5. To make individual unit assignments and to coordinate the activities of units involved in the pursuit.
6. To ensure that a proper record is maintained concerning the pursuit.
7. To authorize the application of forcible stop techniques when appropriate and to make unit assignments as needed.

8. To order the termination of any forcible stop activity when in their judgment it is in the best interest of the public and the department to do so.
9. To ensure that all existing departmental policy and procedure is complied with during the course of any active pursuit involving members of this department.
10. To authorize pursuit speeds in excess of 20 mph over posted limit when in their judgment conditions warrant.
11. In the event of a traffic accident involving a departmental vehicle(s) during the course of a pursuit, to fully investigate said accident and report their findings to their immediate superior, as outlined in general orders 525.10.
12. To request assistance from other agencies when appropriate to do so.

**Whenever any member of this department has engaged in pursuit driving operations as defined, however brief and regardless of whether the suspect(s) was apprehended, they shall as soon as possible after the completion of the activity, submit to their immediate supervisor a written report detailing their involvement in the pursuit.**

**Officers are reminded that they will be held accountable for decisions and actions they undertake during the course of the pursuit driving operations.**

**Officers operating departmental motorcycles, or unmarked vehicles shall not engage in pursuit driving operations unless specifically instructed to do so by a supervisor. However, once a marked unit becomes available to proceed as the primary unit, the motorcycle or unmarked unit will discontinue the pursuit.**

**Officers must realize that discontinuing an active pursuit is sometimes the wisest and most professional course of action. The element of a personal challenge should NEVER enter into the decision to engage in or continue pursuit driving operations. A decision to discontinue pursuit, or not to initiate a pursuit, in no way indicates a lack of personal courage or dereliction of duty. Both options are sometimes the ONLY way to secure adequate protections of the lives and property of citizens whom we have sworn to protect.**

**Communications center responsibilities during pursuit driving operations:**

1. To receive and record all incoming information from units involved in the pursuit.
2. To immediately notify the appropriate supervisor that pursuit driving operations are in progress.
3. To advise other field units that a pursuit is in progress and to provide them with necessary information.
4. To clear the radio channel or assigned frequency of all non-emergency communications for the duration of the pursuit. If the pursuit becomes involved to assign one channel to the pursuit and all other traffic to the second channel.
5. To conduct relevant record and motor vehicle checks when applicable.
6. To control all radio communications conducted during the pursuit.

7. To coordinate the activities of assisting units under the direction of the appropriate supervisor.
8. To receive, and relay to the appropriate supervisor, requests for assistance from other agencies.
9. To make unit assignments at the direction of the appropriate supervisor.