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| Procedural Instructions                   | Effective Date: 05/01/2007 | Reviewed Date: |
| Subject: <b>Pursuit Vehicle Operation</b> |                            | Amended Date:  |
| Reference: 41.2.2                         |                            |                |
| Chapter: 304                              | Section: 2                 |                |

## I. Policy

All pursuit operations shall be conducted in accordance with existing statutes, Village ordinances, and regulations set forth in this procedure. The safety of the public will be a primary concern. Supervisors may authorize pursuits in exceptional circumstances, which do not otherwise conform to policy.

## II. Definitions

**Emergency Vehicle** – a vehicle which sounds an audible siren as may be reasonably necessary and equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle. (RSMo. 304.022.4(3))

**Marked Police Vehicle** – any Department vehicle which is equipped with siren, roof mounted emergency lights and is clearly marked as a Police vehicle.

**Vehicle Pursuit** – an attempt by the police to apprehend a suspect operating a motor vehicle while the suspect is trying to avoid capture or failing to yield to the officer's signal to stop by actively attempting to elude the officer.

**Violent Felony** – a felony where the potential for serious bodily injury or death to the victim was demonstrated by the suspect(s) during the commission of the crime.

**Imminent Danger** – a situation which places the officer or others in immediate danger of death or serious bodily injury.

## III. Procedure (41.2.2)

### 1 Initiation of a Pursuit

1.1 Officers may initiate a pursuit when they have a reasonable belief that the fleeing suspect has committed or attempted to commit a violent felony. A pursuit may also be initiated on a DWI where the driver is presenting an imminent danger to the officer or others. The probable cause for the initiation of the pursuit of a DWI must be specific to the charge. (Example – violating a stop sign or speeding will not be sufficient in itself to warrant the pursuit.) The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.

1.2 Information developed or discovered after the pursuit cannot be used to justify the pursuit itself.

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## 2 Continuation of a Pursuit

2.1. While acknowledging that any vehicle pursuit has certain inherent dangers, the decision to continue a pursuit must be continually evaluated by the officers involved, the supervisor, and the commander. (Example – a pursuit where the suspect ignores solid red signals, or takes other steps demonstrating a total disregard for his safety and that of the public at large would be grounds for terminating a pursuit.)

## 3 Termination of a Pursuit

3.1 Pursuits will be terminated when the danger created by the pursuit outweighs the need for apprehension.

3.2 The decision not to pursue or to abandon a pursuit may be the most intelligent course of action. An officer will not be criticized for this decision to terminate a pursuit.

3.3 When ordered to do so by a supervisor or commanding officer.

3.4 Existing circumstances and conditions shall be considered when deciding whether to abandon the pursuit. The following are examples of those factors which should be considered:

- Lack of backup
- Known suspect(s)
- Juveniles in the pursued vehicle
- Loss of reliable radio communication
- Non-sworn persons present in a pursuing vehicle
- Adverse weather conditions
- Adverse road conditions
- Unfamiliar with the area
- Heavy vehicle or pedestrian traffic

## 4 Pursuit Vehicle Restrictions

4.1 Any police vehicle, equipped with red lights and siren, may be used to initiate a pursuit. In the event a pursuit is initiated by an unmarked police vehicle, the officer will relinquish his/her involvement in the pursuit at the first available opportunity to marked police vehicles.

4.2 Units transporting prisoners shall not engage in pursuit activities, including initiation of pursuits.

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5. Vehicle Operations and Tactics – emergency vehicles in pursuit shall comply with procedures as prescribed in SOG 304.1, Section 3 in addition to the following:

5.1 Controlled Access Highways – officers shall not pursue suspects the wrong way on interstate, controlled access highways, or divided roadways. Officers may proceed on a parallel course.

5.2 Caravanning – no more than two police vehicles will become actively involved in a pursuit unless specifically directed by a field supervisor or commanding officer.

5.3 Shadowing or taking a parallel course by officers not directly involved in the pursuit is prohibited.

5.4 Passing – there shall be no attempt to pass other units involved in a pursuit unless the passing officer receives permission from the primary unit or is directed to do so by a field supervisor or commanding officer.

#### 5.5 Controlled Tire Deflating Systems

5.5.1 This device can be used to stop or slow a fleeing vehicle by the controlled deflation of the tires.

5.5.2 Use of the controlled tire deflating system must be authorized and cancelled by a field supervisor or commanding officer, and the following criteria must be met:

5.5.2(a) The person fleeing is suspected of committing or attempting to commit a violent felony;

5.5.2(b) The person fleeing is suspected of DWI and is presenting an imminent danger;

5.5.2(c) The primary unit in the pursuit has not lost sight of the fleeing vehicle.

5.5.3 Only sworn officers trained in the deployment of controlled tire deflating systems are authorized to use them.

#### 5.6 Ramming

5.6.1 Ramming the suspect vehicle is defined as a use of the police vehicle as a weapon and shall be authorized only when the use of deadly force is justified. (SOG 103.5, section 4.5).

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5.6.2 Supervisors shall consider the following in making the above authorization:

- Installed air bags may inflate making vehicles inoperable or uncontrollable.
- The maneuver can be done with reasonable safety for everyone involved.
- The suspect is creating an immediate danger to the community (DWI, wrong side of the road, etc.).
- The maneuver can be done at low speed.

5.7 Roadblocks – roadblocks must be authorized and cancelled by a field supervisor or commanding officer, and the following criteria must be met:

- The person fleeing is suspected in the commission of a felony,
- The suspect is creating an immediate and continuing threat to life,
- Other methods of apprehension have failed,
- The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a complete stop,
- The roadway shall not be completely blocked unless the use of deadly force is authorized (SOG 400).

5.8 As a last resort, officers may only shoot at a pursued vehicle from a stationary position when deadly force is authorized (SOG 103.5, Section 4.5).

## 6 Pursuit Procedures, Duties and Responsibilities

### 6.1 Primary Unit

6.1.1 Upon initiation of a pursuit, the primary unit will relay the following information to Communications:

- Location, speed, and direction of travel.
- Information on suspect vehicle and occupants
- Reason for pursuit.

6.1.2 The primary unit will continuously update Communications when factors of the pursuit change. (This responsibility may be delegated to the secondary unit.)

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## 6.2 Communications

6.2.1 Immediately upon notification of a pursuit in progress, Communications will:

- Clear the channel on which the primary unit is operating for pursuit traffic only. All other radio traffic, including other related emergency traffic, will be conducted on an alternative channel.
- Notify the primary unit's supervisor
- Assign a new primary unit, if requested
- Assign a secondary unit

6.2.2 During the pursuit, Communications will assume the following duties:

- Monitor all radio traffic and relay information to the units involved in the pursuit and the field supervisor until the pursuit is terminated
- Perform relevant records and motor vehicle checks
- Coordinate assistance under the direction of the field supervisor or commanding officer

6.2.3 Dispatchers and other Communications personnel do not have authority to terminate a pursuit; however, they have the responsibility of relaying information of which they are aware that may affect any decision to terminate or continue a pursuit.

## 6.3 Secondary Unit

6.3.1 The secondary unit shall be a marked Police vehicle unless such a vehicle is not available. Secondary units must conform to the definition of an emergency vehicle. (Section II)

6.3.2 Secondary unit may assume radio communications responsibility, allowing the primary unit to devote full attention to driving.

## 6.4 Field Supervisor

6.4.1 Immediately upon notification of the pursuit, the field supervisor will:

- Notify the field commander of the pursuit, if one is available
- Ensure that the radio channel is cleared for emergency traffic only

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- Ensure that no more than the required/necessary units are involved
- Verify that only marked patrol units are in pursuit or that proper units are en-route to take over the pursuit

6.4.2 The field supervisor will direct the pursuit, approve alternative tactics and maintain control until the pursuit is terminated.

6.4.3 Upon termination of the pursuit, the field supervisor shall proceed to the termination point to provide necessary supervision.

6.5 Commanding Officer – the on-duty commanding officer shall assume overall command of the pursuit.

## 7 Pursuits into Other Jurisdictions

### 7.1 Authority

7.1.1 RSMo 544.157 and Section 27-72 of the Municipal Code authorize Claycomo Police Officers in fresh pursuit of a person who is reasonably believed by the officers to have committed a felony in this state or who has committed, or has attempted to commit, in the presence of such officer, any criminal offense or violation of state law or Village ordinance, or for whom such officer holds a warrant of arrest for a criminal offense, to have the authority to arrest and hold in custody such person anywhere in this state. In all cases, the pursuit must be initiated within the Claycomo Village Limit.

7.1.2 Upon apprehension, the officer may issue a summons and/or take the violator into custody. If the arrest is made pursuant to a warrant or if it is accompanied by a summons, the officer may return the suspect to Claycomo to be booked. If, however, the arrest is not pursuant to a warrant and may not be accompanied by a summons (i.e. P/C felony charge), the suspect must be taken before a judge in the county in which the arrest was made and by booking the suspect into that county jail. In all cases, the officer is not required to return the suspect to Claycomo.

7.1.3 In cases where the local law enforcement authorities wish to take custody of the suspect for charges that they may have, it would generally be appropriate to release the suspect in their custody rather than return the suspect to the Village.

7.1.4 A pursuit beyond the village limit of Claycomo will not relieve the pursuing officer, field supervisor, or commanding officer of the responsibility of conducting, terminating or reporting a pursuit as set forth in this or any other SOG.

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## 7.2 Procedures

7.2 Upon leaving the Village of Claycomo, the primary unit shall notify the dispatcher.

7.2.2 Communications shall immediately notify the field supervisor that the pursuit is proceeding outside the Village and establish contact with law enforcement agencies that have jurisdiction in the area of the pursuit.

7.2.3 Pursuits that continue outside the Village must be authorized by and may be terminated by the field supervisor or commanding officer, if one is available.

### 7.2.4 Continued Pursuit

7.2.4(a) Upon approval of the continued pursuit, the dispatcher shall immediately notify the primary unit and continue to relay information between all units and agencies involved in the pursuit.

7.2.4(b) The field supervisor should request assistance from the assisting agency, if practical.

7.2.4(c) The field supervisor will closely monitor the pursuit and coordinate operations with other law enforcement agencies through the dispatcher.

7.2.4(d) As soon as practical, the primary unit will allow any assisting agency's unit to become the primary unit and will then become the secondary unit.

7.2.4(e) If the assisting agency responds with a secondary unit, the Claycomo primary unit and secondary units will proceed as directed by the field supervisor. (It is recommended that one Claycomo unit continue to the point of termination unless otherwise requested by the assisting agency.)

7.2.4(f) In the event of the capture of the suspect, the field supervisor will proceed to the termination point, if practical, and ensure that Claycomo units and any assisting agency receives information and additional assistance that may be needed.

## 8 Pursuits into this Jurisdiction from another Jurisdiction

8.1 Officers of this Department may assist in the pursuit at the request of the originating agency.

8.2 The field supervisor will immediately approve or deny assistance. If approved, ensure that an approved pursuit is conducted using the guidelines established in the Department's pursuit procedures insofar as practicable.

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8.3 The dispatcher will assign Claycomo units as directed by the field supervisor or commanding officer.

8.4 Communications will maintain contact with the agency initiating the pursuit and will relay information between both agencies.

8.5 Officers may continue to assist the originating agency if the pursuit again moves outside the Village; subject to provisions of Section 6.2.

## 9 Reporting (41.2.2)

### 9.1 Initiating Officer

9.1.1 The initiating officer will prepare the original report regarding the pursuit and ensure the following details are included:

- Weather conditions
- Reason for pursuit
- Detailed information of route taken, including speeds attained and all traffic violations committed by the suspect during the pursuit.
- Suspect vehicle description
- Identification of all occupants of suspect vehicle, if available
- Final disposition of pursuit and charges for which suspect was arrested

9.1.2 The initiating officer shall complete a **Pursuit Summary Form (Attachment #1)** and turn it in to his supervisor along with all other reports that he may have regarding the pursuit.

9.2 Any officer participating in or having additional information regarding the pursuit will complete a supplemental report.

### 9.3 Field Supervisor

9.3.1 The field supervisor will ensure that a complete report is made of the pursuit by all officers involved.

9.3.2 The field supervisor will complete a Pursuit Summary Form. In the event that a supervisor becomes physically involved in the pursuit or unusual circumstances exists an IDC detailing the activity shall be completed.



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9.3.3 The field supervisor shall ensure that a completed Pursuit Summary Form, along with all related reports, is forwarded through the chain of command.

9.3.4 The field supervisor will explain the justification for the initiation and continuation or termination of each pursuit on the Pursuit Summary Form.

#### **IV. Attachments**

##### **1. CPD Form "Pursuit Summary"**