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| Vehicle Pursuit & Emergency Vehicle Operation | Related Policies: |
| <i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i> | |
| Applicable Arkansas Statutes: §27-51-901; 27-49-109; §27-49-219; §27-51-202, §27-51-204; | |
| CALEA Standard: 41.2.2, 41.2.3, 41.3.1, | |
| Date Implemented: | Review Date: |

- I. **Purpose:** The purpose of this policy is to provide guidelines and directions for the establishment of responsibility for the safe operation of police vehicles during a pursuit; for the initiation or discontinuation of pursuits; for the responsibility of participating officers and supervisor; and to provide the essential balancing of the necessity for the pursuit and more immediate apprehension of the fleeing subject against the risks involved with the pursuit which might include death, injury and/or property damage.
- II. **Policy:** The department recognizes its responsibility to apprehend criminals and lawbreakers, but it also recognizes that higher responsibility to protect and foster the safety of all persons in the operation of police vehicles under pursuit conditions. Officers operating under pursuit conditions shall be constantly aware that no assignment is too important and no task is to be expedited with such emphasis that any of the basic principles of safety are jeopardized. Therefore, officers shall only engage in pursuits when the need for apprehension outweighs the risk to the officer and the public.
- III. **Definitions**
 - A. **Authorized Emergency Vehicle:** As defined by ACA 27-36-303 and 27-37-202, vehicles designated emergency police vehicles will be equipped with: blue rotating or flashing emergency lights and a siren, bell or whistle capable of emitting sound audible under normal conditions from a distance of not less than 500 feet.
 - B. **Discontinue the pursuit:** the law enforcement officer ends his or her involvement in the pursuit by slowing down to the posted speed limit and turning off his or her emergency light and siren.
 - C. **Authorization to continue pursuit:** verbal approval, transmitted over the assigned radio channel, by the supervisor and acknowledgment by the dispatcher and the officer driving the primary unit.
 - D. **Boxing-in:** surrounding a violator's vehicle with emergency vehicles that are then slowed to a stop, forcing the violator's vehicle to do likewise.

- E. **Channelization:** a technique where objects or vehicles are positioned in a manner intended to direct or redirect a fleeing vehicle into a clearly identifiable and unobstructed path.
- F. **Caravan:** operating emergency vehicles in a line or alongside each other in a pursuit.
- G. **City vehicle:** any motor vehicle that is owned, leased, or borrowed by the city.
- H. **Code-three emergency call:** a request for police service that presents an actual and immediate danger of death or serious bodily injury. (Should be adapted for local terminology.)
- I. **Deadly force:** force that creates a substantial likelihood of death or serious bodily harm.
- J. **Emergency operation:** driving an emergency vehicle according to state law and this procedure in response to a code-two or code-three (department coding as applicable) call or in pursuit of a fleeing vehicle.
- K. **Inter-Jurisdictional Pursuit:** Any vehicle that crosses into a neighboring jurisdiction, such as across municipal, county, or state line.
- L. **Marked police vehicle:** a police vehicle displaying the emblem and marking of the police department equipped with emergency lights and audible warning devices per Arkansas statutes.
- M. **Paralleling:** operating an emergency vehicle on streets or a route parallel to the pursuit route.
- N. **Police vehicle:** a city vehicle assigned to the police department.
- O. **Primary unit:** The authorized law enforcement vehicle that initiates a pursuit or any other unit, which assumes control of the pursuit.
- P. **Secondary unit(s):** Any authorized law enforcement vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- Q. **PIT (Precision Immobilization Technique):** a controlled deliberate contact with the rear of a fleeing vehicle by a marked police vehicle with the intention of spinning the vehicle in a predetermined direction to bring it to a stop.
- R. **Ramming:** deliberate contact with a violator's vehicle by a marked police vehicle to force the violator's vehicle off the roadway.
- S. **Roadblock:** a barricade or other physical obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.
- T. **Stop Stick/Spike Strip:** a rigid column or a strip of belting containing specially designed hollow spikes which when deployed across a lane of roadway, penetrates tires, slowing the pursued vehicle usually to a complete stop.
- U. **Supervisor:** the supervisor assigned or assuming control of a pursuit situation.
- V. **Terminate the Pursuit:** The decision to discontinue the pursuit.
- W. **Unmarked police vehicle:** a police vehicle not displaying the emblem or marking of the police department and not having emergency warning devices to include emergency lighting and siren.

- X. **Vehicle Pursuit:** an active attempt by a law enforcement officer operating an authorized law enforcement vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.
- Y. **Violent felony:** a serious felony that involves an actual or threatened attack that the officer has reasonable grounds to believe could result or has resulted in death or serious bodily injury (e.g. aggravated assault, armed robbery, and murder, etc.)
- Z. **Mobile Video Recording: (MVR):** a recording device that records video and/or audio of a police event from a fixed camera mounted in a police vehicle.

IV. **Emergency Vehicle Operation:**

- A. The driver of any authorized emergency vehicle when responding to an emergency call upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety but may proceed cautiously past the red or stop sign or signal. At other times, drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.
- B. No driver of any authorized emergency vehicle shall assume any special privilege under the law except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law.
- C. The driver of an emergency vehicle is not held to the prima facie speed limit or the maximum/minimum speed limits on the highway while on an emergency call. For purposes of this section, "emergency calls" means legitimate emergency situations which call for the operation of an emergency vehicle, including a police vehicle.
- D. This law does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any emergency vehicle from the consequence of a reckless disregard of the safety of others.
- E. Officers will not engage in emergency vehicle operation when transporting prisoners, witnesses, suspects, complainants, or any person who is not a member of this department.

V. **Procedure**

A. **Pursuit Restrictions**

- i. Only two emergency vehicles, -- a primary unit and a secondary unit, shall engage in a pursuit, unless additional emergency vehicles are authorized specifically by the managing supervisor.
- ii. Mobile Video Recordings: In emergency vehicles equipped with mobile video recorders, officers shall ensure that the equipment is activated during the pursuit and remains running in accordance with the MVR policy.
- iii. **OPTIONS:** 1) Officers shall not set up roadblocks, or deploy tire deflation devices without the approval of the acting supervisor when available. 2) Roadblocks are prohibited. Use of tire deflation devices requires supervisor approval.
- iv. **OPTIONS:** 1) Officers shall not engage in ramming, boxing-in, caravanning or driving immediately alongside a fleeing vehicle unless authorized by the acting

supervisor when available. 2) Ramming, Boxing-In, or driving alongside a fleeing vehicle is prohibited.

- v. Pursuits shall not be undertaken where the officer is operating a two-or three-wheeled police motorcycle unless the officer has reasonable grounds to believe that the suspect has been or is involved in a violent felony. Once a police vehicle becomes available, the motorcycle shall discontinue its involvement in the pursuit.
 - vi. If a pursuit is discontinued by the primary vehicle, (unless for mechanical reasons), or the supervisor, then all officers shall discontinue the pursuit.
 - vii. Only emergency vehicles or marked police vehicles with emergency warning devices shall initiate a pursuit.
 - viii. Officers engaged in a pursuit shall not drive emergency vehicles the wrong way (against the regular flow of traffic) on a divided highway, interstate, or expressway or any other street or highway designated for one-way traffic, despite allowances in the state vehicular code. When a fleeing vehicle goes the wrong way against traffic, the primary officer shall:
 - a. Parallel the vehicle in the correct lane of traffic;
 - b. Notify dispatch of a wrong way driver;
 - c. Request assistance to shut down vehicular traffic on the highway coming in the fleeing subject's direction; and
 - d. Consider having communications notify Department of Transportation to activate reader boards to advise motorists of a wrong way driver where appropriate.
 - ix. Officers shall not engage in a pursuit when they are transporting prisoners, witnesses, suspects, complainants, or any person who is not a member of this department.
- B. Environmental Considerations:** Officers shall carefully consider the facts and weigh the seriousness of the offense against the possible consequences of jeopardizing the safety of others by a continuous evaluation of the following at the time of the initiation and continuation of the pursuit:
- i. Time of day and day of the week;
 - ii. Lighting conditions;
 - iii. Vehicular and pedestrian traffic;
 - iv. Type of roadway;
 - v. Condition of the roadway (e.g. dry, wet, paved, gravel, icy);
 - vi. Weather conditions (e.g. clear, overcast, rain, fog);
 - vii. Condition of the emergency vehicle and the condition and type of the fleeing vehicle;
 - viii. Driving ability of the officer; and
 - ix. Speeds of the emergency vehicle and the fleeing vehicle.

OPTION 1 LESS RESTRICTIVE.

C. Pursuits will not initiate under the following conditions:

- i. When the danger created by the pursuit outweighs the necessity for immediate apprehension;
- ii. The officer knows the suspect's identity and knows that the suspect is wanted only for a traffic violation, misdemeanor, or nonviolent felony; or
- iii. The pursuing officer knows, or has reason to believe, that the fleeing vehicle is being operated by a juvenile who has committed a traffic violation, misdemeanor, or nonviolent felony, and who is driving in such an unsafe manner that it is obvious he does not have the maturity to deal with the danger involved.

OR OPTION 2 MORE RESTRICTIVE.

C. Initiating and Terminating the Pursuit: Officers shall only initiate a pursuit under the following conditions:

- i. When there is reasonable suspicion that the driver or occupant of that vehicle has committed a violent felony, or
- ii. Prior to an Officer's involvement in the pursuit, there is evidence of significant reckless driving (including but not limited to behaviors indicating driving under the influence) that cause a significant immediate danger to the public. In such cases, an Officer may pursue or follow the suspect vehicle with emergency lights and siren to serve primarily as a means to warn law abiding motorists of potential approaching danger.
- iii. Officers will discontinue an approved pursuit when the danger or increased danger created by the pursuit outweighs the necessity for immediate apprehension or continued warning.

D. Responsibilities of the Primary Vehicle Driver

- i. At the earliest possible moment, activate the vehicle's emergency warning devices from the point of initiation to that of completion.
- ii. Immediately notify communications of:
 - a. His or her unit number
 - b. The location
 - c. Direction of travel
 - d. Speed
 - e. Reasons for the pursuit
 - f. The description of the vehicle being pursued
 - g. The number of occupants

- h. The presence of other law enforcement agencies
- i. Location at the time the pursuit is discontinued
- iii. Provide updated information regarding direction of travel, speed, and other pertinent details;
- iv. Allow the secondary vehicle driver to assume all communications;
- v. Abandon the pursuit if any mechanical problems develop in the primary vehicle;
- vi. Discontinue the pursuit if the hazardous circumstances or environmental factors present an unreasonable risk to public safety.

E. Responsibilities of the Secondary Vehicle Driver

- i. The first officer arriving to assist the primary vehicle driver shall notify communications and becomes the secondary vehicle driver;
- ii. This officer shall activate all warning devices from the point of entry into the pursuit until it is ended while following the primary vehicle at a safe distance and shall assume the radio communications for the primary vehicle driver;
- iii. This officer shall become the primary vehicle driver if the primary vehicle abandons the pursuit, or shall abandon the pursuit if any mechanical problems develop in the secondary vehicle.

F. Responsibilities of the Supervisor:

- i. The role of the supervisor during the active pursuit includes but is not limited to:
 - 1. Assessing all incoming information;
 - 2. Asserting control of all aspects of the pursuit and making objective decisions in compliance with this policy for the continuation or termination of the pursuit;
 - 3. Assert control over the pursuit;
 - 4. Continuously review the incoming data to determine whether the pursuit should be continued or terminated;
 - 5. Order units to clear intersections in the likely path of the pursuit where appropriate;
 - 6. Ensure that not more than two (2) emergency vehicles engage in the pursuit, unless additional emergency or marked police vehicles are required based on the following circumstances:
 - a. The severity of the offense;
 - b. The number of occupants in the suspect vehicle;
 - c. The likelihood of the suspects being armed; or
 - d. Other relevant circumstances;
 - 7. Direct and approve necessary tactics in the pursuit; including authorizing termination of the pursuit through approved tactics;

- 8. Assign additional officers to traffic control, accident investigation, foot pursuit, and/or perimeter security;
 - 9. Order the discontinuation of the pursuit at any time hazardous circumstances or environmental factors present an unreasonable risk to public safety; and
 - 10. Respond in all situations to the scene of any arrest resulting from the pursuit to control the scene where practical.
- ii. In the event the supervisor initiates a pursuit he/she will, where feasible, turn over the role of Primary Vehicle Driver to the first back up officer who engages the pursuit.
 - iii. When the supervisor actively participates in the pursuit in the role of Secondary Vehicle Driver, he/she is also responsible for fulfilling the role of supervisor in accordance with this policy.

G. Responsibilities of the Communications Center:

- i. Assure that a supervisor is notified of the pursuit;
- ii. Assure that all critical information is received from the officers involved and relayed to other units;
- iii. Keep the supervisor apprised of all relevant traffic problems and other actions that might impact upon the conduct of the pursuit;
- iv. Record all information received from the pursuing officer;
- v. Clear the radio channel;
- vi. Conduct an inquiry of the license plate through ACIC/NCIC;
- vii. If appropriate, notify adjacent jurisdictions of the pursuit and the potential that it may enter their jurisdiction; and
- viii. Continue monitoring the pursuit.

H. Termination of Pursuit

- i. Remember that roadblocks, the PIT maneuver, and Stop-Sticks or spike strips, as well as the firearm, constitute seizures (i.e. a stopping of movement by a means intentionally applied). Roadblocks, the PIT maneuver, and tire deflation devices constitute a use of force. In using these tactics officers should consider:
 - a. How serious is the offense that the officer suspects at the time they use the tactic?
 - b. Is there a physical threat to the officer or any other person and how significant is that threat?
 - c. Is the suspect actively resisting or attempting to evade arrest by flight?
- ii. Use of firearms:
 - a. The use of firearms to affect the apprehension of a fleeing suspect is a use of deadly force.
 - b. Officers shall not shoot at or from a moving vehicle unless:

1. The officer has a reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious bodily injury to the officer or another person; or
 2. The officer has a reasonable belief that an occupant is using the vehicle in a manner that poses an imminent threat of death or serious physical injury to the officer or another person, and there is no avenue of escape.
- iii. OPTIONS: 1) Roadblocks:** Only in the case of suspected fleeing violent felons whose escape poses a danger to life, may an officer set up a stationary or rolling roadblock, a decision that shall be approved by the on-duty supervisor. This decision to establish a roadblock shall consider:
- a. The safety of the officers
 - b. The risk of physical injury to the occupants of the pursued vehicle
 - c. The protection of citizens and their property
 - d. That all stationary roadblocks must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify communications of the exact location.
- OR 2) Roadblocks are prohibited.**
- iv. OPTIONS: 1) PIT Maneuver:** Only officers trained in this particular maneuver will attempt to employ this procedure and shall not use this maneuver in speeds over 45 mph unless deadly force would be justified. **OR 2) PIT Maneuvers are prohibited.**
- v. Stop Sticks/spike strips:**
- a. Only officers trained in the use of Stop Sticks/spike strips shall deploy them. Officers are responsible for making sure that their use is contained in the pursuit report. The deploying officer shall advise pursuing units and all other units that they should distance themselves from the pursued vehicle and be prepared to slow down before entering the deployment site. Other traffic shall be diverted from the site if possible.
 - b. Officers deploying spike strips should be mindful of their own safety during deployment and not take unnecessary risks in their attempt to lay out the spike strip.
- I. Officers should employ felony/high risk traffic stop techniques at the end of pursuits when circumstances warrant.**
- J. Reasons for Discontinuation of Pursuit:** Any officer involved in a pursuit shall terminate the pursuit, and immediately notify communications of his point of discontinuation under any of the following conditions:
- i. When ordered by a supervisor, or any other higher-ranking member of the department;
 - ii. When the officer believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension;

- iii. When the risk conditions have increased and the subject's identity has been established to the point where later apprehension can be accomplished and there is no longer any need for immediate apprehension;
- iv. When the location of the pursued vehicle is no longer known;
- v. Discontinuation of a pursuit requires the officer(s) to abandon all active attempts to stop and/or follow the suspected vehicles and officer(s) shall turn off all emergency equipment.

K. Inter-jurisdictional Pursuits:

- i. Pursuits from this jurisdiction into another jurisdiction:
 - a. Notify, through communications, the other jurisdiction as soon as possible of the reasons for the pursuit, the vehicle description and if assistance is requested.
 - b. Agencies in close proximity to State borders who pursue across state lines may not have the same privileges afforded to peace officers within the State of Arkansas.
- ii. Pursuits from another jurisdiction into this jurisdiction:
 - a. The communications staff should determine the number of police vehicles from the other jurisdiction that are involved in the pursuit, find out the circumstances of the pursuit to include the offense, vehicle description and if assistance is requested;
 - b. Supervisors will only approve assistance from this jurisdiction if the offense is in keeping with our justification for a pursuit. If the pursuit does not conform to this policy, officers shall not engage in the pursuit but may attempt to control intersections to promote the safety of innocent persons in the vicinity;
 - c. When feasible, a supervisor from this jurisdiction will proceed to the point of completion of the pursuit as quickly as possible; and
 - d. The initiating agency will remain in control of any pursuit that crosses into this jurisdiction and will remain responsible for the pursuit.

L. Report and Review Process

- i. The on-duty supervisor conducts an immediate investigation of the circumstances of the pursuit. The departmental Pursuit Report Form (or State designated pursuit form) shall be completed after any pursuit. The Police Incident Report will be attached to the Pursuit Report Form. The Pursuit Report Form will be forwarded via the chain of command to the Chief of Police or their designee.
- ii. The Chief of Police or their designee will determine compliance with all statutes and policies.

M. Training

- i. Officers shall not participate in a pursuit unless they have received specialized pursuit driving training.

- ii. Officers shall not be authorized to utilize any equipment or tactic during a pursuit unless the officer has received proper training and/or certification with respect to that equipment or tactic.
 - iii. Officers and dispatchers shall receive annual training on this policy.
- VI. The Department shall prepare an annual report evaluating the pursuit history and frequency during that year. This report shall assess the adequacy of the written policy, training, and field implementation of the Department's pursuit policy.