

THURMONT POLICE DEPARTMENT

GENERAL ORDER	Date Issued: 3/27/06	Effective Date: 3/27/06	Order No: Chapter 2.0
Authority: Chief of Police Gregory L. Eyer		Manual Page No:	
Subject: Motor Vehicle Pursuits and Reporting		Replaces Page No:	
CALEA Standard: 41.2.2	Distribution: ALL	Amended: 4/6/2011	Number of Pages: 9
Related Documents: Use of Deadly Force/Traffic Crash Reporting/Title 21 Section 106 of the Maryland Vehicle Law			Rescinds:

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

I. PURPOSE:

To provide clear guidelines for departmental personnel in the establishment of police response to vehicle pursuit situations. These guidelines are intended to help reduce the number of collisions, injuries, and fatalities associated with vehicle pursuits. The Thurmont Police Department recognizes that each pursuit situation is unique. The good judgment of the officers and supervisors involved in a pursuit and evaluating the information known at the time, are the most important factors in ensuring the safety and well being of the public.

II. POLICY:

The overriding responsibility of the Thurmont Police Department is to protect human life and property. When the risks to human life and/or property begin to outweigh the benefits of capture, officers should refrain or disengage from pursuits. The threat of injury, death and property damage is borne by innocent bystanders, the police officers involved in the pursuit, the fleeing driver, and the occupants of the escaping vehicle. Therefore, it is the responsibility of this Police Department to establish pursuit guidelines designed to protect human life and property and to provide police officers guidance and training in the safe operation of police vehicles involved in pursuits.

III. DEFINITIONS:

- A. **Marked Police Vehicle**-Any police vehicle that is identifiable by color scheme, department seal, and/or police lettering, has visible emergency lights permanently mounted on or within the vehicle and is equipped with a siren.

- B. **Semi-Marked Police Vehicle**-Any police vehicle that is not identifiably marked by distinctive color scheme but has emergency lights permanently mounted within the vehicle and is equipped with a siren.

- C. **Unmarked Police Vehicle**-Any police vehicle that has no distinctive identifiable marking and may have portable emergency light(s) and siren.
- D. **Emergency Equipment**-Emergency lights for the purpose of this general order are a red and / or blue flashing, rotating or oscillating lights and a vehicle mounted siren.
- E. **Fleeing Vehicle**-A motor vehicle operated by a person who is attempting to avoid apprehension by police officers.
- F. **Police Officer**-A peace officer as defined by Maryland Statutes currently employed by the municipality.
- G. **Primary Unit**-The police vehicle that initiates a pursuit or any vehicle that assumes control of the pursuit as the first police vehicle immediately behind the fleeing vehicle.
- H. **Pursuit**-An event involving one or more on-duty police officers operating a police vehicle utilizing the vehicles emergency equipment in an attempt to apprehend a suspect in a fleeing vehicle who having been given a visual or audible signal by a police officer directing the driver to bring his vehicle to a stop, willingly fails or refuses to obey such direction, increases his speed, extinguishes his lights, or otherwise flees or attempts to elude the officer.
- I. **Secondary Unit**-Any police vehicle that becomes involved as a back up to the primary unit.
- J. **Supervisor**-A police officer who by virtue of rank or assignment is responsible for direction or supervision of the activities of other police officers, i.e. sergeant, officer-in-charge, etc.

IV. **PROCEDURE:**

A. General Considerations-Decision to Pursue

The emergency operation of police vehicles is one of the most dangerous tasks police officers are asked to perform in which death or permanent injury to police officers and /or citizens can result. The decision to initiate or continue a pursuit requires weighing the public safety need to immediately apprehend the violator against the degree of risk to which police officer and others are exposed as a result of the pursuit. Absent any additional risk to public safety, pursuits for traffic offenses and non-violent property crimes should not be continued. Police officers are reminded that they are under no legal obligation to initiate a pursuit and in many circumstances the safety of the public will dictate that no pursuit be initiated and/or continued. Officers who do initiate or continue a pursuit should consider the following elements:

1. The nature and seriousness of the originating offense for which you are pursuing;
2. The time of day;
3. The traffic and pedestrian conditions;
4. The roadway and weather conditions;
5. The condition of your police vehicle;
6. The possibility of knowing or identifying the offender at a later time;
7. The likelihood of successful apprehension;

8. The length of the pursuit;
9. The ability to maintain visual contact with the fleeing vehicle;
10. The actions of the offender that increases the danger to the public and officers, e.g. increasing speeds, driving on the wrong side of the road, approaching public parks and schools.

B. Primary Unit Responsibilities

1. Determine and continue to evaluate whether the seriousness of the offense and other conditions justify the pursuit.
2. The primary unit will advise the Frederick County Emergency Communications Center of the pursuit and its progress with as much of the following information as possible:
 - a) The reason for the pursuit;
 - b) The location and direction of travel;
 - c) A description of the fleeing vehicle;
 - d) Make, model and color;
 - e) License number;
 - f) Number and description of occupants;
 - g) The speed.

C. Secondary Unit Responsibilities

1. The secondary unit will notify the Frederick County Emergency Communications Center when they are in a position as a back-up and will remain at a safe distance behind the primary unit.
2. The secondary unit may assume radio communications responsibility if able to complete this responsibility from their position behind the primary unit.
3. The secondary unit shall report unsafe or increased risk factors to the primary unit and supervisor including, but not limited to:
 - a) Emergency equipment failure;
 - b) Approaching geographical characteristics, if known, that may increase the risk.
4. The secondary unit shall also act as a back-up unit upon termination of the pursuit.

D. Limited Units Involved

1. No more than two Thurmont Police vehicles shall become actively involved in a pursuit unless directed by a supervisor. Vehicles utilized to block cross streets, restricting the flow of traffic into the pursuit path or other public protection functions, shall not be deemed as actively involved as described in this section.

E. Other Units Responsibilities

1. Police units not directly involved in the pursuit are expected to remain in their assigned areas, monitor radio transmissions and position themselves so as to be of possible assistance to the primary unit.

F. Supervisor Responsibility

1. Supervisors should attempt to avoid being actively involved as a primary or secondary pursuit unit, enhancing their ability to evaluate and control the pursuit in accordance with this policy. It is understood that a supervisor may be required to become actively involved due to the tactical needs and the number of on-duty and available officers. When a pursuit is in progress, the supervisor has the following responsibilities:
 - a) Determine whether the seriousness of the offense and other conditions justify continuation of the pursuit;
 - b) Monitor the pursuit via radio, continue to evaluate the circumstances and conditions surrounding the pursuit, and assess the officers demeanor, experience, and ability to continue the pursuit;
 - c) Direct additional units to assist in the pursuit as needed;
 - d) Order a pursuit terminated if;
 - 1) The suspect's identity is established to the point where later apprehension is likely and there is no immediate threat to the public safety.
 - 2) It is determined from available information known at the time that the hazards involved in further pursuit do not justify continuation.
 - e) When the termination of the pursuit occurs, the supervisor will ensure that all participating agencies are notified.

G. Pursuit Protocol and Guidelines

1. To initiate a pursuit, officers will activate the vehicles emergency lights and siren. Lights and siren shall be utilized during the course of the pursuit by officers actively involved in the pursuit.
2. Upon approaching an intersection controlled by traffic signals or signs or any other location at which there is an increased likelihood of a collision, the driver of any pursuit vehicle will reduce the vehicles speed and, if necessary, come to a complete stop so as to avoid a collision with another vehicle or pedestrian. Police officers will verify that the way is clear before proceeding through an intersection or otherwise increasing speed.
3. Police officers operating unmarked police vehicles may only engage in a pursuit when there is an imminent threat to life or great bodily harm represented by the continued freedom of the suspect. Whenever a marked car or semi-marked police vehicle becomes available to take over the pursuit, the operator of the unmarked police vehicle will withdraw from active pursuit and will serve in a support function for the marked/semi-marked vehicle.

4. No police vehicle will overtake or pass the primary unit unless directed to do so.
5. Officers will not engage in a motor vehicle pursuit if the Department vehicle is occupied by an individual who is not a police officer.
6. Officers will not become involved in pursuits while in privately owned vehicles.

H. Inter-jurisdictional Pursuits

1. When a pursuit has been initiated by a law enforcement agency of another jurisdiction, the initiating unit and jurisdiction will be responsible for the conduct of the pursuit. Department vehicle operators will not become actively involved in the pursuit unless prior approval is obtained from the supervisor.
2. This Department's pursuit policy and procedures will govern the conduct of any of our officers engaged in, assisting with, or considering engaging in, the pursuit regardless of where the pursuit begins or travels through. Unless directed otherwise by the supervisor, our units will limit their participation to the following, when appropriate:
 - a) Station themselves at major intersections and cross streets to protect the public from the pursuit;
 - b) Take any action that may minimize the danger of injury;
 - c) Provide geographical or other pertinent information;
 - d) Provide assistance once the fleeing vehicle is stopped.

I. Roadblocks

1. A roadblock or forcible stop is considered a use of deadly force. Therefore, **the use of deadly force must be justified against every occupant of the fleeing vehicle.** Roadblocks must be implemented safely to ensure the protection of all.
2. The use of a fixed roadblock must be authorized by a supervisor. It may be used only when all other attempts to terminate the pursuit have failed and the officer is pursuing a known and extremely dangerous person who, if allowed to escape, could create a substantial risk of another person being killed or seriously injured.
 - a) Once a fixed roadblock has been established and a police unit has been stationed as part of the roadblock, no one will remain in the vehicle;
 - b) The police unit(s) will display emergency lights when engaged in a fixed roadblock; when time permits and if appropriate, flares may also be set;
 - c) Units used as roadblocks must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop;
 - d) Officer establishing fixed roadblocks will use the primary radio frequency to give timely notice of the roadblock location to the pursuing police units;

- e) Unmarked and privately owned vehicles may not be used to establish a fixed roadblock, except as a last resort and only when other attempts to terminate the pursuit have failed. Supervisory approval is required to use said vehicles.
- f) In the event a roadblock is used to terminate a pursuit, a Use of Force Report will be completed.

J. Forcible Stop

- 1. Officers **will not** intentionally collide with, attempt to collide with, or pull in front of pursued vehicles, nor will they use the police unit to force any other vehicle off a roadway. Intentional driving tactics designed to “box-in” a suspect’s vehicle, while moving, or other similar driving maneuvers are considered a forcible stop. It should be noted that an officer may disregard this prohibition when there is an imminent threat to life or great bodily harm represented by the continued freedom of the suspect. In the event of a forcible stop, a Use of Force Report will be completed.

K. Tire-Deflation Devices

- 1. When practical, officers may use the Stinger Spike System as an alternative to stop a vehicle being pursued.
 - a) When a pursuit is initiated, officer’s will monitor its progress. Officers will determine if a tire-deflating device will be used based on road and traffic conditions at the time of the pursuit and information provided by the pursuing officer;
 - b) Measures should be taken to divert other traffic from the area where the tire-deflating device is to be used to prevent unnecessary damage to other vehicles;
 - c) The exact location, including lane, of the deployed tire-deflating device will be communicated to the Frederick County Emergency Communication Center and all pursuing vehicles;
 - d) At no time will a tire-deflation device be used when a pursuit involves a motorcycle or a passenger occupied bus;
 - e) Careful consideration will be given to potential hazards prior to using a tire-deflation device on vehicles transporting hazardous materials. Consideration of environmental conditions and location should be given prior to utilizing the device;
 - f) When used on dual lane highways, the tire-deflating device should not be placed in the roadway near an exit ramp;
 - g) When a tire-deflating device is used, a police vehicle may be used to block a portion of the roadway prior to placing the tire-deflation device in the roadway. However, a police vehicle will not be used to block the entire roadway. If a police vehicle is not used to block a portion of the roadway, it should be positioned in a manner that it will afford the officer protection from the vehicle being pursued;
 - h) The tire-deflating device will not be used as a weapon at any time;
 - i) In no circumstance will a pursuing officer attempt to pass a fleeing vehicle with intent to get far enough ahead to utilize the tire-deflating device;

- j) The tire-deflating devices will be used only under extreme circumstances to protect the public and police officers;
- k) Upon completion of a pursuit where a tire-deflation device was used, the officer shall submit an Incident Report describing the incident. The incident report shall specifically describe damage to all vehicles caused by the deployment of the tire-deflation device.

L. Termination of the Pursuit

- 1. A pursuit may be terminated by a supervisor or by any member of the command staff. If a decision is made to terminate a pursuit, all officers involved in the pursuit, as well as Communications, will be notified of the decision immediately.
- 2. When an officer terminates a pursuit or is directed to terminate pursuit, he will immediately notify the Frederick County Emergency Communications Center of the termination and direction of travel of the fleeing vehicle.
- 3. A pursuit will be immediately terminated by all officers involved in the pursuit if:
 - A. the danger posed to the public, the officers involved, or the suspect by continued pursuit becomes greater than the immediate or potential danger posed to the public, the officers involved, and the suspect should the suspect remain at large;
 - B. the distance between the police vehicles and the suspect's vehicle becomes so great that further pursuit would likely be futile;
 - C. the suspect is alleged to have committed only misdemeanor offenses and the suspect vehicle leaves the State of Maryland;
 - D. the suspect vehicle comes under the surveillance of an airborne police unit. Under such circumstances, officers who had been involved in the pursuit may continue to follow the suspect's vehicle, as directed by the airborne unit, at a safe speed and in a safe manner; or,
 - E. the officers involved in the pursuit lose radio contact with Communications.

M. Reporting

- 1. All pursuits will be documented with a Vehicle Pursuit Report, which will be submitted to the Chief of Police via the Chain of Command, and an Incident Report. These reports will be completed and submitted by the involved officer within the same tour of duty the pursuit occurred. All traffic crashes or incidents resulting in death or great bodily harm, as a result of a pursuit, will be investigated and reported as required by applicable Department General Orders.

N. Pursuit Review

- 1. A review of each pursuit and the annual analysis of pursuit incidents will be conducted by the Deputy Chief of Police.
- 2. The Deputy Chief of Police will review all available information related to each pursuit incident regardless of the pursuit's outcome and provide a summary of the conduct of each pursuit incident in relation to the following:

- a) Policy compliance;
- b) Training needs which may include annual policy review and emergency driving;
- c) Equipment performance and needs;
- d) Other information as directed or available.

ATTACHMENTS:

Vehicle Pursuit Report – TPD Form 2.0A

DOCUMENT DATES:

Amended Date: 4/6/2011

Review Date:

Review Date:

Review Date:

Rescinds:

Order Written By: Sergeant Shawn R. Tyler

Order Approved and Edited By: Chief Gregory L. Eyster

*CALEA Standards Included in this Order
Chapter 41.2.2*