



Chapter: Operating Department Vehicles
Subject: 10-20 – Vehicle Pursuits
Effective: May 2, 2022
Supersedes: Official Order 10-20, dated April 19, 2022
Distribution: Department Members

PURPOSE: This Order establishes department policy related to vehicle pursuits.

The provisions of this Order apply to enlisted members and, unless otherwise stated, motor carrier officers. All other department members shall not initiate or engage in vehicle pursuits.

10-20-1 VEHICLE PURSUITS

Authorized members may make objectively reasonable efforts to apprehend the drivers of fleeing vehicles in accordance with this Order. The department recognizes that while it is the authorized member who initiates the traffic stop, it is the violator who initiates a vehicle pursuit. It is always better to either delay the arrest or abandon the pursuit than to risk harm to innocent civilians, department members, or the suspect(s) being pursued.

In recognition of the potential risks created by vehicle pursuits, no member or supervisor shall be counseled or disciplined for a decision not to engage in a vehicle pursuit or to terminate a vehicle pursuit based on the risk involved, even in circumstances where this Order authorizes a vehicle pursuit.

A. Definitions

Vehicle Pursuit - An attempt by an authorized member driving a motor vehicle to stop another vehicle when the authorized member has probable cause to believe the operator of the vehicle is attempting to resist being stopped by using evasive techniques (e.g., increasing speed, extinguishing lights, ignoring traffic control devices).

Authorized Member - Enlisted members and motor carrier officers operating fully-marked, slick-top, or semi-marked patrol vehicles.

Supervisor - Generally, the on-duty sergeant or designated acting on-duty sergeant responsible for the authorized member involved in a pursuit. However, a supervisor could be a command officer from the authorized member's post or an Operations Unit lieutenant or sergeant.

B. Initiating a Vehicle Pursuit

- (1) Authorized members shall only initiate and engage in vehicle pursuits subject to the provisions of this Order.

- (2) Authorized members shall not initiate or engage in vehicle pursuits in the following circumstances:
 - a. While operating department motorcycles.
 - b. While operating unmarked or special service vehicles.
 - c. If non-department personnel (other than an on-duty MCOLES certified police officer) are passengers in the patrol vehicle.
 - d. If any of the patrol vehicle's emergency equipment (emergency lights, siren) are inoperable.
- (3) Authorized members may only initiate or engage in a vehicle pursuit if the authorized member has reasonable cause to believe at least one of the following circumstances exists:
 - a. The driver or occupant(s) of the pursued vehicle has committed a felony (other than the crime of fleeing and eluding)
 - b. The pursued vehicle is being operated on a freeway in a direction opposite of the normal flow of traffic (i.e., a wrong-way driver)
 - c. The driver of the pursued vehicle poses an imminent threat to public safety, other than the threat created by the offense of fleeing and eluding.
- (4) A vehicle pursuit shall not be automatically undertaken, even if allowed by this Order. An authorized member shall make an objectively reasonable determination to begin or continue a vehicle pursuit based upon the following factors:
 - a. The underlying crime for which the suspect is being pursued (e.g., whether the crime is a life-threatening felony or property crime).
 - b. The actions of the suspect driver (e.g., driving on the wrong side of road, intentionally striking other vehicles).
 - c. Whether the identity of the suspect is known to the point where later apprehension is possible.
 - d. Volume, type, speed, and direction of vehicular traffic, including the vehicle pursued.
 - e. Nature of and familiarity with the area (e.g., residential, commercial, school zone, open highway).
 - f. Environmental factors (e.g., weather, darkness, lighting, visibility).
 - g. Road conditions (e.g., construction, poor repair, extreme curves, intersections controlled by traffic signals or signs, ice).
 - h. Population density and volume of pedestrian traffic.
 - i. Patrol vehicle capability and condition.
 - j. Type of vehicle being pursued (e.g., motorcycle, ATV, ORV).

C. Pursuit Procedures

When a vehicle pursuit is initiated, the procedures listed below shall be followed:

- (1) Authorized members engaged in a pursuit shall activate and continuously operate the patrol vehicle's emergency lights, siren, and in-car video recording system until the pursuit has terminated or is abandoned.
- (2) Authorized members initiating a pursuit (primary pursuit vehicle) shall immediately notify their primary dispatcher of the pursuit, request the dispatcher notify their supervisor of the pursuit, and provide the following information:
 - a. Reason for pursuit.
 - b. Present location and direction of pursuit.
 - c. Description of vehicle being pursued, including the license plate number, if known.
 - d. Description and number of occupants.
- (3) The authorized member in the primary pursuit vehicle shall keep their primary dispatcher current on the progress of the pursuit until this duty can be assumed by a secondary pursuit vehicle.
- (4) Primary dispatcher's responsibilities during a vehicle pursuit:
 - a. Attempt to locate a backup or secondary police vehicle to assist the primary pursuit vehicle.
 - b. Obtain file and registration checks on the license plate number of the vehicle being pursued, if known.
 - c. Alert other police authorities in the apparent path of the pursuit.
 - d. Inform the authorized member's supervisor of the pursuit and any pertinent information related to the pursuit.
 - e. If the authorized member involved in the pursuit does not have a supervisor available to monitor the pursuit, the primary dispatcher shall contact an Operations Unit lieutenant or sergeant who shall serve as the supervisor for the pursuit.
- (5) Supervisor's responsibilities during a vehicle pursuit:
 - a. Direct, coordinate, and continuously monitor vehicle pursuits while keeping in mind the safety of the public, members, and suspect(s) being pursued.
 - b. Supervisors shall not engage in emergency driving to assist in a pursuit or participate in a pursuit if three or more other patrol vehicles are engaged in the pursuit.
 - c. Supervisors shall not authorize members to engage in a pursuit when there are more than three patrol vehicles engaged in the pursuit, except as follows:

- i. Supervisors may authorize additional members to engage when the reason for the pursuit is a life-threatening felony as described in written directive related to use of deadly force.
 - ii. Supervisors may authorize two members, a primary pursuit vehicle and a secondary pursuit vehicle, to engage in a pursuit initiated by an authorized member (i.e., department-member initiated pursuit), regardless of the number of patrol vehicles from other police departments engaged in the pursuit, if reasonably necessary to ensure the authorized member operating the primary pursuit vehicle has an authorized member to assist with the pursuit regardless of the jurisdictions through which the pursuit travels.
- d. When a supervisor is notified of a pursuit for which they have responsibility, the supervisor shall:
- i. Determine the reason for the pursuit.
 - ii. Obtain a vehicle description.
 - iii. Request additional pertinent information (e.g., location, speed, traffic conditions).
 - iv. Determine the number of patrol vehicles engaged in the pursuit, including the number of patrol vehicles from other police departments; and
 - v. Evaluate the pursuit using the criteria in this Order.
- e. Once the supervisor has evaluated the pursuit using the criteria in this Order, they shall immediately notify the involved member(s) via radio that the pursuit is either authorized or must be terminated.
- f. Once a pursuit has been authorized, the supervisor remains responsible for directing, coordinating, and continuously monitoring the pursuit until the pursuit has concluded or been terminated. Unless the supervisor is receiving updates from dispatch, the supervisor shall request updates from the pursuing members.
- i. If the number of patrol vehicles in a pursuit initiated by an authorized member (i.e., department member-initiated pursuit) exceeds three patrol vehicles, the supervisor shall request the additional patrol vehicles from other police agencies terminate their participation in the pursuit.
- g. If at any time during the pursuit the supervisor determines the pursuit should be terminated, the supervisor shall immediately relay that information to the pursuing members.
- h. The supervisor shall order the termination of a pursuit when it is objectively reasonable to believe the risk of harm to innocent civilians, department members, or the suspect(s) being pursued outweigh the necessity for immediate apprehension.
- i. The supervisor shall order the termination of a pursuit if the suspect's identity is known, later apprehension can occur, and there is no immediate threat to public safety, other than the threat created by the offense of fleeing and eluding.

- j. The supervisor has full supervisory responsibility for the entirety of the pursuit, unless the supervisor believes handing off supervisory responsibility to another supervisor is appropriate (e.g., vehicle pursuit enters unfamiliar area). When the pursuit is about to leave or is likely to leave one post area and enter another, the current supervisor shall notify or shall have the appropriate dispatch center notify the supervisor in the post area where the pursuit is likely headed, sharing all the pertinent facts relevant to the pursuit.
- k. Upon conclusion of a pursuit, the supervisor shall:
 - i. Inform the supervisor's commander of the pursuit and the result of the pursuit, and
 - ii. Ensure the proper BlueTeam and eAICS reports are submitted.

(6) Secondary pursuit vehicle responsibilities:

- a. Unless approved by a supervisor and except as provided below, no more than three patrol vehicles, a primary pursuit vehicle and two secondary pursuit vehicles, shall be engaged in a pursuit at one time. This includes patrol vehicles from other police departments.
 - i. Authorized members are not required to disengage in a pursuit initiated by an authorized member (i.e., department-member initiated pursuit) solely because patrol vehicles from other police departments have joined a pursuit after the authorized member was already engaged in the pursuit, unless directed to by a supervisor. Supervisors shall make a determination regarding continued participation in the pursuit using the factors outlined in 10-20-1 B (4).
- b. Unless approved by a supervisor, once three vehicles are engaged in a pursuit, other authorized members shall not engage in emergency driving for purposes of following or assisting with the pursuit. Authorized members in the apparent path of the pursuit may assist by positioning themselves at possible intersecting routes, if this can be accomplished while obeying all traffic laws.
- c. Secondary pursuit vehicles shall notify their primary dispatcher and supervisor, immediately upon joining the pursuit.
- d. Secondary pursuit vehicles shall assist the primary vehicle in the apprehension of the vehicle being pursued. When necessary, secondary pursuit vehicles shall also be available to continue the pursuit, if the primary pursuit vehicle is unable to continue the pursuit.
- e. Secondary pursuit vehicles shall assume responsibility from the primary pursuit vehicle for keeping the primary dispatcher current on the progress of the pursuit.
- f. Secondary pursuit vehicles shall not pass the primary pursuit vehicle unless requested to do so.
- g. When a fully-marked department patrol vehicle operated by an authorized member becomes available to take over a pursuit initiated by a slick top or semi-marked patrol vehicle, the slick-top patrol vehicle or semi-marked patrol vehicle shall withdraw from the primary pursuit position and assume the secondary pursuit vehicle's responsibilities.

(7) Terminating a pursuit

- a. An authorized member shall terminate a pursuit if any of the following conditions are known or reasonably should have been known:
 - i. They are instructed to do so by the pursuit supervisor.
 - ii. Any of the patrol vehicle's emergency equipment (emergency lights, siren) is no longer functional.
 - iii. It is objectively reasonable to believe the danger to the public, pursuing member(s), other officers, or the suspect(s) being pursued outweigh the necessity for immediate apprehension.
 - iv. The suspect's identity is known, later apprehension can occur, and there is no immediate threat to public safety, other than the threat created by the offense of fleeing and eluding.
 - v. The pursued vehicle's location is no longer known or the distance between the pursuing vehicles and the vehicle being pursued becomes so great that further pursuit is futile.
 - vi. There is a person injured during the pursuit and there are no police or medical personnel able to render assistance.
 - vii. The authorized member becomes aware of any unanticipated condition, event, or circumstance which substantially increases the risk to public safety inherent in the pursuit.
 - viii. The pursuit was initiated by another law enforcement agency and that agency terminates the pursuit, unless the requirements of Section 10-20-1 C. (8) exists.
- b. When a pursuit has been terminated, authorized members shall:
 - i. Reduce their speed to the posted speed and obey all traffic laws.
 - ii. Turn off all emergency equipment.
 - iii. Leave their patrol vehicles in-car camera system on and recording for not less than two minutes.
 - iv. Confirm with their primary dispatcher they have terminated the pursuit.
 - v. Provide their primary dispatcher with a direction of travel and any other pertinent information to alert other members and law enforcement.

(8) Vehicle Pursuits Initiated by Other Law Enforcement Agencies (In-state and out-of-state agencies)

Authorized members shall not join a vehicle pursuit initiated by another law enforcement agency unless they have reasonable cause to believe the vehicle pursuit meets the criteria of this Order. In addition, authorized members shall not assume the primary pursuit position during a pursuit initiated by another law enforcement agency unless:

- a. All of the lead agency's vehicles engaged in the pursuit become disabled or the lead agency terminates the pursuit; and
- b. There is probable cause to believe an occupant of the vehicle has committed a life-threatening felony as enumerated in written directive related to use of deadly force, or the operator of the vehicle poses an imminent threat to public safety, other than the threat created by the offense of fleeing and eluding.

(9) Reinstating the pursuit

The reinstatement of any previously terminated pursuit shall only be undertaken if consistent with the authorization criteria for originally initiating a pursuit.

DIRECTOR

Annual Review Responsibility: Training Division

Accreditation Standards: CALEA 41.2.2 A-L