

Bowie Police Department - General Orders



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AUTHORITY Chief John K. Nesky	ACCREDITATIONS STANDARDS CALEA STANDARDS: 41.2.2, 41.2.3	TOTAL PAGES 9
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I. POLICY

To provide guidance to officers and supervisors in the decision making process of engaging in, continuing, and terminating vehicular pursuits.

II. GENERAL

A vehicle pursuit is among the most potentially dangerous, high risk situations facing the law enforcement professional today. All pursuits involve risk and danger to our Officers, other motorists, pedestrians, and the violator. When Officers of this Department operate a vehicle in a pursuit, *the Officer's primary concern shall be the preservation of life.*

Officers must maintain a rational and deliberate balance between the seriousness of the offense and the need to apprehend the violator against the risks and potential dangers involved to themselves or citizens. The identification and apprehension of the violator are of secondary concern during a vehicle pursuit.

This is not intended to discourage effective law enforcement, but to remind Officers of the high professional standard and judgment expected of them and to specify the guidelines under which all participants in the vehicle pursuits must adhere.

III. DEFINITIONS

Caravanning – An action where more than three Department vehicles are involved in the pursuit.

Primary Pursuit Unit – The Officer operating the vehicle closest to the suspect. The primary unit could change during the pursuit.

Secondary Pursuit Unit – Any Officer authorized to be involved in a vehicle pursuit who is not the primary unit.

Supervisor – In this section, a Sergeant, senior Corporal or the designated Officer in Charge.

Vehicle Pursuit – Active attempt by police to apprehend a motorist who exhibits a clear intention to avoid apprehension by:

- High speed driving
- Evasive tactics, e.g., making unexpected movements
- Continuing normal driving actions, but willfully failing to stop on police signal unless the Officer is in an unmarked car and the driver is moving the car to a safer location pending the arrival of a marked cruiser

A pursuit to close on and apprehend a motorist who stops on police signal is not a vehicle pursuit.

IV. DRIVER RESPONSIBILITIES

The Transportation Article specifies that the driver of an emergency vehicle in a pursuit is exempt from following all of the rules of the road, *if* the vehicle's emergency equipment is activated.

Officers are not relieved of the responsibility of driving with consideration of the safety of all persons in pursuit situations. Officers shall exercise reasonable judgment and due care under the circumstances in effect at the time of the pursuit. Officers must not disregard safety with the single-minded goal of apprehension.

V. INITIATING VEHICLE PURSUITS

1. Due to the extreme inherent risks, Officers may initiate a vehicle pursuit only when **ALL** of the below listed criteria are met. (CALEA 41.2.2.a)
 - The suspect exhibits the intention to avoid arrest by using a vehicle to flee apprehension for a known or alleged aggravated assault, hit and run with injury or death, or violent felony; **AND**
 - The suspect operating the vehicle refuses to stop at the direction of the Officer; **AND**
 - The suspect if allowed to escape may cause serious injury or present a clear and present danger to human life.
2. Pursuits initiated by an officer in an unmarked police vehicle will relinquish their position as primary police vehicle, as soon as practical, to a marked police vehicle. (CALEA 41.2.2.d)
3. Initiating (or continuing) a pursuit shall only be authorized when an officer has reason to believe the suspect has committed one of the following types of offenses: (CALEA 41.2.2.g)
 - Murder/Manslaughter
 - Rape
 - Carjacking
 - Armed Robbery
 - Kidnapping/Abduction
 - Unlawful shooting, stabbing, assaulting etc., with intent to maim, disfigure, or disable; as set forth in the Maryland Criminal Law Article. This does not include pursuits for unlawful flight to avoid apprehension for a minor misdemeanor crime.
 - Firearm violations as set forth in the Maryland Criminal Law Article.

- Vehicle theft of a marked emergency vehicle
- Hit and run serious personal injury or fatal collisions.

Deciding to pursue is always a process of weighing the hazards being created by the pursuit against the hazards being created by the violator; good judgment in weighing these risks is essential. The seriousness of the offense involved does not lessen the officer's liability and/or duty to all persons, including fellow officers and him/her self, to drive with due regard for the safety of all persons. The following list includes factors that an officer should consider before initiating or continuing a pursuit, or that the Shift Supervisor should consider in allowing a pursuit to continue or terminated:

- a. Is the violator's identity known, or likely to become known through other investigative measures?
- b. What are the traffic conditions present? (Vehicular and Pedestrian)
- c. What are the weather conditions present? (Snow, rain, etc.)
- d. Are there other environmental conditions affecting the pursuit? (Construction, neighborhood, active school crossings, congested areas)
- e. Are there problems with the officer's vehicle that could make a pursuit operation unnecessarily hazardous? (Steering, brakes, suspension, etc.)
- f. Are the violator's speed or other actions so hazardous as to make further pursuit unnecessarily hazardous? (Driving against traffic flow, speed in excess of twice the posted speed limit)
- g. Are there alternatives, such as a helicopter available?

NOTE: A pursuit shall be terminated anytime the incident fails to comply with the criteria set forth in Section V.3 or when personnel, environmental or other circumstances where the risk of the pursuit outweighs the capture of suspect.

4. Continuing the Pursuit: As new factors are learned, officers should re-evaluate the situation and decide if the pursuit should be maintained. Pursuits shall continue across Major Jurisdictional Boundaries only in cases of violent felonies or suspected violent felonies. In situations where the suspect is apprehended outside of the State of Maryland, the suspect will be remanded to the custody of the appropriate jurisdiction. (CALEA 41.2.2.a)(CALEA 41.2.2.h)
5. Pursuits Initiated by Other Agencies: Officers shall not routinely become involved in another agency's vehicular pursuit, unless circumstances reasonable dictate the need for assistance. At no time, except as listed below, will a Bowie officer become the primary pursuing unit in another agency's pursuit. Participation in the pursuit is restricted to being a backup for the safety of the primary officer and only when it does not contradict the Bowie Police Department's vehicle pursuit policy. (CALEA 41.2.2.a)(CALEA 41.2.2.h) Absent supervisory approval, no more than one primary and two secondary units will participate in any vehicle pursuit. There will be no caravanning by Departmental vehicles.

Exceptions:

Bowie officers may become the primary pursuing unit for an allied agency's pursuit when:

1. Any of the offenses listed in Section B.3 are met; and,
2. The allied agency's vehicle becomes disabled or involved in a collision; and/or,
3. The allied agency's pursuit vehicle is an unmarked cruiser or rental and assuming the lead of the pursuit does not involve any undue risk to the officer or public.

NOTE: At the first reasonable opportunity when a marked cruiser from the allied agency is available to safely assume the lead of the pursuit the Bowie Officer is to relinquish the primary position.

5. Primary Units Responsibilities: (CALEA 41.2.2.b)
 - a. The responsibility for the decision to initiate a vehicular pursuit rests with the individual officer. The officer initiating a pursuit shall, in all cases, notify Communications as soon as practical that a pursuit is in progress and provide the following information:
 - i. Police unit identification;
 - ii. Location and direction of travel;
 - iii. Vehicle description, including license number if known
 - iv. The specific reason of the pursuit, including known or suspected laws violated;
 - v. Number of occupants, if discernible.

- b. Failure to provide adequate information will be cause for the Shift Supervisor to order termination of the pursuit. Adequate minimum information is defined as location and direction of travel, and reason for the vehicular pursuit. (CALEA 41.2.2.g)
- c. The initiating or primary unit bears operational responsibility for the pursuit.
- d. The authority of the primary unit pertains to the immediate field operation and is, at all times, subordinate to the Shift Supervisor.
- e. The primary unit may maintain pursuit as long as it is safe to do so, or until directed to terminate the pursuit by the Shift Supervisor, or the vehicle is stopped.
- f. Once a pursuit has been terminated officers will not follow the suspect vehicle. Officers shall, at the first safe location return from the pursuit or change direction.

6. Secondary Unit Responsibility: (CALEA 41.2.2.c)

- a. Assistance will be coordinated by Communications under the direction of the Shift Supervisor.
- b. The active vehicular pursuit will normally involve not more than three units: the primary unit and two backup units. If more assistance is specifically requested, the amount will be determined by:
 - i. Nature of offense;
 - ii. Number of suspects;
 - iii. Whether the participating units have more than one officer;
 - iv. Other clear and articulated facts that would warrant the increased hazard.
- c. Only the Shift Supervisor may authorize more than three units in active pursuit. All other

units will remain aware of the direction and progress of the pursuit but shall not actively participate, and shall not respond or parallel the pursuit on adjacent streets unless specifically authorized to do so.

- d. The secondary unit, upon joining the pursuit, shall immediately notify Communications of its identity. If the primary unit is a one person unit, the secondary unit may assume radio communications responsibility, allowing the primary unit to devote full attention to driving.
- e. The secondary unit will maintain a safe distance behind the primary unit, but close enough to render backup assistance if and when required.
- f. Assisting units shall, at all costs, avoid intersecting the path of an on coming high-speed vehicle.
- g. Unless authorized by the supervisor all on-duty units will not leave the City to engage in a pursuit.

Any unit may request the supervisor to approve additional assistance if he/she feels such assistance is warranted. Dispatchers may sanction such requests subject to the final approval of the supervisor.

VI. USE AND RESTRICTIONS FOR CERTAIN DEPARTMENT VEHICLES

Officers operating Department two-wheeled vehicles shall not engage in a vehicle pursuit.

Department vehicles occupied by civilians will not be used in a pursuit.

VII. PUBLIC SAFETY COMMUNICATIONS (PSC) RESPONSIBILITIES (CALEA 41.2.2.e)

PSC dispatchers shall provide all practical assistance to Officers involved in a vehicle pursuit in accordance with the division SOP. The dispatcher shall immediately notify the on duty supervisor and request authorization for the continuation of any vehicle pursuit.

If a supervisor cannot be notified, the dispatcher notifies the shift commander for Prince George's County Police.

VIII. SUPERVISORY RESPONSIBILITIES (CALEA 41.2.2.f)

1. Upon notification of a vehicle pursuit, the supervisor shall:

- Acknowledge that he is monitoring the pursuit on the radio channel on which the pursuit is being broadcast
- Authorize or prohibit the continuation of the pursuit after obtaining all relevant information
- Maintain supervisory control over the pursuit
- Determine the number of secondary pursuit units needed by considering:
 - Manpower needed to safely effect the arrest
 - Number of suspects in the vehicle

- Possession and type of weapons
 - Requests by pursuit units for additional units
 - Violence exhibited by the suspects
- Ensure only the authorized units are involved in the pursuit
 - Ensure the pursuit is conducted within Department guidelines
 - Ensure the City remains adequately staffed during the pursuit
 - Monitor and continuously assess the progress of the pursuit; he shall consider the following factors in determining whether the pursuit will continue:
 - Speed, road, weather conditions and hour of the day
 - Pedestrian and vehicular traffic
 - Seriousness of the offense that led to the pursuit
 - Reasonable expectation that violators can later be identified for apprehension
 - Whether the suspects would be of no further danger to the community

Only a supervisor may authorize units in the direct vicinity of a pursuit to operate priority to the area of the pursuit. Incoming units must exercise extraordinary caution when approaching the vicinity of the pursuit.

2. The Shift Supervisor will continue to direct the vehicular pursuit, as well as, maintain control until the pursuit is terminated. In absence of adequate information from the primary or backup unit, the Shift Supervisor will order termination of the pursuit. (CALEA 42.1.1.g)
3. As with any tactical field problem, it is not necessary that the Shift Supervisor be physically present in order to begin coordination and assert control of the pursuit.
4. The Shift Supervisor will proceed to the termination point to provide guidance and necessary supervision.
5. The Shift Supervisor will ensure that a Motor Vehicle Pursuit Report BPD Form 26 is completed by the end of the shift and upon his/her endorsement will forward the report via the chain of command to the Captain. A copy of the Motor Vehicle pursuit report will also be forwarded to the Administrative Sergeant.

IX. VEHICLE PURSUITS ACROSS STATE LINE

Vehicle pursuits outside the State of Maryland are authorized only in the most extreme circumstances upon approval by the on duty supervisor. Once units from the local jurisdiction have entered the pursuit, Bowie units will relinquish responsibility for the pursuit.

X. EMERGENCY VEHICLE OPERATION AND TACTICS

1. Offensive Tactics - In the course of the vehicular pursuit, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, or any other obstacle, heading off, ramming, or driving alongside the pursued vehicle while it is in motion shall be

prohibited, except in a situation where deadly force would be authorized.

2. Caravanning – There shall be no caravanning by field units not directly involved in the immediate pursuit.
3. Passing - There shall be no attempt by officers to pass other field units involved in the pursuit unless the primary unit is an unmarked vehicle or cannot keep pace and the physical condition of the roadway allows safe passage.
4. Spacing - All units in the vehicular pursuit, whether the vehicle in front of the unit is the suspect or another police vehicle, shall space themselves at a distance that will ensure proper braking and reaction time in the event the lead vehicle stops, slows, or turns.
5. Controlled Access Highways - Officers shall not pursue suspects the wrong way on interstate or other controlled access highways or divided roadways.
6. Traffic Control Devices - Extreme caution must be used whenever officers disregard traffic signs and signals, even though statutes specifically permit such conduct. Officers shall make use of all available warning devices to alert other motorists and pedestrians.
7. Pursuit Interruption Techniques (PIT): Pursuit interruption techniques, or as they are more commonly known as the PIT Maneuver are prohibited.
8. Roadblocks - the use of stationary, moving, circle system and/or roadway barrier roadblocks to end a vehicular pursuit are prohibited.

XI. ROAD BLOCKS AND FORCED STOPPING

Tactics employed to stop pursued suspects such as a physical barricade (roadblock), boxing in, heading off, ramming or driving alongside the pursued vehicle are PROHIBITED.

1. FORCIBLE STOPPING

A. Ramming Another Vehicle

The intentional striking of a suspect's vehicle by a police vehicle is prohibited.

B. Boxing-In A Vehicle/Use of Rolling Road Blocks

Officers may not use police vehicles to box-in a vehicle being pursued, and officers may not employ a "rolling roadblock" to attempt to stop a vehicle being pursued.

C. Cordon Roadblocks

1. This type of roadblock may consist of any appropriate form of physical barrier or obstruction preventing or limiting the passage of vehicles or persons. It is generally established in conjunction with an investigation and depending upon the circumstances for which it is needed, allows for proper identification to be checked and non-suspect vehicles allowed to continue.

2. An Officer may not detain an individual for the sole reason that he has executed an otherwise legal maneuver to avoid or attempt to avoid the roadblock.

3. A supervisor may authorize this type of roadblock in order to stop every vehicle on a particular roadway or parking lot entrance/exit.

4. Officers participating in this type of roadblock will wear high-visibility clothing.

D. Stationary Roadblocks

Stationary Roadblocks are PROHIBITED.

E. Moving Road Blocks

Department vehicles will not be used in moving roadblocks.

F. Training:

1. Officers are encouraged to sign up for Departmentally approved training in the operation of emergency vehicles and pursuit driving. Such training is posted on the Department training calendar when available. (CALEA 41.2.3.c)

XII. MOTOR VEHICLE PURSUIT REPORT

1. It shall be the policy of the Department to document all pursuits. It shall be the responsibility of the initiating officers to complete a Motor Vehicle Pursuit Report to be reviewed by the Shift Supervisor who monitored the pursuit. (CALEA 41.2.2.b)(CALEA 41.2.2.i)

2. Motor Vehicle Pursuit Report Administrative Review: (CALEA 41.2.1.i & 41.2.3.e)

- a. Upon review of the Vehicle Pursuit Report, the Shift Supervisor shall determine whether Department policies were followed or if there were any other notable issues such as training or equipment failures.
- b. If the Shift Supervisor finds no violations of policy he/she will sign the Motor Vehicle Pursuit Report and forward it to the Administrative Sergeant with his/her comments.
- c. The Administrative Sergeant shall review the Motor Vehicle Pursuit Report and the comments forwarded by the Shift Supervisor. If the Division Commander agrees that no policies were violated, the Division Commander shall sign the Motor Vehicle Pursuit Report and forward it to the Captain.
- d. The Captain shall review all Motor Vehicle Pursuit Report and the Shift Supervisor's and Division Commander's comments. If the Captain concurs with the Vehicle Pursuit Report, he/she will sign the report and file the original Motor Vehicle Pursuit Report with the Administrative Sergeant.
- e. At any stage in the administrative review process, the Shift Supervisor, the Division Commander or his/her designee or Chief of Police or his/her designee may initiate an investigation if he or she feels Department policies were not adhered to.
- f. Endorsement of the reports with a signature shall reflect that the reviewing Shift Supervisor or Division Commander is in agreement that Department policy was adhered to. Should the Shift Supervisor or Division Commander not be in agreement a memorandum shall be attached to the Motor Vehicle Pursuit Report and forwarded through the chain-of-command. The Chief of Police or his/her designee shall determine who shall investigate the possible breach of policy.

- g. Reviewers should keep in mind whether training, policy or equipment or discipline issues need to be addressed.
- h. If training, policy or equipment issues are noted, the Captain shall notify the Operations Services Division Commander and the Administrative Sergeant to ensure appropriate action is taken.

3. Data Analysis: (CALEA 41.2.2.j)(CALEA 41.2.2.k)

- a. Annually, the Accreditation Manager and the Division Commander will meet and prepare an Annual Pursuit Report (analysis) for the Chief of Police detailing and documenting information gathered from the Motor Vehicle Pursuit Reports. The report will contain statistical information on the pursuits, needs for changes in the pursuit policy and reporting procedures, and address training issues.