

# **PINEVILLE POLICE DEPARTMENT**

## **GENERAL ORDER**

### **SECTION 6: ENGAGEMENT STANDARDS**

#### **SUBJECT: 604 PURSUIT POLICY**

**EFFECTIVE: 01/01/2015**

1. **PURPOSE.** To establish guidelines regarding the pursuit and apprehension of violators of the criminal law by department law enforcement personnel.
2. **LEGAL DISCLAIMER.** This policy is for departmental use only and does not apply to any criminal or civil proceeding. This policy shall not be construed as creating a higher legal standard of care or safety in an evidentiary sense with respect to third party claims. Violations of this policy will form the basis of departmental administrative sanctions only.
3. **POLICY.** Vehicular pursuit of fleeing suspects presents danger to the public, officers and suspects involved in the pursuit. It is the policy of this department to protect all persons' and property to the extent reasonably possible when enforcing the law. In addition, it is the responsibility of the department to assist officers in the safe performance of their duties. It is the policy of the department to regulate the manner in which vehicular pursuit is under taken and performed.

Sworn officers of the department shall conduct pursuits in compliance with Title 32:24, sound professional judgment, and the procedures outlined in this policy.

32:24. Emergency vehicles; exceptions

A. The driver or rider of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to, but not upon returning from, a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions herein stated.

B. The driver or rider of an authorized emergency vehicle may do any of the following:

- (1) Park or stand, irrespective of the provisions of this Chapter.
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down or stopping as may be necessary for safe operation.
- (3) Exceed the maximum speed limits so long as he does not endanger life or property.
- (4) Disregard regulations governing the direction of movement or turning in specified directions.

C. The exceptions herein granted to an authorized emergency vehicle shall apply only when such vehicle or bicycle is making use of audible or visual signals, including the use of a peace officer cycle rider's whistle, sufficient to warn motorists of their approach, except that a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

D. The foregoing provisions shall not relieve the driver or rider of an authorized vehicle from the duty to drive or ride with due regard for the safety of all persons, nor shall such provisions protect the driver or rider from the consequences of his reckless disregard for the safety of others.

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#### 4. DEFINITIONS.

- A. Backup unit: Police units assisting the primary unit.
- B. Boxing-in: A technique designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.
- C. Channelization: A technique similar to a roadblock where objects are placed in the anticipated path of a pursued vehicle that tends to alter its direction.
- D. Department: Pineville Police Department.
- E. Divided Highway: A road that includes a physical barrier between traffic traveling in opposite directions.
- F. Due regard: The consideration of existing circumstances to determine the validity of one's actions as they relate to existing or potential hazards.
- G. Emergency vehicle equipment: All emergency equipment available, to include: red and blue lights, siren and headlights.
- H. Heading off: An attempt to terminate a pursuit by pulling ahead of, behind or toward a violator's moving vehicle to force it to the side of the road or to otherwise come to a stop.
- I. Paralleling
  - 1. Street Paralleling: Driving a police vehicle on a street parallel to a street on which a pursuit is occurring.
  - 2. Vehicle Paralleling: A deliberate offensive tactic by one of more patrol vehicles to drive alongside the pursued vehicle while it is in motion.
- J. Pursuit Driving: Pursuit driving is an active attempt by a law enforcement officer operating a motor vehicle and utilizing emergency warning lights and an audible device to apprehend one or more occupants of another moving vehicle when the officer reasonably believes that the driver of the fleeing vehicle is aware of the officer's ignoring the officer or otherwise attempting to elude the officer.
- K. Pursuit Vehicles:
  - 1. Primary Unit: The police vehicle that initiates a pursuit or any unit that assumes control of the pursuit is the lead vehicle (the first police vehicle immediately behind the fleeing suspect).
  - 2. Secondary Unit: Any police vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- L. Reasonable Care: The degree of care that an officer of ordinary prudence would exercise in the same or similar circumstances.
- M. Reasonably Necessary: The immediate danger to the public created by the pursuit is less than the immediate risk to the public should the pursuit not continue.

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- N. Roadblock: A restriction or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to effect the apprehension of a violator.
  - 1. Avenue of Escape: A gap in a roadblock, which requires the violator to decrease the vehicle's speed to permit the violator to bypass the roadblock.
  - 2. Blocking Vehicle: A motor vehicle, often a law enforcement vehicle, which is placed perpendicular to a roadway or angled in such a way as to create a roadblock.
- O. Supervisor: A police officer that, by virtue of rank or assignment, is responsible for the direction or supervision of the activities of other police officers.
- P. Termination of Pursuit: Notify dispatch that the pursuit is being terminated, pull to the right shoulder of the highway and turn off lights and siren.
- Q. Unmarked Vehicle: A law enforcement vehicle that does not display department insignias, but has an operable blue light and siren.
- R. Vehicle Contact Action: Any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.
- S. Violator: Any person who a police officer reasonably believes (1) has committed a violation of any traffic or criminal law or (2) poses an immediate threat to the safety of the public or another police officer.

#### 5. INITIATION OF PURSUIT.

- A. Any law enforcement officer in a department vehicle with operable emergency vehicle equipment may initiate a vehicular pursuit when the following criteria are met:
  - 1. The suspect exhibits the intention to avoid apprehension through evasive or unlawful tactics.
  - 2. The suspect operating the vehicle refuses to stop at the direction of the officer.
- B. The pursuing officer shall consider the following factors in determining whether to initiate or continue a pursuit:
  - 1. The condition of, and properly equipped pursuit vehicle.
  - 2. The condition of the road surface upon which the pursuit is being conducted.
  - 3. The amount of vehicular and pedestrian traffic in the area.
  - 4. The weather conditions.
  - 5. The offense for which the subject will be pursued.
  - 6. Any potential or existing hazards.
  - 7. Familiarity with the area and road.
  - 8. Any other pertinent factors.

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#### **6. PURSUIT OFFICER RESPONSIBILITY.**

- A. The pursuing officer shall activate all emergency equipment upon initiating pursuit.
  - 1. **MUST FASTEN SEAT BELT AND SHOULDER HARNESS.**
- B. The pursuing officer shall immediately notify communications center personnel that a pursuit is underway. Use of plain English transmissions is encouraged, rather than using the ten-code. The officer shall provide communications center personnel with the following information:
  - 1. Unit identification.
  - 2. Reason for initiating the pursuit
  - 3. Description and license plate number, if known, of the pursued vehicle.
  - 4. Number of occupants in the fleeing vehicle, including descriptions, where possible.
  - 5. Location, speed, and direction of travel of the fleeing vehicle.
- C. An unmarked police vehicle will not participate in a vehicular pursuit unless it is equipped with an emergency light and an audible device. The unmarked car shall relinquish primary unit status immediately upon the participation of a marked vehicle.
- D. No more than two police vehicles (primary unit and secondary unit) shall become actively involved in a pursuit unless otherwise specifically directed by a supervisor.
- E. A motorcycle officer may initiate a pursuit, but will relinquish primary unit status immediately upon the participation of a marked police vehicle.
- F. To diminish the likelihood of a pursuit, a police officer intending to stop a vehicle for any violation of the law shall, when possible and without creating a threat to public safety, close the distance between the two vehicles prior to activating emergency lights and an audible device.
- G. Throughout the course of a vehicular pursuit, pursuing officers shall not attempt to overtake or pass the violator's moving vehicle.
- H. Officers engaged in pursuit shall at all times drive in a manner exercising reasonable care when driving in a manner not otherwise permitted, and is reasonably necessary to gain control of the suspect.
- I. No other unit should engage in the pursuit unless requested by a supervisor or initiating officer if no supervisor is available.
- J. Back up units shall be limited to one unless otherwise specified by a supervisor or initiating officer, if no supervisor is available.
- K. No pursuits will be conducted in a direction opposite to the flow of traffic on a divided highway.
- L. The primary unit shall control the pursuit.
- M. The Secondary or Back up unit will be responsible for broadcasting radio communications.

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- N. No unit shall pass another unit involved in the pursuit unless specifically requested to do so or it is otherwise considered necessary.
  - O. There shall be no ramming or boxing-in of the pursued vehicle unless authorized by the supervisor based on the existing circumstances; the use of the force would be justified. Cautions should be used in ramming and boxing-in since air bag activation may occur.
  - P. There shall be no units paralleling the pursuit route unless authorized by a supervisor.
  - Q. All units shall maintain an adequate following distance to ensure adequate reaction and braking time. (At least 20 feet per 10 M.P.H.)
  - R. When approaching or entering an intersection controlled by a traffic light or a stop sign, all officers shall slow their vehicle to a speed considered reasonable and which would allow them to bring the vehicle to a complete stop at a red light or sign prior to entering the intersection if necessary. If the light is green, officers shall slow the vehicle to a speed that is consistent with reasonable care.
  - S. Officers involved in a pursuit shall not fire any weapon from or at a moving vehicle nor engage in any vehicle contact action except as a last resort to prevent imminent death or serious injury to the officer or another person.
  - T. The primary pursuit unit or supervisor shall reduce the level of pursuit to that of support or backup unit when another vehicle has been assigned primary pursuit responsibility.
  - U. Any primary or backup unit sustaining damage that would jeopardize safe operation, or a failure of essential radio, vehicular or emergency equipment during pursuit will discontinue and notify the communications center, if possible.
  - V. Officers shall not engage in high-speed pursuits when prisoners, suspects, complainants, witnesses or any other persons not a sworn peace officer occupy their vehicle. These restrictions apply whether or not the passenger had signed a waiver of liability.
7. ROADBLOCKS. Roadblocks should only be established with a supervisor's approval. If a roadblock is established, officers must:
- 1. Allow the suspect vehicle reasonable stopping distance.
  - 2. Not place them or their vehicle in a position that would jeopardize the safety of the officers involved.
  - 3. Not place their vehicles in a position that is not reasonably visible to the suspect.
  - 4. Reasonably ensure the safety of non-involved pedestrians and motorists.
  - 5. Notify all pursuing police vehicles of the roadblock and its location and have acknowledged this awareness.

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8. BACK UP UNIT RESPONSIBILITIES.
  - A. The backup unit will call the pursuit and keep the communications center informed.
  - B. Upon order of the field supervisor, request of the primary unit, or in the event that the primary unit is disabled or unable to continue the pursuit, the backup unit shall assume the responsibility of the primary unit.
  
9. PURSUIT TERMINATION CONSIDERATIONS.
  - A. A decision to terminate pursuit may be the most rational means of preserving the lives and property of the public, the officers and suspects engaged in pursuit. Pursuit may be terminated by the primary pursuing officer, or a supervisor.
  - B. Pursuit shall be immediately terminated in any of the following circumstances:
    1. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect.
    2. The distance between the pursuing and fleeing vehicles is so great that further pursuit is futile.
    3. The danger posed by continued pursuit to the public, the officers or the suspect is greater than the value of apprehending the suspects(s).
    4. The pursued subject can be positively identified and there is no longer a need for immediate apprehension.
    5. Visual contact with the pursued vehicle is lost for a significant amount of time.
    6. A supervisor directs termination of the pursuit.
    7. The officer is unfamiliar with the area and is unable to accurately notify dispatch of the location and direction of pursuit.
    8. Violator proceeds the wrong way on a limited access highway.
  - C. In cases where no supervisor is present, a backup unit may recommend termination of the pursuit.
  - D. Officers who voluntarily terminate a pursuit shall not be subject to disciplinary action.
  
10. MEDICAL ASSISTANCE. In the event any person is injured during the course of the pursuit, the involved officer(s) shall immediately provide, or make arrangements for providing medical care. The care for human life will exceed the importance of capturing a fleeing suspect in the vast majority of situations. If the pursuit must be continued to prevent additional deaths or injuries, the pursuing officer(s) must make arrangements via radio to provide the victim(s) immediate care.
  
11. PURSUITS – OTHER AGENCIES OR JURISDICTIONS.

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- A. Department personnel may not engage in pursuits by other agencies, except in the following circumstances.
  1. Department units are specifically requested by the pursuing agency to assist in the capture of the fleeing suspect.
  2. When only one vehicle from another agency is already in active pursuit and department officers are instructed by a department supervisor to assist.
    - A. If you join another agency's pursuit, you must switch to the Comm. Police channel.
    - B. If department units join the pursuing agency and the agency's back up unit arrives to assist, department units will terminate active pursuit unless otherwise instructed by a supervisor.
      1. If it is not known what the other agency is in pursuit for, or it conflicts with our own policy, our units are required not to pursue the suspect vehicle.
      2. If a felony has been committed and it falls in our criteria then our units can stay with the pursuit until state or parish back up units arrive or supervisor terminates our participation.
    - C. Peace officers have statewide, concurrent jurisdiction when department pursuits leave their primary patrol area and enter into another agency's primary jurisdiction, however, in these circumstances the following will apply:
      1. The primary officer will advise communications that the pursuit is entering another agency's jurisdiction and at this time the officer will switch to the Comm. Police Channel.
      2. The supervisor or primary officer handling the pursuit will evaluate the entire incident and make the decision whether to let the pursuit continue or terminate.
      3. Communications center personnel will notify the involved jurisdiction.
      4. If the agency with primary jurisdictional authority joins in an active department pursuit they shall assume the role of back up units. If two units from the other agency join the pursuit, the primary unit will consider terminating the department's involvement in the pursuit and discontinue emergence operations if the continuation of the pursuit is not reasonably necessary.

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- D. When other agencies become involved in department pursuits, within the primary patrol area of the department, the following shall apply.
  - 1. Assisting agencies will assume the role of a back up unit unless otherwise directed by the primary officer or supervisor.
  - 2. The primary unit will, if possible, advise the communications center of the identity of the other agencies involved so that communications can make contact and begin coordination with the involved agency.
  - 3. Due to limited radio communications with other agencies, the assigned supervisor or primary officer shall re-evaluate the pursuit and terminate if necessary.

12. **ROLE OF THE SUPERVISOR.** Upon being notified or becoming aware of the pursuit, the supervisor shall decide as quickly as possible whether or not the pursuit should be continued. To be in a better position to evaluate the situation, if a supervisor become involve in a pursuit, they should relinquish their primary status immediately upon arrival on another unit.

- A. The supervisor shall order a pursuit terminated at any time if he or she concludes that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the violator.

13. **SUPERVISOR RESPONSIBILITIES.**

- A. After being notified of a department pursuit a supervisor shall:
  - 1. Ensure proper radio channels and procedures are in use (Change to Comm. Police channel).
  - 2. Ensure tactics are in conformance with department policy.
  - 3. Ensure only the necessary number of units are involved (2).
  - 4. Ensure allied agencies are notified.
  - 5. Consider aborting the pursuit if cause exists.
  - 6. Ensure post-incident notifications.
  - 7. Ensure that proper written reports are completed and forwarded to the Patrol Commander.
- B. The supervisor should proceed to the termination point of the pursuit and provide appropriate assistance and supervision at the scene, when practical.



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#### **14. COMMUNICATIONS CENTER RESPONSIBILITY.**

- A. Pursuits that involve more than one agency shall be coordinated on the comm. police channel is not available to which time the originating officers shall remain on the originating agencies frequency.
- B. Upon notification that a pursuit is in progress, communications personnel shall immediately advise a field supervisor of essential information regarding the pursuit.
- C. Communications personnel shall also carry out the following responsibilities during the pursuit.
  - 1. Receive and record all incoming information on the pursuit and the pursued vehicle.
  - 2. Control all radio communications and clear the radio channels of all non-emergency calls.
  - 3. Perform relevant record and motor vehicle checks and broadcast unit in pursuit, locations, direction of travel, speed, vehicle description, number of occupants and reason for pursuit if known.
  - 4. In applicable situations coordinate and dispatch back up assistance under the direction of the field supervisor.
  - 5. Notify concurrent and neighboring jurisdictions, where practical, when the pursuit may extend into their location and specify whether involvement is requested.

#### **15. PURSUIT REPORTING.**

- A. All officers that respond to the pursuit will be required to write a report of their actions and involvement.
- B. All law enforcement officers who operate law enforcement vehicles in vehicular pursuit situations shall be required to file a pursuit incident report. Pursuit incident reports are to be filed in a manner established by agency operating procedures and should contain, at a minimum, the following information.
  - 1. Location, date and time of pursuit initiation.
  - 2. Location, date and time of pursuit termination.
  - 3. Highest speed achieved
  - 4. Reasons for initiating and terminating the pursuit.
  - 5. Consequences of the pursuit, such as accidents, injuries or fatalities.
  - 6. Whether or not the violator was apprehended.
  - 7. The offenses with which the violator was charged.

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#### **16. PURSUIT CRITIQUE AND REVIEW.**

- A. The Uniform Shift Commander shall review all the reports and attach his written comments to the supervisor's report. He shall then forward a copy of the primary officer's offense along with copies of all supplements and accident reports connected with the pursuit along with the field supervisor's report to the Uniform Division Commander. The Uniform Division Commander shall review these reports and if an injury or death occurred, a hostage was involved, or a dangerous felon was arrested, the information shall be transmitted via the chain of command to the Office of the Chief of Police.

\*NOTE: If an officer in a division other than the Uniform Division is involved or initiates a pursuit, that officer's Commander shall receive copies of all reports.

#### **17. TRAINING REQUIREMENT.**

- A. Officers shall not engage in a pursuit until they have successfully completed a department sponsored Emergency Vehicle Operations course.
- B. All department law enforcement personnel shall retain a current copy of the pursuit policy and shall refer to it as a basis for initiation, continuation, and termination of a pursuit.

**By order of**

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Darrell Basco  
Chief of Police