

## GENERAL ORDER II

SUBJECT: PURSUIT DRIVING

EFFECTIVE DATE: 03-09-92

REVIEW DATE: 01-13-12

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a high standard of safety of care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a nonjudicial administrative setting.

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### I. Purpose

To establish guidelines for emergency driving in pursuit situations.

### II. Policy

All personnel operating department vehicles in pursuit situations shall exercise due regard for the safety of all persons. No task, call, incident, or pursuit justifies disregard of public safety. Further, the public expects its police officers to demonstrate exemplary driving behavior. All department personnel who operate police vehicles will comply with safe driving procedures outlined herein with particular attention to engaging in pursuits. Emergency warning devices, both visual and audible, shall be used consistent with state and local statute requirements.

### III. Responsibilities

#### A. Primary Officer

1. Safe operation of vehicle.
2. Notify dispatch of pursuit, direction, location, and reason for initiation.
3. Terminate pursuit when based on conditions known to officer would lead a reasonable person to believe the level of danger to the community outweighs the necessity of immediate apprehension of the suspect.

#### B. Supervisor

1. Monitor and supervise progress of the pursuit. The supervisor must specifically authorize in a timely manner the continuation of the pursuit. Lacking such authorization, the pursuit must be terminated.
2. Respond to the pursuit when practicable, but must respond to arrest scene.
3. Require pursuit to be terminated when such pursuit does not meet the requirements of this General Order. To include, but not to be limited when pursuit is for a minor traffic infraction, or when the danger to the community outweighs the necessity of immediate apprehension.
4. Limit the number of vehicles in the pursuit to a primary and a secondary unit. The secondary unit shall be assigned by the supervisor. Additional support vehicles may be assigned at the discretion of the supervisor or the senior officer if available.
5. Submit a written statement as to the actions of his subordinates/self during the pursuit. This statement shall include an opinion as to adherence to this General Order and recommendation for discipline/remedial training as required.

C. Secondary Officer

1. Operate vehicle in a safe manner.
2. Follow in trace of primary officer at sufficient distance so as to maintain visual contact but not so close as to create a hazard.
3. Provide on-going information to the dispatcher such as direction of travel or other conditions as required.
4. Assist in the arrest of the suspect when the pursuit is ended.
5. Terminate the pursuit when directed or when, in his opinion, the danger to the community outweighs the necessity of immediate apprehension of the suspect. Such action shall be transmitted to the dispatch.

D. Dispatch

1. Order the police radio cleared of all but emergency traffic.
2. Notify the on-duty supervisor of the pursuit.
3. Assist, as indicated by the supervisor, in directing the secondary unit to the pursuit.

IV. USE OF EMERGENCY WARNING DEVICES

All vehicles involved in the pursuit will have their emergency lights and siren activated during the pursuit as set forth by RSMo 304.022.

V. Tactics

- A. Paralleling the pursuit route will not be allowed by other police units.
- B. Units involved in a pursuit shall not attempt to pass any other unit(s), unless requested to do so by the primary unit.
- C. On divided highways the pursuing officers shall not operate their vehicles against the flow of traffic.

VI. Use of Force

- A. Officers shall not ram, bump, or collide with a fleeing vehicle nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle unless directed by the police chief.
- B. Pursuits shall be limited to two police vehicles, a primary and a secondary. Other police vehicles shall not leave their assignments to join the pursuit. Additional units may participate, but only under the direction of the on duty supervisor (if available) or the senior officer.
- C. Officers shall not discharge a firearm at or from a moving vehicle, except as the ultimate measure of self-defense, or defense of another when the suspect is using deadly force.

- D. Only in the case of suspected fleeing felons, whose escape poses a danger to life may officers set up stationary or rolling roadblocks. The decision to erect a roadblock may only be made by the on duty supervisor (if available) or the senior officer. The decision to erect a roadblock must consider:
1. The safety of the officers.
  2. The risk of physical injury to the occupants of the pursuit vehicle.
  3. The protection of citizens and their property.
  4. A stationary roadblock must be clearly visible at a distance sufficient to enable an approaching vehicle to stop safely. The officer in charge of the roadblock shall notify the dispatcher of its precise location. This department stresses that roadblocks constitute a last resort in stopping a fleeing violent felon. Avoid deployment in areas where there are increased risk of injury. (see General Order XIV)
  5. All roadblocks must provide an escape route. Escape routes will have spike strips set if available.

#### VII. Evaluation of Factors Governing Initiation/Termination of Pursuit

An officer shall not initiate a pursuit unless it's determined to be a dangerous felony prior to starting the pursuit.

You will not initiate or must abandon the pursuit whenever conditions known to the officer led a reasonable person to believe the level of danger to the community outweighs the necessity of immediate apprehension of the suspect.

Circumstances to be considered include, but are not limited to:

- A. Nature of violation
- B. Time of day
- C. Light conditions
- D. Weather conditions
- E. Road conditions
- F. Traffic conditions
- G. Condition of emergency vehicle
- H. Familiarity of area
- I. Non-police personnel present in emergency vehicle
- J. Ability to identify suspect and/or suspect vehicle
- K. Performance capabilities of emergency vehicle.

#### VIII. Interjurisdictional Pursuits

Interjurisdictional pursuits shall be conducted in accordance with statutory requirements set forth in RSMO 544.157 (fresh pursuit defined)

A. PURSUITS FROM WEST PLAINS INTO ANOTHER JURISDICTION

1. Under no circumstance will a fresh pursuit be carried out of the city for anything other than a dangerous felony without the express authorization of either the Chief of Police, Asst. Chief of Police, or their designate.
2. Notification- The law-enforcement agency of the jurisdiction affected assume active pursuit.
3. Assumption/Non-Assumption of Pursuit- If the law enforcement agency of the other jurisdiction assumes active pursuit, the supervisor will order this department's active involvement in the pursuit discontinued. Should the other agency be unable or refuse to assume the pursuit, the supervisor will evaluate the pursuit for continuance in accord with the significant factors and policy of this procedure.

B. PURSUITS FROM OTHER JURISDICTIONS ENTERING WEST PLAINS

If a pursuit conducted by the law enforcement agency of another jurisdiction enters the City; the following procedures will be followed:

1. Inquiry - The on-duty supervisor will attempt to determine why the vehicle is being pursued and what assistance is requested by the pursuing agency.
2. Back-up Assistance - If back-up assistance is requested, one patrol unit will be assigned to trail the pursuit but will not pursue as the primary unit.  
The back-up unit will be in Code 3 mode.
3. Assumption of Pursuit/Evaluation - If the other jurisdiction requests the Department to assume active pursuit, the supervisor will evaluate the significant factors set forth in this procedure and the known circumstances as provided by the other agency and known to the supervisor and determine a response.
4. West Plains Police Termination/Evaluation - If active West Plains Police pursuit is authorized, continuance or termination of the pursuit will be determined by the supervisor.

IX. Vehicle Requirements

- A. Vehicles - If the pursuit was initiated by a or an unmarked unit, that unit shall abandon the pursuit when a four wheel marked unit joins the pursuit.
- B. Vehicle performance capabilities can be a factor.
- C. Know officer performance.
- D. Know maximum capacity on speed limit.
- E. Use of seat belt is mandatory in all driving situations by vehicle occupants.
- F. Successfully terminated high speed pursuits will be treated as a felony car stop.

X. Report and Review Process

It shall be the responsibility of the primary officers to write a concise and detailed report of the pursuit. This report shall be written as soon as practical and turned into the immediate supervisor before the end of watch unless otherwise approved by a supervisor. All pertinent reports on the pursuit shall be made available to a review board. This review board shall be appointed by the Chief of Police or his designated officer. The review board shall include the Training Officer. This board shall interview the principal officer on his/her role in the pursuit and conformity to departmental policy and procedures. The finding of the review board shall be reduced to writing and submitted to the Chief of Police along with its recommendations. The Chief of Police shall review all reports and recommendations. The Chief of Police shall then take any and all actions he/she considers appropriate in accordance with city policy.

AUTHORITY

- A. This policy is issued by the authority of the Chief of Police. Any policy additions, deviations or revisions shall be made only at the direction of the Chief of Police.

By Authority of:

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Charles Brotherton, Jr. Chief of Police