

West Plains Police Department

GENERAL ORDER II

SUBJECT: Pursuit Vehicle Operations

EFFECTIVE DATE: May 1st, 2016 REVIEW DATE: May 1st, 2016

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 higher standard of safety or 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 non-judicial administrative setting.

PURSUIT VEHICLE OPERATION

I POLICY

It is the policy of the West Plains Police Department that all pursuit operations shall be conducted in accordance with existing statutes, city ordinances, and regulations set forth in this procedure. The safety of the public will be a primary concern.

II DEFINITIONS

Emergency Vehicle - A vehicle, while in motion, which sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle. (RSMo. 304.022.4(3))

Marked Police Vehicle - Any department vehicle which is equipped with a siren(s), emergency lights, and is clearly marked as a police vehicle.

Vehicle Pursuit - An attempt by the police to apprehend a suspect operating a motor vehicle, while the suspect is trying to avoid capture or failing to yield to the officer's signal to stop, by actively attempting to elude the officer.

Violent Felony - A felony where the potential for serious bodily injury or death to the victim was demonstrated by the suspect(s) during the commission of the crime.

Imminent Danger - A situation which places the officer or others in immediate danger of death or serious bodily injury.

III PROCEDURE

1. INITIATION OF A PURSUIT

1.1 Officers may initiate a pursuit when they have a reasonable belief that the fleeing suspect has committed or attempted to commit a violent felony and the subject, if allowed to flee, would present immediate danger or serious injury to human life. A pursuit may also be initiated on a driving while intoxicated (DWI), where the driver is presenting an imminent danger to the officers or others. The probable cause for the initiation of the pursuit of a DWI must be specific to the charge. (EXAMPLE - Violating a stop sign or speeding will not be sufficient in itself to warrant the pursuit.) The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate danger to the public should the suspect remain at large.

1.2 Information developed or discovered after the pursuit cannot be used to justify the pursuit itself.

2. CONTINUATION OF A PURSUIT

2.1 While acknowledging that any vehicle pursuit has certain inherent dangers, the decision to continue a pursuit must be continually evaluated by the officers involved, the supervisor, and the commander. (EXAMPLE - A pursuit where the suspect ignores solid red traffic signals, or takes other steps demonstrating a total disregard for his safety and that of the public at large may be grounds for terminating a pursuit.)

3. TERMINATION OF A PURSUIT

3.1 Pursuits will be terminated when the danger created by the pursuit outweighs the need for apprehension.

3.2 The decision not to pursue or to abandon a pursuit may be the most intelligent course of action. An officer will not be criticized for their decision to terminate a pursuit.

3.3 All officers will terminate a pursuit when ordered to do so by a supervisor or commanding officer.

3.4 Existing circumstances and conditions shall be considered when deciding whether to abandon the pursuit. The following are examples of those factors which should be considered:

- Lack of backup;
- Known suspect(s);
- Condition of Police Vehicle;
- Juveniles in the pursued vehicle;
- Loss of reliable radio communication;
- Non-sworn person(s) present in a pursuing vehicle;
- Adverse weather conditions;
- Adverse road conditions;
- Unfamiliar with the area;
- Heavy vehicle or pedestrian traffic.

4. PURSUIT VEHICLE RESTRICTIONS

4.1 Any police vehicle, equipped with red lights and siren, may be used to initiate a pursuit. In the event a pursuit is initiated by an unmarked police vehicle, the officer will relinquish his/her involvement in the pursuit at the first available opportunity to marked vehicles.

4.2 Police vehicles transporting prisoners shall not engage in pursuit activities, including initiation of pursuits.

4.3 Police motorcycles prohibited from joining a police pursuit.

5. VEHICLE OPERATIONS AND TACTICS - Emergency vehicles in pursuit shall comply with procedures as prescribed in "Police Vehicle Operation", in addition to the following:

5.1 Controlled Access Highways - Officers shall not pursue suspects the wrong way on interstate, controlled access highways, or divided roadways. Officers may proceed on a parallel course.

5.2 Caravanning - No more than two police vehicles will become actively involved in a pursuit unless specifically directed to do so by a field supervisor or commanding officer.

5.3 Shadowing - Shadowing or taking a parallel course by officers not directly involved in the pursuit is prohibited.

5.4 Passing - There shall be no attempt to pass other units involved in a pursuit unless the passing officer receives permission from the primary unit or is directed to do so by a field supervisor or commanding officer.

5.5 Forcible Stops (Ramming, and forcing suspect off road) are prohibited.

5.6 FORCIBLE STOPPING TECHNIQUES

5.6.1 The use of a tire deflating device (Stop Sticks) is the only authorized forcible

stopping technique/method which may be deployed to halt a fleeing suspect vehicle. (41.2.3a)

- May only be used by officers trained in the deployment procedures.

(41.2.3c)

- Must be deployed as prescribed in the manufacturers training and operating instructions.
- A supervisor must authorize the deployment.

5.6.2 If deployed, officers will notify communications for broadcast of an alert and the location of the stop sticks.

5.6.3 The tire deflating device (Stop Sticks) will not be used on motorcycles or vehicles with less than four (4) tires.

5.6.4 When a tire deflating has been used, a supervisor will ensure that the appropriate forms are completed, and the used device is placed in the property/evidence room for replacement.

5.6.5 The Evidence/Property room custodian will return the used device to the appropriate distributor for replacement.

5.6.7 Officers may assist in the deployment of tire deflating devices (Stop Sticks) only upon the request of the outside agency engaged in the pursuit and with the approval of a department supervisor.

5.6.8 When exigent circumstances exist, officers may only shoot at a pursued vehicle from a stationary position when the use of deadly force is authorized.

6. PURSUIT PROCEDURES, DUTIES AND RESPONSIBILITIES

6.1 Primary Unit.

6.1.1 Upon initiation of a pursuit, the primary unit will relay the following information to Communications:

- Location, speed, and direction of travel;
- Information on suspect vehicle and occupants;
- Reason for pursuit;

6.1.2 The secondary (if applicable) unit will continuously update Communications when factors of the pursuit change. (This responsibility may be delegated to the secondary unit.)

6.2 Communications.

6.2.1 Immediately upon notification of a pursuit in progress, Communications will:

- Clear the channel on which the primary unit is operating for pursuit traffic only. All other radio traffic, including other related emergency traffic, will be conducted on an alternate channel;
- Notify the primary unit's supervisor;
- Assign a new primary unit, if requested;
- Assign a secondary unit.

6.2.2 During the pursuit, Communications will assume the following duties:

- Monitor all radio traffic and relay information to the units involved in the pursuit and the field supervisor until the pursuit is terminated;
- Perform relevant records and motor vehicle checks;
- Coordinate assistance, under the direction of the field supervisor or commanding officer.
- Notify the Chief of Police as soon as time permits.

6.2.3 Communications personnel do not have authority to terminate a pursuit; however, they have the responsibility of relaying information of which they are aware that may affect any decision to terminate or continue a pursuit.

6.3 Secondary Unit.

6.3.1 The secondary unit shall be a marked police vehicle unless such a vehicle is not available. Secondary units must conform to the definition of an emergency vehicle. DEFINE

6.3.2 The secondary unit may assume radio communication responsibility, allowing the primary unit to devote full attention to driving.

6.4 Field Supervisor.

6.4.1 Immediately upon notification of the pursuit, the field supervisor will:

- Ensure that the radio channel is cleared for emergency traffic only;
- Ensure that no more than the required/necessary units are involved;

- Verify that only marked patrol units are in pursuit or that proper units are en route to take over the pursuit.

6.4.2 The field supervisor will direct the pursuit, approve alternative tactics and maintain control until the pursuit is terminated.

6.4.3 Upon termination of the pursuit, the field supervisor shall proceed to the termination point to provide necessary supervision.

7. PURSUITS INTO OTHER JURISDICTIONS

7.1 Authority.

7.1.1 RSMo 544.157 authorizes West Plains Police officers in fresh pursuit of a person who is reasonably believed by the officers to have committed a violent felony in this state, or who has committed, or has attempted to commit, in the presence of such officer, any criminal offense or violation of state law or city ordinance, or for whom such officer holds a warrant of arrest for a criminal offense, to have authority to arrest and hold in custody such person anywhere in this state. In all cases, the pursuit must be initiated within the West Plains city limits.

7.1.2 Upon apprehension, the officer may issue a summons and/or take the violator into custody. If the arrest is made pursuant to a warrant or if it is accompanied by a summons, the officer may return the subject to West Plains Police Department to be booked. If, however, the arrest is not pursuant to a warrant and may not be accompanied by a summons (e.g. P/C felony charge), the suspect must be taken before a judge in the county in which the arrest was made by booking the suspect into that county jail. In all cases, the officer is not required to return the suspect to West Plains.

7.1.3 A pursuit beyond the city limits of West Plains will not relieve the pursuing officer(s), field supervisor or commanding officer of the responsibility of conducting, terminating or reporting a pursuit as set forth in this or any other policy.

7.2 Procedures.

7.2.1 Upon leaving the city limits of West Plains, the secondary unit (if applicable) shall notify Communications.

7.2.2 Communications shall immediately notify the field supervisor that the pursuit is proceeding outside the city and establish contact with law enforcement agencies that have jurisdiction in the area of the pursuit.

7.2.3 Pursuits that continue outside the city must be authorized by and may be terminated by the field supervisor or commanding officer.

7.2.4 Continued Pursuit.

7.2.4(a) Upon approval of the continued pursuit, Communications shall immediately notify the primary unit and continue to relay information between all units and agencies involved in the pursuit.

7.2.4(b) The field supervisor should request assistance from the assisting agencies, if practical.

7.2.4(c) The field supervisor will closely monitor the pursuit and coordinate operations with other law enforcement agencies through Communications.

7.2.4(d) As soon as practical, the primary unit will allow any assisting agency's unit to become the primary unit.

7.2.4(e) If the assisting agency responds with a secondary unit, The West Plains primary unit and secondary units will proceed as directed by the field supervisor. (It is recommended that one West Plains unit continues to the point of termination unless otherwise requested by the assisting agency.)

7.2.4(f) In the event of the capture of the suspect, the field supervisor will proceed to the termination point, if practical, and ensure that West Plains units and any assisting agency receives information and additional assistance that may be needed.

8. PURSUITS INTO THIS JURISDICTION FROM ANOTHER JURISDICTION

8.1 Officers of this department may assist in a pursuit at the request of the originating agency.

8.2 The field supervisor will immediately approve or deny assistance. If approved, ensure that an approved pursuit is conducted using the guidelines established in the department's pursuit procedures insofar as practical.

8.2.1 If information is developed that indicates that the pursuit is not in compliance with Department guidelines, all West Plains units shall discontinue assistance and participation in the pursuit. However, back-up assistance will be provided to the originating agency if the pursuit terminates.

8.3 Communications will assign West Plains units as directed by the field supervisor or commanding officer.

8.4 Communications will maintain contact with the agency initiating the pursuit and will relay information between both agencies.

8.5 Officers may continue to assist the originating agency if the pursuit again moves outside the city, subject to the provisions of Section 7.2 above.

9. REPORTING

9.1 Initiating Officer.

9.1.1 The officer initiating a pursuit will prepare an offense/incident report regarding the pursuit and ensure the following details are included:

- Weather conditions;

- Reason for pursuit;

- Detailed information of the route taken, including speeds attained, and all traffic violations committed by the suspect during the pursuit;

- Suspect vehicle description;

- Identification of the driver and all occupants of the suspect vehicle, if available;

- Final disposition of the pursuit and charges for which the suspect was arrested.

9.2 All officers participating in or having additional information regarding the pursuit will complete a supplemental offense/incident report.

9.3 Field Supervisor.

9.3.1 The field supervisor will ensure that a complete report is made of the pursuit by all officers involved.

9.3.2 The field supervisor shall complete a supplemental offense/incident report to explain the justification for the initiation, continuation or termination of each pursuit.

9.3.3 The field supervisor shall ensure that all related reports are forwarded through the chain of command for a critique of each pursuit as soon as possible.

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:

Jeffrey S. Head, Chief of Police