

Peoria Police Department Policy and Procedure Manual

Policy 4.08B Vehicle Pursuits



**“Our Community...
Our Commitment”**

I. POLICY

A. The objective of a police pursuit is to apprehend the violator without unnecessarily jeopardizing life and/or property.

B. It is the policy of the Peoria Police Department that non-violent felonies, misdemeanor crimes and civil traffic infractions will not be pursued.

II. PURPOSE

A. This policy statement is intended to provide guidelines which should reduce hazards to officers engaged in hot pursuit and mitigate the ensuing public criticism that follows when an officer or suspect is involved in a collision during a pursuit.

B. It is intended that this policy statement will minimize the dangers to officers and the public, while still assuring the apprehension of most violators.

C. The primary concern of the Peoria Police Department in pursuit situations is the protection of the lives and the safety of all persons. Apprehension of the violator is secondary to the safety of officers and the public.

III. LAW

Arizona Revised Statutes (ARS) § 28-624 exempts the driver of an authorized emergency vehicle with emergency equipment in operation from the general rules of the road when in pursuit of an actual or suspected violator. It does not relieve the driver from the duty to always drive with due regard for the safety of all persons using the roadway, nor does it protect them from criminal prosecution or civil liability for an abuse of the privileges granted. (41.2.2.a)

IV. DEFINITIONS

A. Pursuit: A motor vehicle, or vehicular, pursuit is an active attempt by a law enforcement officer, operating a motor vehicle, to apprehend one or more occupants of another vehicle, when the driver of the fleeing vehicle is aware of that attempt and is resisting apprehension by maintaining or increasing their speed, disobeying traffic laws, ignoring the officer or attempting to elude the officer. An active attempt is defined as the totality of the circumstances known to the officer at the time of the incident, which, when reviewed, lead to the reasonable conclusion that the officer was attempting to apprehend, chase, or overtake the violator.

B. Emergency Driving: Emergency driving is defined as the operation of an authorized emergency motor vehicle by a law enforcement officer, in response to a life-threatening situation, or a violent crime in progress, while utilizing the privileges afforded by law, in lawful disregard of traffic law and/or traffic control devices, but complying with Department policy to drive with due regard for the safety of all persons on the roadway

C. Authorized Emergency Vehicle: A vehicle being driven in response to an emergency call, operating at least one red light or red and blue light.

D. Code "0" (Zero) or "No Code:" Shall refer to any routine call to which an officer responds, obeying all traffic laws and speed limits en route.

E. Code 1: Shall refer to any call which an officer responds to immediately. The officer shall temporarily drop whatever activity they are engaged in and respond directly to the call, obeying all traffic and speed laws while en route. The use of emergency equipment shall not be used during Code 1.

F. Code 2: Officers responding to certain emergency calls may respond using emergency lights only. However, the use of emergency lights only, does not require other motorists to yield their right of way, nor does it exempt the driver from the provisions of Arizona Revised Statutes. The decision to utilize "Code 2" can only be made by the responding officer, who holds sole responsibility for that decision. The use of "lights only" alerts other motorists that the vehicle is responding to an emergency call and grants no privileges or immunities.

G. Code 3: Shall refer to any call which the officer responds to with lights and siren (as necessary) as an emergency vehicle utilizing the privileges authorized by law, but complying with Department policy to drive with due regard for the safety of all persons on the roadway.

H. Traffic Stop: An active attempt by a law enforcement officer to stop a vehicle for a violation or suspected violation of law. It is often times necessary for officers to exceed the speed limit or to violate other traffic laws as authorized by law and policy and not be engaged in a pursuit.

1. An officer who intends to stop a vehicle should drive as close as practical to the violator before activating the emergency lights and siren, considering all conditions.

2. A traffic stop does not become a pursuit until a violator is actively attempting to elude the officer as defined in the "Pursuit" definition above.

3. Should an individual utilize their vehicle to flee from the scene of a traffic stop (for traffic violations only) after stopping and being contacted by the officer, the officer shall not pursue the individual.

I. Violent Felony: Violent felony means the totality of circumstances known to the officer at the time that would lead to a reasonable belief that a violent felony occurred, or was about to occur. A warrant or a suspect wanted on a violent felony would not constitute a violent felony unless the officer could show an immediate danger to the public if the subject escaped.

V. PURSUIT PROCEDURE

A. Initiation of a Pursuit

1. Pursuits shall only be initiated when a law violator clearly exhibits the intention of avoiding arrest by using a vehicle to flee.

2. The officer will activate the vehicle's emergency lights and siren and notify Communications.

B. Notification: An officer initiating a pursuit will immediately notify Communications of: (41.2.1)(41.2.2.b)

1. Their unit identifier

2. The statement 'In pursuit'

3. The location

4. Direction of the pursuit

5. Speed of the pursuit

6. The reason for the pursuit (offense for which suspect is wanted)

7. Description of the vehicle being pursued.

C. Optional Information: If possible, the officer should also provide:

1. The number of occupants and description of the occupants of the pursued vehicle

2. License number of the vehicle

3. Special information such as hazards to officers, traffic conditions, etc.

D. Announce Responsibility: An officer's failure to announce the pursuit does not relieve them from the responsibility of complying with all provisions of this policy.

E. Maintain Communications: Officers involved in pursuits will take necessary steps to ensure that Communications understands their transmissions. This may include rolling windows up, operating the siren on manual, etc.

F. Primary Unit: The officer initiating the pursuit is designated as the primary pursuit unit until relieved by a supervisor.

G. Secondary Unit

1. In a pursuit, a second marked police vehicle will become the back-up unit. Upon joining the pursuit, the back-up officer will activate the vehicle's emergency lights

and siren and advise radio that they are the back-up unit. (41.2.2.c)

2. Only one back-up unit is to be used unless specific authorization for additional units is obtained from a supervisor.

3. Back-up vehicles should follow the primary vehicle at a safe distance and shall normally stay in the same lane as the primary vehicle.

4. The officer/s in the primary unit will make radio transmissions during the pursuit until the back-up unit is close enough to monitor the pursuit and take over the radio transmissions. Once the back-up unit has joined the pursuit, the back-up unit will take charge of communications between field units and the dispatcher. (41.2.2.b & c)

H. Support Units

1. Only units that have been authorized by a supervisor or the Watch Commander will leave their assigned areas and become support units.

2. Support units will not become actively involved in the pursuit. (41.2.2.d)

3. Support units will cover possible escape routes.

4. Support units will be available to assume a back-up or primary role should one of those vehicles be unable to continue the pursuit.

5. Support units will not be operated with emergency lights and sirens, and will not violate traffic laws to maintain support or parallel positions.

I. Communications Responsibilities: When a pursuit is initiated, the Communications Specialist will: (41.2.2.e)

1. Notify the Watch Commander or on-duty Patrol Supervisor immediately after a pursuit is initiated.

2. When a pursuit is initiated, the dispatcher shall broadcast an alert tone and notify field personnel that the radio channel should be used for Emergency Traffic Only.

3. Notify units of the pursuit on the appropriate radio frequencies.

4. Ask the Patrol Supervisor if assistance is needed from an Air Support Unit. If one is available, the dispatcher will advise the Patrol Supervisor of the estimated time of arrival.

5. When a pursuit is terminated by an officer or supervisor, the dispatcher shall broadcast a wobble tone and notify all personnel that the pursuit has ended and to permit regular radio traffic to resume.

6. At the completion of a pursuit, when the scene has stabilized, and personnel have broadcast a "Code 4," the dispatcher shall broadcast an alert tone and advise all personnel to permit regular radio traffic to resume.

7. The dispatcher will attempt to gather as much information as possible on the suspect vehicle and/or suspect/s.

8. The dispatcher shall coordinate and advise other agencies upon the crossing or imminent crossing of jurisdictional lines.

9. Direct the units to communicate car-to-car when necessary.

J. Aircraft Participation: When an aircraft is available to assist, the following guidelines will be used:

1. When the aircraft has advised that the suspect vehicle is in view, officers in the primary pursuit vehicles will turn off their emergency lights and siren and slow to a safe operating speed.

2. Support units should attempt to be in position to apprehend the suspect when the suspect vehicle stops. However, support units should position themselves to be out of the view of the suspect if they are passed at a stationary position.

3. If, in the judgment of the ground supervisor, the Air Unit's continued involvement in a pursuit would be detrimental to the safety and welfare of the public, Department employees, or other involved parties, the supervisor may terminate the aircraft's participation.

K. Supervisory Officer Responsibilities (41.2.2.f)

1. After being notified by Communications of a pursuit, a field supervisor shall evaluate the circumstances regarding the pursuit and shall make a decision on whether to allow the pursuit to continue or to terminate the pursuit. If the decision is to allow the pursuit to continue, the initial field supervisor or Watch Commander shall continually monitor the pursuit and shall be responsible for maintaining control and ensuring compliance with all aspects of this policy.

2. The field supervisor or Watch Commander shall order the discontinuance of the pursuit when it appears that the pursuit poses a serious and unreasonable risk of harm to the pursuing officers or the public, balanced against the seriousness of the violation.

3. If a supervisor or Watch Commander is not available, the officer in the primary unit shall have responsibility for making the decision to abandon or conduct the pursuit in compliance with policy.

4. The Watch Commander and all supervisors and officers involved in vehicular pursuits will be held accountable for the continuation of a pursuit when circumstances known to involved personnel at the time indicate that it should have been discontinued.

5. If communications are lost with the pursuit vehicles, the supervisor is responsible for coordinating radio traffic.

L. Pursuit Guidelines

1. Can the safety of the public, and of the pursuing officer/s, be reasonably maintained considering all of the circumstances, and in particular, the following: (41.2.2.a)

a. Pedestrian and vehicular traffic patterns and volume.

b. Location of the pursuit. Consider officer familiarity with the pursuit location and route, i.e., whether the pursuit will traverse traffic controlled, congested, narrow or blind streets or intersections, past schools, require turning corners rapidly and frequently.

c. Effect of weather on driving conditions.

d. Time of day, visibility.

e. Effect of road conditions on safety of pursuit.

2. Can the officer and the police vehicle safely continue the pursuit?

a. Physical, mental, emotional limitations on officer's ability to safely maintain pursuit.

b. Police vehicle reliability: status of brakes, handling. Status of emergency equipment to include lights and sirens, radio communication capability, and any other obvious limitations.

c. Is the suspect vehicle's location/direction no longer known?

d. Speeds will vary in accordance with the conditions discussed above and other pertinent factors. All officers will drive with the understanding that it is their responsibility to drive with due regard for the safety of all persons using the roadway.

3. Officers will, AT NO TIME, pursue or follow violators the wrong way on a freeway or freeway frontage road.

4. Officers of either a primary or back-up pursuit vehicle will terminate their involvement in the pursuit if their vehicle experiences equipment failure involving the vehicle's

emergency lights, siren, radio, brakes, steering or other essential mechanical equipment.

M. Pursuit Driving Practices

1. Consider all of the guidelines, direction, and this policy.

2. No more than two (2) units shall be involved unless otherwise directed by a supervisor or the Watch Commander.

3. Officers not assigned to the pursuit should remain in their assigned area, but stay alert to its progress and location.

4. The assigned units shall be the only units operating under emergency Code 3 conditions (emergency lights and siren).

5. There shall be no caravanning of units, paralleling the pursuit, or attempting to join the pursuit unless specifically authorized by a supervisor.

6. Officers involved in a pursuit should not pass other units unless requested to do so by the primary unit or a supervisor.

7. Emergency vehicle lights and sirens shall remain activated in order to provide maximum warning to the public of any approaching pursuit.

8. When the pursued vehicle is lost, the officer in the secondary unit shall immediately broadcast necessary information to the dispatcher. Upon receiving the communications broadcast, all involved officers will resume normal non-pursuit operation of their vehicles.

9. Officers may search for a formerly pursued vehicle but shall do so in a Code "0" or Code 1 status.

N. Police Motorcycles and Unmarked Vehicles

1. Police Motorcycle Officers, and officers operating unmarked vehicles, shall minimize their involvement in pursuits.

2. Should a Police Motorcycle Officer or an officer operating an unmarked vehicle attempt to initiate a traffic stop which results in a pursuit, the Police Motorcycle Officer or officer in the unmarked vehicle shall immediately discontinue involvement once a marked patrol car has entered the pursuit. (41.2.2.d)

3. A Police Motorcycle Officer or officer operating an unmarked vehicle may continue as a support vehicle once the pursuit has been assumed by a marked vehicle.

4. Unmarked vehicles may be used for traffic enforcement as long as they are equipped with emergency lights and siren.

O. Police Vans: Police vans and transport wagons are prohibited from becoming directly involved in a pursuit in any capacity.

P. Limitations: Officers will not participate in pursuits as either pursuit or back-up vehicles when their vehicles are occupied by prisoners, suspects, complainants, witnesses, civilian observers, or any other person not on-duty as a peace officer.

Q. Pursuits Affecting Other Jurisdictions

1. The dispatcher shall notify all jurisdictions affected by a pursuit as soon as practical. Such notifications should not be considered as a request to join in the pursuit.

2. Other jurisdictions will not be asked to join a Peoria Police Department initiated pursuit except as directed by a Peoria Police Department sworn supervisor.

3. Pursuits from other Jurisdictions (41.2.2.i)

a. Pursuits that originate in other jurisdictions and extend into the City of Peoria shall be joined ONLY if the offense for which the pursuit was initiated meets the criteria of this policy.

b. Pursuits which originate in other jurisdictions and extend into the City of Peoria shall be joined ONLY when requested, and approval is granted by a Peoria Police Department sworn supervisor.

c. No more than a total of two (2) units should be operating under emergency Code 3 conditions (emergency lights and siren) which may include one unit from each agency or a maximum of two from one agency unless otherwise directed by a Peoria Police Department sworn supervisor.

R. Discontinuing a Pursuit: Pursuits will be terminated when: (41.2.2.h)

1. If at any time, the officer believes the probability of apprehension is diminishing as the pursuit continues.

2. When the officer obtains/has information which would likely lead to the identification and apprehension of the responsible suspect through other means. (Examples: vehicle license number, personal knowledge or identification of the driver of the vehicle, or other information that will lead to the apprehension.)

3. When the officer is directed to discontinue the pursuit by a supervisor or Watch Commander.

4. When the officer loses visual contact with the suspect for an extended period of time (about 15 seconds). This does not mean that officers must cease looking for the suspect; rather they must slow to a safe speed while doing so.

5. When there is a clear and unreasonable hazard to the officer, fleeing motorist and/or other persons. A clear hazard exists when speeds dangerously exceed the normal flow of traffic or when vehicular or pedestrian traffic necessitates erratic maneuvering which exceeds the performance capabilities of the vehicle and/or the driver.

6. When the danger created by the pursuit outweighs the necessity for immediate apprehension.

7. Once a decision has been made to terminate a pursuit, officers shall cease all contact with the suspect vehicle. Officers shall not attempt to keep the suspect vehicle in observation and shall not follow the vehicle in any manner.

8. No sworn personnel will be disciplined for terminating a pursuit under the guidelines of this policy.

S. Prohibited Actions (41.2.2.g)(61.3.4)

1. Ramming: Officers will not resort to "ramming" to stop a vehicle they are pursuing. Police vehicle use in ramming often creates incidents resulting in liability far exceeding the merits in forcing the responsible party to stop.

2. Boxing In: Boxing in or surrounding a moving suspect vehicle is prohibited. However, marked and unmarked units may be used to box in a stationary, unaware suspect in order to avoid a pursuit.

3. Forcing: Officers shall not overtake, drive next to, or force suspect vehicles off the roadway.

4. Blocking: Officers will not block the roadway with police vehicles to stop a pursuit.

T. Stop Sticks: The "Stop Stick" tire deflation device shall only be deployed with supervisory approval by those employees who have been trained in its use and deployment, and as established by the manufacturer's recommended use.

1. Specifications:

a. The "Piranha" and "Terminator" tire deflation devices are small, one-time use devices, meant for covert deployment to standing or parked vehicles and is not intended for deployment against a moving vehicle. The "Piranha" and "Terminator" devices are meant for utilization in special or unique situations usually handled by the Special Assignments Unit, but can be deployed by other personnel if circumstances justify its deployment.

b. The “Stop Stick” tire deflation equipment is larger, multi use devices meant for deployment against vehicles fleeing law enforcement and traveling faster than 25 miles per hour.

2. Consideration must be given to:

a. Speed of the vehicle being pursued. The manufacturer does not recommend the use of the device for a vehicle traveling at speeds under twenty-five (25) miles per hour.

b. The type of vehicle being pursued. The device shall not be utilized against motorcycles, three wheeled vehicles, or all terrain vehicles, unless the use of deadly force is justified.

c. The load on the vehicle being pursued.

d. The roadway the device is used on. The device can only be utilized on paved or hard surfaces. The device shall not be utilized on loose gravel, sand, mud, or similar soft surfaces. The device should not be deployed on a curve or downward grade.

e. The surrounding area.

3. The device should not be deployed near homes, congested areas, or other hazardous areas, unless no other options are immediately available. This is especially important when the pursued vehicle is a semi-tractor, tractor-trailer combination or a large vehicle.

4. The safety of everyone must be considered in incidents involving semi-tractors, tractor-trailer combinations, or large vehicles. The “Stop Stick” tire deflation device may be used only if it can be done safely.

5. Storage – The “Stop Stick” tire deflation devices shall be carried within the trunk of the trained employee’s vehicle. The “Stop Stick” tire deflation device equipped vehicle shall be annotated on the Daily Shift Roster completed by the shift supervisor. The device shall be mounted to the trunk lid and removed only when deployment is authorized.

6. Procedure – When time permits and safety considerations are met, the use of the “Stop Stick” tire deflation device is authorized. When the decision is made, the following procedures shall be adhered to:

a. Communications shall be advised that the “Stop Stick” tire deflation device is being deployed.

b. The exact deployment location of the device shall be given, to include what position within the roadway (lane number one, east bound lane, curb lane, etc.)

c. The employee deploying the device shall remain with the device and consider the device an item of evidence of the incident.

d. After the pursued vehicle has crossed the device, the deploying employee shall immediately remove the device from the roadway. The device shall be immediately secured and impounded as an item of evidence as soon as possible.

e. If the pursued vehicle crossed the device, the deploying employee shall ensure that photographs of the device, the pursued vehicle, along with its tires and the roadway are taken. These photographs shall be processed in accordance with established investigative procedures.

f. The employee deploying the “Stop Stick” tire deflation device shall complete a supplemental report. This report shall include the justification for the deployment, the specific information regarding the deployment, to include the date, time, specific roadway location, surface type, weather conditions, speed of the pursued vehicle, the surrounding traffic conditions, the effect of the device, and if its intended purpose was achieved. The supplemental report shall be included within the original incident report and a copy submitted with the Major Incident Checklist.

U. End of the Pursuit

1. The primary pursuing unit is responsible for the arrest of the suspect.

2. The secondary unit shall be responsible for backing up the primary unit and broadcasting pertinent information at the termination of the vehicular pursuit. If the suspect flees on foot, the secondary unit or responding supervisor shall coordinate assisting units.

3. If the pursuing units become involved in a collision, the collision should be investigated by the law enforcement agency having jurisdiction for the location of the collision. All Peoria Police Department reports specified in this policy will also be completed.

V. Reporting

1. Whether or not the violator is apprehended, the initiating officer will prepare a full Incident Report.

2. The responsible field supervisor or Watch Commander may require each officer involved to submit a supplemental report.

3. The field supervisor responsible for the officers involved in the pursuit will be responsible for submitting a Major Incident Checklist. This report shall be completed prior to the end of the shift on which the incident occurred and forwarded to the Watch Commander.

4. The field supervisor and the Watch Commander responsible for the shift shall review the reports and the Major Incident Checklist, and critique in writing, as to apparent compliance with this policy and any other Peoria Police Department directives as may be applicable. They shall attach any other pertinent items such as radio tapes, officer statements, etc.

5. The Watch Commander shall route the reports and the Major Incident Checklist to the Operations Division Deputy Chief for disposition. This shall be completed within two (2) working days of the incident.

W. Review (41.2.2.j)

1. The Operations Division Deputy Chief shall review the reports and Major Incident Checklist and provide a critique, in writing, as to apparent compliance with this policy and any other Peoria Police Department directives as may be applicable. This will be completed within five (5) working days of receipt by the Deputy Chief. The reports will then be forwarded to the Chief of Police.

2. The Chief of Police may refer the pursuit documents for an Administrative Investigation. Such referral may occur either prior to or subsequent to the Vehicle Operations Committee review depending on the circumstances of the pursuit, and/or the recommendations of the Committee.

3. The Chief of Police will refer the incident to the Peoria Police Department's Vehicle Operations Committee for review. Review will occur at the next regularly scheduled monthly meeting of the committee unless otherwise directed by the Chief of Police.

4. Committee Review – The purpose of the review is to determine if:

- a. The pursuit was necessary and within Peoria Police Department policy.
- b. There are training needs to be considered.
- c. Any policy changes need to be considered.
- d. In those cases where the pursuit did not comply with Peoria Police Department policy, should corrective and/or disciplinary action be taken?

(1) It is not the position of the Vehicle Operations Committee to make a specific recommendation for corrective and/or disciplinary action. It is the Committee's assignment to only recommend whether or not such action should occur. Specific disciplinary recommendations are the responsibility of the chain of command.

(2) The final authority for review of the pursuit rests with the Chief of Police.

e. The Committee shall complete a report within ten (10) working days after the meeting and submit the report to the Chief of Police. The Chief shall review the report and refer it to management/supervisory staff for appropriate action.

f. All pursuits reviewed by the Vehicle Operations Committee during a calendar year will be analyzed in January of the following year. This analysis is intended to reveal any patterns or trends that may indicate training needs and/or policy modifications. The chairperson of the Vehicle Operations Committee will prepare the analysis that will be forwarded through the Chain of Command to the Chief of Police. (41.2.3)

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