

Stowe Police Department

General Order: 2.08	Related General Orders:
Vehicle Pursuit & Emergency Vehicle Operation	
This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.	
Applicable Vermont Statutes: 23 V.S.A. §4; 23 V.S.A. §1015	
Date Implemented: 09/12/2012	Date Revised:

I. PURPOSE:

1. The purpose of this policy is to provide guidelines and directions for the establishment of responsibility for the safe operation of police vehicles during a pursuit; for the initiation or discontinuation of pursuits; for the responsibility of participating officers and supervisor; and to provide the essential balancing of the necessity for the pursuit and more immediate apprehension of the fleeing subject against the risks involved with the pursuit which might include death, injury and/or property damage.
2. In these cases, officers should attempt to anticipate flight and utilize tactics to prevent a pursuit. If tactics to prevent a vehicle pursuit fail, tactics should be utilized to minimize the duration of the pursuit, and if possible, to influence the subject vehicle's direction in ways that reduce the risk of harm to others. Once initiated pursuits shall be monitored and assessed according to state statutes and this policy to ensure that the need to pursue outweighs the risk and dangers of the pursuit itself.

II. POLICY:

1. The department recognizes its responsibility to apprehend criminals and lawbreakers, but it also recognizes that higher responsibility to protect and foster the safety of all persons in the operation of police vehicles under pursuit conditions. Officers in operating under pursuit conditions shall be constantly aware that no assignment is too important and no task is to be expedited with such emphasis that any of the basic principles of safety are jeopardized. Therefore, officers shall only engage in pursuits when the need for apprehension outweighs the risk to the officer and the public. Finally, officers shall be held accountable for the consequences of reckless disregard for the safety of others and violations of this procedure. In initiating any pursuit the officer shall carefully consider the facts, the driving environment, the

seriousness of the offense, the need for apprehension, the possible consequences, and the safety of all persons.

III. DEFINITIONS:

Discontinue the pursuit: The law enforcement officer ends his or her involvement in the pursuit by slowing down to the posted speed limit and turning off his or her emergency light and siren.

Authorized emergency vehicle: Means vehicle of a fire department, police vehicle, public and private ambulance and a vehicle to which a permit has been issued pursuant to subdivision 1252(a)(1) or subdivision (2) of Vermont Title 23.

Boxing-in: Surrounding a violator's vehicle with emergency vehicles that are then slowed to a stop, forcing the violator's vehicle to do likewise.

Canalization: A technique where objects or vehicles are positioned in a manner intended to direct or redirect a fleeing vehicle into a clearly identifiable and unobstructed path.

Caravan: Operating emergency vehicles in a line or alongside each other in a pursuit.

Deadly force: Force which creates a substantial likelihood of death or serious bodily harm.

Emergency operation: Driving an emergency vehicle according to state law and this procedure in response to an emergency calls or in pursuit of a fleeing vehicle.

Inter-Jurisdictional Pursuit: Any vehicle that crosses into a neighboring jurisdiction, such as across municipal, county or state line.

Marked police vehicle: A police vehicle displaying the emblem and marking of the police department with overhead lights and audible warning devices.

Paralleling: Operating an emergency vehicle on streets or a route parallel to the pursuit route.
Police vehicle: a city vehicle assigned to the police department.

Primary unit: The authorized law enforcement vehicle that initiates a pursuit or any other unit, which assumes control of the pursuit.

Secondary unit(s): Any authorized law enforcement vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

Ramming: Deliberate contact with a violator's vehicle by a marked police vehicle to force the violator's vehicle off the roadway.

Roadblock: A barricade or other physical obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.

Stop Stick/Spike Strip: A rigid column or a strip of belting containing specially designed hollow spikes which when deployed across a lane of roadway, penetrates tires, slowing the pursued vehicle usually to a complete stop.

Supervisor: The supervisor assigned or assuming control of a pursuit situation.

Terminate the Pursuit: The decision to discontinue the pursuit.

Unmarked police vehicle: A police vehicle not displaying the emblem or marking of the police department, but have emergency warning devices to include emergency lighting and siren.

Vehicle Pursuit: An active attempt by a law enforcement officer operating an authorized law enforcement vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.

Violent felony: A serious felony that involves an actual or threatened attack that the officer has reasonable suspicion to believe could result or has resulted in death or serious bodily injury (e.g. aggravated assault, armed robbery, and murder, etc.)

Mobile Video Recording (MVR): A recording device that records video and/or audio of a police event from a fixed camera mounted in a police vehicle.

IV. EMERGENCY VEHICLE OPERATION UNDER VERMONT LAW:

1. The driver of an authorized **emergency vehicle**, when responding to an emergency call or when responding to, but not returning from, a fire alarm and a law enforcement officer operating an authorized **emergency vehicle** in fresh pursuit of a suspected violator of the law:
 - A. May park or stand contrary to the provisions of this chapter;
 - B. May proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - C. Shall come to a full stop when approaching a school bus which is flashing red lights and may proceed only when the flashing red lights are extinguished;
 - D. May exceed the maximum speed limits;
 - E. May disregard regulations governing direction of movement or turning in specified directions.

2. The exemptions granted to an authorized **emergency vehicle** apply only when the vehicle is making use of audible or visual signals meeting the requirements of this title.

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

V. PROCEDURE:

1. Pursuit Restrictions:

- A. Only two emergency vehicles -- a primary vehicle and a secondary vehicle- shall engage in a pursuit, unless additional police vehicles are required to assist.
- B. Officers shall not set up roadblocks, shall not engage in ramming, boxing-in, caravanning or driving immediately alongside a fleeing vehicle unless all other reasonable means of stopping the violator have failed, and where the member believes the violator has committed, has attempted to commit, or is attempting to commit a felony which involves the use or the threatened use of deadly force, and there is a substantial risk that the pursued law violator will cause death or serious physical injury to others if apprehension is delayed.
- C. If a pursuit is discontinued by the primary vehicle (unless for mechanical reasons) or the supervisor, then all officers shall discontinue the pursuit.
- D. Only marked police vehicles with emergency warning devices shall initiate a pursuit. If the operator of an unmarked vehicle initiates the pursuit, the operator shall turn over the responsibility of the primary vehicle to a marked unit when one becomes involved in the pursuit. The unmarked vehicle may continue as a secondary vehicle.
- E. Officers engaged in a pursuit shall not drive emergency vehicles the wrong way (against the regular flow of traffic) on a divided highway, interstate, or expressway or any other street or highway designated for one-way traffic, despite allowances in the state vehicular code. When a fleeing vehicle goes the wrong way against traffic, the primary officer shall:
 - a. Parallel the vehicle in the correct lane of traffic
 - b. Notify dispatch of a wrong way driver
 - c. Request assistance from outside agencies to shut down vehicular traffic on the highway coming in the fleeing subject's direction

- F. Officers shall not engage in a pursuit when they are transporting prisoners, witnesses, suspects, complainants or any person who is not a member of this department.

2. Environmental Circumstances:

- A. Officers shall carefully consider the facts and weigh the seriousness of the offense against the possible consequences of jeopardizing the safety of others by a continuous evaluation of the following at the time of the initiation and continuation of the pursuit:
 - a. Time of day and day of the week
 - b. Lighting conditions
 - c. Vehicular and pedestrian traffic
 - d. Type of roadway
 - e. Condition of the roadway (e.g. dry, wet, paved, gravel, icy)
 - f. Weather conditions (e.g. clear, overcast, rain, fog)
 - g. Condition of the emergency vehicle and the condition and type of the fleeing vehicle
 - h. Driving ability of the officer
 - i. Speeds of the emergency vehicle and the fleeing vehicle

3. Initiating the Pursuit:

- A. Officers shall only initiate a pursuit:
 - a. When there is reasonable suspicion that the driver of that vehicle has committed a violent felony, or
 - b. When there is evidence of outrageous, reckless driving (generally or possibly in association with driving under the influence) and these observations precede the officer's intervention through any pursuit mode.

4. Responsibilities of the Primary Vehicle Driver:

- A. Activate the vehicle's emergency warning devices from the point of initiation to that of completion.
- B. Seek authorization from a supervisor, if available.
- C. Immediately notify communications of:
 - a. His or her unit number
 - b. The location
 - c. Direction of travel

- d. Speed
 - e. Reasons for the pursuit
 - f. The description of the vehicle being pursued
 - g. The number of occupants
 - h. The presence of other law enforcement agencies
 - i. Location at the time the pursuit is discontinued
- D. Provide updated information regarding direction of travel, speed, and other pertinent details;
 - E. If appropriate, allow the secondary vehicle driver to assume all communications;
 - F. Abandon the pursuit if any mechanical problems develop in the primary vehicle;
 - G. Discontinue the pursuit if the hazardous circumstances or environmental factors present an unreasonable risk to public safety.

5. Responsibilities of the Secondary Vehicle Driver:

- A. The first officer arriving to assist the primary vehicle driver shall notify communications and becomes the secondary vehicle driver;
- B. This officer shall receive immediate authorization from the supervisor to assist in the pursuit to the extent that a supervisor is available and monitoring the pursuit.
- C. This officer shall activate all warning devices from the point of entry into the pursuit until it is ended while following the primary vehicle at a safe distance and may assume the radio communications for the primary vehicle driver if appropriate;
- D. This officer shall become the primary vehicle driver if the primary vehicle abandons the pursuit, or if any mechanical problems develop in the primary vehicle.

6. Responsibilities of the Supervisor: (If Available)

- A. Assert control over the pursuit.
- B. Control the number of authorized vehicles in the pursuit.
- C. Immediately authorize continuation of the pursuit or order discontinuation depending on the hazardous circumstances and environmental factors present as communicated by the primary vehicle driver.
- D. Order units to clear intersections in the likely path of the pursuit where appropriate.

- E. Ensure that not more than two (2) emergency vehicles engage in the pursuit unless additional emergency or marked police vehicle are required based on the following circumstances:
 - a. The severity of the offense;
 - c. The number of occupants in the suspect vehicle;
 - d. The likelihood of the suspects being armed.
- F. Direct and approve necessary tactics in the pursuit; including authorizing termination of the pursuit through approved use of force tactics.
- G. Continuously evaluate the pursuit;
- H. Assign additional officers to traffic control, accident investigation, foot pursuit, and/or perimeter security;
- I. Order the discontinuation of the pursuit at any time hazardous circumstances or environmental factors present an unreasonable risk to public safety;
- J. Respond in all situations to the scene of any arrest resulting from the pursuit to control the scene.

7. Responsibilities of the Communications Center:

- A. Ensure that the supervisor of the pursuit is clearly identified and that the approval to initiate or continue the pursuit is broadcast;
- B. Ensure that pursuing officers (primary and secondary vehicle drivers) request supervisory approval and that all critical information is received from the officers involved and relayed to other units;
- C. Keep the supervisor apprised of all relevant traffic problems and other actions that might impact upon the conduct of the pursuit.
- D. Record all information received from the pursuing officer
- E. Clear the radio channel
- F. Conduct an inquiry of the license plate through NCIC
- G. Notify adjacent jurisdictions of the pursuit and the potential that it may enter their jurisdiction.
- H. Continue monitoring the pursuit.

8. Uses of force/Termination of Pursuit:

- A. Remember that roadblocks, and Stop-Sticks or spike strips as well as the firearm, constitute seizures, i.e. a stopping of movement by a means intentionally applied. Roadblocks, tire deflation devices and any other tactic utilized to stop a vehicle constitute a use of force. In using these tactics officers should consider:
 - a. How serious is the offense that the officer suspects at the time they use the tactic?
 - b. Is there a physical threat to the officer or any other person and how significant is that threat?
 - c. Is the suspect actively resisting or attempting to evade arrest by flight?

- B. In using any tactic officers should consider environmental factors such as the type of area i.e. residential or highway; weather; pedestrian or vehicular traffic etc. that may be impacted by the tactic or may make the tactic more dangerous for the officer and the offender.

- C. Use of firearms:
 - a. The use of firearms to affect the apprehension of a fleeing suspect is a use of deadly force.
 - b. Officers shall not shoot at or from a moving vehicle unless:
 - (i) The officer has a reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious physical injury to the officer or another person, or
 - (ii) The officer has a reasonable belief that an occupant is using the vehicle in a manner that poses an imminent threat of death or serious physical injury to the officer or another person, and there is no reasonable avenue of escape.

- D. Roadblocks/Ramming/Boxing-in, Caravanning:
 - a. Officers shall not set up roadblocks, shall not engage in ramming, boxing-in, caravanning or driving immediately alongside a fleeing vehicle unless all other reasonable means of stopping the violator have failed, and where the member believes the violator has committed, has attempted to commit, or is attempting to commit a felony which involves the use or the threatened use of deadly force, and there is a substantial risk that the pursued law violator will cause death or serious physical injury to others if apprehension is delayed. In using these tactics officers should consider:

- (i) The safety of the officers
- (ii) The risk of physical injury to the occupants of the pursued vehicle
- (iii) The protection of citizens and their property
- (iv) That all stationary roadblocks must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify communications of the exact location.

E. Stop Sticks/spike strips:

- a. Only officers trained in the use of Stop Sticks/spike strips shall deploy them. Officers are responsible for making sure that their use is contained in the pursuit report. The deploying officer shall advise pursuing units and all other units that they should distance themselves from the pursued vehicle and be prepared to slow down before entering the deployment site. Other traffic shall be diverted from the site if at all possible.
- b. Stop Sticks/spike strips may only be used on pursuits entering this jurisdiction where an outside pursuing agency is actively engaged in the pursuit of a violent felony subject.
- c. Officers deploying spike strips should be mindful of their own safety during deployment and not take unnecessary risks in their attempt to lay out the spike strip.
- d. Restrictions:
 - (i) Stop sticks shall not be used on motorcycles or ATVs
 - (ii) Stop sticks shall not be used on fleeing vehicles which are carrying hazardous waste.
 - (iii) Stop sticks shall not be used on buses.
- e. In all cases, officers shall employ felony/high risk traffic stop techniques at the end of pursuits.

9. Reasons for Discontinuation of Pursuit:

- A. Any officer involved in a pursuit shall terminate the pursuit, and immediately notify communications of his point of discontinuation under any of the following conditions:
 - a. When ordered by a supervisor, or any other higher-ranking member of the department;
 - b. When the officer believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension;

- c. When the risk conditions have increased and the subject's identity has been established to the point where later apprehension can be accomplished and there is no longer any need for immediate apprehension;
- d. When the location of the pursued vehicle is no longer known;
- e. When motorists/pedestrians are involved in an accident as a result of the pursuit, in which case immediate assistance shall be given. If there is only the marked primary police vehicle, then this vehicle must stop to provide assistance.
- f. Discontinuation of a pursuit requires the officer(s) to abandon all active attempts to stop and/or follow the suspected vehicles and officer(s) shall turn off all emergency equipment.

10. Inter-jurisdictional Pursuits:

- A. Pursuits from this jurisdiction into another jurisdiction:
- B. Notify, through communications, the other jurisdiction as soon as possible of the reasons for the pursuit, the vehicle description and if assistance is requested.
- C. Pursuits from another jurisdiction into this jurisdiction:
 - a. The communications staff should determine the number of police vehicles from the other jurisdiction that are involved in the pursuit, find out the circumstances of the pursuit to include the offense, vehicle description and if assistance is requested.
 - b. Approved assistance from this jurisdiction if the offense is in keeping with our justification for a pursuit, i.e. violent felony or reckless driving and the number is limited to only one vehicle from the outside jurisdiction. If the pursuit does not conform to this policy, officers shall not engage in the pursuit but may attempt to control intersections to promote the safety of innocent persons in the vicinity.
 - c. A supervisor, if available, from this jurisdiction will proceed to the point of completion of the pursuit as quickly as possible.
 - d. The initiating agency will remain in control of any pursuit that crosses into this jurisdiction and will remain responsible for the pursuit.
 - e. Generally, officers will not continue with a pursuit that has passed through this jurisdiction, once the pursuit has left this jurisdiction.

11. Report and Review Process:

- A. A supervisor will conduct an investigation of the circumstances of the pursuit and shall submit a written report regardless of whether the pursuit was discontinued or terminated, or the subject was apprehended. The departmental Pursuit Report Form shall be completed after any pursuit. In addition to providing the required

information on the form, the supervisor will indicate in the narrative section the following:

- a. The reason or probable cause for engaging in the pursuit;
- b. An account of all violations committed during the course of the pursuit;
- c. A summary of tactics employed to apprehend the subject;
- d. The exact point of the discontinuation, apprehension, or termination of any pursuit.
- e. If the subject is apprehended, there should be an account of the officer's involvement in that arrest.

B. The supervisor's report additionally will include the following:

- a. Officers assigned to the pursuit and the assignment of all those involved in the pursuit in various roles;
- b. A summary of any accidents or other incidents arising from or related to the pursuit;
- c. A complete evaluation on the adherence of the pursuit's conduct to the department's pursuit policy;
- d. If the supervisor discontinued the pursuit, the time and location that the pursuit was ordered terminated.

C. Furthermore the supervisor will:

- a. Collect copies of reports and police vehicle video from all officers involved in the pursuit;
- b. Order and include a copy of the communications/dispatch tapes;
- c. Review each report to ensure that all required information is present;
- d. Conduct an analysis of the pursuit and complete the appropriate section of the Pursuit Report;
- e. Attach copies of the officers' reports, including his report and forward the packet to the Chief of Police.

12. Notification of the Chief of Police:

- A. The Chief of Police will be notified immediately anytime there is a pursuit by an officer or a pursuit that ends in this jurisdiction resulting in the injury or death of another person or that officer.
- B. The Chief of Police will be notified of any pursuit that occurs in this jurisdiction where there is an accident, property damage and apprehension of a subject.
- C. Upon notification, the Chief of Police may at his discretion assign the investigation to another police agency. The Chief of Police may also review the incident with the

States Attorney and/or the Attorney General's office. The facts and circumstances involved in the incident will determine the appropriate course of action.

13. Mobile Video Recordings:

- A. In emergency vehicles equipped with mobile video recorders officers shall record pursuits utilizing mobile video recordings.

13. Training:

- A. Officers shall not participate in a pursuit unless they have received specialized pursuit driving training.
- B. Officers shall not be authorized to utilize any equipment or tactic during a pursuit unless the officer has received proper training and/or certification with respect to that equipment or tactic.
- C. Officers and dispatchers shall receive annual training on this policy.
- D. The Department shall prepare an annual report evaluating the pursuit history and frequency during that year. This report shall assess the adequacy of the written policy, training and field implementation of the Department's pursuit policy.

VI. DISCIPLINE:

- 1. Any violation of this policy may be grounds for disciplinary action consistent with any applicable collective bargaining agreement, statute, Department policy or Town policy.

Issued by: _____

Donald Hull
Chief of Police