THE ALLEGHENY COUNTY CHIEFS OF POLICE ASSOCIATION

MODEL PURSUIT POLICY

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In Partnership With

The Allegheny County District Attorney's Office

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Summary of Model Pursuit Policy Development Process

After a number of pursuits ended in fatal crashes involving innocent civilians, police officers and suspects, District Attorney Zappala asked the Allegheny County Chiefs of Police Association Executive Board to develop a best practices model pursuit policy. Although the District Attorney was not involved in drafting this policy, it was clear that he would like to see the increased use of technology (Multicounty ALPR System) and a more restrictive pursuit policy than is currently being used by many departments. It was also clear that the District Attorney intended to use his office to encourage compliance.

In December-2016 a working committee was appointed which met multiple times for numerous hours with robust debate on several areas. Below is an outline of how the committee arrived at decisions in these areas, as well as the counter-arguments considered in efforts to develop a model pursuit policy.

First, the definition of a pursuit was debated. The vehicle code has a specific definition which includes following a suspect who is operating his vehicle in a lawful and safe manner. It was determined that, since the risk to the public in such situations is minimal, our definition of pursuit would not include an attempt by a police officer to stop any motor vehicle operating in conformance with posted speed limits and other traffic laws.

Second, a great deal of time was spent regarding "Pursuit Initiation", and in particular, whether pursuits should be permitted for offenses other than "forcible felonies". The committee struggled with a valid definition of "forcible felonies". It was determined that best practices are to severely limit pursuits for offenses other than forcible felonies as defined in the policy. That definition includes the crime of burglary, which technically does not involve force--they determined that it is unrealistic and bad policy to prevent officers from pursuing a burglary suspect in all situations. One exception to limiting pursuits to "forcible felonies" is where the suspect is mentally ill (if the mental illness is known to the officer) or suicidal, and the officer reasonably believes that they are a danger to themselves or others to the extent that failing to apprehend the subject is likely to result in death or serious bodily injury to themselves or others. A second exception is where the driving ability of the suspect is so impaired or so reckless (e.g., DUI, medical infirmity, a very young driver) prior to initiating the pursuit that it is likely to result in death or serious bodily injury to themselves or others.

Third, pursuits that are initiated and perpetuated by suspects fleeing and eluding a lawful stop were discussed. The typical scenario is that a traffic stop is initiated, the suspect flees at a high rate of speed, and the officer begins a pursuit. There is a difficult balance that requires split second decisions by the officer to determine whether the danger to others created by the actions of the suspect outweigh the dangers created by a pursuit. While reluctant to place that burden on officers, in the end it was determined that this is required in order to have a pursuit policy that emphasizes that the danger to the public created by a pursuit must be foremost in the mind of the officer at all times. Consequently, it was determined that the felony of Fleeing and Eluding, in and of itself, is not justification for a pursuit.

Fourth, situations where a suspect operated his vehicle the wrong way on a one-way street or on a divided highway were considered. It was decided that a blanket prohibition of a "wrong way pursuit" would not work– there may be extraordinary circumstances where pursuit is the lesser of potential evils. For example, if a murder suspect enters a one-way street that is only a block or two long in the middle of the night in a sleepy neighborhood, the risk to the public of continuing the pursuit is small. Another example is where the suspect enters the wrong way on a divided highway; whether the risk of following on a parallel roadway with emergency lights might distract innocent motorists was considered, and whether following the wrong way with lights would increase or decrease the potential harm to other motorists. It was decided to strongly discourage wrong way pursuits without a complete prohibition.

Fifth, it was emphasized that officers are under no legal obligation to initiate a pursuit and that an officer who makes a decision not to pursue or to terminate a pursuit will not be disciplined, second-guessed, nor subjected to inappropriate criticism. The obvious purpose is to encourage officers to weigh the risks of a pursuit and encourage them to be cautious.

Sixth, one of the concerns was the complexity of this model policy. Although the goal was to create a policy about which officers can be easily trained, this topic demands a detailed policy. To alleviate the complexity, uniform language and terminology was attempted to be provided. Additionally, whether Intervention Techniques/Tactics should be in this policy at all was debated, since these may be subject to separate policies in some departments. However, it was decided that inclusion of this section was necessary given that some departments may not have policies regarding specific techniques.

Finally, no "model" policy can meet all the needs of any given law enforcement agency. This model policy should serve as a starting point, to be reviewed, revised, and approved by the Chief/Superintendent, your municipality and insurance carrier to coincide with department size, population density and other unique characteristics of your community before being implemented.

MODEL PURSUIT POLICY

1. PURPOSE

The purpose of this policy is to provide police officers with guidelines on Pursuit Driving and related activity. Changes in law and procedure, as well as training provided on this procedure, will give rise to modifications and updates.

2. GENERAL CONSIDERATIONS

All police officers should have the goal to minimize the likelihood of pursuits. An officer's initial effort to affect a traffic stop/apprehend an offender shall not, in and of itself, constitute a pursuit. When possible and without creating a threat to the officer or public, prior to initiating a stop, an officer should consider whether it is tactically the best time and place to initiate the stop.

A motor vehicle pursuit is justified only when the necessity of immediate apprehension outweighs the level of danger created by the pursuit.

Every officer must always weigh the benefits of immediate capture with the risk inherent to the pursuit itself.

3. DEFINITIONS

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.

Boxing-in: (Also known as Blocking) A slow-speed coordinated maneuver where two or more vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Boxing-in is not a moving or stationary roadblock.

Caravan or Caravanning: Direct participation in, or following of, a pursuit by emergency vehicles other than the primary and authorized secondary units.

Divided Highway: A road which includes a physical barrier between traffic traveling in opposite directions.

Forcible Felony: For the purposes of this policy, a forcible felony involves actual or threatened force, violence, serious bodily injury, or death, which may include:

- Murder
- Voluntary Manslaughter
- Arson – Endangering Persons
- Aggravated Assault causing serious bodily injury
- An act of terrorism incident involving a weapon of mass destruction.
- Sexual Assault
- Rape
- Involuntary Deviant Sexual Intercourse
- Robbery
- Kidnapping

- Burglary

Initiating Unit (Officer): The police unit (officer) that initiates the pursuit.

Motor Vehicle Pursuit: An active attempt by a police officer operating a motor vehicle to apprehend one or more occupants of a motor vehicle when the driver of the vehicle is resisting the apprehension by maintaining or increasing his speed, or using evasive tactics, or by ignoring the police officer's audible or visual signal to stop. [75 Pa. C.S. §6341] For the purposes of this policy, an attempt by a police officer to stop any motor vehicle operating in conformance with posted speed limits and other traffic laws shall not be considered a Motor Vehicle Pursuit.

Paralleling:

Street Paralleling: Driving a police vehicle on a street parallel to a street on which a pursuit is occurring.

Vehicle Paralleling: A deliberate tactic by one or more patrol vehicles to drive alongside the pursued vehicle while it is in motion.

Primary Unit: The police unit immediately following the suspect vehicle at a reasonable distance that assumes primary control of the pursuit.

Pursuit Intervention Technique or Precision Immobilization Technique (PIT): A low-speed maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop.

Pursuit-rated (vehicle): An authorized emergency vehicle that is specially designed and equipped for use during high-speed pursuits.

Ramming: Legal intervention technique consisting of the deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop. This action shall be considered use of deadly force.

Road Block: A deliberate obstruction by physical means at one or more selected points on a roadway, which may be employed for a number of different purposes.

Secondary Unit: Any police unit that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

Serious Bodily Injury: Bodily injury, which creates substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ [18 Pa. C.S. §2301].

Terminate: To discontinue a pursuit or stop chasing fleeing vehicles.

Termination Point: The location where the pursuit comes to a conclusion.

Tire Deflation Device (TDD): A device designed and intended to produce a controlled deflation of one or more tires of a pursued vehicle, and capable of operation consistent with criteria established in this policy.

Trail or Trailing: The unauthorized following of a pursuit at any distance, to include paralleling, intercepting, or tracking.

4. LAW

a. **Pennsylvania Motor Vehicle Code, Title 75**

i. Section 6342 (a): Each police department shall develop and implement a written emergency vehicle response policy governing the procedures under which a police officer should initiate, continue, and terminate a motor vehicle pursuit. This policy may be the model policy endorsed by a national or state organization or association of police chiefs or police officers. The written policy shall incorporate the guidelines under this section.

ii. Section 6342 (e): A policy adopted under this section shall be confidential and shall not be made available to the general public.

iii. Section 3105: **Required Use of Audible and Visual Signals**. The privileges granted in Section 3105, shall apply only when the vehicle is making use of an audible signal and visual signals and the driver of the emergency vehicle is driving with due regard for the safety of all persons.

1. Officers may exceed the maximum speed limits so long as the driver does not endanger life or property.

2. Officers may proceed past a red signal indication or stop sign, but only after slowing down as may be necessary for safe operation.

3. School Busses. Officers must come to a complete stop when a school bus flashes its red signal lights and activates a stop signal. The vehicle pursuit may continue only after exercising due caution for the safety of students.

5. PROCEDURES

a. **Pursuit Initiation**

i. Vehicle pursuits for summary, misdemeanor or non-forcible felony offenses **are prohibited** unless the immediate danger to another person created by the pursuit is less than the immediate or potential danger of death or serious bodily injury to another person should the suspect remain at large and/or continue to flee.

ii. Vehicle pursuits are authorized only when, based on the totality of the circumstances, an officer who is in close proximity to a suspect reasonably believes:

1. the suspect did commit or attempt to commit a forcible felony; or

2. the suspect is mentally ill (if the mental illness is known to the officer) or suicidal, and the officer reasonably believes that they are a danger to themselves or others to the extent that failing to apprehend the subject is likely to result in death or serious bodily injury to themselves or others; or

3. the driving ability of the suspect is so impaired or so reckless, prior to initiating the pursuit, that it is likely to result in death or serious bodily injury to themselves or others.

iii. The felony violation of Fleeing and Eluding, in and of itself, is not justification for a pursuit.

b. **Pursuit Considerations and Pursuit Driving**

i. Police Officers are under no legal obligation to initiate a pursuit.

ii. Any officer who makes a decision not to pursue or to terminate his involvement in a pursuit will not be disciplined, second guessed nor subjected to inappropriate criticism.

iii. In deciding whether to initiate or continue a pursuit, an officer must consider the following factors:

1. whether justification to initiate the pursuit exists;
2. the seriousness of the offense;
3. whether the suspect's identification and address are known, thereby making available an alternate means of arrest (e.g. by an arrest warrant);
4. road configuration (e.g., interstate, divided highway, work zones);
5. physical location and population density (e.g., residential area, school zone, business district);
6. day of week, time of day;
7. existence of vehicular and pedestrian traffic;
8. lighting and visibility;
9. weather and environmental conditions;
10. the relative performance capabilities of the pursuit vehicle and the vehicle being pursued (e.g., pursuit-rated police vehicle);
11. officer ability, training, experience, and familiarity with the pursuit area;
12. speed and evasive tactics employed by the suspect;
13. the presence of other persons in the suspect vehicle;
14. any other condition or situation that would create an unreasonable risk.

iv. An active pursuit will normally involve not more than two (2) police vehicles: the primary police vehicle, and one secondary police vehicle.

1. "Caravanning" is not permitted. No other police vehicles will "caravan" behind the secondary unit. Additional support police vehicles may be utilized to provide peripheral assistance to the primary and secondary vehicles, (e.g., to clear intersections, deploy tire deflation devices or assist in a foot pursuit).
2. Officers involved in a pursuit shall not engage in vehicle or street paralleling.

v. During pursuit, a safe distance shall be maintained between all involved vehicles enabling the pursuing officers to duplicate any sudden turn and reduce the possibility of a collision in the event of a sudden stop.

vi. If the primary police vehicle becomes disabled, the secondary police vehicle will become the primary unit and, if available, the Shift Supervisor/OIC will assign another vehicle as secondary.

vii. The pursuing officers and Shift Supervisor/OIC must continuously assess the benefits of continuing the pursuit. Any officer in the primary or secondary vehicle can terminate the pursuit at any time, regardless of rank.

viii. Under no circumstances shall police vehicles with civilian passengers (including prisoners) become involved in a pursuit.

ix. **Intersections:** are extremely dangerous; caution and common sense are to be used when proceeding through intersections where the traffic may have the right of way. An officer shall proceed through an intersection only after slowing down as may be necessary for safe operation. Emergency lights and sirens only signal vehicles in the immediate path of the pursuit to pull over and yield the right-of-way; they are not to be depended upon to stop cross-traffic at an intersection.

x. **One-way Streets and Divided Highways**: officers shall take all necessary precaution to avoid operating a vehicle the wrong way on a divided roadway. This action is extremely dangerous and may result in tragedy. Nor should an officer pursue a vehicle the wrong way on a one-way street due to the risk of danger to the public and to the officer(s). If, however, facts and circumstances present themselves to require either action, the officer must be able to **justify their actions** and show that all possible safety for the public and the pursuing officer was taken into account.

c. **Pursuit Termination**

i. All pursuing officers shall discontinue and the Shift Supervisor/OIC shall terminate the pursuit when:

1. directed to do so by a primary or secondary pursuing officer or a Supervisor/OIC;
2. the hazards of exposing the officer(s), public, or suspect to unnecessary dangers are greater than the danger posed by continuing the pursuit or permitting the suspect(s) to escape apprehension;
3. the pursuing officer knows, or is reasonably certain he/she knows the identity of the person being pursued;
4. it becomes apparent that the pursuit is futile;

5. the location of the pursued is no longer known;
6. the pursuing officer loses contact with radio dispatch;
7. the pursuing police vehicle sustains damage or a mechanical failure that renders it unsafe to drive;
8. the pursuing police vehicle's emergency lights or siren are not functioning;
9. the pursuing officer is unresponsive to requests for updates.

ii. When notified that either a Supervisor/OIC or a pursuing officer has terminated a pursuit, all assisting officers will immediately terminate the pursuit.

d. **Pursuit Vehicles**

i. When available, a marked, pursuit-rated patrol vehicle having emergency lights and audible signals shall be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked, pursuit-rated patrol vehicle, such vehicle shall disengage when a marked, pursuit-rated patrol vehicle becomes available.

ii. Unmarked vehicles which are properly equipped with emergency lights and siren may act as the primary unit only until a marked unit can assume primary unit duties. The unmarked vehicle shall yield to the first arriving marked unit and then assume the responsibility of a secondary unit until such time as another marked unit arrives to relieve the unmarked unit. The unmarked unit shall disengage when two marked units are in place.

iii. Motorcycles and special purpose vehicles (e.g. pick-up trucks, vans) should not be used for pursuits except in exigent circumstances and when weather and related conditions allow. These units shall disengage when support from marked patrol units becomes available.

iv. Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency police department vehicles or any air support.

e. **Initiating Officer/Primary Unit Responsibilities**

i. If a pursuit is initiated, the pursuing officer shall immediately activate emergency lights, audible signals, and camera, and immediately inform the radio dispatcher:

1. that a pursuit has been initiated;
2. the location, direction of travel, and speed of the suspect vehicle;
3. the vehicle description and, if possible, license plate information;
4. the identity and/or description of the driver and number of occupants;

5. the continuous progress of the pursuit;

6. upon arrival of a secondary unit consider relinquishing communication responsibilities to the secondary unit.

ii. If ordered by a supervisor to relinquish the primary unit duties to another police unit, immediately withdraw from the pursuit, and provide support as directed.

iii. If the initiating/primary unit loses sight of the suspect vehicle, terminate the pursuit immediately, and notify radio dispatch. Broadcast pertinent information and begin a search of the area where suspect vehicle was last seen.

iv. If the secondary unit or any Supervisor/OIC terminates the pursuit, disengage from the pursuit immediately, deactivate the emergency lights and siren, and safely stop the police vehicle.

v. If a pursued vehicle is found unattended, it should be secured and treated as a crime scene.

f. **Secondary Unit Responsibilities**

i. Upon joining the primary unit, identify to the Communications Center as the secondary unit.

ii. Maintain visual contact but remain a safe distance behind the primary unit.

iii. Prepare to assume all communication responsibilities such as reporting the continuous progress of the pursuit.

iv. **DO NOT PASS** the primary unit unless requested to do so by that unit, or if other conditions exist, such as mechanical malfunction, etc.

v. Back up and support the primary unit officer(s) consistent with this directive.

vi. If either the primary unit or any Supervisor/OIC terminates the pursuit, disengage from the pursuit immediately, deactivate the emergency lights and siren, and safely stop the police vehicle.

vii. If a pursued vehicle is found unattended, it should be secured and treated as a crime scene.

g. **Air Support**

i. Air support assistance, if available, should be considered.

ii. If air support becomes involved, once the crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved Supervisor/OIC, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

iii. If the air support determines that it is unsafe to continue the pursuit, they can terminate the pursuit.

h. **Shift Supervisor/OIC Responsibilities**

i. The Shift Supervisor/OIC shall be responsible for managing all vehicular pursuits to include determining whether the pursuit should continue or be terminated.

ii. Direct and control the pursuit and apprehension efforts by:

1. evaluating the primary/initiating unit's justification for commencing and continuing the pursuit;

2. immediately terminating the pursuit, if necessary, considering all the facts and circumstances as set forth in this policy;

3. monitoring all radio transmissions, ensuring the Communications Center is kept informed of location, direction, speed, weather and road conditions, vehicle, and pedestrian traffic, etc.;

4. limiting the involvement and radio use by other units;

5. coordinating and directing activities as needed to ensure that proper procedures are being used and followed, to include ensuring that:

(i) no more than the necessary number of units are involved;

(ii) the appropriate radio channel is being utilized;

(iii) surrounding jurisdictions have been notified; and

(iv) the pursuit is terminated when necessary;

6. coordinating other units to respond to strategic locations to possibly assist in the apprehension of the suspect(s); and

7. arriving at the scene of any apprehension as soon as practical to ensure that arrests are made in accordance with department policy.

iii. If the pursuit was terminated, contact the primary unit and secondary unit and ensure compliance with the order to terminate the pursuit and safely stop the vehicles.

iv. The Shift Supervisor/OIC may join the initiating officer in the pursuit, when appropriate and in compliance with this policy.

v. The Shift Supervisor/OIC shall approve the use of Ramming, Road Blocks, Boxing-In, TDDs, and other pursuit intervention techniques.

i. **Responsibilities of Communications Center Personnel**

i. If the pursuit is confined within the Municipality limits, radio communications will be conducted on the primary police channel unless instructed otherwise by a Supervisor/OIC or dispatcher.

ii. Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

1. clearing the radio channel of non-emergency traffic;

2. coordinating pursuit communications of the involved officers;

3. broadcasting pursuit updates as well as other pertinent information as necessary; and

4. logging all pursuit activities.

j. **Officers Not Involved in The Pursuit**

i. Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route, and should not become involved with the pursuit unless directed otherwise by a Supervisor/OIC.

ii. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended crash or if the suspect intentionally tries to ram the police department vehicle.

iii. The primary pursuit vehicle and secondary pursuit vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

iv. Non-pursuing members needed at the pursuit termination point shall respond (e.g. emergency or non-emergency manner) as appropriate to the request/necessity for assistance.

k. **Inter-Jurisdictional Pursuits**

i. Pursuit into another jurisdiction

1. If the pursuit leaves the jurisdiction of this department or such is imminent, and communications personnel cannot patch these jurisdictions over to our channel, involved officers should, when safe to do so, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

2. When a pursuit enters another agency's jurisdiction, the primary pursuing officer or Supervisor/OIC taking into consideration the distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

3. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that communications personnel ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

ii. Assumption of pursuit by another agency

1. Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless their continued assistance is requested by the agency assuming the pursuit.

2. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The Supervisor/ O I C should coordinate such assistance with the assuming agency.

3. The roles and responsibilities of officers at the termination point of a pursuit initiated by this department shall be coordinated with appropriate consideration of the needs of the agency assuming the pursuit.

4. Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

iii. Pursuits extending into this jurisdiction

1. The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a Supervisor/OIC.

2. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this department may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

3. When a request is made for this department to assist in a pursuit that has entered our jurisdiction, the Supervisor/OIC should consider whether the pursuit meets our department's criteria for a pursuit, and may either accept or decline involvement.

4. Assistance to a pursuing agency by officers of this department will conclude at the M u n i c i p a l limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

5. In the event that the termination point of a pursuit from another agency is within this jurisdiction, officers shall provide appropriate assistance including, but not limited to, scene control, and any other assistance requested or needed.

l. **Intervention Techniques/Tactics**

i. General Considerations: Whenever practicable, an officer shall seek approval from a Supervisor/OIC before employing any intervention techniques. In deciding whether to use intervention techniques, officers/ supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each technique to the public, the officers and persons in or on the pursued vehicle. With this in

mind, the decision to use any intervention technique should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

ii. Techniques**:**

1. Use of Firearms (See Use of Force Policy)

(i) The use of firearms to disable a pursued vehicle is not generally effective and involves all the responsibilities and dangers associated with discharging firearms.

(ii) Shots fired at or from a moving vehicle **are prohibited**, except in situations when the use of deadly force is justified. Officers should not fire at a moving vehicle, its tires, etc., with the intent of rendering it inoperable because of the hazard an uncontrollable vehicle would pose to innocent bystanders. However, this does not preclude firing at the occupants inside the vehicle when the occupants are using deadly force against the officer or others, generally by means other than the vehicle itself.

(iii) **Police officers should not place themselves in the path of a moving vehicle, nor remain in the potential path of a temporarily stopped vehicle**. When possible, officers should move from the path of an approaching vehicle to avoid situations wherein the use of deadly force may be necessitated.

2. Road Blocks

(i) Road blocks should only be utilized in circumstances where deadly force would otherwise be justified.

(ii) The decision to establish a road block shall be made or approved by the Shift Supervisor/OIC.

(iii) The use of a road block must be directly associated with the seriousness of the crime for which the suspect is wanted, and the road block erected only when it is apparent that innocent persons will not be endangered. Ideally, it should afford clear visibility to traffic in all directions and to all highway users.

(iv) If a road block is employed, the officer shall activate the emergency lights on the vehicle being used as a road block and exit the vehicle and proceed to an area of safety. At no time, will an officer remain with a vehicle that has been deployed as a road block.

(v) Police vehicles used in road blocks should be positioned in such as a way that headlights, takedown lights, and spot lights shall not be directed into the pursued vehicle.

(vi) Any road block that is employed should ideally be placed in a location where the operator of the pursued vehicle would have adequate opportunity to see the road block placed ahead of him, giving the pursued vehicle time to stop safely, or to slowly maneuver through the roadblock.

(vii) An avenue of escape through the road block must be established. The escape route must be established in such a manner to allow the pursued vehicle (and pursuing police vehicles) to maneuver through the road block at a reasonable speed. Approved controlled tire deflation devices (TDDs) may be deployed across the avenue of escape route.

(viii) Unmarked police vehicles should not be used as the primary vehicle for a road block unless exceptional circumstances require such usage for the safety of the public**.**

3. Tire Deflation Devices (TDDs)

(i) When time permits and safety considerations are met, with the approval of a Supervisor/OIC, the use of the controlled tire deflation device (TDD) is permitted. However, prior to deploying this device, the following criteria should be met:

- the TDD shall not be used to stop motorcycles, mopeds or similar two-wheel vehicles;
- other reasonable means of termination have been considered and officers reasonably believe the risks involved in continuing the pursuit outweigh the risks associated with the use of the TDD;
- the officer has been trained in the use and deployment of the device as recommended and established by the manufacturer;
- if possible, the pursuing officers / agency will be notified of and acknowledge that the TDD is going to be deployed, and of the approximate location;
- the deploying officer shall exercise caution in an effort to reduce the possibility of damage or injuries to uninvolved vehicles and pedestrians;
- the deploying officer shall be in a position at a predetermined location to allow sufficient time for deployment; after deployment, the officer(s) shall immediately seek an area of safety;

- when safe to do so, the deploying officer should remove the device from the roadway once the suspect's vehicle crosses over;
- officers shall not attempt to overtake and pass a high speed pursuit in order to deploy the TDD;
- the use of the TDD in a stationary vehicle situation is permitted to prevent a vehicle from being moved by a suspect attempting to flee a scene;
- unless the continued movement of the pursued vehicle would result in an unusual hazard to others, a TDD should not be deployed to stop the following vehicles:
    1. school buses transporting students;
    2. passenger buses transporting passengers;
    3. vehicles carrying hazardous loads, fuel, etc.

4. Pursuit Intervention Technique or Precision Immobilization Technique(PIT)

    (i) The PIT is limited to use by properly trained officers with the approval of a Supervisor/OIC and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public, and occupants of the pursued vehicle.

5. Boxing-In

    (i) Because of the potential risks involved, this intervention technique shall only be employed by properly trained officers, with the approval of a Supervisor/OIC, and after giving consideration to the following:

    - the suspect vehicle is stopped or traveling at a low speed; and
    - other reasonable intervention tactics have failed or reasonably appear ineffective.

6. Ramming

    (i) **Ramming shall constitute the use of deadly force** and shall only be used to effect the lawful apprehension arrest of a person(s) with approval of a Supervisor/OIC and when both of the following conditions have been met:
        - the officer reasonably believes the suspect poses an imminent threat of death or serious bodily injury to others unless apprehended without delay; and

- other reasonable intervention tactics have failed or reasonably appear ineffective.

j. **Administrative Review**

i. Every officer involved in a pursuit as a primary, secondary or support unit shall complete required written report(s) to the Chief of Police as to their involvement in the pursuit.

ii. A debriefing of officers involved in a pursuit will be conducted as soon as possible after termination of the pursuit. This is not for disciplinary purposes, but as a tool to evaluate the pursuit and the pursuit policy of the agency.

iii. In addition to department reporting requirements, a Pennsylvania State Police Pursuit Report will be completed by the responsible officer and submitted to the Chief no later than the end of the officer's next full tour of duty. The Chief or designee will review and forward the report electronically to the Pennsylvania State Police for statistical reporting purposes within five (5) days of the pursuit.

iv. As part of the administrative review, an annual analysis of all pursuits will be conducted and documented by the Chief or designee. This analysis will look towards any patterns or trends with agency involved pursuits, and any training or policy changes that may need to be addressed.

k. **Training**

i. All officers should attend periodic training addressing the requirements and restrictions of this policy. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to public, officers, and suspects.

l. **Policy Review**

i. Officers of this department shall certify in writing that they have received, read, and understand this policy initially, upon any amendments, and whenever training on the policy is provided.

SAMPLE PURSUIT POLICY QUIZ

1. A motor vehicle pursuit is justified only when the necessity of immediate apprehension _____ the level of danger created by the pursuit.

Every officer must always weigh the benefits of immediate capture with the risk inherent to the pursuit itself.

2. The privileges granted in Section 3105, shall apply _____ when the vehicle is making use of an audible signal and visual signals and the driver of the emergency vehicle is driving with due regard for the safety of all persons.

3. Vehicle pursuits for summary, misdemeanor or non-forcible felony offenses are _____ unless the immediate danger to another person created by the pursuit is less than the immediate or potential danger of death or serious bodily injury to another person should the suspect remain at large and/or continue to flee.

4. Vehicle pursuits are authorized only when, based on the totality of the circumstances, an officer who is in close proximity to a suspect reasonably believes:

a. the suspect did commit or attempt to commit a_____ _____; or

b. the suspect is mentally ill (if the mental illness is known to the officer) or suicidal, and the officer reasonably believes that they are a _____to themselves or others to the extent that failing to apprehend the subject is likely to result in death or serious bodily injury to themselves or others; or

c. the driving ability of the suspect is so impaired or so reckless, _____ to initiating the pursuit that it is likely to result in death or serious bodily injury to themselves or others.

5. The felony violation of Fleeing and Eluding, in and of itself, is _____ justification for a pursuit.

6. Any officer who makes a decision not to pursue or to terminate his involvement in a pursuit _____ _____ be disciplined, second guessed nor subjected to inappropriate criticism.

7. An active pursuit will normally involve not more than _____ police vehicles.

8. A pursuit shall be terminated when the hazards of exposing the officer(s), public, or suspect to unnecessary dangers are _____ than the danger posed by continuing the pursuit or permitting the suspect(s) to escape apprehension.

9. When notified that either a Supervisor/OIC or a pursuing officer has terminated a pursuit, all assisting officers will _____ terminate the pursuit.

10. Shots fired at or from a moving vehicle _____ _____, except in situations when the use of deadly force is justified.

ANSWERS

1. **outweighs**
2. **only**
3. **prohibited,**
4. **a. forcible felony, b. danger, c. prior**
5. **not**
6. **will not**
7. **two (2)**
8. **greater**
9. **immediately**
10. **are prohibited**