

DEPARTMENT GENERAL ORDER 09-19

OFFICE of the CHIEF OF POLICE
REPLACES: General Orders 07-19/07-19A
SOP 501.101.00

DATE: June 01, 2009

VEHICLE PURSUITS

I. PURPOSE.

To establish policy and procedural guidelines to effectively regulate the manner in which vehicular pursuits are initiated and performed. Such guidelines shall be consistent with the obligations of the department to protect lives and property, while concurrently fulfilling its duty to enforce the law in conformance with existing statutory provisions.

II. DEFINITIONS.

Authorized Emergency Vehicle - Any marked Clayton Police vehicle equipped with a siren and roof-mounted emergency lights, or unmarked vehicle equipped with siren and emergency lights mounted internally which are readily visible from the front and rear of the vehicle, and operating in accordance with the provisions of RSMo 304.022.

Bumping/Ramming - The deliberate contact by a police vehicle with a pursued vehicle from the front, rear, or side.

Caravan - The operation of motorized police units in a line or alongside each other in a pursuit situation.

Initiating Unit - The police unit responsible for initiating a pursuit.

Parallel Driving - The operation of police units parallel to the pursuit route.

Primary Unit - The police unit in closest proximity to the fleeing vehicle with primary responsibility for conducting the high-speed pursuit. The primary unit may or not be the initiating unit.

Pursuit - An attempt by one or more police officers operating emergency vehicles to apprehend the occupant(s) of a moving vehicle who are knowingly evading arrest by maintaining or increasing the speed of a vehicle, and by ignoring the officer(s) directions to stop.

Roadblock - Any method, restriction, or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to slow or stop a fleeing vehicle with the intent to apprehend the occupant(s) of same.

Rolling Roadblock - An attempt to impede the free motion/movement of a fleeing vehicle by surrounding it with police vehicles.

Secondary Unit - The second police unit involved in a pursuit which assists the primary or initiating unit.

III. GENERAL.

The authority for police vehicles to operate as authorized emergency vehicles may be found in RSMo 304.022 which exempts emergency vehicles from obeying traffic laws when the following conditions exist:

1. Emergency light(s) and siren must be activated.
2. Violation of traffic laws by the officer does not endanger life or property.
3. The emergency vehicle is responding to an emergency call or is in pursuit of a law violator.

Although emergency vehicles are exempt from traffic regulations and entitled to the right-of way, a commissioned officer operating a police vehicle as an authorized emergency vehicle is required to exercise reasonable care, under the circumstances of the emergency situation, to prevent injury to himself or others.

Upon approaching an intersection controlled by traffic signals, or any other location where there is an increased likelihood of a collision, the driver of any authorized emergency vehicle shall, prior to entering the intersection, or upon approach to any other congested or dangerous locations, reduce the vehicle's speed so as to avoid a collision with another vehicle or pedestrian.

Police officers are expected to maintain complete control of their vehicles at all times.

IV. INITIATION OF PURSUIT.

Any commissioned officer operating an authorized marked emergency vehicle may initiate and conduct a pursuit to effect the capture of a criminal suspect, when all of the following criteria are satisfied:

1. The suspect committed or attempted to commit a felony that would normally require a full custodial arrest, and
2. The crime involves the use or threatened use of deadly force, and
3. There is a substantial risk that the fleeing suspect will cause death or serious physical injury if apprehension is delayed.

Commissioned officers may not initiate nor conduct a pursuit of a suspect or suspects who have committed a felony offense or misdemeanor offense which do not meet the previously established criteria. When the criteria are met, only those officers operating an authorized marked emergency vehicle may initiate or conduct a pursuit.

The responsibility to initiate a pursuit rests with the individual officer. In arriving at such a decision, the officer must consider all the following factors:

1. Nature and seriousness of the offense (robbery, assault, sexual assault, kidnapping, UUV, etc.).
2. Possibility of identifying the suspect at a later time.
3. Volume of vehicular and pedestrian traffic (heavy, light).
4. Location (area) of pursuit (business, residential, open highway, etc.).
5. Weather conditions (clear, rain, snow, fog, etc.).
6. Road conditions (dry, wet, ice/snow-covered, etc.).
7. Time of day (early, midday, late night, etc.).
8. Physical condition of police vehicle.
9. Possibility of alternative action.

Pursuits shall not be attempted unless, in the judgement of the commissioned officer, the necessity for the immediate apprehension of the fleeing suspect outweighs the danger created by the pursuit, and no reasonable alternative exists.

A. Pursuit Roles and Restrictions.

1. Only department-owned, marked police vehicles may engage in a vehicular pursuit. Emergency lights, headlights, and siren shall be activated for the full duration of each pursuit.
2. Unmarked police vehicles shall not engage in high-speed pursuits, but may follow a suspect at a reasonable speed and keep the fleeing vehicle under surveillance until a marked police vehicle arrives on the scene to assume the role as primary unit.
3. Vehicles which may be additionally occupied by other than sworn personnel (e.g. witnesses, victims, prisoners, civilian observers, non-sworn department personnel, etc.) shall not participate in a pursuit.
4. The number of pursuing units shall be limited to the primary and secondary units. All other marked units shall maintain routine patrol unless specifically authorized to assist by the on-duty supervisor or watch commander.
5. Marked units not directly involved in a pursuit may be directed to strategic locations along the pursuit route to screen off other traffic from the fleeing vehicle as much as possible.
6. Officers shall not pursue suspects the wrong way on interstate or other controlled access highways.
7. In the course of a pursuit, deliberate contact between vehicles, or forcing the violator into parked cars, ditches, or any other obstacle by ramming, bumping, or any other means shall be permitted only in those situations where deadly force would be authorized.
8. There shall be no caravan line of police units not involved in a pursuit, nor shall said units parallel the pursuit route while being operated as an emergency vehicle. Parallel units shall be restricted to normal operating procedures and speed, and will require the approval of the on-duty supervisor or watch commander prior to adopting such a tactical position.

9. Should the primary or secondary unit sustain damage or equipment failure sufficient to pose a safety hazard, the officer(s) manning the vehicle shall immediately discontinue the pursuit, and notify communications of their change in status.
10. In the event a pursuit terminates in another jurisdiction, the officers involved shall request that the subject be charged as a fugitive in accordance with applicable state statutes.
11. When a suspect escapes or eludes officers as a result of a pursuit and is later apprehended, or is arrested at the termination point of a pursuit, the suspect will be physically arrested and, in addition to whatever charges may be pending against the individual, will be charged with “Resisting Arrest by Flight.”
12. Department-owned special purpose vehicles shall not engage and/or participate in vehicle pursuits.
13. Officers engaged in a pursuit shall not discharge a firearm either from their moving vehicle or at the suspect’s vehicle unless the occupant(s) of the vehicle represent an immediate and direct threat to the life and safety of an officer or other person, and then only as a last resort.

V. PURSUIT RESPONSIBILITIES.

A. Initiating (Primary) Officer.

The initiating or primary officer in a pursuit shall be responsible to:

1. Immediately activate their vehicle’s emergency lights and siren, and notify the communications unit that a pursuit is in progress. As part of this process, the officer will give the reason for the pursuit, present location, direction of travel, approximate speed of suspect vehicle, and all available descriptive information on the occupants and vehicle involved.
2. The conduct of the pursuit and its termination unless otherwise directed by a supervisor.

3. To effect the arrest of the violator(s) when same either terminate the pursuit voluntarily or become involved in an accident.
4. Complete all necessary and/or appropriate documentation in regard to the pursuit.
5. Terminate a pursuit when so ordered by higher authority.
6. Operate their assigned police vehicle in a reasonable manner with due regard for the rights and safety of others.

B. Secondary Unit.

The secondary unit will be responsible to:

1. Upon joining a pursuit, the officer manning the secondary unit will immediately notify the communications unit of their involvement, and activate their vehicle's emergency lights and siren.
2. When possible, the secondary unit will handle radio communications to allow the primary unit to concentrate on their driving.
3. In the event the primary unit is unable to continue the pursuit for any reason, the secondary unit shall determine whether to terminate the pursuit or continue as the primary unit and have communications assign another secondary unit.
4. Maintain adequate spacing from the primary unit to allow for ample reaction time and distance to reduce the possibility of officer-involved accidents.
5. Assist the primary unit at the termination point of a pursuit.
6. Prepare all appropriate documentation.
7. Terminate a pursuit when so ordered by higher authority.

8. Operate their assigned police vehicle in a reasonable manner with due regard for the rights and safety of others.

C. Communications.

The communications unit will be responsible to:

1. As the radio transmissions of a pursuit vehicle or its secondary unit will take precedence over all other radio traffic, communications personnel will instruct all Clayton Police units to hold all non-emergency radio transmissions for the duration of a pursuit.
2. Notify the on-duty supervisor or watch commander of a pursuit situation as soon as possible.
3. Repeat all transmissions of the primary and/or secondary pursuit vehicle, to include periodically transmitting the last known location of the pursuit and suspect vehicle/occupant information.
4. At the direction of the supervisor or watch commander, instruct all units as to the radio frequency to utilize.
5. Notify surrounding police agencies of the pursuit, keeping them informed of the direction and progress of same, particularly if the pursuit enters their jurisdiction. Request assistance as directed by the on-duty supervisor or watch commander.

D. Supervisor.

The on-duty supervisor or watch commander shall be responsible to:

1. Monitor and control a pursuit from its beginning through its conclusion, or abandon it if circumstances or facts do not justify its continuance.

A supervisor's decision to abandon a pursuit for safety reasons shall not be subject to later review.

2. Instruct all units involved in a pursuit as to which radio channel they should transmit on.

3. Ensure that only the necessary number of police units are involved in a pursuit.
4. Determine if another jurisdiction should assume control of a pursuit when it extends beyond the City of Clayton corporate limits.
5. Determine when and if Clayton police units will be committed to a pursuit entering the City's jurisdictional limits.
6. Respond to a pursuit's termination point and direct/coordinate all necessary action or assistance at that location.

VI. INTERJURISDICTIONAL PURSUITS.

The communications unit shall immediately notify the on-duty supervisor or watch commander when a pursuit from another jurisdiction has entered the City, or appears certain to enter the City. This notification process shall include any requests for assistance from the pursuing agency and all other pertinent information which may be available.

Commissioned officers of this department shall not become involved in another law enforcement agency's pursuit unless all the following conditions exist:

1. The pursuing agency explicitly advises the driver/vehicle is wanted for felony offense.
2. The pursuing agency requests assistance from this department.
3. After an assessment of the circumstances and situation (weather, road conditions, time of day, etc.), the on-duty supervisor or watch commander gives approval for specific marked police units to become engaged in the pursuit.

The number of pursuing units shall be limited to a primary and secondary unit, however other units may take up positions along the probable pursuit route and activate their emergency overhead lights to attempt to screen and/or shield other traffic from the pursuit route.

At the time such a pursuit should leave the jurisdictional boundaries of the City of Clayton, pursuing departmental units shall immediately terminate their involvement in the pursuit, unless the pursuing agency only has one unit actively engaged in the pursuit. In such instances, the primary and secondary units may continue to pursue the violator until such time as a marked police unit from an adjoining jurisdiction is able to assist the initiating unit. Once this occurs, Clayton police units shall immediately terminate their involvement and return to the City.

VII. ROADBLOCKS.

No roadblock or vehicle check-point may be established by sworn members of this command without the express prior approval of the Chief of Police.

The sole exception to this policy shall be those roadblocks which may be initiated in regard to a vehicular pursuit. The use of a roadblock must be directly associated with the seriousness of the crime for which the fleeing suspect is wanted. In such cases, the on-duty supervisor or commander may approve the establishment of a roadblock if same becomes necessary. Generally, a roadblock will be employed only as a last result. In addition, no officer may attempt to establish a roadblock or engage in a forcible stopping maneuver unless they have been adequately trained in the proper techniques.

Stationary roadblocks must be clearly visible, and provide adequate warning to allow approaching vehicles to come to a safe stop. As such, emergency lights will be activated on all authorized emergency vehicles positioned at a roadblock. To provide an additional safety outlet, those officers responsible for the establishment of a stationary roadblock shall not block the entire roadway, but leave one or more lanes open.

The senior ranking officer present at a stationary roadblock shall be in charge of same and shall have full authority to cancel and/or abandon the roadblock if changes in facts or circumstances warrant its removal. Similarly, the on-duty supervisor or watch commander may order the termination of a roadblock based on a reassessment of available information pertinent to a pursuit.

A. Rolling Roadblocks

Rolling roadblocks are prohibited for use by members of this department engaged in a vehicle pursuit.

VIII. TERMINATION OF PURSUIT.

Pursuing police officers should terminate a vehicular pursuit when:

1. The on-duty supervisor or commander determines that circumstances or safety reasons do not justify the continuance of a pursuit and orders the pursuit terminated.
2. The danger to the public or pursuing officer outweighs the necessity for the immediate apprehension of the violator.
3. The distance between the pursuing police officer and the violator is so great that further pursuit is futile.
4. The police officer loses visual contact with the violator for an extended period of time.
5. There are malfunctions with the police vehicle or its emergency equipment which make continued operation of the vehicle hazardous.
6. The pursuit results in an injury to a citizen or officer which requires immediate medical attention and proper documentation.

IX. DOCUMENTATION.

The initiating officer shall, upon consultation with the primary and secondary pursuit units (if any), document every pursuit regardless of duration or disposition. Should a pursuit end in an arrest, the event will be documented by incident report. Should a final disposition be inconclusive or unavailable to the officer(s) involved, the initiating officer shall document the event via internal memorandum. In either case, the report covering the pursuit shall be submitted to the employee's supervisor who will review same, document their own involvement/actions, obtain a copy of the audio tape covering the pursuit, and make a determination as to whether the pursuit was conducted in compliance with the provisions of this order. The documentation shall then be forwarded to the Commander of the Field Operations Bureau for administrative review.

X. ADMINISTRATIVE REVIEW.

The Commander of the Field Operations Bureau will review the documentation concerning each vehicular pursuit and indicate in writing:

1. Concurrence with the supervisor's conclusions.
2. Disagreement with the supervisor's assessment.
3. The need for further information/investigation.
4. Any disciplinary action taken or recommended.

This written memorandum will be attached to the pursuit file and maintained in a secure location. The Chief of Police will be verbally apprised of each pursuit; however, should a pursuit be expected to generate media interest, or liability or disciplinary concerns, the entire pursuit file shall be forwarded to the Chief of Police for his review. Contingent upon the assessment made at that time, the file may be returned to the Field Operations Bureau Commander to be filed with similar pursuit cases, or classified as an internal affairs file and retained by the Chief of Police for further investigation and action.

XI. ANNUAL ANALYSIS OF VEHICLE PURSUITS.

The Commander of the Field Operations Bureau shall conduct an annual analysis of those pursuits in which members of this agency were actively involved and provide a written summary of said analysis to the Chief of Police.

XII. PURSUIT EXAMPLE SCENARIOS.

- 1). An officer runs a license plate check and the response comes back that the vehicle is stolen. The officer attempts to stop the vehicle, which immediately accelerates at a high rate of speed in an attempt to escape. The officer radios the description and direction of travel of the suspect vehicle to dispatch, and activating his/her patrol car's emergency equipment, initiates a high-speed pursuit of the stolen auto. **The pursuit violates department policy.**
- 2). Officers are dispatched to a domestic disturbance on a parking lot where the husband is alleged to have stabbed his wife and threatened witnesses/bystanders with a hunting knife. The time is approximately 1830 hours on a Saturday evening. The subject flees in his auto at the sight of the approaching police vehicles. Responding officers radio the description and direction of travel of the suspect vehicle and initiate a high-speed pursuit. The pursuit continues for several miles through city streets, whereupon the suspect loses control of his auto and crashes into a utility pole. The suspect is then taken into custody. **The pursuit is permissible under department policy.**

- 3). A patrol officer observes a male subject grab and fondle a female walking along the sidewalk following a Party-in-the-Park. Observing the officer, the subject pushes the victim to the ground and enters a nearby vehicle. The subject departs the area at a high rate of speed and the officer gives chase. Speeds reach seventy miles per hour southbound on Brentwood Blvd. The suspect goes west on Clayton Road and the officer follows until McKnight Road, when the pursuit is ordered terminated by the on-duty supervisor. **The pursuit violates department policy.**

- 4). An officer observes a suspected DWI driver strike a pedestrian and continue on without stopping. The suspect vehicle is weaving badly, and when the officer activates his/her emergency equipment to stop the vehicle, the suspect accelerates in an attempt to flee. The officer radios the vehicle description and direction of travel to dispatch and gives chase. The suspect vehicle nearly collides with several other vehicles, forcing at least two cars onto the shoulder of the roadway. The chase continues for a mile or so when the suspect pulls into a parking lot and comes to a stop after striking a shopping cart. The suspect is then taken into custody. **The pursuit is permissible under department policy.**

BY ORDER OF:

THOMAS J. BYRNE
Chief of Police

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