

Pursuit Policy Workshop

Purpose: To provide the participant with the knowledge necessary to conduct vehicular pursuits consistent with the guidelines issued by the International Association of Chiefs of Police (IACP).

Performance Objectives: At the end of this workshop, the participant will be able to achieve the following objectives in accordance with the information received during the workshop:

- Discuss U.S. Supreme Court decisions and State-specific statutes that have impacted and governed vehicular pursuit operations.
- Discuss the components of the IACP vehicular pursuit policy guide.
- Compare their agency's current policy with the IACP Vehicular Pursuit guidelines
- Develop an action plan for their agency that supports vehicular pursuit operations that are consistent with the guidelines issued by the IACP.

Duration: 4 Hours

Handouts:

Participant Manual

Pursuit Resolutions

State-Specific Statutes

IACP Vehicular Pursuit Policy

Evaluation Worksheet

Action Plan Worksheet

Sample Pursuit Policy (Agency Identification deleted)

References:

IACP Pursuit Database (www.pursuitpolicy.org)

Introduction

SAFETEA-LU Requirements

Through the enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Congress charged the U.S. Department of Transportation (DOT) to “carry out a program to provide guidance and support to law enforcement agencies in police chase techniques that are consistent with the police chase guidelines issued by the IACP.” The *Pursuit Policy Workshop* responds to the Congressional charge and is intended, by design, to provide the information necessary to conduct vehicular pursuits consistent with the guidelines issued by the IACP.

The *Pursuit Policy Workshop*, as well as the included IACP Vehicular Pursuit Policy, is intended to serve as a guide in formulating or evaluating a written procedure to govern pursuits.

The IACP, DOT, the National Highway Traffic Safety Administration (NHTSA), the International Association of Directors of Law Enforcement Standards and Training (IADLEST), and the Association of Professional Law Enforcement Emergency Vehicle Response Trainers (ALERT) International recognize that staffing, equipment, legal, and geographical considerations, as well as contemporary community standards, vary greatly among jurisdictions; and that no single policy will be appropriate for every jurisdiction. The *Pursuit Policy Workshop* will outline factors that should be present in every pursuit policy, including:

- the need for training
- guidelines for initiating and terminating pursuits
- the regulation of pursuit tactics
- supervisory review and, if necessary, intervention
- reporting and critiquing all pursuits

The purpose of the *Pursuit Policy Workshop* is to provide you with the knowledge necessary to determine if your agency’s pursuit policy is consistent with the guidelines issued by the International Association of Chiefs of Police (IACP).

Because there are times when the apprehension of a fleeing suspect may be necessary to avert further criminal offenses, the IACP avoided advocating either a flat prohibition on pursuits, or a "felony only" policy. However, the IACP also recognized that local conditions in some jurisdictions might make such a policy feasible or necessary.

Workshop Objectives

At the end of this workshop, you will be able to achieve the following objectives:

- Discuss U.S. Supreme Court decisions and State-specific statutes that have impacted and governed vehicular pursuit operations.
- Discuss the components of the IACP vehicular pursuit policy guide.
- Compare their agency's current policy with the IACP Vehicular Pursuit guidelines
- Develop an action plan for their agency that supports vehicular pursuit operations that are consistent with the guidelines issued by the IACP.

Overview

As law enforcement officers, you will continually face a number of potentially deadly situations throughout your career. Participation in a vehicular pursuit, hereinafter referred to simply as a "pursuit," is one of these potentially deadly situations – it exposes you and the public to a great degree of danger.

There is nothing glamorous or desirable about being involved in a pursuit. You must view pursuits for what they are, potentially life threatening situations.

A pursuit – when compared to other types of law enforcement activities – carries a significant risk for injury to the public, the violator, and you. Despite these risks, the nature of law enforcement work often requires you to engage in pursuits in order to effectively enforce the laws.

A pursuit is defined as "an event that is initiated when a law enforcement officer, operating an authorized emergency vehicle, gives notice to stop (either through the use of visual or audible emergency signals or a combination of emergency devices) to a motorist whom the officer is attempting to stop, and that motorist fails to comply with the signal by either maintaining his/her speed, increasing speed or taking other evasive action to elude the officer's attempts to stop the motorist." A pursuit is terminated when the motorist stops, or when the attempt to apprehend is discontinued.

Operating a law enforcement vehicle in a pursuit situation is a highly stressful and demanding experience. Pursuits involve unique responsibilities and critical decision-making requirements. During the duration of a pursuit, officers must rely on their maturity, patience, experience and training while being governed by state law and agency policy.

The IACP Vehicular Pursuit Policy

The IACP, through a resolution regarding pursuits, enacted a sample policy that replaced two previous policies, one that appeared in the Manual of Police Traffic Service Policies and Procedures and one circulated by the IACP Policy Center.

The IACP concluded that it was impractical to ask law enforcement agencies to adopt a single, standardized policy on law enforcement pursuits. However, there are a number of issues that should be addressed by any pursuit policy, and the IACP sought to isolate and define those issues.

The IACP recommends:

- That law enforcement agencies develop, adopt and enforce formal written directives tailored to the needs of each individual jurisdiction, with particular emphasis on public safety concerns.
- These directives should be used by officers for initiating, continuing and terminating pursuits.
- That these directives address the training of the agency's officers, supervisors and communications personnel on pursuit-related issues.

The IACP sample policy is necessarily generic in nature, with individual agencies encouraged to consider more appropriate policies based on individual conditions and needs.

Pursuit Policy Contents

The IACP has recommended that each law enforcement agency that operates emergency vehicles adopt formal, written directives tailored to their unique needs and circumstances, and emphasizing public safety concerns. It is recommended that these directives set forth the procedures for initiating, continuing, ending, reporting and reviewing pursuits and the training of its officers, supervisors and communications personnel in pursuit-related issues. Responsibilities for participating, reporting and evaluating pursuits should be clearly defined for each person involved.

The IACP has also recommended that each law enforcement agency establish a method for critiquing officer, supervisor, communications and equipment involvement in a pursuit to identify areas of policy, training and equipment deficiencies, and/or policy violations.

U.S. Supreme Court Decisions

COUNTY OF SACRAMENTO v. LEWIS, 523 U.S. 833, 140 L. Ed. 2d 1043, 118 S. Ct. 1708 (1998), *on remand*, 150 F.3d 1223 (1998).

The “shocks the conscience” test adopted in *Lewis* poses a high standard for plaintiffs in police pursuit cases brought under the Fourteenth Amendment. Since *Lewis*, several federal and state courts have addressed the issue of whether a police pursuit violated the injured party’s substantive due process rights under the Fourteenth Amendment. These courts have applied the “shocks the conscience” test, and most have found that a reasonable jury could not find that the officer’s conduct shocks the conscience.

BROWER v. COUNTY OF INYO, 489 U.S. 593, 103 L. Ed. 2d 628, 109 S. Ct. 1378 (1989).

Since *Brower*, several federal and state courts have addressed the issue of whether a police roadblock or ramming effected an unreasonable seizure in violation of the Fourth Amendment. These courts employ the analysis in *Brower* and essentially ask two questions: (1) did the roadblock or ramming constitute a seizure under the Fourth Amendment? and (2) if so, was the seizure unreasonable?

CITY OF CANTON v. HARRIS, 489 U.S. 378, 109 S. Ct. 1197 (1989)

SCOTT v. HARRIS, No. 05-1631, SUPREME COURT OF THE UNITED STATES, 127 S. Ct. 1769 (2007)

State-Specific Statutes

Pursuit Policy

What follows are recommended components of a pursuit policy, that should be used as guidelines for developing a pursuit policy. Each has an explanation of what should be covered in that particular component. The components need not necessarily appear under these headings, but the concepts should be included.

1. **Mission Statement:** The mission of law enforcement is to “protect lives.” This section serves not only to remind officers of their ultimate responsibility, but as well “sets the tone” from a liability standpoint.

2. **Rationale:** What is the purpose of pursuing? Generally this section will recognize that the purpose is to apprehend suspects who will be brought to trial. The purpose is not to engage in a contest with the suspect. The section should focus on the need to immediately apprehend, balanced against the danger to the public and availability of alternatives to pursuit.

3. **Definitions:** Officers must communicate with a common vocabulary. Perhaps most critical is the definition of “pursuit.” All critical terms must be defined clearly.

4. **Initiation and Termination Factors:** The purpose of policy is to define and circumscribe officer discretion. The most important aspects of discretion concern when to allow or prohibit vehicle pursuit, and when to require termination. This section should reinforce the fact that termination of the vehicle pursuit may be the most appropriate decision under certain existing circumstances. This section should also address the agency’s policy regarding such potentially high-risk tactics as operating the wrong way on one-way streets or highway entrance ramps, paralleling a pursuit on another street, and of course, the emergency vehicle exemptions allowed and obligations imposed by the vehicle code of the particular jurisdiction.

5. **Pursuit Tactics:** The important factor in this section is to clearly explain the parameters for employing any tactic designed to stop the movement of the suspect vehicle. Permissible tactics should be defined up front. Like-wise, impermissible tactics should be identified and specifically prohibited. This section is crucial because of the need to coordinate certain tactics (such as roadblocks, tire deflating spikes and ramming) with department policy on use of force. Identification of permissible tactics is also important from the standpoint of identifying necessary training for officers who will engage in pursuits.

6. **Supervisory Responsibilities:** Whenever possible, a supervisor should have responsibility for the vehicle pursuit. Supervisors should be involved to the degree that they can control the pursuit or terminate it, if necessary. Likewise, the supervisor must accept ultimate field responsibility for decisions to use extraordinary measures such as roadblocks. In the event that no supervisor is available, the ultimate responsibility of the vehicle pursuit rests with the officer.

7. **Communication Responsibilities:** Communication between pursuing units, dispatch and supervisor should be pre-established. This section ideally would define initial and secondary pursuing unit's responsibility for communication and the roles to be played by central or regional dispatch and air support units where available. The section should correspond with the agency's policy on radio communications.

8. **Inter-Jurisdictional Pursuits:** Foremost must be the admonition that the agency's officers are required at all times to comply with their own policy regarding pursuit operations, even when going into the territorial jurisdiction of another department or when dispatch changes hands. Likewise, when providing assistance to another agency entering their jurisdiction, officers should only use tactics that are permitted by their own agency, irrespective of what is requested by the other agency. This section should indicate that officers should never engage in a pursuit unless specifically requested to do so. It is recommended that the number of vehicles involved should not exceed two, except in extraordinary circumstances.

9. **Apprehension/Post-Pursuit Responsibility:** Although sometimes covered in a separate agency policy on "arrest" or "apprehension," it is recommended that a pursuit policy have its own section to address this topic. The section should address who is to affect the arrest of the suspect. The end of a pursuit should not resemble a convention of law enforcement vehicles. Likewise, it should not result in the use of excessive force by officers who may be affected by the "adrenaline rush" that may accompany a lengthy pursuit. Affirmation of this section should be part of the controlling supervisor's responsibility. In the event that no supervisor is available, a senior officer may be designated to control the scene and maintain professionalism. This section is especially important where crimes have occurred in multiple jurisdictions in the course of the pursuit.

10. **Pursuit After-Action Report:** This section is mandatory from a liability and risk management standpoint. Proactive supervisors and managers must know where deficiencies occur, in order to better protect the public and their officers. After-action reports should be completed within a short period of time after the pursuit is terminated. The reports should be reviewed by the appropriate supervisor(s) not involved in the pursuit. Recommendations should be used to refine and improve policy and be used as the basis for administrative discipline where necessary. This section also provides for the gathering of valuable information that can be used to enhance policy and training programs.

11. **Discipline:** This section should put officers on notice that violation of agency policy on pursuit activities will result in administrative discipline irrespective of whether property damage or personal injury has resulted. Adherence to this provision is mandatory if the agency wishes to protect itself against liability lawsuits premised upon allegations of “custom” or “practice” of unconstitutional acts under City of Canton v. Harris.

12. **Training:** This section must require that officers successfully complete an agency sponsored vehicle pursuit training session that specifically covers the department’s pursuit policy. It should also require at least annual updates on both the state statutes and case law affecting policy pursuit operations. Officers who have not attended a course that explains the department’s vehicle pursuit policy should not be allowed to engage in a pursuit.

13. **Statutory Reference:** Either by reference within the language of the policy, or by direct reproduction of the statute itself, every policy must acquaint the agency officers with the controlling state emergency vehicle law. Where the statute is inserted in the policy should remain the prerogative of the agency.

Policy Evaluation Exercise

Action Plan

Summary

The ALERT, DOT, IACP, IADLEST and NHTSA recognize that staffing, equipment, legal, and geographical considerations, as well as contemporary community standards, vary greatly among jurisdictions; and that no single policy will be appropriate for every jurisdiction. The *Pursuit Policy Workshop* has outlined the most crucial factors that should be present in every pursuit policy, including the need for training, guidelines for initiating and terminating pursuits, the regulation of pursuit tactics, supervisory review or intervention, and reporting and critiquing all pursuits.

IACP PURSUIT RESOLUTION

(approved at the 103rd. Annual IACP Conference in Phoenix, Arizona, 10/30/96)

WHEREAS, police pursuits have become an increased focus of attention for public safety officials, the news media and the public at large, and

WHEREAS, an acceptable balance must be obtained between the capture of fleeing suspects and the responsibility of law enforcement to protect the general public from unnecessary risks; and

WHEREAS, there are no uniform reporting criteria or systems in place to accurately account for all pursuits; and

WHEREAS, many agencies have excellent, comprehensive policies in place while others have minimal or no policies at all dealing with pursuits, and

WHEREAS, some states have enacted serious penalties for consciously attempting to elude the police while others have not; and

WHEREAS, there is a need to develop a generic sample policy that can serve as a minimum guideline for all agencies involved with pursuits; now therefore, be it

RESOLVED, that the International Association of Chiefs of Police (IACP), duly assembled at its 103rd. annual conference in Phoenix, Arizona, encourages all agencies to adopt written policies governing pursuits, and that these policies contain at a minimum all the elements put forth in the IACP sample policy and that all members of the agency receive familiarization training in the policy; and be it

FURTHER RESOLVED, that the IACP and the National Highway Traffic Safety Administration (NHTSA) develop a uniform pursuit reporting criteria and form to accurately document pursuit involvements and results nationwide; and be it

FURTHER RESOLVED, that the IACP and NHTSA encourage the state legislatures to make it a criminal offense with severe punishments to evade arrest by intentionally failing to comply with the lawful order of a police officer to stop a motor vehicle; and be it

FURTHER RESOLVED, that the IACP, NHTSA and the American Association of Motor Vehicle Manufacturers work together to apply technology that will disable fleeing vehicles and minimize the need for pursuits, and be it

FURTHER RESOLVED, that the IACP adopt the sample policy developed by its Highway Safety Committee and make it a part of the Manual of Model Police Traffic Services and Procedures maintained by the Highway Safety Committee, and that this policy replace and rescind all prior IACP policies on this subject.



Title: Vehicular Pursuit
Policy Number: 1.1
Accreditation Standard(s): 41.2.2, 61.3.4
Effective Date: July 1, 2004
Reevaluation Date: July 1, 2006
No. Of Pages: 4
Special Instructions:

I. PURPOSE

The purpose of this policy is to establish guidelines for making decisions with regard to vehicular pursuit.

II. POLICY

Vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the responsibility of the agency to assist officers in the safe performance of their duties. To fulfill these obligations, it will be the policy of this department to regulate the manner in which vehicular pursuits are undertaken and performed.

III. DEFINITIONS

A. *Vehicular Pursuit:* an active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who actively is attempting to elude the police.

B. *Authorized Emergency Vehicle:* a department vehicle equipped with operable emergency equipment as designated by state law.

C. *Primary Unit:* the police unit which initiates a pursuit or any unit which assumes control of the pursuit.

D. *Secondary Unit:* any police vehicle which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

IV. PROCEDURES

A. Initiation of Pursuit

1. The decision to initiate pursuit will be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.

2. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so. Pursuit also may be justified if the officer reasonably believes that the suspect, if allowed to flee, would present a danger to human life or cause serious injury.

3. In deciding whether or not to initiate pursuit, the officer will take into consideration:

- a. road, weather, and environmental conditions;
- b. population density and vehicular and pedestrian traffic;
- c. the relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
- d. the seriousness of the offense; and,
- e. the presence of other persons in the police vehicle.

B. Pursuit Operations

1. All emergency vehicle operations will be conducted in strict conformity with applicable traffic laws and regulations.

2. Upon engaging in a pursuit, the pursuing police vehicle will activate appropriate warning equipment.

3. Upon engaging in pursuit, the officer will notify communications of the location, direction, and speed of the pursuit; the description of the pursued vehicle; and the initial purpose of the stop. The officer will keep communications updated on the pursuit. Communications personnel will notify any available supervisor of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.

4. When engaged in pursuit, officers will not drive with reckless disregard for the safety of themselves or of other road users.

5. Unless circumstances dictate otherwise, a pursuit will consist of no more than two police vehicles: a primary and a secondary unit. All other personnel will stay clear of the pursuit, unless instructed to participate by a supervisor.

6. The primary pursuit unit will become secondary when the fleeing vehicle comes under air surveillance or when another unit has been assigned primary responsibility.

C. Supervisory Responsibilities

1. When made aware of a vehicular pursuit, the appropriate supervisor will monitor incoming information, will coordinate and direct activities as needed to ensure that proper procedures are followed, and will have the discretion to terminate the pursuit.
2. Where possible, a supervisory officer will respond to the location where a vehicle has been stopped following a pursuit.

D. Pursuit Tactics

1. Officers will not normally follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
2. When feasible, available patrol units having the most prominent markings and emergency lights will be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit, such unit will disengage when a marked unit becomes available.
3. Motorcycles may be used for pursuit in exigent circumstances and when weather and related conditions allow. They will disengage when support from marked patrol units becomes available.
4. All intervention tactics short of deadly force, such as tire deflation devices, low speed tactical vehicle intervention techniques, and low speed channeling (with appropriate advance warning), will be used when it is possible to do so in safety and when the officers utilizing them have received appropriate training in their use.
5. Decisions to discharge firearms at or from a moving vehicle or to use roadblocks will be governed by the department's use of force policy, and are prohibited, if they present an unreasonable risk to others. They will, whenever possible, be authorized by a supervisor.
6. Once the pursued vehicle is stopped, officers will utilize appropriate officer safety tactics and will be aware of the necessity to utilize only reasonable and necessary force to take suspects into custody.

E. Termination of the Pursuit

1. The primary pursuit unit will continually re-evaluate and assess the pursuit situation, including all of the initiating factors, and will terminate the pursuit whenever s/he reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
2. The pursuit may be terminated by the primary pursuit unit at any time.
3. A supervisor may order the termination of a pursuit at any time.

4. A pursuit will be terminated if the suspect's identity has been determined, immediate apprehension is not necessary to protect the public or officers, and apprehension at a later date is feasible.

F. Inter-Jurisdictional Pursuits

1. The pursuing officer will notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line.

2. Pursuit into a bordering state will conform to the law of both states and any applicable inter-jurisdictional agreements.

3. When a pursuit enters this jurisdiction, the action of officers will be governed by the policy of the officers' own agency, specific inter-jurisdictional agreements, and state law as applicable.

G. After-Action Reporting

1. Whenever an officer engages in a pursuit, the officer will file a written report on the appropriate form detailing the circumstances. This report will be critiqued by the appropriate supervisor(s) to determine if policy has been complied with and to detect and correct any training deficiency(ies).

2. The department will periodically analyze police pursuit activity and identify any additions, deletions, or modifications warranted in departmental pursuit procedures.

H. Training

1. Officers who drive police vehicles will be given initial and periodic update training in the agency's pursuit policy and in safe driving tactics.

This sample policy is intended to serve as a guide for the police executive who is interested in formulating a written procedure to govern vehicular pursuit. The IACP recognizes that staffing, equipment, legal, and geographical considerations, as well as contemporary community standards, vary greatly among jurisdictions; and that no single policy will be appropriate for every jurisdiction. We have attempted, however, to outline the most critical factors that should be present in every vehicular pursuit policy, including the need for training, guidelines for initiating and terminating pursuits, the regulation of pursuit tactics, supervisory review or intervention, and reporting and critiquing all pursuits.

EVALUATION WORKSHEET

Name _____ Rank _____

Date _____ Agency _____

1. Identify the standard by which an officer can initiate a pursuit according to your agency's policy. (IACP Policy Section IV Subsection A)

2. Identify responsibilities that are included in your agency's policy regarding pursuit operations. (IACP Policy Section IV Subsection B)

Primary Unit –

Secondary Unit –

Additional Units –

Aviation Unit –

3. Identify the supervisory responsibilities according to your agency's policy. (IACP Policy Section IV Subsection C)

4. Identify pursuit tactics that your agency's policy authorizes. (IACP Policy Section IV Subsection D)

5. Identify specific termination factors noted in your agency's policy. (IACP Policy Section IV Subsection E)

6. Identify the guidelines set forth in your agency's policy regarding inter-jurisdictional pursuits. (IACP Policy Section IV Subsection F)

7. Identify procedures stated in your agency's policy for after-action reporting. (IACP Policy Section IV Subsection G)

8. Does your agency provide pursuit policy training? If so, how often? (IACP Policy Section IV Subsection H)

9. How does your policy compare with case law or state statute?

ACTION PLAN

Name _____ Rank _____

Date _____ Agency _____

Who, in your agency, will be affected by a vehicular pursuit policy?

What are the costs associated with implementing changes in your agency's vehicular pursuit policy?

What is the time line for implementation of these changes?

What are the benefits to the agency?

How will you measure your success?

Based on the answers given above, suggest three changes in your agency's pursuit policy.

1. _____

2. _____

3. _____
