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OFFICE OF THE CHIEF OF POLICE****Index as:**

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VEHICULAR PURSUIT POLICY**405.00 PURPOSE**

The purpose of this General Order is to establish the policy and procedure for vehicular pursuit situations and to stress that the responsibility and necessity to affect the arrest must be balanced against overall consideration of both officer safety and public safety.

405.01 POLICY

Pursuits represent a dangerous and difficult task that receive much public and legal scrutiny when accidents, injuries, or death result. Pursuing officers and supervisors must justify their actions and, once they have decided to pursue, continuously evaluate the safety of their actions.

A vehicle pursuit may be initiated in order to effect the capture or prevent the escape of a law violator when all of the following criteria are met:

1. the suspect committed or attempted to commit a felony; and
2. the crime involved the **use or threatened use of deadly force**; and
3. there is a substantial risk that the fleeing violator will cause death or serious physical injury if apprehension is delayed.

Pursuing officers shall not pull alongside of or in front of a fleeing motorist in an attempt to force the subject off of the roadway or into a curb, parked vehicle, or any other obstacle, **nor shall any attempt be made to ram the fleeing vehicle**, unless such action is necessary for the preservation of life, and at such time the use of deadly force is justified as defined in General Order 410.00.

405.02 DEFINITIONS

- A. **"Emergency Vehicle"** Both the red light and siren must be used at all times when in pursuit by marked police cars. Police vehicles not so equipped will not engage in pursuits. Only authorized marked emergency vehicles may pursue or be used as a primary or secondary unit in a pursuit.
- B. **"Pursuit"** - An attempt by a police officer driving an emergency vehicle to apprehend the occupants of a moving vehicle who are knowingly evading arrest by increasing the speed of a vehicle and by purposely ignoring the police officer's direction to stop. This definition **does not** include the driver who may simply be unaware of the officer's attempt to stop him.
- B. **"Paralleling"** - The operation of police units parallel to the pursuit route.
- C. **"Caravanning"** - The operation of police units in a line or alongside each other in a pursuit situation.
- D. **"Ramming"** – The intentional striking of a fleeing vehicle with a police vehicle with the intent to stop. The use of forcible stops such as ramming are a last resort measure and should be used only when the use of deadly force is justified.

405.03 PRIMARY UNIT RESPONSIBILITIES:

The primary unit (unit initiating the pursuit) will be responsible for the following:

- A. Announcing the initiation of pursuit;
- B. Immediately advising the dispatcher of the following information that is known.
 - 1. Direction of travel and what roadway;
 - 2. Identification of vehicle, (year, make, model, color, license information, etc.)
 - 3. Reason for pursuit;
 - 4. Number and description of occupants;
 - 5. Other information that may help terminate the pursuit or resolve the incident.
- C. The dispatcher will serve as the controller for all radio messages relevant to the pursuit.
- D. The dispatcher will immediately broadcast all available information relating to the pursuit on all channels.
- E. The supervision of the pursuit rests with the supervisor or watch commander on duty.

- F. The number of the police vehicles involved in the pursuit will be limited to two vehicles, a primary and secondary unit, unless additional units are directed to participate by the dispatcher or supervisor.
- G. Additional units may be requested by the primary or secondary units.
- H. Officers will not leave their areas to become involved in a pursuit unless directed to do so by the dispatcher or supervisor. No other cars will respond to the point of termination unless directed to do so by the dispatcher or unless there is a broadcast "officer in need of aid" situation.

405.04 SECONDARY UNIT RESPONSIBILITIES:

The secondary vehicle will be responsible for the following:

- A. The secondary unit will maintain a safe distance behind the primary unit, taking care to maintain a safe stopping distance for evasive action but maintaining visual contact.
- B. The secondary unit will not pass the primary unit unless requested to pass the primary unit and assume the primary unit role.
- C. In the event that the primary unit experiences mechanical problems or is otherwise unable to continue, the secondary unit will become the primary unit and another nearby unit will be assigned to assume the secondary unit responsibilities.
- D. The secondary unit will immediately comply with an order to terminate the pursuit.

405.05 OVERTAKING VIOLATORS:

Once a pursuit has been initiated, the responsibility for the decision to overtake rests with the individual officer. In arriving at this decision, the officer must carefully consider all factors involved, including the seriousness of the offense, and most importantly, the safety of the officer and the general public.

- A. To diminish the likelihood of a pursuit, officers intending to stop a vehicle should, when practical, be within close proximity of the vehicle prior to activating the emergency lights.
- B. A driver who is suspected of operating a motor vehicle in an intoxicated condition may not realize that an officer is attempting to stop him. An officer who is following a driver that is not yielding to the officer's emergency lights and siren, but otherwise is not taking any overt action to avoid apprehension (i.e. excess acceleration, high speeds, obvious attempts at evasion, etc.), **is not in pursuit** of the vehicle for purposes of this policy.

405.06 ROADBLOCKS:

- A. Due to the geographical boundaries of Ferguson and the extreme danger of roadblocks, stationary roadblocks are prohibited.
- B. Officers will not deploy rolling roadblocks to terminate a vehicle pursuit.

405.07 USE OF FIREARMS:

Firearms may be discharged in the direction of a vehicle if the occupants of the vehicle represent a direct and immediate threat to the life or safety of the officers or others.

405.08 PURSUIT OF VEHICLE INTO ANOTHER JURISDICTION:

- A. Pursuit of a vehicle into another jurisdiction will ONLY be made when the driver or occupant is wanted on a felony charge meeting the criteria spelled out under 405.01. The restriction above does not prohibit officers from entering another jurisdiction to affect routine stops for car checks or traffic violations which originate within the City of Ferguson.
- B. When it appears that a pursuit may enter another jurisdiction, that police agency will be immediately advised of the pursuit and all pertinent information, including the charge(s) for which the vehicle is being pursued.

405.09 FELONY CHARGES - OTHER STATES:

If an officer of this Department pursues a person across a State line and the person is arrested, the officer will request that the person be held pending application for an at-large warrant. An at large warrant should be applied for as soon as possible with a police report being prepared and extradition proceedings being started.

405.10 TERMINATION OF THE PURSUIT:

Pursuing officers and the pursuit supervisor must consider the present danger, seriousness of the crime involved, length of the pursuit and the possibility of identifying the suspect at a later time when determining whether or not to continue the pursuit. Such things as speed of vehicles, weather conditions, presence of other traffic, amount of maneuvering, condition of the police vehicle and roads are all factors that need to be evaluated in determining the present danger of the pursuit. A pursuit may be terminated only by:

- A. The primary pursuing unit; or
- B. The immediate supervisor of the primary unit; or the

C. The dispatcher, whenever there is any radio interference with transmission during a pursuit that would endanger the welfare of the officers involved.

D. Any Command Rank Officer.

NOTE: If the occupants of the pursued vehicle are known, consideration should be given to terminating the pursuit and affecting the arrest at a later time.

ONCE A PURSUIT IS TERMINATED, IT WILL NOT BE INITIATED AGAIN BY ANOTHER OFFICER OR SUPERVISOR UNLESS OTHER SERIOUS DEVELOPMENTS OCCUR THAT WOULD WARRANT PURSUIT TO BE INITIATED AGAIN. ALL RADIO TRANSMISSIONS PERTAINING TO THE ACTUAL PURSUIT BY THE DISPATCHER WILL BE TERMINATED.

E. If additional information is obtained that warrants the pursuit be initiated again, the new information will be broadcast by the dispatcher and the pursuit supervisor will be responsible for coordinating any further search for the vehicle and suspects.

F. When advised that the pursuit has been terminated, the dispatcher will broadcast that information to all units, and will so advise any surrounding jurisdictions that have been alerted.

405.11 PURSUITS BY OFFICERS FROM OTHER JURISDICTIONS:

If a pursuit is made into the City of Ferguson by another jurisdiction:

A. The dispatcher will contact them to determine the reason for the pursuit.

B. Ferguson units may assist in the pursuit of the vehicle if;

1. the occupant(s) are wanted for felonies that meet the criteria set forth in 405.01, and

2. there is only one unit from the other jurisdiction actively pursuing the vehicle.

C. The nearest available car will become a secondary unit and will immediately report this action to the dispatcher.

D. The dispatcher will notify all units of the pursuit and its progress.

E. If the reason for the pursuit does not meet the criteria set forth in section 405.01, Ferguson officers **will not** actively pursue the suspect but may assist by stopping traffic, closing roads etc.

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- F. As a general rule, all persons arrested in the City of Ferguson as a result of a pursuit into the City from another jurisdiction, will be booked on fugitive charges, if requested by the pursuing officer(s).
- G. If authorities pursue a subject into this jurisdiction, for other than a felony violation, the following procedures will be followed:
 - 1. After the pursued vehicle has been stopped the investigating officer will, if any violations are observed in this jurisdiction, issue the detained subject the appropriate traffic summons and/or book the subject if deemed necessary. In the event no violations are committed or witnessed by the involved officers, the subject will be stopped and a complete pedigree, license and vehicle information obtained on the detained subject. A wanted check then will be made on the vehicle and detained subject.
 - 2. If there are no wanted(s) or violations, the investigating officer(s) will instruct the detained subject that all of the above information pertaining to his identity and vehicle will be provided to the agency who initiated the pursuit.
 - 3. If circumstances dictate, the initiating agency may be requested to respond to the scene and the information will be provided them at that time. Officers of the involved agency may issue summons or citations to the detained subject at that time, request the subject be booked fugitive, or permit the subject to continue on his way. The reporting officer will incorporate this information into the police report.
 - 4. The reporting officer will prepare a Memorandum Report reflecting the circumstances involved and include all the information obtained on the detained subject and vehicle. A copy of the report will be mailed to the involved agency.

405.12 REPORTING AND ADMINISTRATIVE REVIEW:

- A. The supervisor will respond to the termination point of ALL pursuits by Department personnel to insure that all necessary assistance is rendered, investigation conducted and incident reports made. The supervisor will prepare [FPD Form 080P Field Data Form](#) and forward it to the Chief of Police before completion of the watch detailing the circumstances of the pursuit, even if the pursuit was terminated.
- B. The communications supervisor shall prepare and forward a copy of the audio tape of the pursuit to the Chief of Police.
- C. The Chief of Police will conduct an annual administrative review of all pursuits. These reviews may reveal patterns or trends that indicate training needs and or policy modification.

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C. This General Order will be reviewed annually or as need when situations warrant.

By order of:



COLONEL THOMAS JACKSON
Chief of Police

Distribution: All Department Personnel