




# Jamestown Police Department

## GENERAL ORDER 320.02

SECTION		EFFECTIVE DATE	PAGES
300 – Law Enforcement Operations		03/26/2019	8
SUBSECTION		PREVIOUSLY ISSUED DATES	
20–Patrol Functions		11/21/02, 2/6/14, 12/1/16, 5/1/17	
TITLE		BY ORDER OF	
320.02 – Vehicular Pursuits		 Chief Edward A. Mello	
REVIEW	LAST REVIEW DATE	RIPAC REFERENCE	
Every three years	4/30/2019	7.3,7.4	

### I. PURPOSE:

The purpose of this policy is to establish guidelines for use during vehicular pursuits.

### II. POLICY:

In recognition of the dangers the pursuit of fleeing suspects presents to the public, officers, and suspects involved in the pursuit, this policy establishes guidelines to assist officers in the safe performance of their duties while enforcing the laws of the State.

### III. DEFINITIONS:

- A. *Attendant Circumstances*: Those factors which might affect the decision to continue or discontinue a pursuit which must be communicated to the Officer in Charge (OIC)/Supervising officer:
  - 1. The reason for the pursuit;
  - 2. The location and direction of travel;
  - 3. Speed;
  - 4. Traffic conditions.
- B. *High-Speed Pursuit*: A pursuit in excess of 15 MPH over the posted speed limit.
- C. *Authorized Emergency Vehicle*: All police vehicles including marked or unmarked police cars, police vans and police motorcycles provided each has a siren and some emergency lighting. A personally owned vehicle is not a police vehicle.

- D. *Lethal Force*: Any use of force that is likely to cause death or serious bodily injury. Lethal force is also referred to as deadly physical force.
- E. *Pursuit*: The active attempt by an officer in an authorized emergency vehicle to apprehend the occupants of a running motor vehicle who clearly exhibit a refusal to stop said vehicle at the officer's direction and attempts to avoid apprehension through speed or evasive tactics.
- F. *Roadblock*: A physical blockage of a roadway with material, equipment or vehicles to stop the operator of a vehicle who is attempting to elude an officer.
- G. *Termination of the Pursuit*: The officer (s) operating the authorized emergency vehicle shall turn off the vehicle's emergency lights and siren, and immediately reduce his/her speed to no more than the posted or prima facie speed limit.
- H. *Vehicular Intervention*: A deliberate striking or contact with a fleeing vehicle by an officer with an authorized emergency vehicle.

#### **IV. PROCEDURES:**

##### **A. Initiation of Pursuit**

A pursuit shall be undertaken by an officer only after consideration is given to the following factors:

1. The type of crime or violation committed. A high-speed pursuit or continuation of a pursuit that becomes a high-speed pursuit shall be limited to those situations which involve:
  - a. The attempted apprehension of persons wanted for the commission of felonious and/or misdemeanor acts that threaten, have threatened, or will threaten the health, life or safety of a person or persons; or
  - b. The pursuit of a motor vehicle operator who has committed moving motor vehicle violations which have endangered the lives and safety of others, and was operating in a reckless manner before the pursuit was initiated, and is continuing to operate in a manner that recklessly endangers the lives and safety of others including, but not limited to, driving under the influence of liquor or drugs.
2. The danger created by the following conditions:
  - a. Amount of vehicular and pedestrian traffic;
  - b. Location;
  - c. Weather conditions;
  - d. Condition of road surfaces upon which pursuit is being conducted;
  - e. Time of day;

- f. The officer's knowledge of the road and surrounding area;
  - g. Performance capabilities of the pursuit vehicle and the vehicle being pursued;
  - h. Any other conditions known to the officer that may be potentially hazardous.
3. A reasonable assessment has been made regarding the potential advantage to law enforcement of apprehending the fleeing operator versus the potential danger to the officer, other users of the highway, innocent bystanders, and the occupants of the fleeing vehicle.

## B. Personnel Responsibilities

1. Pursuit Officer's Responsibilities: The pursuing officer shall, as soon as practical, notify the dispatcher and/or OIC/Supervisor that a pursuit has commenced. The pursuing officer shall also advise the dispatcher and/or OIC/Supervisor of:
  - a. The attendant circumstances supporting the pursuit;
  - b. The license plate number (if known) and description of the fleeing vehicle;
  - c. The number of occupants, with descriptions, in the fleeing vehicle.

It shall likewise be the pursuing officer's responsibility to keep the dispatcher and/or OIC/Supervisor updated about the ongoing status of the pursuit including any significant change in the attendant circumstances or other factors that may affect the decision to continue the pursuit. The pursuing officer may, at his or her discretion, based upon the attendant circumstances, terminate the pursuit at any time.

2. Back-up Officer's responsibilities: The back-up officer shall maintain a safe distance behind the primary unit sufficient to provide aid to the primary unit and shall assume the responsibility of keeping the dispatcher and/or OIC/Supervisor informed of the attendant circumstances.
3. Dispatcher Responsibilities: Upon notification that a pursuit is in progress, the dispatcher shall:
  - a. Immediately notify the OIC/Supervisor of the attendant circumstances regarding the pursuit.
  - b. Control all radio communications and clear the frequency in use from all nonemergency radio traffic, except that pertaining to the pursuit;
  - c. Notify other units of the pursuit;
  - d. Notify other departments or jurisdictions via telephone or radio when appropriate;
  - e. Obtain criminal records and vehicle checks of the suspects;
  - f. Coordinate and dispatch back-up assistance under the direction of the OIC/Supervisor.
4. OIC/Supervisor Responsibilities: Upon notification that a vehicular pursuit is in progress, the OIC/Supervisor shall, as soon as practical, assume responsibility for monitoring and controlling the pursuit. In controlling the pursuit, the OIC/Supervisor shall be responsible for coordination of the pursuit as follows:

- a. Directing vehicles or air support units into or out of the pursuit;
- b. Re-designation of primary, support or other back-up vehicle responsibilities;
- c. Approval or disapproval, and coordination of pursuit tactics;
- d. Approval or disapproval to leave the jurisdiction to continue the pursuit.

The OIC/Supervisor shall continually evaluate the attendant circumstances of a pursuit and, if judgment dictates that the potential and real dangers of the pursuit begin to outweigh the advantage of arresting the fleeing suspect(s), the OIC/Supervisor shall have the authority to override a pursuing officer's decision to continue a pursuit and shall order the termination of the pursuit.

### C. Termination of Pursuit

1. The decision to pursue a fleeing vehicle is not irreversible. The decision to terminate a pursuit may be the most rational based on the rapidly evolving, unpredictable, and tense circumstances. The pursuit may be terminated by the pursuing officer, the OIC/Supervisor, or another ranking officer of the pursuing agency.
2. The pursuit shall be immediately terminated in any of the following circumstances:
  - a. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect;
  - b. The distance between the pursuit and fleeing vehicle is so great that further pursuit is futile;
  - c. The danger posed by continued pursuit to the public, the officer(s), or the suspect(s), is greater than the value of apprehending the suspect(s).
3. The pursuing officer shall constantly evaluate the advisability of continuing the pursuit.

### D. Accidents

1. During a pursuit when either a police vehicle or the pursued vehicle is involved in an accident with an unattended vehicle, fixed object or highway fixture, the officer will communicate the incident and may continue the pursuit if, in his/her judgment, it is safe to do so, subject to the discretion of the OIC/Supervisor.
2. During a pursuit when either a police vehicle or the pursued vehicle is involved in a motor vehicle accident with an attended vehicle or any person, the police vehicle will stop to render aid unless another police vehicle can be immediately dispatched or is able to render aid, in which case the police vehicle may continue the pursuit if, in the pursuing officer's judgment, it is safe to do so, subject to the discretion of the OIC/Supervisor.
3. All other provisions of the traffic accident policy shall remain in effect.

## E. Pursuit Tactics

1. Unless expressly authorized by an OIC/Supervising officer, based on tactical considerations, no pursuit will be conducted by more than two (2) authorized emergency vehicles, an assigned primary and a back-up vehicle. Officers are not otherwise permitted to join the pursuit team. Officers in the immediate area of the pursuit may position themselves to assist in limiting and/or terminating the pursuit. When the pursuit involves an assisting unit, the second vehicle shall maintain a safe distance behind the primary unit but close enough to provide aid and assume radio communications.
2. Whenever feasible, only marked police units shall participate in a pursuit. Unmarked cars, police motorcycles, and police special purpose vehicles that initiate a pursuit shall give way, if possible, to the first marked vehicle that joins the pursuit. The marked vehicle will then become the primary vehicle.
3. The pursuing officers must have emergency lights and siren activated at all times during a pursuit and shall adhere to the provisions of R.I.G.L 31-12-6 through 31-12-9. Officers engaged in a pursuit shall, at all times, drive in a manner exercising reasonable care for the safety of themselves and others within the pursuit area.
4. No officer will conduct a pursuit while transporting a civilian in a police vehicle.
5. Officers may not intentionally use vehicular intervention unless the use of lethal force would be authorized as enumerated in section IV (F)(a).

## F. Use of Lethal Force

1. Any use of lethal force must meet the criteria and be in compliance with the protocols established in the department's Use of Force Policy.

## G. Roadblocks

1. The use of roadblocks by members of this agency is prohibited. The use of roadblocks by an outside agency pursuing into this jurisdiction may be utilized if authorized by the OIC of both departments and in accordance with the guidelines outlined in this policy.
2. Roadblocks may be implemented in extraordinary circumstances, and only when:
  - a. The use of lethal force is authorized;
  - b. All officers involved in the pursuit have been notified of the location of the roadblock, and;
  - c. There is no civilian traffic in the immediate vicinity of the roadblock or between the roadblock and the vehicle being pursued.

3. Roadblock may be established:

- a. Using governmental vehicles, fixed objects, or approved equipment which is specifically designed to stop a moving vehicle.
- b. In a line of sight which would provide approaching vehicles an adequate distance to come to a stop.
- c. The emergency lights of the police vehicles involved in a roadblock are to be activated so as to be visible to approaching vehicles.
- d. None of the blocking vehicles shall be occupied.

H. Tire deflation devices

1. The use of tire deflation devices by members of this agency is prohibited. The use of tire deflation devices by an outside agency pursuing into this jurisdiction may be utilized if authorized by the OIC of both departments and in accordance with the guidelines outlined in this policy.
2. Use of tire deflation device:
  - a. The tire deflation devices will not be used to stop motorcycles, mopeds, or similar vehicles.
  - b. Tire deflation devices should not be used in locations where specific geographic features (e.g. sharp curves, alongside bodies of water, steep embankments, etc.) increase the risk of serious bodily injury to the officer, violator, or public.
  - c. Deployment locations should have reasonable good sight distances to enable the officer to observe the pursuit and other traffic as it approaches.
  - d. The officer deploying the system should not attempt to overtake and pass a high speed pursuit in order to position the device.
3. Deployment of the tire deflation device:
  - a. The officer(s) deploying the device(s) should take a position of safety as the pursued vehicle approaches;
  - b. After all other traffic has passed over the device(s), and immediately prior to the pursued vehicle passing over the device(s), the device(s) shall be activated (exposing the spikes);

- c. Immediately after the pursued vehicle goes over the device(s), the officer shall deactivate the device (retract the spikes);
  - d. The officer should immediately notify the dispatcher if the pursued vehicle impacted the device(s), if the officer observed any signs of deflation, and the direction and operation of the pursued vehicle after the impact.
4. Removal of the device(s) – as soon as practical, the device(s) shall be removed from the roadway.
5. Report of use – After deployment or use of the device(s), the following information will be included in all officer's incident or arrest reports:
  - a. Date, time, and location of deployment;
  - b. OIC/Supervisor who authorized the deployment of the device(s);
  - c. Officer(s) who deployed the device(s);
  - d. Officer(s) who activated the device(s), if different from above;
  - e. Results of the use of the device(s) on the pursued vehicle;
  - f. Results of the use of the device(s) on any other vehicle or property;
  - g. The actual performance of the device(s).

#### I. Inter-jurisdictional Pursuit

1. The pursuing officer shall notify the dispatcher when it is likely that a pursuit will continue into a neighboring jurisdiction or across the State line.
2. Pursuit into a bordering State shall conform to that State's law.
3. If the pursuit enters another jurisdiction in Rhode Island, the pursuit policy of the entered jurisdiction shall apply and control and the entered jurisdiction shall have the authority, consistent with its policies, to terminate the pursuit.
4. When a pursuit initiated by another agency comes into the municipality, the procedures outlined in this policy shall apply. When a pursuit initiated by another agency leaves the municipality, and that outside agency's pursuing officer is alone, an OIC/Supervisor may allow other municipal units to follow as back-up until such time as another agency becomes available to provide back-up.

5. When a pursuit enters an interstate highway system and State Police personnel become involved in the pursuit, and become the primary pursuit vehicle, then the State Police shall have the authority, consistent with its policies, to terminate the pursuit.

#### J. Post-pursuit Obligations

1. All officers involved in a pursuit shall complete a written report detailing the officer's involvement in the pursuit.
  - a. The primary pursuing officer shall include the reason for initiation of the pursuit and, if applicable, the basis for terminating the same in the written report.
  - b. The OIC/Supervisor shall document his/her factual basis for continuing or terminating the pursuit, as well as the factual basis for any decision made in the course of the pursuit.
2. The department will conduct a documented administrative review of each pursuit and/or use of roadblocks and tire deflation devices that agency personnel were involved in.
3. On an annual basis, the department will conduct a documented analysis of all pursuits, roadblocks, and implementation of tire deflation devices. The purpose of this review is to determine any training needs and/or policy review or revision.