

2.0 POLICY

- 2.1 This agency recognizes vehicular pursuits present a danger to the public, officers, and suspects involved. It is the policy of this agency to regulate the way vehicular pursuits are undertaken and performed.
- 2.2 Due to each officer's dual responsibility to promote public safety and enforce the law, each officer carries a tremendous burden in making decisions regarding vehicular pursuits. This policy is not intended to divest each officer of their own responsibility to make such judgments but rather to recognize the principle that despite the urgency of the pursuit, it is each officer's responsibility to weigh the dangers to innocent parties and at all times to drive with due regard for the safety of others.

3.0 DEFINITIONS

- 3.1 **Discontinue the pursuit:** the law enforcement officer ends his or her involvement in the pursuit by slowing down to the posted speed limit and turning off his or her emergency light and siren and no longer follows the violator's vehicle.
- 3.2 **Emergency operation:** driving an emergency vehicle according to state law and this procedure in response to code calls or in pursuit of a fleeing vehicle.
- 3.3 **Inter Jurisdictional Pursuit:** Any vehicle that crosses into a neighboring jurisdiction, such as across municipal, county or state line.
- 3.4 **Marked police vehicle:** a police vehicle displaying the emblem and marking of the police department equipped with overhead lights and audible warning devices.
- 3.5 **Police vehicle:** a town vehicle assigned to the police department.
- 3.6 **Primary Unit:** The initial pursuing law enforcement unit that assumes primary control of the pursuit unless relieved by another unit.
- 3.7 **Ramming:** deliberate contact with a violator's vehicle by a marked police vehicle to force the violator's vehicle off the roadway.
- 3.8 **Roadblock:** a barricade or other physical obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.
- 3.9 **Secondary Unit:** The second law enforcement unit that becomes involved as a back up to the primary unit and follows the primary from a safe distance.

- 3.10 **Stop Stick/Spike Strip:** a rigid column or a strip of belting containing specially designed hollow spikes which when deployed across a lane of roadway, penetrates tires, slowing the pursued vehicle usually to a complete stop.
- 3.11 **Supervisor:** The supervisor assigned or assuming control of a vehicle pursuit situation.
- 3.12 **Terminate:** To discontinue, stop pursuing, and/or abandon all active attempts to stop and/or follow the suspected vehicle and officers shall turn off all emergency equipment.
- 3.13 **Unmarked police vehicle:** a police vehicle not displaying the emblem or marking of the police department and not having emergency warning devices to include emergency lighting and siren.
- 3.14 **Vehicular Pursuit:** A multi-stage process by which an on-duty officer operating an authorized emergency vehicle attempts to initiate a traffic stop and the driver resists the directive to stop or takes evasive action and refuses to stop the vehicle as defined by applicable law.
- 3.15 **Violent Felony:** A serious felony that involves an actual or threatened attack that the officer has reasonable suspicion to believe could result or has resulted in death or serious bodily injury.

4.0 PROCEDURES

4.1 Prohibited Pursuit

- 4.1.1 No officer shall engage in a vehicle pursuit with the following vehicle types:
 - 4.1.1.1 Motorcycles.
 - 4.1.1.2 Three-Wheeled vehicles.
 - 4.1.1.3 ATV's.
 - 4.1.1.4 Any bus carrying nonculpable passengers.
 - 4.1.1.5 Any vehicle reasonably believed to be transporting hazardous material.
 - 4.1.1.6 Snowmobiles.
- 4.1.2 Officers shall not engage in a pursuit when they are transporting prisoners, witnesses, suspects, complainants, ride alongs, or any other person who is not a member of this agency.
- 4.1.3 Officer shall not use the following to stop a pursued vehicle:

- 4.1.3.1 Setting up roadblocks.
- 4.1.3.2 Bumping or ramming the fleeing vehicle to force it from the road.
- 4.1.3.3 Following so closely that adequate reaction time and braking time is insufficient to prevent a collision with any leading vehicle.

4.1.4 Nothing in this policy shall prohibit or preclude an officer from acting on any of the above classifications of vehicles (4.1.1) should the use of lethal force be authorized in accordance with the Response to Resistance Policy.

4.1.5 An officer should not intentionally position themselves into the path of a fleeing motor vehicle. Whenever possible, the involved officer should try to move to an area of safety if the vehicle becomes a threat, including retreating from the threat, if practical.

4.2 Wrong Way Pursuits

4.2.1 In instances where an active pursuit is ongoing and the suspect vehicle engages in wrong way travel on a limited access highway, interstate or any other street or highway designated for one-way traffic, no officer shall drive against the flow of traffic unless the officer determines the use of deadly force is objectively reasonable and/or explicit approval from a supervisor is given.

4.2.2 When a fleeing vehicle goes the wrong way against traffic, the primary officer shall:

- 4.2.2.1 Parallel the vehicle in the correct lane of traffic.
- 4.2.2.2 Notify dispatch of a wrong way driver.
- 4.2.2.3 Request assistance from outside agencies to shut down vehicular traffic on the highway coming in the fleeing subject's direction.

4.3 Pursuit Restrictions

4.3.1 Only two emergency vehicles, a primary and a secondary vehicle shall engage in a pursuit, unless additional emergency vehicles are authorized specifically by a supervisor.

4.3.2 Officers shall not continue or assist in a pursuit unless immediate authorization for the pursuit is received from a supervisor.

- 4.3.3 Apprehension of a vehicle for civil motor vehicle infractions or misdemeanor criminal offenses without articulable exigent circumstances shall not continue beyond the initial attempt to stop the motor vehicle and shall cease once the officer reasonably believes the operator is refusing to yield or stop.
- 4.3.4 Routine radar operation, which requires short-term vehicle pursuit and apprehension, or other short-term vehicle pursuits, i.e., stopping of a speeder or other motor vehicle violator, are excluded from this policy.
- 4.3.5 Unmarked police vehicles without a roof mounted emergency warning lights and siren will not participate in the pursuit.
- 4.3.6 Officers shall not shoot at a moving vehicle unless:
 - 4.3.6.1 The officer has reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious physical injury to the officer or another person, or
 - 4.3.6.2 The officer has reasonable belief that the occupant is using the vehicle in a manner that poses an imminent threat of death or serious physical injury to the officer or another person, and there is not reasonable avenue of escape.
 - 4.3.6.3 Officers shall consider the potential threat to innocent third parties under such circumstances.

4.4 Pursuit Engagement

- 4.4.1 The initiation or continuation of a vehicle pursuit is authorized under certain circumstances, to include but not limited to, probable cause that the individual will cause serious bodily harm or death to another person if not apprehended, when there is a threat of serious bodily injury or death, when deadly force to seize an occupant of the vehicle can be justified, or when an officer has probable cause for one or more of the following:
 - 4.4.1.1 Arson causing death as defined in 13 V.S.A. § 501.
 - 4.4.1.2 Assault and robbery causing bodily injury as defined in 13 V.S.A. § 608(c).
 - 4.4.1.3 Aggravated domestic assault as defined in 13 V.S.A. § 1043 or 1044.
 - 4.4.1.4 Aggravated assault as defined in 13 V.S.A. § 1024.
 - 4.4.1.5 Murder as defined in 13 V.S.A. §2301.
 - 4.4.1.6 Manslaughter as defined in 13 V.S.A. § 2304.

- 4.4.1.7 Kidnapping as defined in 13 V.S.A. § 2405.
- 4.4.1.8 Unlawful restraint as defined in 13 V.S.A. § 2406 or 2407.
- 4.4.1.9 Maiming as defined in 13 V.S.A. § 2701.
- 4.4.1.10 Sexual assault as defined in 13 V.S.A. § 3252(a)(1) or (a)(2).
- 4.4.1.11 Aggravated sexual assault as defined in 13 V.S.A. § 3253.
- 4.4.1.12 Domestic terrorism as defined in 13 V.S.A. § 1703.

4.4.2 When there is evidence of outrageous, reckless driving (generally or possibly in association with driving under the influence) and these observations precede the officer's intervention through any pursuit mode.

4.4.3 Once a pursuit has been initiated, activation of emergency lights, siren and cameras should remain activated for the duration of the pursuit.

4.4.4 An officer will notify a supervisor and obtain approval as soon as possible after initiating a vehicle pursuit. Notification shall include:

4.4.4.1 The initial reason for the stop/pursuit.

4.4.4.2 The offense.

4.4.4.3 Road, weather and traffic conditions.

4.4.4.4 Location, direction and approximate speed of the vehicle being pursued.

4.4.4.5 Description of the vehicle and its occupants, if possible.

4.4.4.6 If identity of the suspect is known and the suspect can be located later and the delay does not create a substantial known risk of injury or death to another.

4.4.5 The supervisor approving a vehicle pursuit will maintain supervisory oversight of the pursuit, to include being apprised of any critical events which transpire during a pursuit as well as the outcome. If not already done, upon the conclusion of a pursuit, the Executive Officer or the Chief of Police will be notified of the pertinent details.

4.5 Primary Unit Duties

4.5.1 An officer may initiate a vehicle pursuit only in accordance with the provisions in section 4.4.1. Officers must recognize that despite the urgency of the vehicle pursuit, it is each officer's responsibility to weigh the dangers to both innocent parties and themselves and will operate their vehicles with due regard for safety of others.

4.5.2 An officer shall have the vehicle's emergency equipment (lights, sirens, and cameras) activated from the point of initiation to that of completion.

- 4.5.3 At no time during a vehicle pursuit will there be more than one primary unit involved.
- 4.5.4 The closest unit in a vehicle pursuit shall normally become the primary unit and shall remain as the primary unit until told otherwise by the supervisor or a situation arises which forces a change.
- 4.5.5 An officer shall consider the factors and weigh the seriousness of the offense against the possible consequences of jeopardizing the safety of others by the continuous evaluation of the following at the time of the initiation and continuation of the pursuit:
 - 4.5.5.1 Time of day and day of the week.
 - 4.5.5.2 Lighting conditions.
 - 4.5.5.3 Vehicular and pedestrian traffic.
 - 4.5.5.4 Known Community events.
 - 4.5.5.5 Type of roadway.
 - 4.5.5.6 Condition of roadway (e.g. dry, wet, gravel, slippery).
 - 4.5.5.7 Weather conditions (e.g. clear, overcast, rain, fog).
 - 4.5.6.8 Condition of emergency vehicle and the condition and type of the fleeing vehicle.
 - 4.5.6.9 Driving ability of the officer.
 - 4.5.6.10 Speeds of the vehicles.
- 4.5.6 An officer does not need a supervisor's authorization to discontinue when hazardous circumstances or environmental factors present an unreasonable risk to public safety.
- 4.5.7 A vehicle pursuit shall be terminated if the officer knows or is reasonably certain, that the fleeing vehicle is being operated by a juvenile and the suspected offense is not a violent felony.
- 4.5.8 Upon approaching intersections, stop or yield signs, traffic lights, and other traffic control devices, primary and secondary units will proceed cautiously and yield the right of way to traffic either unaware of or unresponsive to the siren and emergency lights.
- 4.5.9 All officers will also comply with 23 V.S.A. Sec. § 1074(a), which states:
 - 4.5.9.1 The operator of a motor vehicle, including authorized emergency vehicles under section 1015 of this title, upon meeting or overtaking a vehicle (school bus) marked and equipped as provided in section 1283 of this title which has stopped on the highway for the purpose of receiving or discharging public or private school

children shall stop his or her vehicle immediately and shall keep it stationary while the flashing red signal lights are in operation.

4.5.10 Stopped school busses displaying flashing red lights may only be passed after the bus operator has signaled to proceed.

4.5.11 A lone officer should not pursue, on foot, occupant(s) of a fleeing vehicle into an area of limited visibility (wooded or heavily overgrown area, building, after dark, etc.) after the vehicle has stopped.

4.6 Secondary Unit(s) Duties

4.6.1 The functions of the secondary unit are to assist the primary unit by assuming communication responsibilities, in the apprehension of the violator, and to continue the vehicle pursuit should the primary unit be disabled.

4.6.2 The secondary unit shall receive immediate authorization from the supervisor to assist in the pursuit to the extent that a supervisor is available and monitoring.

4.6.3 At no time during a vehicle pursuit will there be more than one secondary unit involved. Secondary unit shall remain not closer than an approximate distance of 25 car lengths behind the primary unit until the time of apprehension.

4.6.4 The secondary unit shall not pass the primary unit unless requested to do so.

4.7 Responsibilities of the Supervisor

4.7.1 Assert control over pursuit.

4.7.2 Control the number of units in the pursuit.

4.7.3 Immediately authorize continuation of the vehicle pursuit or order termination depending on the hazardous circumstances and environmental factors present as communicated by the primary officer. The supervisor will take into account the following factors:

4.7.3.1 Offense committed.

4.7.3.2 Whether the operator has been identified.

4.7.3.3 Traffic conditions.

4.7.3.4 Weather conditions.

- 4.7.3.5 Driving capabilities of the officer.
- 4.7.3.6 Alternatives other than pursuit.
- 4.7.3.7 Reckless operation by suspect putting others at unacceptable risk.
- 4.7.3.8 Whether there is a loss of radio communication.
- 4.7.4 Ensure only two emergency units, a primary and a secondary shall engage in a vehicle pursuit, unless additional emergency vehicles are authorized specifically by a supervisor. Based on the following circumstances:
 - 4.7.4.1 The severity of the offense.
 - 4.7.4.2 The number of occupants in suspect vehicle.
 - 4.7.4.3 The likelihood of the suspect(s) being armed.
- 4.7.5 Continuously evaluate the pursuit to ensure the safety of the public, officers, and suspect.
- 4.7.6 Terminate the pursuit when any of the following are applicable:
 - 4.7.6.1 The circumstances of the pursuit are one of the criteria listed in section 4.1 thru 4.3.
 - 4.7.6.2 Criteria in section 4.4 are not met.
 - 4.7.6.3 Known circumstances of facts do not justify continuing.
 - 4.7.6.4 When the location of the pursued vehicle is no longer known.
 - 4.7.6.5 When constant sight of the pursued vehicle is lost for extended periods.
 - 4.7.6.6 When hazardous circumstances or environmental factors present an unreasonable risk to public safety.
 - 4.7.6.7 When motorists/pedestrians are involved in an accident because of the pursuit, in which case immediate assistance shall be given.
- 4.7.7 At the conclusion of the vehicle pursuit, respond to the scene to take control of it.
- 4.8 Responsibilities of Dispatch
 - 4.8.1 Immediately notify a supervisor of the information pertinent to the pursuit.
 - 4.8.2 Notify other units of the pursuit.
 - 4.8.3 Declare air priority to the primary unit.
 - 4.8.4 Record all information received from the pursuing officer.
 - 4.8.5 Direct other patrol units to communicate car to car when necessary.
 - 4.8.6 Notify neighboring jurisdictions of a pursuit approaching their boundaries.

4.9 Inter-Jurisdictional Pursuits

4.9.1 Officers from this agency will not aid other law enforcement agencies with an active vehicle pursuit in Essex unless:

4.9.1.1 The other law enforcement agency has requested assistance.

4.9.1.2 Prior to engaging in the pursuit, the supervisor has established the vehicle pursuit meets the criteria established by this policy (4.4) for initiation or continuation of a vehicle pursuit.

4.9.1.3 If the pursuit does not conform to this policy, officers shall not engage in the vehicle pursuit but may attempt to control intersections to promote the safety of innocent persons in the vicinity.

4.9.1.4 The initiating agency will remain in control of any vehicle pursuits that cross into Essex and will remain responsible for the pursuit.

4.9.1.5 A supervisor from this agency will proceed to the point of completion of the pursuit as quickly as possible, if in Essex. If a supervisor is not on duty the next scheduled supervisor will be notified.

4.9.1.6 Generally, officers will not continue the pursuit that has passed through Essex once the pursuit has left Essex.

4.10 Vehicle Crashes

4.10.1 Should a collision result from any vehicle pursuit, the supervisor shall notify the Executive Officer as soon as possible.

4.11 Pursuit Intervention Tactics

4.11.1 Tire Deflation Device (TDD)– Stinger Spike Strips

4.11.1.1 The deployment of TDD is not considered deadly force. The TDD produces a slow, controlled deflation of the pursued vehicle's tires that will not cause the vehicle to lose control.

4.11.1.2 Only officers that have received training shall deploy the tire deflation device.

- 4.11.1.3 Upon receiving a request for deployment, the supervisor shall either grant or deny deployment based upon the information existing to them.
 - 4.11.1.3.1 A supervisor will take into consideration the associated dangers of deploying TDD, including the type and speed of vehicle, pedestrian concentration in the area, weather and road conditions and other related factors.
- 4.11.1.4 All Four elements must be present at the time of deployment to safely deploy the tire deflation device (spikes), or the tire deflation device is not to be deployed.
 - 4.11.1.4.1 **Time:** must have sufficient time to properly deploy the tire deflation device and seek cover.
 - 4.11.1.4.2 **Location:** the site chosen to deploy the tire deflation device must provide proper sight distance so the officer will be able to see the vehicle being pursued to monitor non-involved traffic that may enter the location chosen.
 - 4.11.1.4.3 **Cover:** cover must be available to provide protection for the deploying officer. Cover must be able to protect the officer properly from an on-coming vehicle by either deflecting or stopping said vehicle. The department recognizes that all pursuit situations are different and that varying types of cover will be available based upon the location. Officers need to be aware of the amount of force/energy that a vehicle contains and choose cover based upon the on-coming vehicle's speed. A cruiser does not provide appropriate cover from a vehicle traveling at a high rate of speed.
 - 4.11.1.4.4 **Communication:** Communication between the pursuing officer and the deploying officer must be established and all officers involved must be aware of the deployment location.
- 4.11.1.5 A tire deflation device may not be used on any of the following:
 - 4.11.1.5.1 Motorcycles or ATV's.

- 4.11.1.5.2 Three-wheel vehicles.
- 4.11.1.5.3 Any bus carrying nonculpable passengers.
- 4.11.1.5.4 Any vehicle reasonably believed to be transporting hazardous material.

4.11.1.6 The deploying officer will attempt to remove the tire deflation device after the fleeing vehicle passes over it when it is safe to do so.

4.11.1.7 The pursuing officer shall proceed through the deployment area at a reasonable speed for the safety of other officers and civilians in the area.

4.11.1.8 The pursuing officer may increase speed, if necessary, after the deploying officer signals it is safe to do so, or after having cleared the deployment area.

5.0 PURSUIT – Reporting and Review

5.1 A critique of all vehicle pursuits shall be made by the officers involved with a summary being made by the supervisor in control of the pursuit which shall include but not be limited to, equipment, communication, driving technique, any problems encountered.

5.2 For the purposes of reporting, an officer is considered to have participated if, at any time during the vehicle pursuit, the officer served as a primary or secondary pursuit unit as defined in this policy.

5.3 A supervisor not in control of the vehicle pursuit will review and write a report after reviewing video captured during the pursuit, communication/dispatch recordings, reports associated with vehicle pursuit regardless of whether the suspect was arrested or escaped.

5.3.1 The report should contain the following information:

- 5.3.1.1 The reason(s) for engaging in the vehicle pursuit.
- 5.3.1.2 An account of all the violation(s) committed during the pursuit.
- 5.3.1.3 The starting/ending point and outcome.
- 5.3.1.4 The time and distance.
- 5.3.1.5 Any crashes or property damage because of the pursuit.
- 5.3.1.6 Any injuries, description of injuries because of the pursuit.
- 5.3.1.7 Identify all officers involved and their roles.
- 5.3.1.8 The offender and any pending criminal charges.
- 5.3.1.9 Review for adherence to vehicle pursuit policy.

5.3.1.10 Recommendations.

- 5.4 In the event deadly force was used in the vehicle pursuit, the pursuit will be investigated by the Vermont State Police.
- 5.5 The completed report from the vehicle pursuit will be given to the Executive Officer for review. The final report shall be forwarded to the Chief of Police.

6.0 TRAINING

- 6.1 All officers will receive initial driver training at the Vermont Police Academy.
- 6.2 All officers will receive an annual refresher in the deployment of Tire Deflation Devices, Stinger Spike Stripes.

7.0 REVIEW

- 7.1 All officers will review this policy on an annual basis.
- 7.2 This policy will be reviewed bi-annually to ensure it meets the needs of the department and any recent changes in law.