

STANDARD OPERATING PROCEDURE

SOP-99-01

SUBJECT: DEPUTY PURSUIT DRIVING

EFFECTIVE DATE: JAN. 1, 1995

REFERENCE: PURSUIT DRIVING

AMENDS: 95-71

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I. PURPOSE

The purpose of this policy is to establish policy regulations regarding police driving by members of the Henry County Sheriff's Department and to provide tactics and considerations when members are involved in a pursuit.

II. DEFINITIONS

- A. Pacing - means the positioning of a police vehicle at a stable, fixed distance behind a speeding vehicle, in order to determine the speed of the violator.
- B. Pursuit - means an attempt by officers in an authorized emergency vehicle to apprehend one or more occupants of another moving vehicle when the driver of the fleeing vehicle is attempting to avoid apprehension by maintaining or increasing his speed or by ignoring the officer's attempt to stop the vehicle. "Pursuit" also includes the catching up to or closing of the distance between a police vehicle and a law violator who is not yet aware of the officer's action.

III. GENERAL POLICY

- A. Pursuits at high speeds are permitted when the individual officer knows or has reasonable grounds to believe the person being pursued has committed or attempted to commit a serious felony. A serious felony is one that involves an actual or threatened attack which the officer has reasonable cause to believe could result in death or serious bodily injury.
- B. Pursuits are also permitted to apprehend the operator of a motor vehicle which is involved in a traffic violation, other misdemeanors or felonies that do not involve an actual or threatened attack which may result in death or serious bodily injury. However, in doing so, the manner of driving shall not be conducted in the same manner as enumerated for serious felonies.
- C. No officer at any time, shall operate a mobile police unit at such a rate of speed or manner that may cause him to lose control over the operation and/or direction of the vehicle. Even though an officer is legally engaged in a pursuit, he is not relieved of his duty to drive with "due regard" for the safety of all persons, nor is he protected from the consequences of any reckless disregard for the safety of

others. He must exercise that degree of care which a reasonable prudent man in the discharge of similar duties and under like circumstances would use. It is understood that the officer's ability to supervise or control other motorists by the nature of existing circumstances is limited, but it is clearly his duty to avoid contributing to the danger already created by the violating motorist.

#### IV. CONSIDERATIONS

- A. The paramount consideration in the nature of police pursuit tactics that are employed as well as the decision to pursue is "reasonableness". Each pursuit will ultimately be judged and possibly litigated on the basis of the department's and the officer's action being not only within its legal authority but with regard to its "reasonableness" in light of:
1. The seriousness of the offence for which the suspect was wanted initially.
  2. The officer's judgement with regard to the consideration contained herein and his decision to continue to pursue.
  3. The tactics which were employed by the officer in the course of the pursuit.
  4. The outcome. Ultimately high speed pursuits which result in the serious injury or death, especially to an otherwise innocent third party, will be closely examined at a number of levels within our system of justice, and the question of our responsibility for the protection of life and property raised in relation to the outcome of the pursuit.
- B. Each officer must overcome any perception or action predicated on a level of "personal challenge" and rationally and analytically evaluate the situation, as it develops, to provide that the risks and possible outcome is reasonable in relating to the seriousness of the offense for which the suspect is wanted.
- C. The initiation and continuation of a high speed pursuit shall consider the following factors. It shall be recognized that such pursuits represent a fluid, tactical situation during which conditions are rapidly changing and the decision to continue the pursuit, once initiated, shall involve an outgoing rational evaluation of the factors.
1. Vehicular and pedestrian traffic.
  2. Location of pursuit - i.e., residential, business, highway, freeway.
  3. Time of day or night.
  4. Weather and road conditions.

5. Reason and pursuits.
6. Speeds involved.
7. Vehicle and driver capability.

## V. PROCEDURE

### A. Pacing Procedure

1. While operating with due regard for the safety of others, officers pacing a traffic offender may exceed the posted or prima facie speed limit in order to determine the speed of the violator's vehicle. "Pacing" does not include the catching up to or closing the distance between a police vehicle and a law violator. Such conduct is pursuit driving and will be governed by pursuit driving procedures.
2. While pacing traffic offenders, officers must exercise that care which a reasonably prudent man would exercise in the discharge of official duties of like nature under like circumstances.
3. Each officer must understand that the decision to pace a violator must involve a deliberate reasoning process that considers all of the existing circumstances. The officer should take into account the considerations listed in Section V of this order.
4. Throughout the pacing procedure, officers must continually be evaluating their decision and be prepared to terminate the pace at any time if public safety so requires.
5. Speeding while pacing a traffic offender is authorized by State Statute. Officers:
  - a. Must not violate any other traffic laws other than speeding.
  - b. Must operate their vehicle with due regard for the safety of others.
  - c. May operate their vehicles without using lights and/or siren, but must use a siren when necessary to warn other innocent motorists or pedestrians.

### B. Initiation of Pursuit

Any pursuit initiated shall cause immediate:

1. Notification to dispatcher as to location and direction; reason for pursuit; suspect vehicle and occupant description; speeds involved.

2. Use of emergency lights/siren.

#### C. Pursuit Procedures

1. A maximum of-two (2) marked police vehicles shall become actively involved in the actual pursuit at any given point in time, the primary unit and one back-up unit.
2. The marked patrol vehicle initiating the pursuit shall normally be designated the primary unit.
3. The marked patrol vehicle in closest, strategic location shall normally be designated as back-up unit.
4. In the event that the pursuit is initiated by an officer in an Unmarked police vehicle, it shall be continued only when the occupant (s) has committed or there is reasonable cause to believe the occupants has committed a serious felony; for without markings, lights and siren, no protection is offered under the law should an accident result.
5. In such cases, the Unmarked vehicle shall withdraw from the pursuit at such point as a marked unit is in position to assume the primary unit role, provided that the Unmarked vehicle shall serve as the back-up unit until such time as a second marked unit is in position to assume such role, at which time the Unmarked unit shall withdraw and serve in support function having resumed a safe and prudent speed.

#### D. Primary Unit Responsibility

1. The Primary unit shall assume responsibility for the pursuit and shall update information as to pursuit factors and change therein.
2. The primary unit shall have radio channel priority.
3. The primary unit shall constantly evaluate pursuit factors, changes therein and risks and communicate same by radio.
4. The unit's decision to discontinue the pursuit shall be immediately communicated and obeyed by all other units; provided however, that the shift supervisor may order the pursuit discontinued at any time.

5. The primary unit shall immediately comply with an order to discontinue the pursuit.

#### E. Back-up Unit Responsibility

1. The back-up unit shall maintain a safe distance behind the primary unit, taking care to maintain a stopping/safe distance for evasive action but maintaining visual contact.
2. The back-up unit shall not pass the primary unit unless instructed to pass and assume the primary unit role by the primary unit.
3. In the event that the primary unit experiences mechanical problems or is otherwise unable to continue, the back-up unit shall become the primary unit and another nearby unit shall be assigned to assume back-up responsibilities.
4. The back-UD unit shall immediately comply with an order to discontinue the pursuit.

#### F. Dispatcher Responsibility

1. Designate or acknowledge the Primary unit.
2. Identify, assign and designate a back-UT unit.
3. Broadcast to all other stations and vehicles sharing the radio frequency that we have a "PURSUIT IN PROGRESS" and request that the channel be kept clear for emergency traffic only. Control/coordinate any changes of frequency and all radio traffic.
4. Alert other sheriff's departments in the apparent path of the pursuit and coordinate communications.
5. Immediately notify the shift supervisor of the pursuit and of such information as is available.
6. Obtain registration and warranty information, if applicable, for field units concerning the suspect's vehicle.
7. Relay and repeat confirmation of compliance from each unit involved, an order to discontinue the pursuit.

#### G. Supervisor's Responsibility

1. The shift supervisor shall thoughtfully monitor the pursuit, evaluating the risks in view of all known factors.

2. The shift supervisor shall order termination of the pursuit if/when the shift supervisor's judgement dictates that the necessity for apprehension is outweighed by the level of risk being assumed or danger created by continuation of the pursuit.

#### H. Discontinuance of Pursuit

It shall be recognized that discontinuance of a vehicular pursuit may represent, in fact, the best judgement and most professional course of action and does not signify a lack of courage or perseverance.

Officers shall discontinue a pursuit for the following reasons:

1. Officers shall terminate a pursuit whenever they reasonably believe that the risk to themselves and others outweigh the benefit of apprehension or when ordered to discontinue the pursuit by a supervisor.
2. When environmental, road or traffic conditions indicate the futility of the pursuit.
3. When the offenders identity is known and the offense is not life threatening.
4. When information is available that the driver of the fleeing vehicle is a juvenile and the offense constitutes a misdemeanor or not a serious felony as described in Section III, A.
5. Pursuit of vehicles that leave the roadway an enter parks, fields, etc. shall be discontinued immediately. Vehicles included are: motorcycles, snowmobiles, ATV, dune buggies and all other off the road vehicles. Department four-wheel drive vehicles are included in this prohibition.
6. Vehicles conveying witnesses, citizens, prisoners, or suspects shall not become engaged in any pursuit situation.

#### VI. TACTICS

It is the policy of this department to protect life and property and engage in all activity, including high speed pursuit, with that fundamental duty in mind.

- A. The tactics of intentional collisions, forcing vehicles off the roadway, or blocking of the roadway with any vehicle, barrier, or object shall not be utilized except in the following limited circumstances:

1. The fleeing suspect(s) is endangering the life of a citizen or pursuing Officer by use of a firearm or other 'lethal force.
  2. Direct approval for this exception must be authorized by competent authority.
  3. In the event that a "roadblock" is implemented:
    - a. Vehicles will be positioned with due concern to the safety of innocent persons.
    - b. overhead lights shall be on.
    - c. Vehicle(s) shall not be occupied by officers.
- B. A caravan of police vehicles in a pursuit situation is prohibited. Units not designate as a primary or back-up unit shall remain in assigned areas unless otherwise directed.
- C. A detailed report shall be made on all pursuit situations by the Officer initiating the pursuit.

I EMERGENCY DRIVING POLICY FOR ALL POLICE PERSONNEL

- A. Officers making emergency calls shall observe all provisions of the Indiana Code pertaining to the subject. The following provisions of the Indiana Code are reproduced herein for the benefit of those charged with knowledge of them.

Indiana Code 9-21-1-8, as amended 1991 states as follows:

“Sec. 8 EMERGENCY VEHICLES

- (a) This section applies to the person who drives an authorized emergency vehicle when:
1. responding to an emergency call;
  2. in the pursuit of an actual or suspected violator of the law; or
  3. responding to, but not upon returning from, a fire alarm.
- (b) The person who drives an authorized emergency vehicle may do the following:
1. Park or stand, notwithstanding other provisions of this article.
  2. Must stop at all red stop signal or stop signs including, but not limited to, school bus stop arm, and proceed after giving due regard to all other traffic present at the intersection.
  3. Exceed the maximum speed limits if the person who drives the vehicle does not endanger life or property.
  4. Disregard regulations governing direction of movement or turning in specified directions.
- © This section applies to an authorized emergency vehicle only when the vehicle is using audible or visual signals as required by law. An authorized emergency vehicle operated as a police vehicle is not required to be equipped with or display red and blue lights visible from in front of the vehicle.
- (d) This section does not do the following:
1. Relieve the person who drives an authorized emergency vehicle from the Duty to drive with due regard for the safety of all persons.