

	STANDARD OPERATING PROCEDURE State Form 39870(R/S-06)	Reference Number ENF-001
	Subject Operation of Department Commissions	
	Special Instructions Replaces ENF-001 dated November 10, 2015	Effective Date May 31, 2018

I. PURPOSE

Establish guidelines for the operation of Department commissions when on or off-duty and during both routine (non-emergency) and emergency driving situations.

II. POLICY

Department employees shall operate Department commissions in a safe, lawful and prudent manner regardless of the employee’s duty status. No employee shall drive or use a Department commission in a manner that will reflect discredit on the Department.

Authorized personnel responding to emergency calls or participating in a pursuit shall engage all emergency lights and/or siren when their commission is used as an authorized emergency vehicle.

Consideration for the risk to public safety is the primary concern when Department personnel are involved (in initiating or in assisting another agency) in any vehicle pursuit. Officers shall use their own discretion, within the guidelines of this procedure, when initiating or assisting in a pursuit. Involved officers and commanders shall continually evaluate the situation and should terminate the pursuit when the risk to the public’s safety outweighs the need for immediate apprehension.

III. DEFINITIONS

- A. Caravanning – When four (4) or more police commissions (regardless of jurisdiction) are immediately pursuing or following a suspect vehicle; unless there are articulable reasons the number of commissions involved is necessary, e.g. an attempted stopping technique, the threat posed by the suspect(s) to the number of officers involved, etc. This definition does not include officers who are either paralleling the pursuit or who are involved in protective measures.
- B. De-escalation (Protective or Restrictive Measures) – Anticipatory actions used to stop, clear or block traffic (e.g. at an intersection) in an attempt to protect the public.
- C. Department Commissions – Issued vehicles or vehicles authorized for use by the Department for Department employees; including leased vehicles, task force issued vehicles, etc.
- D. Emergency Driving – In compliance with IC 9-21-1-8, the person who drives an authorized emergency vehicle when the vehicle is using audible or visual signals, as required by law and responding to an emergency call, or is in the pursuit of an actual or suspected violator of the law.
- E. Failure to Stop – When a motorist unknowingly or unintentionally fails to stop or

acknowledge an officer's attempt to stop their vehicle.

F. Flatline Pursuit – Vehicle pursuits where the need for immediate apprehension is very low and the risk to public safety is very high.

G. Non-Emergency Driving – All other operation of a Department commission which is not considered emergency driving as defined above.

H. Off-Duty – When a Department employee is not involved in a job-related incident/situation.

I. On-Duty – When a Department employee is involved in a job-related incident/situation.

J. Paralleling - When officers, not directly involved in a pursuit or a failure to yield situation, are traveling in the same direction or on an intercept course with the intent to be in a position to assist. Officers paralleling a pursuit are considered part of the pursuit (regardless of their proximity to the pursuit) if they violate any laws or act without proper regard for the public's safety. Paralleling must be done with extreme care and due regard for the safety of all persons.

K. PIT (Precision Immobilization Technique) - A technique used by a trained police vehicle operator to make contact at controlled speeds with the violator vehicle being pursued in order to push the rear of the violator vehicle to the point it spins causing the violator vehicle to stop.

L. Primary Officer – The officer(s) in the lead police vehicle during a pursuit.

M. Pursuit (Vehicle) - Pursuing or following a person who knowingly or intentionally flees from a law enforcement officer after an officer has been identified, by visible or audible means, and ordered the person to stop with intent to detain, apprehend or arrest. This also includes any officer who is trailing the pursuit or attempting to enter into the pursuit regardless of proximity to it.

N. Termination (of a pursuit) – When an involved officer either voluntarily or is ordered to stop pursuing a vehicle (called off) and complies with the procedures of termination in this SOP.

IV. OPERATION OF DEPARTMENT COMMISSIONS

Employees operating a Department commission shall:

A. Whenever possible, and as permitted, shall back into or pull through a space when parking.

B. Not make emergency runs with unauthorized passengers;

C. Not become involved in or directly participate in any way in a pursuit when pulling a Department-issued trailer or operating an INDOT pick-up truck;

D. Not drive in excess of the posted speed limit even when responding to an emergency (using lights and/or siren) when pulling a Department-issued trailer;

- E. Maintain radio contact at all times, while on-duty or off-duty;
- F. Permit only authorized passengers (including news media) on routine patrol (per ENF-020);
- G. Require all occupants (including the driver) to wear all proper safety restraining devices;
- H. Not operate a Department commission outside the jurisdiction of the Department except on official business and with the approval of the appropriate commander;
- I. Not drive or use a Department commission in a manner that will reflect discredit on the Department, such as, but not limited to:
 - 1. Violating any traffic law, unless necessary to perform an official duty;
 - 2. Hauling objects that are conspicuous and/or protrude from the commission;
 - 3. Parking a commission, on-duty or off-duty, that is easily identifiable as a state police commission, for extended periods of time, in areas that are considered to be offensive by community standards and would reflect negatively on the Department; unless on official business;
 - 4. Displaying items not approved by the Department such as stuffed animals, baseball hats, toys, uniform hats, decals, stickers and all other similar items in a window(s) of or upon the vehicle;
 - 5. Leaving a commission running and unattended for any period of time except when necessary to conduct official business (e.g. K-9 unit, crash scene, traffic direction, etc.).
- Note: It shall be acceptable to briefly run the commission to warm it in the winter or cool it in the summer or make it otherwise ready for use; or
- 6. Any other indiscreet uses of the vehicle.
- J. Not routinely leave uniforms and other issued or personal articles in an unattended commission. Such items should be relocated to the trunk or other appropriate place with the exception of the issued shotgun and flashlight;
- K. Ensure assigned commissions are locked when left unattended. Also, employees operating a "push to start" commission (where starting the commission does not require a key be inserted in the ignition, but requires a key fob to be in proximity of the commission) shall not leave a key fob in an unattended commission;
- L. Ensure all occupants (including the driver) conform to the appropriate dress code (See ENF-025). This section does not apply to individuals such as stranded motorists, arrestees, etc;
- M. While on-duty, limit transportation for civilian employees to the needs of the Department;
- N. Not routinely permit traffic violators to accompany the officer to or be seated in the officer's

commission unless extenuating circumstances dictate otherwise;

O. Abide by the guidelines in FSS-008 for proper care and maintenance of the commission;

P. Not operate a Department commission at any time with any measurable amount of alcohol in their blood; except police personnel carrying out authorized undercover operations requiring the consumption of alcoholic beverages who shall not operate a Department commission if their blood alcohol content exceeds .04%; and

Q. Employees may forfeit the use of a Department commission for violating the rules of proper use or operation of a Department commission as outlined in this procedure.

V. OFF-DUTY USE OF DEPARTMENT COMMISSIONS

A. Department employees shall not permit unauthorized persons or employees to whom the use of a Department commission has been restricted or revoked to operate any Department commission under the employee's control.

B. Motor Carrier personnel shall be restricted to using Department commissions while on-duty and conducting Department business. Off-duty use of the commission is prohibited.

C. Capitol Police Section (CPS) Officers who are not permanently assigned a Department commission shall be restricted to using a commission while on-duty and conducting Department business. CPS Officers who are permanently assigned a Department commission shall follow the guidelines outlined in Section F below.

D. Civilian employee use of Department assigned, issued or (temporary) pool commissions:

1. Civilian employees utilizing a Department commission shall be restricted to using the commission while on-duty and conducting Department business only. Off-duty use of any commission is prohibited except when the commission is used for the purposes of commuting.

2. All civilian employees utilizing a Department commission shall be required to complete an In-Car Daily Log for each day's use. This includes commissions issued to other personnel and loaned to a civilian for use in conducting Department business; as well as, in addition to any Pool Car Logs (when operating a pool commission) required by the district or division responsible for the commission, at the time of sign-out or return.

3. Civilian personnel temporarily operating a Department commission shall be notified if any use of the commission is considered "commuting" and subject to taxation by the Internal Revenue Service (see section below on Employer Provided Vehicle Use).

4. Assignment/issuance of a Department commission to (non-enforcement) civilian employees shall be restricted to employees whose use of a commission is integral to the employee's work and the Department's mission.

Upon permanent assignment/issuance of a Department commission, civilian employees shall be

informed if they are exempt from or must comply with the Internal Revenue Service (IRS) rules regarding taxable benefits to the employee of a take-home company vehicle. Employees who are not exempt from the IRS rules shall be briefed:

- a. On all applicable Indiana Department of Administration (IDOA) and IRS rules related to take-home vehicles;
- b. On when an employee is considered in “commuting status” and therefore subject to IRS rules. Ex: Travel between the employee’s residence and their normal assigned work location (e.g. GHQ) would be considered “commuting” and therefore subject to IRS rules. However, travel between that employee’s residence and a location that is not their normal assigned work location would not be considered commuting and therefore not eligible for taxation; and
- c. If they are required to submit an Employer Provided Vehicle Use Form.

5. Employer Provided Vehicle Use Form.

- a. Non-exempt employees shall submit an Employer Provided Vehicle Use form to their supervisor or commander by noon on Monday following the close of a pay period.
- b. Applicable supervisors/commanders (or a designee) shall review, sign off and forward the form electronically to the Fiscal Division by the close of business on the Monday following the close of a pay period. The Employer Provided Vehicle Use form shall include:

- (1) The required employee’s personal information;
- (2) The actual number of one-way commutes conducted in a Department commission.

Ex: Travel between the employee’s residence to GHQ and then from GHQ back to the employee’s residence is considered two (2) one-way commuter trips; and

- (3) The form must contain the original signature of the employee and the employee’s commander/supervisor. Electronic signatures are not acceptable. However, once signed, the form may be scanned and emailed as needed.

Note: Civilian employees may be authorized, on a temporary and justifiable basis, to stage a Department commission at their residence in preparation for or when returning from authorized Department travel. During these periods, employees shall not be considered as commuting and shall not be subject to IRS rules on taxable benefits.

6. All commanders responsible for any pool cars, employees who have loaned their commission to a civilian employee, or any civilian employee who is permanently assigned or issued a take-home commission shall forward the In-Car Daily Log to the Commander of the Field Support Services Section by the 5th day of each following month.

E. Employees in a limited duty status shall abide by the provisions of HMR-010 regarding the operation of Department commissions when off-duty.

F. Authorized ISP police employees and CPS Officers issued or assigned a Department commission:

1. May exercise DeMinimis use of Department commissions for reasonable and limited personal transportation. DeMinimis means so insignificant that it does not give rise to a level of sufficient importance to be dealt with judicially;
2. Shall not use the commission in personal employment or business pursuits; however, the commission may be discreetly used to drive to and from the other employment;
3. Shall respond to emergency situations, when assigned or made aware of a nearby situation; and shall immediately notify the applicable district when responding (lights and or siren) to a call (emergency) of any type; and
4. May lose all off-duty use of a Department commission if the employee's performance is considered chronically under-achieving by the employee's commander and until such time that the commander considers performance to be at least baseline acceptable.

G. Department motorcycles shall be limited to Department business use only.

H. The use of some Department commissions by its employees may be subject to Internal Revenue Service taxation. Applicable employees shall be responsible to ensure proper declarations are made concerning tax status.

VI. **EMERGENCY and PURSUIT DRIVING**

A. Legal Requirements:

1. In compliance with IC 9-21-1-8, the person who drives an authorized emergency vehicle when the vehicle is using audible or visual signals, as required by law and responding to an emergency call or in the pursuit of an actual or suspected violator of the law, may:
 - a. Park or stand, notwithstanding other provisions of IC 9-21;
 - b. Proceed past a red or stop signal/stop sign, after slowing down as necessary for safe operation;
 - c. Exceed the maximum speed limits if the operator does not endanger life or property; or
 - d. Disregard regulations governing direction of movement or turning in specified directions.
2. The foregoing privileges do not relieve the person who drives an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons nor shall such privileges protect the person who drives an authorized emergency vehicle from the consequences of the person's reckless disregard for the safety of others.
3. Personnel shall use extreme caution in all emergency/pursuit driving situations; as dictated by: roadway conditions, density of vehicular and/or pedestrian traffic, visibility, terrain, limitations of emergency equipment and other relevant circumstances.

Emergency Driving:

4. Civilian employees are prohibited from operating a Department commission (if so equipped) as an emergency vehicle.

5. Troopers, CPS Officers and Motor Carrier Inspectors shall abide by the guidelines of law and Department policy when operating a Department commission during emergency driving situations.

B. Vehicle Push Bumpers, Use of:

1. Push bumpers may be used for the purpose of removing vehicles from the travel portion of the roadway when a vehicle cannot move under its own power due to mechanical problems, damage from a vehicle crash, or is left abandoned creating a traffic hazard.

2. Only Department trained and approved personnel shall use the push bumpers (if available) and shall only use Department commissions equipped with push bumpers to push another vehicle.

3. When utilizing push bumpers, Department personnel shall:

a. Use all emergency lighting and in-car video (if available);

b. Only push the vehicle as far as necessary to remove it from the travel portion of the roadway and to a safe location;

c. Obtain verbal permission from the operator, if present, prior to pushing a vehicle (only under exigent circumstances shall a vehicle be pushed when the operator refuses to allow it). When necessary, other Department or law enforcement personnel may steer the vehicle to be moved;

d. Follow all the guidelines outlined in the Push Bumper training relating to instructions to be provided to the operator and the requirements and method for pushing a vehicle; and

e. Whenever a vehicle is removed from the roadway utilizing a push bumper, it shall require a notation in the InterAct Mobile "Remarks section" to include: a description of the vehicle, license plate number and reason for the push; in addition, the officer conducting the push shall complete and submit a "Push Bumper Use Form," through channels, to the Assistant Chief of Staff Operations.

4. Damage occurring during a push to the pushed vehicle, other vehicles or property, or a Department commission, shall require an incident report be drawn and photographs taken detailing the nature and cause of the damage.

5. Damage to a Department commission shall also require the completion of a Report of Automobile Crash or Equipment Loss form, as per FSS-007.

C. Vehicle Pursuits.

1. In most circumstances, only personnel classified as Troopers shall become involved in or participate in vehicle pursuits. MCIs shall not become involved in or participate in a vehicle pursuit and shall immediately follow the procedures set forth in the section VII "Termination of a Pursuit" when a "Failure to Stop" situation evolves into a vehicle pursuit. Capitol Police Section Officers shall only engage in pursuits when the officer witnesses or has reason to believe the individual fleeing has been involved in a serious violent felony.

2. A pursuit should not begin nor should it be continued when the need for immediate apprehension is clearly outweighed by the risk to the public's safety.

3. Initiating a pursuit is a discretionary decision on the part of the individual officer; however, the district duty officer, any supervisor, or command personnel shall have the authority to order the termination of any pursuit.

4. Officers shall consider the following prior to initiating or becoming involved in a pursuit:

a. What is the violation the person is known to have committed, is wanted for, or suspected of;

b. Would the public be in imminent danger during the pursuit;

c. Is the need for immediate apprehension justified when considering the facts, circumstances, and the environment of the pursuit; is this, or does it resemble, a "FLATLINE PURSUIT;"

d. What time of day is it and what is the population density in the area of the pursuit or in the approaching area of the pursuit;

e. Is someone in potential danger if the offender is not apprehended immediately; and

f. Is the suspect's identity known.

g. Other considerations (not limited to):

(1) Vehicle and pedestrian traffic conditions,

(2) Road conditions, visibility, terrain and

(3) The limitations of emergency equipment and vehicles.

h. All personnel involved in a pursuit, including those following, paralleling, and command personnel, shall continually evaluate the above guidelines to determine if the pursuit should continue or be terminated.

i. If/when a pursuit is terminated (by the Department or by apprehension), the procedures contained in section VII Termination of a Pursuit shall be adhered to.

5. Drivers/operators of all unmarked commissions and motorcycles shall relinquish the lead in a pursuit to a marked commission as soon as one becomes available unless circumstances dictate otherwise.

6. When a vehicle pursuit has been initiated, the appropriate district shall be notified by radio. The district shall be advised of the description of the suspect vehicle (and suspect, if available), location, direction of travel and reason for the pursuit.

E. Regional dispatchers, upon initiation of a pursuit, shall:

1. Immediately notify the Regional Duty Officer and rebroadcast (on dispatch, applicable mutual aid talkgroups and other frequencies as needed) the route of travel and description of the vehicle and occupants;

2. Advise other units to hold all non-emergency radio transmissions (Signal 100);

3. Use discretion and brevity in all radio transmissions.

Note: transmissions on all mutual aid talkgroups should use simple-plain English instead of Department radio codes; and

4. Upon termination of the pursuit and any subsequent related emergency, (e.g. vehicle crashes and foot pursuits) initiate a dispatch for resumption of routine radio traffic.

F. Regional Duty Officer (RDO), upon initiation of a pursuit, shall:

1. Immediately report to the dispatch center to closely monitor all traffic concerning the pursuit and personally take command; controlling the number of units involved (caravanning) and determining if the pursuit should continue after evaluating all available information;

2. When applicable, contact the local district duty officer (DDO) to ensure the DDO is monitoring the pursuit and is available to provide information to the RDO and telecommunications personnel.

3. When necessary, order all units involved to switch to State Wide Mutual Aid (SWMA) 1 (channel one) talkgroup. Consideration for this should include the number of units/agencies involved and the vicinity to county or district lines;

4. Notify the adjacent ISP districts and relinquish command and communications control of the pursuit to the applicable regional dispatch center if it enters into another district (without expectation of return);

5. Direct the pursuit to be terminated when the danger to the public clearly outweighs the need for apprehension at that time. Consideration shall be given to roadway conditions, density of vehicular and/or pedestrian traffic, visibility, etc. If the suspect is known or has been identified, consideration should be given to terminate the pursuit; unless the suspect's capture is necessary to prevent imminent serious bodily injury to the officer or a third person; and

6. Make the necessary notifications, through the chain of command, to include Operations. The level of immediate notification, through the chain of command, shall be determined by the totality of the situation and the amount of force used; and

7. Notify Operations, the Primary Staff and the Legal Division when an injury or death has occurred; and

8. Upon completion of the pursuit, the RDC shall ensure the Vehicle Pursuit Report is completed as outlined in section VII, D. below.

G. Assisting Officers, duties and responsibilities:

1. Any officer trailing or paralleling a pursuit is considered part of the pursuit (regardless of proximity to it).

2. Caravan situations should be avoided unless articulable justification exists.

3. Officers deploying tire deflation devices (successful or not), setting up roadblocks, or applying de-escalation techniques shall report these to the lead officer for documentation on the [Vehicle Pursuit Report](#) (VPR).

H. The Department's "Use of Deadly Force policy" shall govern pursuits and use of roadblocks.

1. Discharging firearms at or from a moving vehicle is prohibited unless the offender is employing deadly force against the officer or a third person.

2. Use of police vehicles as weapons shall be viewed with the same regard as using a deadly weapon and shall be considered only as a last resort when it is reasonably believed the use of such force is necessary to prevent imminent serious bodily injury to the officer or a third person.

I. Roadblocks shall be setup as follows:

1. Emergency lighting in operation on police vehicles used as a stationary roadblock.

2. Commissions used as stationary roadblocks shall not be occupied.

3. Privately owned vehicles shall not be commandeered to be used as a roadblock.

4. Roadblocks shall be set up where it will afford clear visibility to traffic in all directions.

5. Remove all vehicles and people not associated with the roadblock from the area.

6. Roadblocks must be positioned in such a location and manner that the suspect can see the roadblock and have sufficient time and distance to come to a stop before impact.

J. Rolling roadblocks are not recommended, but they may be used in circumstances where it is necessary to protect a third party; however, non-police vehicles shall not be used.

K. Use of Tire Deflation Devices (TDD) in pursuit situations.

1. Personnel using Department issued TDD shall set up a roadblock as prescribed in section H, and shall:

- a. Seek a proper place of cover/concealment from which to deploy the TDD;
- b. If possible, deploy the TDD as per the manufacturer's specifications across the path of the target vehicle; and
- c. After deployment (successful or not) the deploying officer shall be responsible for gathering and securing (out of the roadway) the deployed sticks.

2. For replacement procedures for Department TDDs, see FSS-008.

3. Tire deflation devices should not be used as a hand weapon.

L. Precision Immobilization Technique (PIT) (Use of)

1. An officer may employ the PIT maneuver against a pursued vehicle in order to terminate a pursuit or prevent a pursued vehicle from continued operation under the following conditions:

- a. When the officer has been trained and approved to conduct the PIT maneuver;
- b. When in the judgment of the officer, the fleeing vehicle must be stopped immediately to safeguard life and preserve public safety;
- c. When the officer takes into account the safety of the public, the occupants of the fleeing vehicle and the officer involved;
- c. When the violator's vehicle is judged to be traveling between 20 to 50 miles per hour; and
- d. When used in accordance with Department training guidelines.

2. Whenever possible, sufficient back-up officers should be available at the time the PIT maneuver is employed to prevent the violator (vehicle) from escaping after initially coming to rest.

3. When used in accordance with Department training guidelines, the PIT maneuver shall be considered a non-deadly use of force.

4. When a PIT maneuver is employed (successful or not), it shall be documented on a Vehicle Pursuit Report and in a case or supplemental case report as outlined in the PIT manual.

5. Officers shall be trained and approved by the Commander of the Training Division in the PIT maneuver and shall receive periodic PIT Training.

VII. **TERMINATION OF A PURSUIT**

A. Termination with apprehension, officers shall (if possible):

1. Conduct a felony stop and should not rush the vehicle; and,
2. Ensure, whenever possible or practicable, the primary officer does not make the physical arrest or transport the suspect to jail.

B. Voluntary or ordered termination, officers shall immediately notify communications and advise:

1. The suspect's last known location, direction of travel and where the pursuit was terminated;
2. That all emergency equipment (lights and siren) have been shut down;
3. The officer's actions (stationary, turned in the opposite direction, etc.) be specific; and
4. Request the current time from communications noting the end of the pursuit.

C. Pursuits that cross state lines shall only be made if the person(s) being pursued has committed or is suspected of having committed a felony that involved the use of deadly force or resulted in serious bodily injury to another party.

1. After crossing a state line, Department personnel shall merely keep the pursued vehicle in sight until the agency having jurisdiction assumes the pursuit role; or
2. If the other state's agency has no officers available or elects to not participate in the pursuit, Department personnel shall immediately terminate the pursuit.

D. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies and procedures.