



# BETHLEHEM POLICE DEPARTMENT

<b>Vehicle Pursuit &amp; Emergency Vehicle Operation</b>	<b>Related Policies: Response to Resistance</b>
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only for the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
<b>Applicable New Hampshire Statutes: RSA 265:8 Title XXI</b>	
<b>CALEA Standard: 41.2.2, 41.2.3, 41.3.1, 61.3.4</b>	
<b>Date Implemented:</b>	<b>Review Date:</b>

**I. Purpose:** The purpose of this policy is to provide guidelines and directions for the establishment of responsibility for the safe operation of police vehicles during a pursuit; for the initiation or discontinuation of pursuits; for the responsibility of participating officers and supervisor; and to provide the essential balancing of the necessity for the pursuit and more immediate apprehension of the fleeing subject against the risks involved with the pursuit which might include death, injury and/or property damage.

In these cases, officers should attempt to anticipate flight and utilize tactics to prevent a pursuit. If tactics to prevent a vehicle pursuit fail, tactics should be utilized to minimize the duration of the pursuit, and if possible, to influence the subject vehicle's direction in ways that reduce the risk of harm to others. Once initiated pursuits shall be monitored and assessed according to state statutes and this policy to ensure that the need to pursue outweighs the risk and dangers of the pursuit itself.

**II. Policy:** The department recognizes its responsibility to apprehend criminals and lawbreakers, but it also recognizes that higher responsibility to protect and foster the safety of all persons in the operation of police vehicles under pursuit conditions. Officers in operating under pursuit conditions shall be constantly aware that no assignment is too important and no task is to be expedited with such emphasis that any of the basic principles of safety are jeopardized. Therefore officers shall only engage in pursuits when the need for apprehension outweighs the risk to the officer and the public. Finally officers shall be held accountable for the consequences of reckless disregard for the safety of others and violations of this procedure. In initiating any pursuit the officer shall carefully consider the facts, the driving environment, the seriousness of the offense, the need for apprehension, all the possible consequences and the safety of all persons.

**III. Definitions:**

- A.** 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.
- B.** Aerial support: the use of aerial surveillance to monitor a pursuit or take over the pursuit allowing vehicles to back off to a supportive role.



# BETHLEHEM POLICE DEPARTMENT



- C. Authorization to continue pursuit: verbal approval, transmitted over the assigned radio channel, by the supervisor and acknowledgment by the dispatcher and the officer driving the primary unit.
- D. Authorized Law Enforcement Vehicle: a motor vehicle belonging to a federal, state or local law enforcement agency with a functioning audible signal and a functioning flashing or revolving light. For purposes of this policy Personal Vehicles (POVs) are not authorized by this agency to operate as an emergency vehicle.
- E. Boxing-in: surrounding a violator's vehicle with emergency vehicles that are then slowed to a stop, forcing the violator's vehicle to do likewise.
- F. Canalization: a technique where objects or vehicles are positioned in a manner intended to direct or redirect a fleeing vehicle into a clearly identifiable and unobstructed path.
- G. Caravan: operating emergency vehicles in a line or alongside each other in a pursuit.
- H. City vehicle: any motor vehicle that is owned, leased, or borrowed by the city.
- I. Code-three emergency call: a request for police service that presents an actual and immediate danger of death or serious bodily injury.
- J. Deadly force: force which creates a substantial likelihood of death or serious bodily harm.
- K. Emergency operation: driving an emergency vehicle according to state law and this procedure in response to a code-two or code-three (department coding as applicable) calls or in pursuit of a fleeing vehicle.
- L. Inter-Jurisdictional Pursuit: Any vehicle that crosses into a neighboring jurisdiction, such as across municipal, county or state line.
- M. Marked police vehicle: a police vehicle displaying the emblem and marking of the police department with overhead lights and audible warning devices.
- N. Paralleling: operating an emergency vehicle on streets or a route parallel to the pursuit route.
- O. Police vehicle: a city vehicle assigned to the police department.
- P. Primary unit: The authorized law enforcement vehicle that initiates a pursuit or any other unit, which assumes control of the pursuit.
- Q. Secondary unit(s): Any authorized law enforcement vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- R. PIT (Precision Immobilization Technique) maneuver: a controlled deliberate contact with the rear of a fleeing vehicle by a marked police vehicle with the intention of spinning the vehicle in a predetermined direction to bring it to a stop.



# BETHLEHEM POLICE DEPARTMENT

- S. Ramming: deliberate contact with a violator's vehicle by a marked police vehicle to force the violator's vehicle off the roadway.
  - T. Roadblock: a barricade or other physical obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.
  - U. Secondary vehicle: the marked police vehicle that follows the primary vehicle in a pursuit acting as a back-up for the primary vehicle.
  - V. 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.
  - W. Supervisor: the supervisor assigned or assuming control of a pursuit situation.
  - X. Terminate the Pursuit: The decision to discontinue the pursuit.
  - Y. 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.
  - Z. Vehicle Pursuit: an active attempt by a law enforcement officer operating an authorized law enforcement vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.
  - AA. 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 (e.g. aggravated assault, armed robbery, and murder, etc.)
  - BB. Mobile Video Recording: (MVR): a recording device that records video and/or audio of a police event from a fixed camera mounted in a police vehicle.
- IV. Emergency Vehicle Operation:** Under New Hampshire Law: Subject to the conditions stated in RSA 265:8, the driver of a emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law may:
- A. Park or stand irrespective of the provisions of Chapter 265, Rules of the Road
  - B. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
  - C. Exceed the maximum speed limits so long as he does not endanger life or property.
  - D. Disregard rules governing direction of movement or turning in specified directions.
  - E. Any emergency vehicle approaching a school bus, which is stopped for the purpose of picking up or dropping off of pupils, shall come to a complete stop before proceeding.



# BETHLEHEM POLICE DEPARTMENT

- F. The exemptions granted in this section does not relieve an officer from the duty to drive with due regard for the safety of all persons, nor shall the emergency vehicle law protect the officer from the consequences of his or her reckless disregard for the safety of others.

## V. Procedure:

### A. Pursuit Restrictions:

1. Only two emergency vehicles, -- a primary vehicle and a secondary vehicle, shall engage in a pursuit, unless additional emergency vehicles are authorized specifically by the managing supervisor.
2. Officers shall not continue a pursuit or assist in a pursuit unless immediate authorization for the pursuit is received from the managing supervisor – if one is on duty.
3. Officers **shall not** set up roadblocks, or deploy tire deflation devices without the approval of the supervisor.
4. Officers **shall not** engage in ramming, boxing-in, caravanning or driving immediately alongside a fleeing vehicle unless authorized by a supervisor.
5. Pursuits **shall not** be undertaken where the officer is operating a two-or three-wheeled police motorcycle.
6. If a pursuit is discontinued by the primary vehicle, (unless for mechanical reasons), or the supervisor, then all officers shall discontinue the pursuit.
7. Only emergency vehicles or marked police vehicles with emergency warning devices shall initiate a pursuit.
8. Officers engaged in a pursuit **shall not** drive emergency vehicles the wrong way (against the regular flow of traffic) on a divided highway, interstate, or expressway or any other street or highway designated for one-way traffic, despite allowances in the state vehicular code. When a fleeing vehicle goes the wrong way against traffic, the primary officer shall:
  - i. Parallel the vehicle in the correct lane of traffic
  - ii. Notify dispatch of a wrong way driver
  - iii. Request assistance from outside agencies to shut down vehicular traffic on the highway coming in the fleeing subject's direction
  - iv. Have communications notify department of transportation to activate reader boards to advise motorists of a wrong way driver
9. Officers **shall not** engage in a pursuit when they are transporting prisoners, witnesses, suspects, complainants or any person who is not a member of this department.



# BETHLEHEM POLICE DEPARTMENT

**B. Environmental Considerations:** Officers shall carefully consider the facts and weigh the seriousness of the offense against the possible consequences of jeopardizing the safety of others by a continuous evaluation of the following at the time of the initiation and continuation of the pursuit:

1. Time of day and day of the week
2. Lighting conditions
3. Vehicular and pedestrian traffic
4. Type of roadway
5. Condition of the roadway (e.g. dry, wet, paved, gravel, icy)
6. Weather conditions (e.g. clear, overcast, rain, fog)
7. Condition of the emergency vehicle and the condition and type of the fleeing vehicle
8. Driving ability of the officer
9. Speeds of the emergency vehicle and the fleeing vehicle

**C. Initiating the Pursuit:** Officers shall only initiate a pursuit:

1. **When there is reasonable suspicion that the driver of that vehicle has committed a violent felony, or**
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.**

**D. Responsibilities of the Primary Vehicle Driver:**

1. Activate the vehicle's emergency warning devices from the point of initiation to that of completion.
2. Seek authorization from an available supervisor.
3. Immediately notify communications of:
  - i. His or her unit number
  - ii. The location
  - iii. Direction of travel
  - iv. Speed



# BETHLEHEM POLICE DEPARTMENT

- v. Reasons for the pursuit
  - vi. The description of the vehicle being pursued
  - vii. The number of occupants
  - viii. The presence of other law enforcement agencies
  - ix. Location at the time the pursuit is discontinued
4. Provide updated information regarding direction of travel, speed, and other pertinent details;
  5. Allow the secondary vehicle driver to assume all communications;
  6. Abandon the pursuit if any mechanical problems develop in the primary vehicle;
  7. **Discontinue the pursuit if the hazardous circumstances or environmental factors present an unreasonable risk to public safety.**

## **E. Responsibilities of the Secondary Vehicle Driver:**

1. The first officer arriving to assist the primary vehicle driver shall notify communications and becomes the secondary vehicle driver;
2. This officer shall receive immediate authorization from the supervisor to assist in the pursuit to the extent that a supervisor is available and monitoring the pursuit.
3. This officer shall activate all warning devices from the point of entry into the pursuit until it is ended while following the primary vehicle at a safe distance and shall assume the radio communications for the primary vehicle driver;
4. This officer shall become the primary vehicle driver if it abandons the pursuit, or shall abandon the pursuit if any mechanical problems develop in the secondary vehicle.

## **F. Responsibilities of the Supervisor:**

1. Assert control over the pursuit.
2. Control the number of authorized vehicles in the pursuit.
3. Immediately authorize continuation of the pursuit or orders discontinuation depending on the hazardous circumstances and environmental factors present as communicated by the primary vehicle driver.
4. Order units to clear intersections in the likely path of the pursuit where appropriate.



# BETHLEHEM POLICE DEPARTMENT

5. Ensure that not more than two (2) emergency vehicles engage in the pursuit unless additional emergency or marked police vehicle are required based on the following circumstances:
  - i. The severity of the offense;
  - ii. The number of occupants in the suspect vehicle;
  - iii. The likelihood of the suspects being armed.
6. Direct and approve necessary tactics in the pursuit; including authorizing termination of the pursuit through approved use of force tactics.
7. Continuously evaluate the pursuit;
8. Assign additional officers to traffic control, accident investigation, foot pursuit, and/or perimeter security;
9. Order the discontinuation of the pursuit at any time hazardous circumstances or environmental factors present an unreasonable risk to public safety;
10. Respond in all situations to the scene of any arrest resulting from the pursuit to control the scene.

## **G. Responsibilities of the Communications Center:**

1. Assure that the supervisor of the pursuit is clearly identified and that the approval to initiate or continue the pursuit is broadcast;
2. Assure that pursuing officers (primary and secondary vehicle drivers) request supervisory approval and that all critical information is received from the officers involved and relayed to other units;
3. Keep the supervisor apprised of all relevant traffic problems and other actions that might impact upon the conduct of the pursuit.
4. Record all information received from the pursuing officer
5. Clear the radio channel
6. Conduct an inquiry of the license plate through NCIC
7. Notify adjacent jurisdictions of the pursuit and the potential that it may enter their jurisdiction.
8. Continue monitoring the pursuit.

## **H. Uses of force/Termination of Pursuit:**



# BETHLEHEM POLICE DEPARTMENT

1. Remember that roadblocks, the PIT maneuver, and Stop-Sticks or spike strips as well as the firearm, constitute seizures, i.e. a stopping of movement by a means intentionally applied. Roadblocks, the PIT maneuver, and tire deflation devices constitute a use of force. In using these tactics officers should consider:
  - i. How serious is the offense that the officer suspects at the time they use the tactic?
  - ii. Is there a physical threat to the officer or any other person and how significant is that threat?
  - iii. Is the suspect actively resisting or attempting to evade arrest by flight?
2. Use of firearms:
  - i. The use of firearms to affect the apprehension of a fleeing suspect is a use of deadly force.
  - ii. Officers **shall not** shoot at or from a moving vehicle unless:
    - (a) The officer has a 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
    - (b) The officer has a reasonable belief that an 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 no avenue of escape.
3. Roadblocks: Only in the case of suspected fleeing violent felons whose escape poses a danger to life, may an officer set up a stationary or rolling roadblock, a decision that shall be approved by the on-duty supervisor. This decision to establish a roadblock shall consider:
  - i. The safety of the officers
  - ii. The risk of physical injury to the occupants of the pursued vehicle
  - iii. The protection of citizens and their property
  - iv. That all stationary roadblocks must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify communications of the exact location.
4. PIT maneuver: Only officers trained in this particular maneuver will attempt to employ this procedure and shall not use this maneuver in speeds over 40 mph unless deadly force would be justified based upon the danger created by the subject vehicle to other motorists.
5. Stop Sticks/spike strips:





# BETHLEHEM POLICE DEPARTMENT

- i. Only officers trained in the use of Stop Sticks/spike strips shall deploy them. Officers are responsible for making sure that their use is contained in the pursuit report. The deploying officer shall advise pursuing units and all other units that they should distance themselves from the pursued vehicle and be prepared to slow down before entering the deployment site. Other traffic shall be diverted from the site if at all possible.
  - ii. Stop Sticks/spike strips may only be used on pursuits entering this jurisdiction where an outside pursuing agency is actively engaged in the pursuit of a violent felony subject. The on-duty supervisor shall evaluate the request and may authorize the officers to deploy Stop Sticks/spike strips.
  - iii. Officers deploying spike strips should be mindful of their own safety during deployment and not take unnecessary risks in their attempt to lay out the spike strip.
- I.** In all cases, officers shall employ felony/high risk traffic stop techniques at the end of pursuits.
- J. Reasons for Discontinuation of Pursuit:** Any officer involved in a pursuit shall terminate the pursuit, and immediately notify communications of his point of discontinuation under any of the following conditions:
1. When ordered by a supervisor, or any other higher-ranking member of the department;
  2. When the officer believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension;
  3. When the risk conditions have increased and the subject's identity has been established to the point where later apprehension can be accomplished and there is no longer any need for immediate apprehension;
  4. When the location of the pursued vehicle is no longer known;
  5. When motorists/pedestrians are involved in an accident as a result of the pursuit, immediate assistance shall be given. If there is only the marked primary police vehicle, then this vehicle must stop to provide assistance.
  6. Discontinuation of a pursuit requires the officer(s) to abandon all active attempts to stop and/or follow the suspected vehicles and officer(s) shall turn off all emergency equipment.
- K. Inter-jurisdictional Pursuits:**
1. Pursuits from this jurisdiction into another jurisdiction:
  2. Notify, through communications, the other jurisdiction as soon as possible of the reasons for the pursuit, the vehicle description and if assistance is requested.
  3. **Intrastate Fresh Pursuit (New Hampshire):**



# BETHLEHEM POLICE DEPARTMENT

- i. Any peace officer of this state in fresh pursuit of a person who is reasonably believed by such officer to be driving under the influence of intoxicating liquor or controlled drugs, or has violated any motor vehicle statute in the presence of such officer, or for whom such officer holds a warrant of arrest for any offense, shall have the authority to arrest and hold in custody such person anywhere in this state.
  - ii. Agencies in close proximity to State borders that pursue across state lines may not have the same privileges afforded to peace officers within the State of New Hampshire.
4. **Interstate Fresh Pursuit (New Hampshire):** The authority to arrest or to issue a summons to an individual by a police officer in New Hampshire is set forth in RSA 594:10 and :14. The territorial jurisdiction of New Hampshire police extends *only* to the borders of the sovereign State of New Hampshire. N.H. Const. pt. I, art. 7, and RSA 625:4, 7 The one exception is the Uniform Law on Interstate Fresh Pursuit, adopted New Hampshire, RSA ch. 614 (1974) which allows border crossing if in fresh or "hot" pursuit for a *felony*.
5. Pursuits from another jurisdiction into this jurisdiction:
  - i. The communications staff should determine the number of police vehicles from the other jurisdiction that are involved in the pursuit, find out the circumstances of the pursuit to include the offense, vehicle description and if assistance is requested.
  - ii. Supervisors will only approve assistance from this jurisdiction if the offense is in keeping with our justification for a pursuit, i.e. violent felony or reckless driving and the number is limited to only one vehicle from the outside jurisdiction. If the pursuit does not conform to this policy, officers shall not engage in the pursuit but may attempt to control intersections to promote the safety of innocent persons in the vicinity.
  - iii. A supervisor from this jurisdiction will proceed to the point of completion of the pursuit as quickly as possible.
  - iv. The initiating agency will remain in control of any pursuit that crosses into this jurisdiction and will remain responsible for the pursuit.
  - v. Generally, officers will not continue with a pursuit that has passed through this jurisdiction, once the pursuit has left this jurisdiction.
- L. **Report and Review Process:** The on-duty supervisor conducts an immediate investigation of the circumstances of the pursuit and shall submit a written report regardless of whether the pursuit was discontinued or terminated, or the subject was apprehended. The departmental Pursuit Report Form (or State designated pursuit form) shall be completed after any pursuit. In addition to providing the required information on the form, the supervisor will indicate in the narrative section the following:
  1. The reason or probable cause for engaging in the pursuit;



# BETHLEHEM POLICE DEPARTMENT

2. An account of all violations committed during the course of the pursuit;
  3. A summary of tactics employed to apprehend the subject;
  4. The exact point of the discontinuation, apprehension, or termination of any pursuit.
  5. If the subject is apprehended, there should be an account of the officer's involvement in that arrest.
  6. The supervisor's report additionally will include the following:
    - i. Officers assigned to the pursuit and the assignment of all those involved in the pursuit in various roles;
    - ii. A summary of any accidents or other incidents arising from or related to the pursuit;
    - iii. A complete evaluation on the adherence of the pursuit's conduct to the department's pursuit policy;
    - iv. If the supervisor discontinued the pursuit, the time and location that the pursuit was ordered terminated.
    - v. Furthermore the supervisor will:
      - (a) Collect copies of reports and police vehicle video from all officers involved in the pursuit;
      - (b) Order and include a copy of the communications/dispatch tapes;
      - (c) Review each report to ensure that all required information is present;
      - (d) Conduct an analysis of the pursuit and complete the appropriate section of the Pursuit Report;
      - (e) Attach copies of the officers' reports, including his report and forward the packet to patrol commander/chief of police;
  7. The patrol commander/chief of police will either submit the report to any Accident Review Board or determine compliance with all statutes and policies and make a recommendation for further action (various forms of discipline, suspension, letter, verbal reprimand, and/or retraining).
- M. Mobile Video Recordings:** In emergency vehicles equipped with mobile video recorders officers shall record pursuits utilizing mobile video recordings.
- N. Training:**



# BETHLEHEM POLICE DEPARTMENT



1. Officers shall not participate in a pursuit unless they have received specialized pursuit driving training.
  2. Officers shall not be authorized to utilize any equipment or tactic during a pursuit unless the officer has received proper training and/or certification with respect to that equipment or tactic.
  3. Officers and dispatchers shall receive annual training on this policy.
- VI.** The Department shall prepare an annual report evaluating the pursuit history and frequency during that year. This report shall assess the adequacy of the written policy, training and field implementation of the Department's pursuit policy.