

SOUTH BURLINGTON POLICE DEPARTMENT

PR-348: Vehicle Operation and Pursuits

Effective: 6/3/2019

Updated: 12/15/2021

1. POLICY

- A. It is the policy of the South Burlington Police Department to respond to emergency calls quickly and safely while also ensuring the safety and protecting the lives of the public and officers themselves. This policy is a combination of PR-315 "Seat Belt Use" and PR-316 "Vehicular Pursuits," and sections 339.1 and 339.2 of PR-339 "Emergency Responses" and shall supersede all previous versions of each.

2. PURPOSE

- A. The purpose of this policy is to outline the appropriate operation of police vehicles and circumstances in which vehicular pursuit is appropriate.

3. DEFINITIONS

- A. **Vehicular pursuit** - the motorized pursuit of another vehicle at speeds above the legal speed limit, or, cautiously failing to obey traffic control devices or signs when a vehicle failing to yield is also failing to obey traffic control devices or signs.
- B. **Unmarked vehicle** – fleet vehicle which does not display markings including color patterns and text, easily identifying it as a police car. For purposes of this policy, a vehicle with blue secreted or low-profile, primarily interior-based, emergency lights shall be considered unmarked.
- C. **Marked vehicle** – fleet vehicles primarily used in daily patrol functions. These vehicles are highly visible due to the use of a Department paint scheme, text displays, low profile or external lights and sirens, etc. Excluded from this definition are specialty vehicles such as the Traffic Safety Unit truck and the motor unit.
- D. **Specialty vehicle** – fleet vehicle displaying some or all of the characteristics of marked vehicles not intended for primary call response, including the Traffic Safety Unit truck and the motor unit.
- E. **Tire deflation devices** – devices specifically designed to deflate the tires of a vehicle fleeing from police. These may include Stinger Spike Strips, Stop Sticks, or other similar products.
- F. **Emergency equipment** – blue or blue/white lights, siren, spotlight, public address system, or other equipment used for emergency response or police action.

4. OPERATION OF POLICE VEHICLES

- A. **Safety Equipment** – It is the policy of the City of South Burlington that all employees and occupants of vehicles wear seatbelts while operating City owned vehicles, including

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police vehicles (except as outlined in Section 4(B) of this General Order). Department members must serve as a representative example to the public, and as such, Department personnel shall use the safety belts installed by the manufacturer, properly adjusted and securely fastened, when operating or riding in any vehicle so equipped if used while on duty. Department members shall also use seat belts when operating their personal vehicles in a work capacity.

- i. The driver of the vehicle is responsible for ensuring compliance by all occupants of the vehicle they are operating. Federally approved child restraints shall be used for all children for whom such restraints are prescribed by State statute.
- ii. No person shall operate a departmental vehicle in which the safety belt in the driver's seating position is inoperable.
- iii. Personnel who discover an inoperable restraint system shall report the defect to their immediate supervisor. Prompt action will be taken to repair or replace the system.
- iv. No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts except for vehicle maintenance and repair and not without the express authorization of the Chief of Police.
- v. Any persons under arrest and being transported in department vehicles are required to be secured in the vehicle by a safety belt in all seating positions for which safety belts are provided by the vehicle manufacturer.
 1. This applies to cooperative prisoners. If, in the discretion of the arresting officer, attempting to secure a safety belt on the prisoner compromises their safety, it need not be applied.

B. City policy allows for exceptions to Department policy as outlined below:

- i. An officer operating in an undercover capacity may be exempt only if the officer believes the use of the safety belt will compromise his identity.
- ii. When arriving at an emergency call or making a vehicle traffic stop, the operator may remove the safety restraint just prior to stopping for quick exit. Caution should be exercised to ensure that during the traffic stop the violator is in fact going to stop. The operator shall not become involved in a pursuit without the use of the safety belt.

C. **Passenger Restrictions** – Employees operating a police vehicle will not permit persons other than Department personnel to ride in the vehicle except in the performance of police duties, or in conjunction with the authorized Department “Ride-Along” program, or with the approval of the Officer in Charge.

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- D. A police vehicle must always be operated responsibly to prevent accidents, injuries, and property damage during routine and emergency operations.
- i. Personnel shall not operate any City owned or City leased vehicle being used for authorized City business while taking medication that may impair their ability to safely operate a moving vehicle. Personnel have an affirmative duty to report to their health care provider that they are required to drive for city employment and the type of vehicles they are responsible to operate so their provider may give appropriate direction about the use of prescription medication and city driving tasks. Personnel must report any restrictions and limitations to their supervisor when taking such medication.
 - ii. All police personnel must check the safety features of their vehicle before commencing normal operation. The check shall include, but is not limited to, all lights, siren, horn, fluids, and all other functional aspects of the vehicle.
 1. The siren and horn checks may be forgone during the early morning or night time hours so as not to disrupt residents living adjacent to the South Burlington Police Department.
 - iii. Whenever windshield wipers are in use, the vehicle's headlights must be on. Exceptions to this are instances in which an officer is arriving on a scene and the operation of headlights will place the officer's safety or others at risk. This may also not apply when an unmarked vehicle is being used in an undercover or surveillance capacity.
 - iv. All police personnel are prohibited from smoking in any City owned vehicle without exception.
 - v. All police personnel are prohibited from talking, texting, or otherwise using any privately-owned or City issued cell phone, mobile email device, or any other wireless data communication device while operating a City owned or leased vehicle except in emergency situations. Use of these devices while stopped in a parked vehicle that is not in a running lane of traffic is permitted.
 1. This is not intended to limit the use of Department issued equipment (MDTs, tablets, police radio) properly affixed within a police cruiser in the performance of official duties, however proper care must be taken when using this equipment. The responsibility for safe operation ultimately remains with the department member operating the motor vehicle.

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2. This section also does not limit the use of personal or Department cell phones, mobile email devices, or any other wireless data communication devices when using handsfree/Bluetooth® systems in compliance with law. Care should be exercised when using such devices, however, and they must not interfere with police operations.

5. USE OF EMERGENCY EQUIPMENT

- A. Emergency equipment is used to support the quick and safe response of police officers to emergency calls. These tools are not intended to limit the responsibility police have to respond to calls safely. Regardless of the circumstances surrounding operation of a police vehicle, the operator must primarily be focused on the safety of the public, including other motorists, pedestrians, and other officers. Emergency equipment may include, but is not limited to:
 - i. Blue or Blue/White Lights – All Department vehicles and operators shall comply with the use of emergency lights outlined in Title 23 of Vermont Statutes Annotated Sections 1252, 1255.
 - ii. Siren – The siren of the vehicle including the airhorn and “rumbler” may be used when responding to an emergency, provided it does not defeat the element of surprise when appropriate. Best results are obtained from activating the siren intermittently, and not at a steady pitch, as it attracts more attention.
 - iii. Spotlight – Officers may use the spotlight, headlights, alley lights and take down lights on traffic stops, motorist assists, traffic accidents and general area searches. The officer should be aware of the position of such lights so they will not interfere with vehicular traffic. Officers should also be aware the use of spotlights during a traffic stop may be a factor a court will weigh when it considers whether, in the totality of circumstances, the stop results in a seizure.
 - iv. Public Address System – An officer may use the public address system to communicate with traffic or pedestrian violators, during felony stops, for crowd control, or in situations where voice amplification is needed for long distance communication or for the officer to be heard over a large crowd.
- B. The use of emergency equipment and operation contrary to law in emergency circumstances is outlined in Vermont law under Title 23 VSA Section 1015 – *Authorized Emergency Vehicles*. It is important to note that the exemptions granted to an authorized emergency vehicle apply only when the vehicle is in fresh pursuit of a suspected violator of the law and require use of audible or visual signals. The provisions outlined in statute do not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others.

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- C. Other authorized uses of emergency equipment include the following:
- i. **Motorist Assist** – When assisting a motorist, the officer shall activate at least the rear emergency blue lights and protect the motorist and themselves by parking at an angle, or in an offset manner behind the motorist.
 - ii. **Parking On/Off Road** – When a cruiser is parked in the traveled portion of the road or in a prohibited area, the officer should activate the cruiser emergency blue lights. The officer should remove the cruiser from the road at the earliest possible time. If a cruiser is to be parked off the traveled portion of the road, the officer should activate the emergency blue or hazard flashers on the vehicle. There is no need for the flashers or lights if the cruiser is legally parked. An officer shall not park contrary to law unless performing lawful duties.
 - iii. **Escorting Ambulances and Other Emergency Vehicles** – Officers may escort ambulances and other emergency vehicles when in their judgment an emergency situation exists under the following circumstances:
 1. the operator of the ambulance or fire apparatus is unfamiliar with the route to the destination; or
 2. to facilitate the shortest and safest route to the emergency location; or
 3. the emergency equipment of an ambulance or fire apparatus is inoperative;
 4. at the request of the operator of the ambulance or other emergency vehicle if in the officer's opinion the request is reasonable.

NOTE: Consideration should be given to the practicality of the officer being a passenger in the emergency unit for the purpose of giving directions.
 - iv. **Stopping Violators** – Emergency equipment should be used consistent with Department policy and procedure regarding stopping and approaching violators.
- D. When responding to any emergency, the officer shall use discretion as to whether emergency blue lights and/or any other emergency equipment shall be used. The officer should use the emergency lighting equipment and siren when he/she will be operating contrary to traffic laws and to provide ease of passage through traffic. Officers should use their best judgment to operate the police vehicle at reasonable speeds considering existing traffic, road, weather, and vehicle conditions. **Officers should be mindful that use of lights and siren does not guarantee that other highway users will see or hear them or yield the right of way.**

6. POLICE RESPONSE TO INCIDENTS

- A. **Responsibilities/Assignment of Calls** – A dispatcher shall obtain as much information as possible from callers to facilitate the assignment of the proper number of officers. As much information as possible should be transmitted to the responding officer(s) who

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may cancel, upgrade, or downgrade the level of code response to the incident. The Officer in Charge shall be responsible for monitoring radio transmissions and may cancel, upgrade or downgrade the code, or response type, at any time.

- i. All responses to calls must be made with regard for the safety of all persons. While timely police response is important, the safety of the public and other police officers is paramount.
 - ii. **Code 1** – The ordinary response to all calls will be “Code 1.” There shall be no use of emergency equipment. All State motor vehicle regulations will be observed.
 - iii. **Code 2** – Response in which emergency blue lights shall be used and intermittent use of the siren may also be necessary.
 1. Code 2 response may be appropriate for a non-life-threatening calls where the timely response of an officer is required. This may include certain crimes in progress (active vandalism, for example), a traffic accident with unknown injuries, or incident types in which an officer or the Officer in Charge is able to articulate such a response is appropriate. Code 2 may be appropriate when traffic conditions are such that travel in response to a call for service is significantly hampered and the call requires a timely response.
 - iv. **Code 3** – Response in which emergency blue lights **and** siren shall be used, except when in the discretion of the officer the use of the siren would inhibit law enforcement purpose (i.e. response to a burglary in progress).
 1. Code 3 response is reserved for calls which necessitate reaching the scene as expeditiously as possible. Examples of a Code 3 response include, but are not limited to, a panic/hold up alarm, a robbery or felony in progress where deadly force has been used or threatened, a police officer in trouble whose safety is threatened, major fire, or any other situation where human life is endangered.
- B. Officers should notify communications of their intention to proceed “Code 2” or “Code 3.”

7. PURSUIT OF A MOTOR VEHICLE

- A. Vehicular pursuit is the motorized pursuit of another vehicle beyond the initial attempt to stop the vehicle and once it is reasonable to conclude that the operator is refusing to stop. Indications that an operator is refusing to stop could include; operating at speeds above the legal speed limit, failing to yield, failing to obey traffic control devices or signs, or otherwise operating in an evasive manner.

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- B. Only marked patrol units equipped with activated blue light(s) and siren(s) should be involved in pursuits. Although the involvement of unmarked vehicles and specialty vehicles is discouraged, if the initial pursuit must be undertaken by an unmarked or specialty police vehicle, such vehicle shall immediately abandon the pursuit when a marked cruiser has intercepted to continue the pursuit. Unmarked and specialty police vehicles may act as backups but may not actively engage in pursuits, except as indicated above.
- C. Vehicles containing persons other than sworn South Burlington Police Department employees operating or as passengers are prohibited from becoming engaged in pursuit situations.
- D. The decision to pursue a motor vehicle is fluid. Officers must constantly evaluate the circumstances surrounding the pursuit when determining whether to continue the pursuit. It is better to abandon the pursuit when the risks to the public, the officer, or the pursued party are high, or road and traffic conditions are poor. When a pursuit is undertaken, each officer is responsible for observing the specific procedures that follow in conjunction with all relevant existing statutes, laws, ordinances, and other Departmental general orders.
- E. **If any officer receives a communication from the Officer in Charge or a dispatcher that the pursuit is to be abandoned, he/she will do so immediately, reporting to the dispatcher the final location and direction of travel of the pursued vehicle.**
- F. **Initiating a Pursuit** – An officer may initiate pursuit when they have reasonable grounds to believe that:
 - i. The driver or occupant of the vehicle has committed a **violent crime unrelated to the attempt to escape law enforcement** and facts and circumstances suggest that **apprehension is necessary to mitigate an articulable ongoing threat of serious bodily injury or death**, or;
 - ii. There is evidence of reckless driving **unrelated to or preceding the attempt to flee** that places the public at articulable risk of serious bodily injury or death.

In instances when pursuing a vehicle does not align with policy, officers will obtain as much information about a fleeing vehicle as possible and utilize all possible investigative methods to identify the vehicle and the operator to seize all relevant evidence and arrest any violators associated with the eluding vehicle.

- G. **Evaluation of Circumstances** – The most critical element of any pursuit is the need to match the level of control exerted to the degree of risk posed by the fleeing individual. The officer(s) involved in the pursuit must evaluate the degree of risk posed by the

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offense committed by the fleeing person and the degree of risk posed should the fleeing individual escape and be free to commit the offense again.

- i. Each officer must use their discretion in determining whether to initiate a pursuit and whether to continue or discontinue the pursuit. Additional factors that should have a bearing on their decision include:
 1. road conditions;
 2. traffic conditions;
 3. time of the day;
 4. presence of pedestrians;
 5. type of vehicle involved;
 6. nature of the offense;
 7. speed of the vehicle;
 8. identity of the operator;
 9. condition of the cruiser.
- ii. Officers discontinuing a pursuit shall immediately notify the dispatch/communications center.

H. **Use of Force** – The Department's policy pertaining to the use of force shall be adhered to during any pursuit.

I. **Initiating Officer's Responsibilities** – When it is apparent that the operator of a vehicle is attempting to elude apprehension or driving in such a manner as to endanger the safety of others, the officer shall immediately activate all the cruiser emergency lights and siren and use them throughout the pursuit. As soon as practical and safe to do so, the pursuing officer shall start and maintain steady communication with the dispatcher, notifying them of the following:

- i. Officer's badge number;
- ii. Clearly advise that the identifying Officer has initiated a pursuit;
- iii. The exact location and direction of travel;
- iv. Description of the vehicle and/or occupants;
- v. The offense for which the vehicle and/or occupants are being pursued;
- vi. The officer's speed;
- vii. Road and traffic conditions.

If a second pursuing vehicle/cruiser is involved, the secondary vehicle shall assume communication responsibility.

J. **Secondary Unit** – Normally no more than two units will be directly involved simultaneously in a pursuit. However, based on the causation of the pursuit, the Officer in Charge supervising the pursuit may assign additional marked units. If another police

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agency becomes involved in the pursuit outside of South Burlington, no more than one South Burlington unit will continue in pursuit.

- i. If other units are dispatched to assist, they shall respond Code 2 as secondary response units, and shall observe the Departmental guidelines set forth for operation of police vehicles.
- ii. Secondary response units shall yield the right of way to the pursued and pursuing vehicles and will not become directly involved in the chase. Such units shall maintain a reasonable distance between themselves and the vehicles involved in the pursuit and shall be available to assist in any subsequent apprehension.
- iii. Only units dispatched will respond to the vicinity of a pursuit for the purpose of assisting in apprehension.

K. Dispatch Responsibilities:

- i. Notify the Officer in Charge **immediately** upon learning of a pursuit.
- ii. Broadcast information concerning the pursuit to all other units and those of surrounding communities as soon as practical.
- iii. Cease all other radio communication unless it is of an emergency nature.

L. Supervisor's Responsibility – This policy requires the immediate attention of the Officer in Charge. The supervisor's responsibility is to exercise direct control of the pursuit. It is also the supervisor's responsibility to coordinate support activities for the primary pursuing vehicle; to continually review available information as to the judgment of the officer in initiating and continuing the pursuit; and to make independent judgment on continuing or discontinuing the pursuit.

- i. The supervisor shall monitor and evaluate the pursuit and shall order the termination of the pursuit at any time they believe the circumstances warrant. The supervisor shall order termination of the pursuit if the information detailed in Section 7(F)(i) of this Policy is unknown or not communicated.
- ii. The supervisor shall determine the secondary unit and any other unit which will aid the primary unit in the pursuit to avoid heightening the risks associated with the pursuit. If necessary, the supervisor will coordinate with other law enforcement agencies.
- iii. The supervisor shall respond to the point of termination, supervise apprehension and debrief involved officers. The supervisor shall ensure that all officers involved in the pursuit complete a report of the incident. The

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supervisor will review these reports and forward this information via the chain of command.

M. Contact with Pursued or Other Vehicles:

- i. Intentional contact between a police vehicle and the vehicle pursued shall be prohibited.
- ii. Police vehicles shall be maintained at such a distance from the pursued vehicle so that a sudden stop or change in direction of the pursued vehicle will not result in a collision.
- iii. Police units involved in collisions with vehicles, persons, or property other than the pursued or pursuing vehicles, during a pursuit shall end their involvement with the pursuit and remain at the scene of the crash unless:
 1. it is obviously a minor crash and the pursuit involves circumstances where the officer has the objectively reasonable belief that a person is in immediate risk of serious bodily injury or death, and
 2. no other police unit is available to continue pursuit.
- iv. If a crash occurs where the police units continue, the officer involved in the crash shall immediately report the crash so another unit (a secondary unit or one from another agency) can be immediately dispatched to ascertain the extent of collision and render aid.
- v. Nothing in this section shall apply to the use of a cruiser to block a suspect vehicle which is parked or that has otherwise come to complete rest during an apprehension.

N. Forceful Stopping Techniques:

- i. Forceful stopping techniques include: rolling road blocks; boxing in techniques; ramming; bumping; colliding with a vehicle; or pulling alongside of a vehicle in an attempt to force the vehicle off the road or into an obstacle. Forceful stopping techniques may be used only in cases in which the use of lethal force is justified.
- ii. **Use of Road Blocks** – Officers will refrain from setting up roadblocks for the purpose of apprehending suspects when it is apparent innocent persons will be endangered.
 1. Before a roadblock will be used, permission to do so must be granted by the Officer in Charge. When authorization has been given, the exact location of the intended roadblock shall immediately be relayed to the pursuing officer, and whenever possible the roadblock should be established in such a location as to allow vehicles approaching at high

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speeds sufficient time to stop. Any roadblock should provide an "escape route" should the vehicle refuse to stop.

2. No officer or passenger will remain in the police vehicle after it is stationed as part of a roadblock.
3. When the primary pursuing officer has cause to believe that the actions of the pursued vehicle constitute a danger of death or serious bodily injury to any person, the OIC may authorize the use of rolling roadblocks or a boxing in technique in an attempt to end the pursuit for low speed pursuits.

O. **Inter-Jurisdictional Pursuits** – When it is anticipated that a pursuit will enter another jurisdiction, the appropriate police agency will be notified and furnished with pertinent information.

- i. Officers becoming aware of a pursuit entering South Burlington should notify the Officer in Charge and position themselves at locations which they believe may be useful in the apprehension of the suspect.
- ii. When a pursuit initiated by a South Burlington Police Officer enters another jurisdiction, the involved officer will make all radio transmissions on State Channel 2.
- iii. **When a pursuit by another police department enters the city limits of South Burlington:**
 1. **The extent to which other South Burlington units shall become involved should be limited primarily to traffic control. This is to ensure passage through the City is made in a safe manner.**
 2. **South Burlington units shall not enter into actual pursuit of the vehicle unless the pursuing police department makes a request, and then only if authorized by the Officer in Charge and within the parameters set in 7. F. of this policy.**
 3. **If the pursuit by another agency ends in South Burlington, officers may be assigned by the Officer in Charge to render necessary assistance to assure the orderly arrest and transportation of the suspect(s).**

P. **Use of Tire Deflation Devices:**

- i. Generally, the use of tire deflation devices is not considered an application of deadly force as they produce a slow, controlled deflation of the pursued vehicle's tires and do not cause the vehicle to lose control.
- ii. Tire deflation devices may be used in the following situations:
 1. To terminate a pursuit;
 2. To prevent a stationary vehicle from being moved by a suspect attempting to flee a scene;

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3. To prevent movement of a stationary vehicle that is, or may become, evidence;
 4. To assist another law enforcement agency upon request, pursuant to department directive and the County "Mutual Aid" agreement.
- iii. Tire deflation devices should not be deployed to stop the following vehicles unless continued movement of the suspect vehicle would result in an increased hazard to others:
1. Any vehicle transporting hazardous materials.
 2. Any passenger bus transporting passengers.
 3. Any school bus transporting students.
 4. Any vehicle that would pose an unusual hazard to innocent parties.
 5. Any two wheeled, three wheeled, or all-terrain vehicles, unless deadly force is justified.
- iv. Only officers trained in the proper use and deployment of tire deflation devices according to the manufacturer's recommendation may use them. All uses shall be in accordance with the manufacturer's recommendations.
- v. All uses shall be thoroughly documented by narrative report and completion of a use of force report. A copy of the report shall be submitted via chain of command, and shall include the following:
1. Why the violator fled, if known
 2. Time of day
 3. Light and weather conditions
 4. Number of units in the pursuit
 5. Speed, direction and volume of traffic
 6. Highway description
 7. Deployment strategy (describe use of protection/concealment, location of patrol unit, use of emergency lighting equipment, communications with pursuing unit, number of officers at deployment site and what they did, etc.)
 8. Method of deployment (throw/push/pull)
 9. Results of the deployment (spiked suspects/pursuing units/other vehicles, suspect drove around spikes, number of tires spiked, distance vehicle traveled after spiked, injuries sustained as a result of deployment, etc.)
- Q. **Wrong Way Travel** – In instances during a pursuit where the suspect vehicle engages in wrong way travel on a limited access highway or physically dived surface street the pursuing officer shall not drive against the flow of traffic unless the use of lethal force is justified.
- R. **Termination of Pursuit** – Unless there is a strong possibility that apprehension of a pursued vehicle is imminent or there is a compelling need to continue the pursuit to

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mitigate an ongoing risk to the public the pursuit shall be discontinued. If at any time during a pursuit, an involved police vehicle experiences an emergency equipment or mechanical failure, the officer shall immediately terminate their involvement in the pursuit.

- S. **After Action Reporting** – Except in pursuits resulting in serious injury or death, all officers who participate in a pursuit shall prepare a report using the records management system prior to the end of their shift. This report shall be comprehensive, shall explain in detail the circumstances of the pursuit, and shall cite all facts known to the officer at the time the pursuit was undertaken, as well as a justification for either continuing or discontinuing the pursuit.
- i. Regardless of their direct involvement in a pursuit, the Officer in Charge will also complete an after-action report using PR-348 Appendix A as a template. A copy of the Officer in Charge's Appendix A after-action pursuit report shall be submitted via chain of command.
- T. **Records:**
- i. The Executive Officer of Patrol shall be responsible to establish and maintain an administrative file for pursuit or roadblock related information and statistics. Reports from every pursuit or roadblock shall be forwarded to the administrative file.
 - ii. At the end of each calendar year the Executive Officer of Patrol shall prepare a report to the Chief of Police summarizing activity during the year relative to pursuits and roadblocks. A copy of each summary report shall be maintained in the administrative file.
- U. **Training:**
- i. Annually, Sergeants are responsible to provide in-service training that covers this policy to sworn employees that they directly supervise. This training shall be documented and forwarded to the Administration Services Division for inclusion into training records.

APPROVED BY:

Shawn P. Burke



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