

# GENERAL ORDER

No. 07.11



## **MOTOR VEHICLE PURSUIT POLICY**

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ISSUING AUTHORITY: DANIEL P. DEWOLF, CHIEF OF POLICE

NYS ACCREDITATION STANDARD(S): 43.1, 43.4, 43.5, 58.1

### **I. PURPOSE**

To provide department members with a policy that defines what a motor vehicular pursuit is, when a motor vehicle pursuit is authorized, and their responsibilities attached to pursuit activities.

### **II. POLICY**

Troy Police officers will make all reasonable efforts to apprehend persons suspected of committing offenses that are classified as felonies by the New York Penal Law and fleeing from an officer's attempt to stop the vehicle which they are operating or riding in.

Prior to engaging in any motor vehicle pursuit, officers must balance the need to apprehend the offender against the potential threat to all citizens created by the pursuit. The suspected offense must be of such gravity that it outweighs the dangers inherent in vehicle pursuits, or the lack of apprehension poses a greater risk to public safety.

### **III. DEFINITIONS**

- A. Emergency Equipment – roof lights, rear deck lights, alternating headlights, grill lights, emergency flashers, and sirens.
- B. Marked Units – commonly referred to as a patrol vehicle, these vehicles are readily identified by 'Troy Police' stenciled across the vehicles doors, conspicuously displayed lighting systems, reflective lettering, and markings, and are equipped with audible warnings such as sirens and public address systems.
- C. Unmarked or covert units are authorized to engage in pursuit activities only when extraordinary conditions exist and shall terminate pursuit activities upon available relief from a marked unit, or the protocols listed in Section VI of this directive.
- D. Attempt to Stop – upon observation of illegal driving activities or knowledge that a vehicle operator or passenger is suspected of criminal activity, the officer utilizes their vehicle's emergency visual and auditory signals and attempts to gain the operator's compliance to stop their vehicle for further investigation.
- E. Vehicle Pursuit – occurs when an officer is attempting to stop a vehicle and the driver of the vehicle resists the signals or order to stop, increases speed, takes evasive action, or

otherwise refuses to stop their vehicle. A pursuit commences upon the approval of the OIC.

- F. Terminated – a motor vehicle pursuit is terminated when:
1. The officer initiating the pursuit broadcasts the termination of the pursuit and discontinues the use of emergency equipment; or
  2. The patrol sergeant directs the pursuing officers to terminate the pursuit; or
  3. The patrol sergeant directs termination of the pursuit but authorizes the pursuing officers to continue following the vehicle without the use of emergency equipment within the posted speed limits.
  4. Officer-In-Charge- for the purposes of this general order, the patrol sergeant or a superior officer are the only positions authorized to permit, monitor, and terminate a pursuit.
- G. STOP STICK – is one of a series of law enforcement tools offered by Stop Stick, Ltd. to assist law enforcement agencies in stopping and preventing vehicle pursuits through tire deflation. STOP STICK is designed for a controlled release of air from the target vehicle's tires, usually within 20-30 seconds after contact. However, under some circumstances tire deflation can increase the possibility that a driver may lose control of the vehicle and crash resulting in serious or fatal injuries.

#### **IV. PROCEDURES**

- A. Prior to engaging in a pursuit, officers must evaluate the risks involved in view of the suspected or observed activities of the fleeing vehicle. Prior to initiating or continuing a pursuit, these factors must be considered and continually evaluated:
1. The seriousness of the incident or charge known at the time of initiation.
  2. Time of day, traffic density & pedestrian volume.
  3. Weather/road conditions.
  4. Type of area (business vs. residential).
  5. Knowledge of the offender's identity.
  6. Danger to the community if the suspect is not immediately apprehended.
- B. Pursuing Officers:

1. Prior to initiating a pursuit, officers will inform their Patrol Sergeant and the Communications Center simultaneously that they are engaged in an attempt to stop of a vehicle, and its operator is refusing to comply. Information shall include the following:
  - a. The officer's unit number.
  - b. Reason for the attempt to stop.
  - c. Route and direction of travel.
  - d. Description and registration number (if known) of the vehicle being pursued.
  - e. Number of occupants/descriptions, if known.
  - f. Weapons involved, if any.
  - g. Direction, change of directions, areas being approached and speeds (to be reported as frequently as safety permits).

#### C. Patrol Sergeants

1. Assess the validity and necessity of engaging in a pursuit.
2. If approved, continually evaluate the conditions and safety of the pursuit.
3. Assign one additional unit to assist the pursuing officer.
4. Assign a K9 unit to respond in the direction of the pursuit, but not actively engage in the pursuit.
5. Order the pursuing officers to terminate the pursuit if:
  - a. The suspect is known, or the pursuing officer has captured the registration number of the vehicle, and the termination of the pursuit does not jeopardize public safety.
  - b. The continuation of the pursuit heightens the risk of injury to the pursuing officer, members of the public, and/or the suspect.
  - c. The continuation of the pursuit violates this directive.

#### D. Dispatchers:

1. Upon receiving broadcast of a pursuit, grant priority air to the pursuing unit and Patrol sergeant. Advise all remaining units of the pursuit.

2. Ensure the patrol sergeant is aware of and has acknowledged the pursuit.
3. Assign remaining units to an alternative talk group if necessary.
4. Notify surrounding police agencies of the pursuit.
5. Provide technical support as requested.

## V. PURSUIT TACTICS

- A. Number of Police Units – only those units assigned by the patrol sergeant shall engage in the pursuit. Pursuing activities on parallel routes is prohibited. Officers may block uninvolved vehicle or pedestrian traffic when safe to do so, and when limiting their presence would likely benefit their safety.
- B. Roadblocks/Ramming Suspects - road blocking or ramming is considered a use of deadly physical force. As such, all policies governing such use of force must be applied in these situations. They shall be allowed only in extraordinary situations, and if time and circumstances permit, done upon a supervisory directive.
- C. Pursuit Initiated by Another Agency - if requested by another jurisdiction's law enforcement agency, Troy Police Officers may assist in a pursuit within the city limits when authorized by a supervisor. Troy Police Department vehicles shall not leave the city limits while assisting another jurisdiction's agency without authorization of a supervisor.
- D. Pursuits Initiated inside the city that extend outside the city of Troy - if a pursuit extends beyond the city limits, only the assigned vehicles shall continue the pursuit unless additional units are deemed necessary and authorized by the supervisor. Pursuing officers and the supervisor shall reevaluate the pursuit to determine if continuance of the pursuit is reasonable and justified, and if assistance from other police agencies is available.

If the patrol sergeant determines additional units are required, only the minimal number of units sufficient to assure officer safety shall be assigned.

- E. Traffic Control Devices - caution shall be exercised when passing traffic signs or signals. Officers shall slow or stop, if necessary, to reasonably ensure that all vehicular and pedestrian traffic is aware of, and yielding to, their emergency vehicle.
- F. Apprehension- additional units shall not respond unless directed by the Patrol Sergeant.
- G. Emergency Equipment – emergency equipment must be utilized while pursuing a vehicle.

- H. Pursuit Speed – the speed of vehicles involved in a pursuit must be reasonable, and factors such as time of day, density of pedestrian and vehicle traffic, severity of the offense at issue, and the consequences of delaying the arrest shall be continually assessed in relation to the hazard posed to the public. The Officer-in-charge of the pursuit is accountable for determining the reasonableness of speeds during pursuit activities, and the necessity to continue the pursuit.
- I. Transport – vehicles transporting civilians in any capacity are prohibited from engaging in a pursuit.
- J. Firearms - firearms shall not be used for the purpose of terminating a high-speed chase.
- K. Stop Sticks- Stop sticks are authorized for use by Troy Police Officers that have received department training on the guidelines for their use, and when it is safe and reasonable to do so.

**\*\*Use of STOP STICK on vehicles having *less than four (4) wheels* is prohibited\*\***

1. Tactical considerations for deploying STOP STICK:

- a. Plan ahead. Determine locations within your zone and throughout the city that offer safe and effective locations for STOP STICK deployment.
- b. Deploy from a location that offers line of sight with the pursuit.
- c. Provide fellow Officers with ample warning of where and when STOP STICK has been deployed to reduce the chances that police vehicles may strike it.
- d. Consider deploying the STOP STICK in locations that a suspect will have a limited ability to avoid striking the device, and in locations that offer a safe location for the Officer to deploy it from, and a personal escape route.
- e. Keeping personal safety in mind, deploy the STOP STICK into the roadway at the last possible moment.
- f. Avoid rushing the deployment of STOP STICK.
- g. If deploying near an intersection, deploy the STOP STICK just before the intersection on the roadway which the target vehicle is traveling on.
- h. For best performance, deploy the STOP STICK on dry, hard surfaces such as concrete or blacktop.

2. Safety considerations when deploying STOP STICK:

- a. The circumstances of each pursuit may differ significantly, so an Officers personal safety must be continually assessed. Suspects can abruptly swerve, stop, or otherwise maneuver their vehicle in an unexpected manner while attempting to avoid STOP STICK
- b. Officers should find substantial cover in the deployment location- cover being large trees, guide rails, or other fixed objects or structures capable of stopping an approaching vehicle (NOTE: motor vehicles are not suitable cover)

- c. Avoid deploying STOP STICK in areas with heavy traffic, in populated areas or locations with pedestrians nearby, near road construction, near steep embankments, curves, or obstacles that limit the deploying Officer's view of traffic and the approaching pursuit.
  - d. Consider that the suspect driver may attempt to continue operating the target vehicle after striking the STOP STICK, and the potential danger this poses.
  - e. Wet surfaces, loose pavement and gravel, inclement weather such as rain, snow all may affect the target vehicle's ability to maintain control before and after striking the STOP STICK
  - f. Deploy from a location that provides line of sight with the pursuit
3. Post deployment of STOP STICK:
- a. When utilizing STOP STICK in an attempt to terminate a pursuit, whether successful or not, the deployment shall be documented in the TPD Post Pursuit Report (TPD – PB 1).
  - b. If STOP STICK was struck by any vehicle, a TPD Equipment Damage Report (TPD- EM 1) shall be completed by the deploying Officer.
  - c. If STOP STICK was not struck by any vehicle, inspect the STOP STICK for damage, and return it to service if no damage exists. If damage exists, follow instructions in paragraph b of this section.

## **VI. TERMINATION**

- A. A pursuit shall be terminated under any of the following conditions:
- 1. When circumstances develop which present extraordinary danger to the officer or the public.
  - 2. Under those circumstances wherein the offender can be identified, and an arrest made at a later time without risk of creating an unreasonable risk to the public.
  - 3. When so ordered by a superior.
  - 4. The pursued vehicle's location is no longer under observation by pursuing officers.
  - 5. Radio contact is lost due to distance.

## **VII. POST PURSUIT REPORTING**

- A. Upon conclusion of any event falling within the definition of a motor vehicle pursuit or an attempt to stop with extenuating circumstances (i.e. motor vehicle collision), each officer who participated in any manner whatsoever shall complete these reports and any additional reports as demanded by controlling general orders:
- 1. Initiating Officer- Post Pursuit Report and, if needed, a Supplemental Report.

2. Assisting Officers – Supplemental Report detailing your specific actions and observations.
3. Patrol Sergeant - A departmental Memorandum directed to the Commanding Officer providing:
  - a. A detailed chronology of events, including justification of the event.
  - b. All directives issued during the pursuit and to what officers.
  - c. All additional actions taken.
  - d. The identity of all sworn personnel, department vehicles and civilians involved.
  - e. Deviations from general orders and the reasons, therefore.
  - f. The Patrol Sergeant responsible for the pursuit shall ensure that all required documents are reviewed for accuracy and completeness prior to terminating their tour of duty.

## VIII. REVIEW PROCESS

Within a reasonable amount of time of the termination of a pursuit, the Commanding Officer of the unit involved in the pursuit shall review all documentation, including radio transmissions, computer aided dispatch (CAD) reports, as well as any audio/visual recordings, associated with the pursuit. The role of the Commanding Officer is limited to reviewing the incident to ascertain if additional training or policy revisions are required. If multiple units are involved, the review process will be completed by both Command Officers. For example, if a Detective initiates a pursuit, which is then taken over by Patrol units, then both Command Officers will assist in the review process focusing on their individual commands.

- Within five business days of the conclusion of the Commanding Officers determination, they shall complete or cause the completion of a written report to the Assistant Chief of Police containing the findings and the reasons, therefore. If during the review process a need for additional training is identified, the Captain of Training and Human Resources shall be notified.

The Commanding Officer conducting the review process is encouraged to employ the following members to assist as they deem necessary:

- Patrol Sergeant not directly involved in the pursuit activities.
- Member(s) that train in the use of “Stop Sticks”, if applicable.
- Members of the training unit