

DEPARTMENTAL GENERAL ORDER 01-3

ST. LOUIS COUNTY POLICE M-4

OFFICE OF THE CHIEF OF POLICE **October 22, 2001**

Index as: Cancels:

Emergency Vehicle Operations General Order **98-3**

Post-Pursuit Report

Pursuit Policy

**Resisting Arrest, Pursuit**

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EMERGENCY VEHICLE OPERATIONS

I. PURPOSE

- | The objective of this policy is to guide and direct **officers in** utilizing Department vehicles in a safe and efficient manner. This directive shall govern an officer's conduct in the evaluation of situations which may require the extraordinary operation of a Department vehicle. **Officers** are, at all times, subject to the provisions of this General Order.
- | The use of pursuits in the apprehension of fleeing violators of the law presents a clear and present danger to commissioned officers involved, to private citizens and to property. The purpose of this General Order is to establish policies and procedures for the St. Louis County Police Department concerning pursuits and emergency response.
- | The Order is for Department use only and does not apply in any criminal or civil proceedings. The Order should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. This Order will only form the basis for Departmental administrative review and possible corrective action concerning conduct allegedly performed without regard for these guidelines and policy, although that conduct may conform with all legal norms of care and safety.

II. DEFINITIONS

For the purpose of this General Order, the following definitions shall apply:

- 1. Pursuit Driving: Pursuit driving occurs when there is an active attempt by a law enforcement officer operating a motor vehicle and utilizing emergency warning lights and siren to apprehend one or more occupants of another moving vehicle when the officer reasonably believes that the driver of the fleeing vehicle is aware of the officer's attempt to stop the vehicle and is resisting apprehension by increasing vehicle speed, ignoring the officer or otherwise attempting to elude the officer.
- 1. Initial Unit: The police vehicle responsible for initiating the pursuit.
- 1. Primary Unit: The police unit in closest proximity to the fleeing vehicle with primary responsibility for conducting the pursuit. The primary unit may or may not be the initial unit.
- 1. Secondary Unit(s): Police unit(s) involved in the pursuit and designated by the dispatcher **and precinct supervisor** to assist the primary unit.

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- 1. Paralleling: The operation of a police unit, other than those involved in the pursuit, on streets or highways parallel to the pursuit route.
- 1. Caravanning: The operation of units in a group either in a line or alongside of each other in a pursuit situation.
- 1. Roadblock: Any method of restricting the passage of the pursued vehicle by obstructing the roadway with police vehicles or other physical obstacles that are placed perpendicular to a roadway or angled in such a way as to create a roadblock.

1. A stationary roadblock must be clearly visible at a distance sufficient to enable approaching vehicles to stop. Emergency lights will be activated on all authorized emergency vehicles positioned at the roadblock.

2. Rolling Roadblocks: Rolling roadblocks occur when there is an attempt to surround the fleeing vehicle with police vehicles. (Not authorized.)

- 1. Authorized Emergency Vehicle: Any St. Louis County police vehicle equipped with a siren and roof-mounted emergency lights or emergency lights mounted internally which are readily visible from the front and rear of the vehicle.

- | Bumping/Ramming: Deliberate contact by a police vehicle with the pursued vehicle from the front, rear or side. (Not authorized.)

### III. GENERAL

- | The authority for police vehicles to operate as an authorized emergency vehicle is found in State law. The statute exempts emergency vehicles from obeying traffic laws when the following conditions exist:

1. Emergency light and siren must be activated.

2. Violation of the traffic laws by the officer does not endanger life or property.

3. The emergency vehicle is responding to an emergency call or is in pursuit of a law violator.

- | Although authorized emergency vehicles are exempt from traffic regulations and entitled to right-of-way, a commissioned officer operating as an authorized emergency vehicle is required to exercise reasonable care, under the circumstances of the emergency situation, to prevent injury to himself or others.
- | Upon approaching an intersection controlled by traffic signals, or any other location at which there is an increased likelihood of a collision, the driver of any authorized emergency vehicle shall, prior to entering the intersection, or upon the approach to any other such location where there is an increased likelihood of a collision, reduce the vehicle's speed so as to avoid a collision with another vehicle or pedestrian.
- | Police officers are expected to maintain complete control of their vehicles at all times.

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### IV. POLICY

Public safety and protection of human life are our paramount concerns. A need to apprehend a law violator or to respond to a location or situation does not normally justify creation of new or additional risks of injury or death to police officers or to others. Occasionally, the need to apprehend the serious criminal or to provide emergency services may justify driving outside normally applicable law and rules of the road. However, State law creates only limited exceptions for emergency vehicle operators. It is the policy of this Department that police vehicle operation shall be within the law and vehicles shall be operated in a reasonable manner and with due regard for the rights and safety of others. Irresponsible, careless and reckless driving are prohibited and will not be tolerated. Police vehicle operation shall be at all times consistent with the concept of "reasonable safety" and with all other requirements of this Order.

Any commissioned officer in an authorized emergency vehicle may activate emergency lights and siren only when it is reasonably necessary to accomplish one of the following:

1. To prevent the commission of a crime dangerous to life (i.e., robbery in progress, shooting, flourishing gun);

2. To provide emergency assistance to persons exposed to an imminent threat of death or serious physical injury (i.e., accident with injury, hazardous material spill);

3. To apprehend a person(s) who is committing a felony offense (i.e., burglary in progress);

4. To avert or minimize the effect of a public catastrophe or emergency involving the threat of major property damage (i.e., major fire at a commercial building);

5. To stop a traffic violator to take enforcement action;

6. To stop a vehicle, based on reasonable suspicion, to conduct further investigation;

7. To initiate a pursuit that meets all criteria set forth in section IV.D.

Pursuits shall not be attempted unless, in the judgement of the commissioned officer, the necessity for the immediate apprehension of the fleeing violator outweighs the

danger created by the pursuit and no reasonable alternative exists. Prior to initiating a pursuit, consideration should be given to the following conditions: speed of the pursuit; area of the pursuit; weather and road conditions; the presence of pedestrians and other traffic; or malfunction of emergency lights or siren and the reason for the pursuit of the fleeing vehicle.

- | Any commissioned officer in an authorized emergency vehicle **may initiate a pursuit** in order to effect the capture or prevent the escape of a law violator **when all of the following criteria are met:**

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1. the suspect committed or attempted to commit a felony; and
  2. the crime involved the **use or threatened use of deadly force**; and
  3. there is a substantial risk that the fleeing violator will cause death or serious physical injury if apprehension is delayed.
- Only commissioned police officers may operate a Department vehicle that is actively involved in a pursuit.
- | Officers shall not pursue violators the wrong way on any interstate or other controlled access highway or divided roadway unless specifically authorized by a supervisor.
  - | Only Department marked authorized emergency vehicles may pursue or be used as a primary or secondary unit in a pursuit. The emergency equipment shall be operated until the pursuit is terminated.
  - | Unmarked police vehicles shall not engage in pursuits but may follow a violator at a reasonable speed and keep a vehicle under surveillance until an authorized emergency vehicle arrives.
  - | Officers transporting prisoners, witnesses and victims will not participate in pursuits.

## V. PROCEDURE

- l If the police officer reasonably believes that all criteria set forth in Section IV.D. are met, he/she may pursue a fleeing vehicle.
- l When a decision is made to initiate a pursuit, the initiating unit shall advise the dispatcher of the following:

1. A pursuit has been initiated;
2. The roadway, direction and speed of travel;
3. The reason for the pursuit;
4. The identifying information concerning the pursued vehicle, i.e., color, year, make, body licence number and other identifying characteristics; and
5. Number and description of the occupants.

- l The dispatcher shall immediately rebroadcast all above information to the initiating precinct, adjacent precincts and concerned police agencies. The precinct or police agency having control of the pursuit shall notify the other agencies when the pursuit is terminated. A precinct **supervisor** will also be notified immediately.
- l As the majority of pursuits are of short duration, the pursuit will be handled on the precinct channel, unless one of the following conditions exist:

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1. The pursuit exceeds five minutes in duration.
2. The pursuit has or may extend into municipal areas not on the County's radio system.

3. The precinct supervisor directs a switch to **another** channel.

When any of the above conditions exist, the dispatcher will immediately advise all units involved, including municipalities, that a pursuit is in progress and that the units should switch to a designated channel until the pursuit is terminated.

- | The dispatcher shall designate the nearest available unit as the secondary unit to assist the primary unit. **The precinct supervisor monitoring the pursuit may designate additional officers as secondary units if the circumstances of the pursuit warrant such.** All other units shall stand by unless specifically requested to assist. Upon direction of the dispatcher, other units in the area may take up strategic positions along the probable pursuit route and activate emergency lights in an attempt to slow down the fleeing vehicle or alert other traffic at intersections of emergency conditions. The secondary unit **closest to the primary unit** shall be responsible for broadcasting the progress of the pursuit and coordinating activity in the event the primary unit becomes involved in a foot pursuit.
- | The primary unit shall be responsible for the arrest of the violator(s) when the violator (s) terminates the pursuit voluntarily or becomes involved in an accident. If the primary unit is unable to continue the pursuit for any reason, the secondary unit shall be responsible for deciding whether to terminate the pursuit or continue as the primary unit and have the dispatcher assign another secondary unit.
- | There shall be no caravanning by police units not involved in the pursuit or paralleling of the pursuit route under emergency operating conditions (**emergency** lights and sirens). Paralleling units shall be operated in conformance with normal traffic laws and rules of the road.
- | All units in a pursuit should be spaced sufficiently to allow adequate distance to successfully execute evasive maneuvers in the event that other vehicles may slow, stop, turn or otherwise create a collision hazard.
- | When operationally feasible, the police helicopter shall be requested to assist. Once the police helicopter arrives and has the suspect vehicle identified, the helicopter will follow the suspect vehicle and inform the **dispatcher and** ground units of the vehicle or suspect's actions. Other units in the area may take up strategic positions along the pursuit route and activate emergency lights in an attempt to slow down the fleeing vehicle or alert other traffic at intersections of emergency conditions.
- | When the vehicle/driver being pursued enters another jurisdiction, the dispatcher will notify the appropriate police agencies and the primary officer's supervisor.
- | The pursuit of a vehicle outside St. Louis County will continue only if approved by the **precinct supervisor**.

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- | When felony pursuits enter Illinois, the police officer involved will request that any arrested violators be held pending extradition proceedings. The Bureau of Fugitive Affairs will be notified as soon as possible and provide necessary assistance.
  
- | Fugitives from Illinois arrested in St. Louis County on felony charges will be held awaiting extradition. Fugitives stopped on Illinois misdemeanor charges with no local charges pending will not be arrested but allowed to proceed after the pursuing authorities have all needed information and issued necessary summons.
  
- | When the operator of a motor vehicle escapes or eludes a St. Louis County police officer and is later apprehended, the operator will be physically arrested and, in addition to the felony offenses, charged under RSMo 575.150, Resisting Arrest.
  
- | St. Louis County police officers will not become involved in pursuits originated by a municipality or other agencies, unless all of the following conditions exist:
  1. The suspect committed or attempted to commit a felony; and
  
  2. The crime involved the use or threatened use of deadly force; and
  
  3. There is a substantial risk that the fleeing violator will cause death or serious physical injury if apprehension is delayed; and
  
  4. The pursuing agency requests our assistance; and
  
  5. The precinct **supervisor** gives approval.
  
- | The number of pursuing units shall be **determined by the precinct supervisor**. Units

may take up strategic positions along the probable pursuit route and activate emergency red lights in an attempt to slow down the fleeing vehicle or alert other traffic of emergency conditions.

## VI. TERMINATION OF PURSUIT

┆ Pursuing police officer(s) should terminate pursuits when:

1. The danger to the public or the pursuing police officer outweighs the necessity for immediate apprehension of the violator. Consideration should be given to the following conditions: speed of the pursuit; area of the pursuit; weather and road conditions; the presence of pedestrians and other traffic; the presence or absence of audible or visible warnings and the reason for the pursuit of the fleeing vehicle, or

2. The distance between the pursuing police officer and the violator is so great that further pursuit is futile, or

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3. The police officer loses visual contact with the violator for an extended period of time, or

4. There are malfunctions with police equipment or the police vehicle (e.g., emergency lighting, siren) which make continued operation of the vehicle in a pursuit hazardous.

┆ Pursuing police officer(s) shall immediately terminate pursuits when ordered to do so by a supervisor.

┆ Terminating a pursuit does not prohibit an officer from following the vehicle at the posted speed limit and obeying other traffic laws, or remaining in the area ready to resume the pursuit if the opportunity presents itself and circumstances warrant.

## VII. VEHICLE STOPPING TECHNIQUES

┆ A police officer intending to make a vehicle stop should attempt to be within close

proximity to the violator's vehicle before activating emergency equipment. **The use of a siren is not necessary unless the vehicle fails to yield or the attempt to stop the vehicle** requires an unreasonable violation of traffic laws, then the siren should be activated.

- | Roadblocks: The decision to erect a roadblock may only be made by the supervisor. The decision to erect a roadblock must consider:

1. Safety of the officers;

2. Protection of citizens and their property.

- | Rolling roadblocks will not be used as a method to stop the vehicle.
- | No bumping or ramming is authorized at anytime during a pursuit as a method to stop the vehicle.
- | Tire Deflation Devices

1. Tire deflation devices should be used, when feasible, to safely stop the vehicle.

2. Tire deflation devices should be used in accordance with training received and any instructions supplied by the manufacturer of the specific device being used. They should not be used to stop two-wheeled vehicles.

### VIII. SUPERVISOR RESPONSIBILITIES

- | Upon notification that a pursuit is in progress, **one precinct** supervisor shall assume responsibility for the monitoring and control of the pursuit as it progresses.

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- | The supervisor shall immediately determine whether the pursuit was initiated in accordance with the provisions of this policy and shall permit the pursuit to be continued only if said policy has been fully complied with to the best of the supervisor's knowledge.

- | Upon being notified of a pursuit, the supervisor shall verify the following:

1. That only the necessary number of units are involved in the pursuit.

2. That the proper radio frequency is being used.

3. That other agencies are notified as necessary and appropriate.

- | The supervisor shall continuously review the incoming information to determine whether the pursuit should be continued or terminated.
- | The supervisor shall order a pursuit terminated at any time if he/she concludes that the danger to the pursuing police officers or the public outweighs the need for the immediate apprehension of the violator.
- | The precinct **supervisor** where the pursuit originated will respond to the termination point of all pursuits involving St. Louis County Police to ensure necessary assistance is rendered.

- | Post-Pursuit Report

1. The supervisor will critique the pursuit and review the facts with the officer(s) involved. The supervisor will make a determination as to whether the pursuit complied with the policies in this Order based on the critique.

2. A Post-Pursuit Report shall be completed by the initiating unit's supervisor and forwarded through the chain of command within 24 hours after the pursuit.

3. The Bureau of Communications supervisor shall prepare and forward a copy of the audio tape of the pursuit to the Division Commanding Officer.

4. A Post-Pursuit Report will be prepared for every pursuit regardless of duration or disposition.

5. When the reason for the pursuit or actions taken during the pursuit do not fall within the guidelines stated in this Order, the supervisor will initiate a complaint as outlined in the Complaint Review Procedure.

#### IX. COMMANDING OFFICER RESPONSIBILITIES

- | Exercise staff supervision of all pursuits occurring within their division.
- | Forward to the Bureau of Professional Responsibility a Post-Pursuit Report and any related police reports or memoranda.

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#### X. DUTIES OF THE BUREAU OF PROFESSIONAL RESPONSIBILITY

- | Upon receipt of a complaint, shall conduct an investigation as outlined in the Complaint Review Procedure.
- | A file of Post-Pursuit Reports shall be maintained in a secure location, and the Chief of Police shall be provided with a quarterly **analysis** of these pursuits.

Adopted by By order of:

Command Staff

COLONEL RONALD A. BATTELLE

Chief of Police

RAB:DS:jb

119043

**Attachment:**

**Post-Pursuit Report**

Approved at the regular Board meeting of **October 22, 2001.**

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ROBERT W. FLAGG PATRICK A. TWARDOWSKI

Chairman Secretary

Distribution

All Department Personnel

CALEA Reference

1.3.1; 1.3.2; 41.2.2; **41.2.3**; 41.3.1; 61.3.4

Acknowledgment of Receipt

\_\_\_\_\_ Initial Here \_\_\_\_\_ Date Here

Initials acknowledge receipt of this written directive, responsibility for knowledge of its contents and duty to address any need for clarification to a supervisor.