

	 POLICE DEPARTMENT	PROCEDURE	Page 1 of 7	Procedure File No. 31-102B
		Subject Vehicle Pursuits	Supersedes No.	Previous Date 8/15/2003
		Approved By <i>David D. Been, Chief of Police</i>	Date Approved 9/11/2004	Effective Date 9/15/2004

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

PURPOSE OF CHANGE:

To add the Grants Coordinator to the Pursuit Review Board as a non-voting member, to document compliance with CALEA standards, and to address issues identified in the semi-annual policy and procedure audit.

POLICY:

The decision to pursue a motor vehicle is among the most critical made by law enforcement officers. This decision must often be made in tense, uncertain, and rapidly changing circumstances. The Department has a duty to enforce the law and apprehend violators of the law. This duty must be exercised in accordance with federal and state law.

Federal courts use the “shocks the conscience” test. This test is used to determine liability under civil rights law. The court must review the actions of law enforcement and determine if the officer purposefully caused harm unrelated to the legitimate object of the arrest. A pursuit with no intent to physically harm a suspect or to worsen his/her legal plight does not give rise to substantive due process liability. In addition, if officers intentionally seize a vehicle then his/her actions must be objectively reasonable.

State law requires that officers not recklessly disregard the safety of others in pursuit of a violator but drive with due regard for the safety of all persons. Officers will abide by state and federal requirements. Pursuit is justified only when the necessity of apprehension outweighs the degree of danger created by the pursuit.

Officers are not automatically prohibited from pursuing traffic offenders or misdemeanor suspects. However, officers shall carefully weigh the seriousness of the offense with the hazards of the pursuit. Violation of this policy may expose the officer to criminal and/or civil liability.

SUMMARY: Procedures for pursuing vehicles.

APPLIES TO: All police personnel

DEFINITIONS:

BOX-IN – attempting to slow or stop the suspect by surrounding the suspect vehicle with police vehicles.

DIRECTLY INVOLVED IN THE PURSUIT – the police vehicles behind the suspect vehicle actively attempting to apprehend the suspect. This includes the primary and secondary pursuit vehicles, the supervisor who joins the pursuit, and any additional vehicles authorized by the pursuit monitor. This does not include those vehicles paralleling or blocking intersections.

PROCEDURE	Page 2 of 7	Procedure File No. 31-102B
Subject Vehicle Pursuits	Date Approved 9/11/2004	Effective Date 9/15/2004

ELUDING – when the operator of a motor vehicle has received a visual and audible signal (emergency lights and siren) from an officer driving a police vehicle directing the operator to bring the vehicle to a stop and the operator willfully increases speed, extinguishes lights, or willfully attempts in any other manner to avoid apprehension by the officer.

LOW PROFILE POLICE UNIT – a police vehicle with the standard decals, striping, and emergency equipment used by the Tulsa Police Department with the exception of the overhead emergency lighting equipment.

MARKED POLICE UNIT – a police vehicle with the standard decals, striping, and emergency equipment including overhead emergency lighting equipment used by the Tulsa Police Department.

PRIMARY PURSUIT VEHICLE – the vehicle in closest proximity to the fleeing vehicle with the primary responsibility for conducting the pursuit. The primary unit may or may not be the unit that initiated the pursuit.

PURSUIT – an active attempt by an officer to apprehend one or more occupants of a moving vehicle after the officer has activated his/her emergency lights and siren and the officer reasonably believes that the driver of the fleeing vehicle is attempting to elude the officer.

PURSUIT MONITOR – a supervisor who assumes responsibility for, or is assigned to, monitoring the pursuit, usually the pursuing officer's supervisor. A supervisor who engages in a pursuit as the primary pursuit vehicle cannot be the pursuit monitor for that pursuit.

ROADBLOCK – the partial blockade of a street or highway, leaving one lane of traffic open.

SECONDARY PURSUIT VEHICLE – the second vehicle in the pursuit.

TERMINATION OF GROUND PURSUIT – ceasing pursuit of the suspect vehicle.

TERMINATION BY YIELDING TO HELICOPTER – requires that vehicles directly involved in the pursuit turn off emergency lights and siren, drop from view of the suspect, and obey the rules of the road.

PROCEDURES:

1. Prior to initiating and during a pursuit, officers will continually question whether the seriousness of the violation reasonably warrants the initiation or continuation of the pursuit. Factors to be considered include, but are not limited to:
 - a. Objective reason for the pursuit.
 - b. Likelihood of personal injury or property damage.
 - c. Probability of identifying the suspect.
 - d. Probability of apprehension.
 - e. Time of day.
 - f. Weather conditions and condition of road surface.
 - g. Approximate age of the suspect, if known.

PROCEDURE	Page 3 of 7	Procedure File No. 31-102B
Subject Vehicle Pursuits	Date Approved 9/11/2004	Effective Date 9/15/2004
<p>h. Observed driving ability of the suspect (e.g., possible 10-75, weaving).</p> <p>i. Mechanical condition of the officer's vehicle and the suspect's vehicle, if known.</p> <p>j. Observed number of passengers.</p> <p>k. Availability of the helicopter.</p> <p>l. Ability to maintain clear radio communication.</p> <p>m. Pedestrian and vehicular traffic.</p> <p>2. After the above conditions have been evaluated, officers may, at their discretion, initiate and continue a pursuit when:</p> <p>a. The suspect clearly exhibits the intention of refusing to stop or avoiding arrest by using a vehicle to flee.</p> <p>b. The officer is not aware of a known or obvious risk that is so great that it is highly probable that serious harm will occur to either citizens or officers.</p> <p>3. When officers initiate a pursuit, they should notify their primary talk group dispatcher as soon as possible. The primary or secondary pursuit vehicle officer will transmit the following information (if known) as soon as possible:</p> <p>a. Current location.</p> <p>b. Direction of travel.</p> <p>c. Reason for the pursuit.</p> <p>d. Speed.</p> <p>e. License state and number.</p> <p>f. Vehicle description (e.g., color, make).</p> <p>g. Number of occupants and descriptions.</p> <p>h. Approximate age of the suspect.</p> <p>i. Observed driving ability of the suspect.</p> <p>j. Any pedestrian and vehicular traffic (if applicable).</p> <p>4. When a pursuit is initiated, the dispatcher will immediately notify helicopter personnel (if on duty) and advise pursuing officers of the helicopter and crew status. The dispatcher is responsible for notifying other talk groups and will automatically place the pursuing officer's talk group on emergency traffic (10-63). When a pursuit comes within approximately two miles of another uniform division's boundary or it becomes apparent that a pursuit will enter another uniform division's boundary, the dispatcher will patch in to that uniform division's talk group.</p> <p>5. The backing officer responding to the pursuit will become the secondary pursuit vehicle. Backing officers will notify the dispatcher of their designator and estimated time of arrival. The secondary pursuit vehicle will assume the responsibility for radio communications upon joining the pursuit.</p> <p>6. Supervisors of initiating officers will acknowledge on the radio that they are monitoring the pursuit. If the initiating officer's supervisor is not available, the nearest supervisor will respond and become the pursuit monitor. If a supervisor does not acknowledge on the radio, the dispatcher will assign an available supervisor to be the pursuit monitor. The pursuit monitor will not be the primary pursuit unit.</p> <p>7. If the pursuit continues outside the City of Tulsa, Public Safety Communications (PSC)</p>		

PROCEDURE	Page 4 of 7	Procedure File No. 31-102B
Subject Vehicle Pursuits	Date Approved 9/11/2004	Effective Date 9/15/2004
<p>will notify the appropriate outside agencies of the pursuit. If requested by an officer or supervisor, PSC will request assistance from the appropriate outside agencies.</p> <ol style="list-style-type: none"> 8. Officers are not prohibited from paralleling the path of a suspect vehicle or blocking intersections for the protection of the public either during the pursuit or after the pursuit is terminated. Officers in the area who are not primary or secondary pursuit vehicles may use emergency lights and siren to parallel if: <ol style="list-style-type: none"> a. It is done in a reasonable and prudent manner. b. It is done in a manner that does not pressure the suspect to continue the pursuit or to increase speed. 9. When approaching or entering into a major arterial intersection, officers should slow or be prepared to stop if necessary. If the police unit is equipped with a siren cutout, do not utilize the radio. 10. When the helicopter crew advises that the suspect vehicle is in view, the observer will assume responsibility for the pursuit and advise officers of the suspect vehicle activity. 11. All ground units will terminate pursuit by yielding to the helicopter when advised by helicopter personnel that they have the vehicle in view unless authorized to continue the pursuit by the pursuit monitor. 12. If the escape of a suspect would create a continuing threat to the public, the pursuit monitor may authorize the continuation of the ground pursuit even after the helicopter arrives. In that event, the helicopter crew will assume responsibility for radio communications when the suspect vehicle is on arterial streets. 13. Personnel trained and authorized in the use of tire deflation systems may attempt to stop a vehicle that is eluding or refusing to stop. A tire deflation system will not be used unless there is sufficient time to reach a position of safety after deployment and to notify pursuing officers of the system's location. 14. Officers will continually evaluate the known circumstances. When the risks outweigh the benefits of continuing the pursuit, the pursuit will be terminated. 15. When motorcycle officers, K-9 officers, and officers driving low profile police units initiate a pursuit, they will yield to the first marked police unit available to assist. After being relieved, these units may become the secondary pursuit vehicle until relieved by a second marked unit. After being relieved, officers will then proceed in a reasonable and prudent manner to the termination point of the pursuit. 16. Before a pursuit continues outside the City of Tulsa, the pursuing officer and/or the pursuit monitor will determine whether or not to terminate the pursuit. 17. Officers will not participate in pursuits initiated by outside law enforcement agencies unless requested to do so by the pursuing agency. Simple notification by an outside agency that a pursuit is approaching or has entered into the City of Tulsa does not constitute a request for assistance. Blocking intersections for a pursuit that enters the 		

PROCEDURE	Page 5 of 7	Procedure File No. 31-102B
Subject Vehicle Pursuits	Date Approved 9/11/2004	Effective Date 9/15/2004
<p>City of Tulsa does not constitute participation in that pursuit.</p> <p>18. If a pursuit continues outside the City of Tulsa, the pursuit monitor may join the pursuit as an additional unit to provide on-site supervision. Absent other prohibitive factors, the lack of a supervisor being actively involved in the pursuit will not prevent the pursuit from continuing.</p> <p>19. When the pursuit has ended an officer or supervisor involved in the pursuit will request 10-64 traffic. If the situation is not resolved, request that a tactical talk group be activated.</p> <p>20. The pursuit monitor will complete the <i>Pursuit After Action Report</i> after interviewing the officers involved and submit copies of related reports (e.g., <i>Incident Report</i>, <i>Arrest and Booking Data Sheet</i>, a collision report) to the division commander through the initiating officer's chain of command.</p> <p>21. The <i>Pursuit After Action Report</i> and related reports will be reviewed and forwarded through the chain of command to the Operations Bureau Deputy Chief.</p> <p>22. The Pursuit Review Board will review pursuits initiated by the Tulsa Police Department or by an outside agency that requested and received assistance. The chairman of the Board will select one sergeant, one corporal, and one officer from within the uniform divisions, and one Law Enforcement Driver Training (LEDT) instructor to serve on the Board for a period of one (1) year. If any Board personnel are involved in a pursuit, he/she will not vote on that pursuit.</p> <p>23. The Pursuit Review Board will consist of the following individuals:</p> <ul style="list-style-type: none"> a. Chairman, Operations Bureau Deputy Chief. b. Uniform division commanders. c. Training Division Commander (or designee). d. Sergeant, uniform division. e. Corporal, uniform division. f. Officer, uniform division. g. LEDT instructor. h. Safety Analyst (non-voting member). i. Grants Coordinator (non-voting member). <p>24. The duties of the Pursuit Review Board will be to:</p> <ul style="list-style-type: none"> a. Thoroughly review <i>Pursuit After Action Reports</i> and any additional reports pertaining to a pursuit, including, if necessary, audio and video tapes. b. Hear direct testimony, when necessary, from officers and witnesses. c. Maintain chronological files of <i>Pursuit After Action Reports</i> and recommendations. d. Develop findings and make recommendations to the Chief of Police in the following areas: 		

PROCEDURE	Page 6 of 7	Procedure File No. 31-102B
Subject Vehicle Pursuits	Date Approved 9/11/2004	Effective Date 9/15/2004

- 1) Pursuit compliance with policy.
 - 2) Tactical considerations.
 - 3) Training considerations.
 - 4) Appropriateness of supervision.
 - 5) The process and quality of the post-incident investigation.
- e. The Chairman (or designee) of the Pursuit Review Board will prepare a written report with recommendations that address the factors listed in Procedure 1 and forward it to the Chief of Police.
- f. If the Chief of Police determines that additional investigation is required, he will assign the possible violation for investigation.
- g. The Grants Coordinator will maintain a database listing the information contained within all *Pursuit After Action Reports*. Quarterly and annual reports will be prepared addressing the factors listed in Procedure 24, d.1. through d.5., and include recommendations concerning pursuit tactics and training.

REGULATIONS:

1. Officers directly involved in a pursuit shall use emergency lights and siren for the duration of the pursuit.
2. The only units authorized to be directly involved in the pursuit are the primary and secondary pursuit vehicles, a supervisor, and any additional units authorized by the pursuit monitor. The pursuit monitor shall not be the primary pursuit unit.
3. There shall be no attempt by any officer to box-in, pass, or drive along side a suspect vehicle that is being pursued. Officers shall not use vehicle containment tactics in pursuit situations. No officer shall pass the primary pursuit vehicle or any other pursuit vehicle unless requested to do so by the pursuing officer, pursuit monitor, or other supervisor.
4. Only officers driving a marked police vehicle, motorcycles, and low profile police units may initiate or engage in a pursuit. Officers driving trucks or vans shall not initiate or engage in pursuits.
5. Pursuing officers who are ordered by the pursuit monitor, supervisor, or commanding officer to terminate a pursuit shall do so immediately.
6. Officers transporting non-police personnel shall not initiate or participate in a pursuit.
7. Absent supervisory approval, officers directly involved in a pursuit shall not transport the suspect.
8. Tire deflation systems shall only be used by authorized personnel who have been trained in their use. Tire deflation systems shall not be used on two or three wheeled vehicles.

PROCEDURE	Page 7 of 7	Procedure File No. 31-102B
Subject Vehicle Pursuits	Date Approved 9/11/2004	Effective Date 9/15/2004

REFERENCES:

47 O.S. 11-106
31-304A, *Complaints Against Police Employees*
TOG 1001, *Use of Air Support*
TOG 1005, *Foot Pursuits*
TOG 1006, *Handcuffing and Custodial Transportation*
TOG 1007, *High Risk Vehicle Stop*
TOG 1015, *Unknown Risk Vehicle Stop*
TOG 1016, *Vehicle Containment*
TOG 1017, *Vehicle Tire Spike Use*
TOG 2014, *Radio Communications*
TOG 2017, *Law Enforcement Driving*
CALEA 41.2.1, 41.2.2, 41.2.3, 61.1.6, 81.2.5