

Chattanooga Police Department - Policy Manual

OPS-2 – PURSUIT DRIVING

Amends/Supersedes: OPS-2 (08/17/15)

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CALEA 41.2.2 & 41.2.3 (5th Ed.)

PURPOSE

The purpose of this general order is to establish proper procedures for the operation of police vehicles in a vehicle pursuit with a fleeing suspect.

I. POLICY

A. Due to the fact that a motor vehicle is capable of producing death, serious injury, or at the very least, property damage when operated in a negligent, reckless or unsafe manner, members of the Chattanooga Police Department shall act responsibly at all times when operating a department vehicle, particularly under unusual or emergency circumstances and shall observe all laws and regulatory provisions attending its safe operation.

B. The Chattanooga Police Department places the highest value upon the lives and safety of its officers and the public at large. A police officer's duty to apprehend persons who have committed or are committing a violation of the law must be balanced against the risk of serious injury to or death of innocent members of the general public. The safety of the general public is more important than the apprehension of a suspect who flees in a motor vehicle. A suspect who flees can be captured at a later time; an innocent person who is killed as a result of a police pursuit will be gone forever. The policy herein is intended to minimize the risk of injury to officers and citizens alike.

C. Police Officers engaging in pursuits will be governed by Tennessee Code Annotated 55-8-108.

II. DEFINITIONS

A. Authorized Emergency Police Vehicle - A vehicle of the Chattanooga Police Department equipped with operable emergency equipment as required by state law.

B. Field Supervisor - The supervisor in command of the pursuit. The field supervisor will usually be the immediate supervisor of the officer initiating the pursuit.

C. Marked Unit or Marked Police Vehicle - A police vehicle marked with the emblem of the Chattanooga Police Department and equipped with properly functioning sirens and permanent emergency lights either mounted on the roof or within the vehicle (slick-top vehicles).

D. Motor Vehicle Pursuit or pursuit - An active attempt by a law enforcement officer in an authorized emergency police vehicle to apprehend a known or suspected violator of the law who is knowingly and actively attempting to elude the police.

E. Primary Pursuit Unit or primary unit - The marked unit which initiates a pursuit or any marked unit which assumes control of the pursuit.

F. Secondary Pursuit Unit or secondary unit - Any marked unit which becomes involved as a back-up to the primary unit and follows the primary unit at a safe distance.

G. Reasonable Suspicion - is a belief based upon specific and articulable facts which, taken together with reasonable inferences from those facts, reasonably lead an officer to believe that a person has committed, is committing, or is about to commit a crime.

III. GENERAL PROCEDURES FOR PURSUIT DRIVING

A. Initiation of Pursuit

[41.2.2a]

1. Officers shall only initiate or continue a pursuit when there is reasonable suspicion, prior to the

beginning of the pursuit, that the suspect has committed or is committing a violent and/or forcible felony. Violent and/or forcible felonies are murder, manslaughter, aggravated assault, armed robbery, rape, aggravated kidnapping, child sexual assaults, and aggravated arson. Officers shall not initiate or become involved in pursuits for traffic offenses, misdemeanors, non-forcible felonies or when the suspect flees for an unknown reason.

2. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public if the suspect remains at large.

3. Any law enforcement officer in an authorized emergency vehicle may initiate a motor vehicle pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so. Pursuit may also be justified if the officer reasonably believes that the suspect, if allowed to flee, would present danger to human life or cause serious injury.

4. In deciding whether to initiate pursuit, the officer shall take into consideration the following factors:

- a. road, weather and environmental conditions;
- b. population density, vehicular and pedestrian traffic in the immediate area and in the area in which the pursuit is likely to proceed;
- c. the relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
- d. the seriousness of the offense for which the pursuit is being initiated; and
- e. the increased exposure to danger if the officer initiating the pursuit is on a motorcycle.

B. Pursuit Tactics

1. A pursuit authorized by this policy may be continued outside the Chattanooga city limits. Communications shall notify the proper agency for assistance. Only the primary and secondary units shall proceed outside the City unless otherwise specifically ordered by the Field Supervisor. When the pursuit is joined by units of the jurisdiction into which the pursuit has proceeded, Chattanooga unit(s) shall allow such unit(s) to become the primary pursuit vehicle(s) and so notify Communications. The secondary Chattanooga unit shall discontinue the pursuit as soon as one unit from the primary jurisdiction joins the pursuit. The primary Chattanooga unit shall discontinue the pursuit as soon as a second unit from the primary jurisdiction joins the pursuit. The Field Supervisor or higher authority can terminate the pursuit at any time. The Field Supervisor and the primary officer shall respond on a non-emergency basis to the scene of any apprehension by officers of the primary jurisdiction.

2. There is no statutory obligation for an officer to perform any emergency vehicle pursuit. The officer must make a professional decision each time he is faced with circumstances which involve the decision of whether or not to institute an emergency pursuit. An officer has a duty to use reasonable efforts to arrest known violators of the law, but that duty does not require that the officer unnecessarily endanger himself or innocent members of the public by instituting or continuing a dangerous pursuit or a pursuit that is likely to endanger the officer or members of the public. **[41.2.2g]**

C. Vehicles Allowed To Engage In Pursuits **[41.2.2d]**

1. Only police vehicles equipped with sirens and emergency lights and motorcycle units shall participate in a motor vehicle pursuit.

2. Units transporting prisoners, witnesses, suspects, complainants or other non-police personnel shall not engage in pursuits. Marked units with a person participating in the ride-along program may engage in emergency pursuits but this practice is not encouraged and should only be done in exigent circumstances when no other vehicles are available.

3. A pursuit initiated by a motorcycle officer, or unmarked police unit with emergency lights and siren, shall be assigned by the Communications Division to the first arriving marked unit. Once a pursuit has been taken over by a marked unit, the motorcycle officer, or unmarked police unit with emergency lights and

siren, may take a secondary position until a second marked unit joins the pursuit. The motorcycle officer or unmarked unit shall then end his or her participation in the pursuit and shall respond on a non-emergency basis to the scene of any apprehension. Officers in unmarked police vehicles, that are not equipped with emergency lights and siren, who reasonably suspect that a criminal offense has occurred and that immediate action is warranted may attempt to follow a fleeing vehicle until a marked unit arrives to initiate the emergency pursuit. State law does not permit any police vehicles to exceed the speed limit or otherwise violate the rules of the road unless emergency lights and siren are activated.

D. Restrictions

1. Officers shall NOT continue a pursuit if the primary unit or any supervisor orders that the pursuit be discontinued. **[41.2.2g]**
2. When a pursuit is terminated or ordered to be discontinued, the pursuing officer(s) shall turn off all emergency equipment and make the next available left or right hand turn that will safely remove them from the line of sight of the driver of the vehicle previously being pursued.
3. Officers shall NOT engage in the following conduct except in cases where the use of deadly force is authorized by department regulations:
 - a. Drive along the side of or in front of a fleeing vehicle in an attempt to force the vehicle from the roadway, or
 - b. Bump or ram a fleeing vehicle in an attempt to force it from the roadway.
4. Officers shall NOT pursue a fleeing vehicle by driving the wrong way on a freeway, divided highway or interstate highway at any time.
5. No officer may intentionally place himself/herself or their vehicle in the path of a moving vehicle in an effort to stop such vehicle.

IV. PROCEDURES DURING PURSUIT

A. General

1. Officers initiating a pursuit shall immediately activate the primary emergency equipment consisting of the emergency lights and siren. **[41.2.2b]**
2. If the involved officer cannot maintain continuous radio contact with communication and supervisory personnel, pursuit driving shall immediately be terminated unless absolutely compelling emergency circumstances demand otherwise.
3. The active pursuit shall be limited to two police units with emergency lights and siren: the primary unit and the secondary unit. The secondary unit shall also activate its emergency equipment and notify Communications that it has joined the pursuit as the secondary unit. Other nearby police units shall monitor the pursuit via the patrol radio and be prepared to position themselves to assist the primary and secondary units with apprehension of suspects upon the completion of the pursuit. These units may be ordered to actively engage in the pursuit by the field supervisor should circumstances warrant.

B. Notification of Dispatcher

1. An officer initiating a pursuit shall immediately notify the dispatcher that a pursuit has been initiated. All other officers shall immediately refrain from non-emergency radio transmissions. The information transmitted to the dispatcher by the officer initiating a pursuit shall, as soon as safely possible, include the following: **[41.2.2b]**
 - a. Unit number;
 - b. Present location;
 - c. Where the pursuit began;
 - d. Direction of travel;
 - e. Reason(s) for the pursuit;

- f. Description of the fleeing vehicle (e.g., make, model, color, license-plate number); and
- g. Description and number of occupants in the fleeing vehicle (if possible).

2. At all times during a pursuit, an officer shall be aware of the increased risk to the officer and others when the officer is required to remove one hand from the steering wheel to key the radio microphone, and the officer shall operate the vehicle in a manner so as to minimize such increased risk while communicating on the radio.

3. When notified of a pursuit, the dispatcher shall designate the initial pursuing vehicle as the primary unit. The dispatcher shall also immediately notify the primary unit's field supervisor of the pursuit. The primary unit, the secondary unit and the field supervisor shall be the only police vehicles involved in the pursuit of the fleeing vehicle unless the field supervisor specifically approves additional marked units. **[41.2.2e]**

C. Primary Unit - The primary unit is the unit which initiates the pursuit or any other unit which takes over the pursuit in lieu of the unit which initiated the pursuit. The primary pursuit unit shall be responsible for the following duties: **[41.2.2b]**

- 1. The primary unit shall broadcast the progress of the pursuit until a secondary unit joins the pursuit and takes over radio communications concerning the pursuit; if the secondary unit is unable to continue such radio communications, the primary unit will resume such radio communications.
- 2. The primary unit shall pursue the suspect vehicle at a safe distance which will allow the primary unit to stop without hitting the suspect vehicle should the suspect stop suddenly.
- 3. At all times during the pursuit, the primary unit must continually consider road, weather, light, traffic and vehicle conditions, and if any of said conditions render the continuation of the pursuit unreasonably dangerous to the officer or to the general public, the pursuit shall be terminated.

D. Secondary Unit - The secondary pursuit unit shall be responsible for the following duties: **[41.2.2c]**

- 1. Broadcasting the progress of the pursuit;
- 2. Controlling pursuit tactics; and
- 3. Terminating the pursuit when conditions warrant.
- 4. In the event the primary unit is unable to continue the pursuit, the secondary unit shall become the primary unit. The secondary unit shall not attempt to pass the primary unit unless requested to do so by the primary unit.

E. Field Supervisor **[41.2.2f]**

- 1. A field supervisor who initiates a pursuit or who is involved in a pursuit as a primary unit will allow another marked unit to take over the pursuit as the primary unit as soon as possible and will assume the duties of the secondary unit. A field supervisor who is involved in a pursuit as a secondary unit will allow another marked unit to take over the duties of the secondary unit as soon as possible and will assume the duties of the field supervisor in charge of the pursuit.
- 2. A field supervisor, who shall usually be the initiating unit's supervisor, shall monitor the progress of the pursuit (via visual contact and/or radio communications) and determine whether the pursuit should be continued or terminated based on existing circumstances.
- 3. The field supervisor shall:
 - a. Be in command of the pursuit;
 - b. Monitor all radio communications related to the pursuit and ensure only authorized marked units participate in the pursuit;
 - c. Order any necessary, appropriate response within department policy to conclude or terminate the

pursuit;

d. Become involved in the pursuit if in close proximity, provided the supervisor's police vehicle has emergency equipment;

e. Notify the dispatcher that he/she is actively involved in the pursuit. The dispatcher will then transmit that information, along with the progress of the pursuit, as soon as reasonable to all radio channels.

f. The field supervisor may order additional marked units to actively join in the pursuit only under the following circumstances:

(1) If there is not a sufficient number of officers in the primary and secondary units to safely arrest the suspect(s); or

(2) If the primary unit is unable to continue the pursuit, and the dispatcher has been informed that the unit is terminating its involvement. If the primary unit is unable to continue the pursuit, the secondary unit becomes the primary unit unless otherwise ordered by the field supervisor.

g. At the conclusion of every pursuit, shall go to the scene and take command.

4. The Officer initiating the pursuit will complete a Blue-Team report as soon as possible upon termination of the pursuit. The commander of the Training Unit shall conduct an administrative review of each pursuit report to determine if any policy, training, equipment, or disciplinary issues need to be addressed. **[41.2.2i]**

5. The Department's Vehicle Pursuit Form shall be completed at the conclusion of each pursuit by the officer initiating the pursuit. This form shall be completely filled out and submitted regardless of the duration of the pursuit **[41.2.2i]**

V. STOPPING TECHNIQUES [41.2.3]

A. Forcible stopping techniques are some of the most dangerous practices engaged in by law enforcement officers. Their use may constitute deadly force when reviewed in a court of law. Their application should not be undertaken lightly or unadvisedly, and only when all other efforts have failed to stop the fleeing vehicle and there is a great potential for serious bodily injury or death. The following stopping technique may be used, if necessary, provided it has been authorized by a field supervisor: **[41.2.3d]**

1. Spiked Stopping Devices: Spiked stopping devices may be deployed when other means of affecting the stop have proven unsuccessful. Spiked stopping devices shall be deployed only by a supervisor or Traffic Officer trained in the use of such devices. Such devices shall be placed in such a manner as to not impede the flow of lawful traffic or cause damage to any vehicle other than the pursued vehicle. The supervisor shall notify Communications of the location of the deployment. Communications shall then notify all officers involved in the pursuit as well as other officers in the area. **[41.2.3a, b]**

2. No stopping technique or device may be deployed or implemented by any personnel that have not been trained in using the technique or device. Appropriate training shall be the responsibility of the Training Unit Commander. **[41.2.3c]**

3. Whenever a spiked stopping device is deployed, it shall be reported as a part of the standard pursuit reporting form. The chain-of-command and training commander shall review the report for policy and training issues that may require modification. **[41.2.3e]**

B. Roadblocks are not an authorized technique for stopping vehicles and shall not be employed to end a pursuit. **[41.2.3a]**

VI. USE OF FIREARMS DURING PURSUITS

A. The use of deadly force is governed by various legal principles and General Order ADM-5. Notwithstanding any provision of ADM-5 to the contrary, officers shall not discharge a firearm at or from a moving vehicle

unless the use of deadly force is justified.

B. Officers not in a vehicle are prohibited from the following actions: (i) firing at or into a moving vehicle which does not represent an imminent threat to the life of the officer or another person, and (ii) firing at a vehicle for the purpose of disabling it, unless the vehicle is being used as a deadly weapon to assault the officer or some other person and there is an imminent threat of death or serious bodily injury.

C. If fired upon by a driver or occupant of a fleeing suspect vehicle, an officer not in a vehicle must still consider the hazards of the use of deadly force to innocent persons. The immediate apprehension of the suspect, even if firing at officers, is never more important than the safety of innocent persons.

VII. INTERJURISDICTIONAL PURSUITS

[41.2.2h]

A. The Communications Division shall notify outside agencies when this department is involved in a pursuit moving toward their jurisdiction. The person notifying the other agency shall specify whether the call is a request for assistance or a courtesy notification with not participation requested.

B. Officers shall not become involved in another agency's pursuit unless specifically authorized by a field supervisor, or unless it is clear that the other agency's unit is unable to request assistance, or the emergency nature of the situation dictates the need for assistance. In such instances, all departmental pursuit policies remain in effect.

VIII. REVIEW AND ANALYSIS OF PURSUITS

A. All Pursuit Reports shall be forwarded through the chain of command to the officer's Division commander. **[41.2.2i]**

B. The Division Commander shall review the report (as well as all available evidence, including video) for accuracy, completeness, and proper application of policy, further routing the report to IAPro if the documented action is consistent with policy. If a report is determined to have documented action which is apparently not consistent with policy, the reviewing Captain shall forward the report to the Director of Training, to be review by an executive Use of Force/Pursuit Review committee. **[41.2.2i]**

C. The Use of Force/Pursuit Review committee shall be comprised of the Neighborhood Policing Sector Captains, the Director of Training, and the Professional Standards Division Commander. This committee will make a determination of whether the documented action should be authorized and sent to IAPro for archiving, or sent to Internal Affairs for investigation. **[41.2.2i]**

D. The Training Unit commander shall conduct an annual review of all incidents involving vehicle pursuits, as well as a documented annual review of pursuit policies and reporting procedures, in an effort to reveal patterns or trends which could be predictive or indicate the following: program effectiveness, training needs, equipment upgrade needs, and/or policy modification needs. The review shall be documented and an analysis shall be submitted to the Chief of Police the Deputy Chief, and the Assistant Chiefs by January 30th covering the previous calendar year. **[41.2.2j]**



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APPENDIX A

Report Flow chart

