

TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



TITLE: VEHICLE PURSUITS	NUMBER: 702
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01 Purpose: To provide guidance to officers and supervisors in the decision-making process of engaging in, continuing, or terminating vehicular pursuits.

02 Policy: It is the policy of this agency to maintain a positive level of confidence, which the community has, in the department's ability to apprehend criminals, while safeguarding against the unnecessary hazarding of bystander's well-being, and minimizing possible damage to property. This procedure will provide guidance to officers and supervisors in weighing the possibility of damage to life and property against the benefit of apprehending suspected criminals. This procedure will restrict pursuits to those situations, enumerated in 03 B 2 of this General Order, in which the need to apprehend the suspect may warrant the use of such measures.

03 Procedures:

A. Definitions:

1. Assisting Unit - Any unit assisting in the pursuit by: maintaining a parallel course, positioning to intercept the fleeing person, positioning to relieve or assist a primary or secondary pursuit unit, positioning to provide observation of the fleeing vehicle, or by providing any other assistance to the primary pursuit unit in apprehending the fleeing person.
2. Bicycle Pursuit – chasing of a suspect for an offense while riding a bicycle
3. Civilian Vehicle - A vehicle, regardless of ownership, which has not been approved as an emergency vehicle by the Maryland Motor Vehicle Administration.
4. Command Officer- Executive officer of the department, in charge of multiple units or the on-call Duty Commander
5. Emergency Operation - Some form of flashing or oscillating light, blue, white and/or red in color, along with siren, conforming to the Maryland Transportation Article.
6. Foot Pursuit - chasing of a suspect for an offense while on foot
7. Forced Stopping - The intentional maneuvering of a police vehicle in close proximity to a fleeing vehicle, or to contact your vehicle with the fleeing vehicle, in order to force it to stop. Forced stopping should ***only be used in circumstances where deadly force would be justified.*** See Section 6 E.
8. Marked Unit - A police vehicle prominently displaying divisional markings and one designated as an authorized emergency police vehicle.

9. Major Jurisdictional Boundaries - the border of any state or the District of Columbia.

10. Paralleling - Maintaining a course and speed which approximates that of the fleeing vehicle, on the same or on another roadway. Paralleling may occur a considerable distance from a fleeing vehicle's location with the intent of being in a position to intercept the fleeing vehicle's course should it turn toward the paralleling unit.

11. Primary Pursuit Unit -The police vehicle closest to the fleeing vehicle. This unit typically is the initiating unit in the pursuit, and may be changed as pursuit continues.

12. Pursuit Team – Any police official or communications personnel involved in a vehicle pursuit

13. Pursuit Supervisor - The on-duty supervisor of the primary pursuit unit or any other senior officer who assumes control of the pursuit, including the Watch Commander.

14. Roadblock - any method, restriction or obstruction utilized or intended for the purpose of preventing free passage of a motor vehicle in order to affect the apprehension of a known or suspected fleeing felon. The Department does not deploy forcible roadblocks or forcible stopping techniques of any kind to stop a vehicle. See Section 6

15. Rolling Roadblock - A technique designed to stop a fleeing vehicle by surrounding it with pursuit vehicles and intentionally slowing until stopped.

16. Secondary Pursuit Unit - The police vehicles assigned to assist the primary pursuit unit by remaining in close proximity to the primary pursuit unit and the fleeing person. There are normally no more than one or two secondary pursuit units.

17. Stationary Roadblocks - Devices used to prevent movement of vehicles past a point on the roadway where the roadblock is constructed. The roadblock could be in the form of vehicles or barrier devices of any sort. Division policy prohibits the use of civilian vehicles or property in roadblocks. Any vehicle used in such a capacity must be unoccupied. Traffic checkpoints, which are used to gather information or screen passing vehicles, are not considered roadblocks under this section.

17. Supervisor-The Sergeant or Corporal in charge of a unit

18. Terminate Pursuit means a decision by the primary unit or managing supervisor to discontinue pursuing a fleeing vehicle, or may be the point at which the vehicle no longer flees the police for whatever reason.

19. Unmarked Unit - An emergency police vehicle which does not display visible police markings, but is equipped with a siren and visible emergency lights in the grille, rear deck, dashboard or temporarily mounted to the roof of the vehicle, or a combination of these lights.

20. Use of Force-Threat of or use of physical force and protective equipment

21. Vehicular Pursuit: An active attempt by an officer in an emergency vehicle to apprehend one or more fleeing occupants of vehicle who are attempting to avoid apprehension.

B. Initiating a Pursuit:

1. Fresh Pursuit of a Misdemeanant (Criminal Procedure Article 2-301 (c-2))

All vehicular pursuits of persons operating a motor vehicle wanted for misdemeanor offenses by officers of this Department are **prohibited**. (This does not limit an officer from pursuing a fleeing person who has committed a misdemeanor in the presence of the officer on foot or bicycle) The officer will attempt to obtain the tag number and description of the vehicle and/or offender before leaving the City and contact

Communications who shall alert the jurisdiction into which the fleeing offender has gone. If needed, an investigation of the incident will continue and a warrant may be obtained.

2. Fresh Pursuit of Felons

Fresh pursuit is only allowed when an officer has probable cause to believe that the fleeing suspect has committed or is attempting to commit the following:

- a. Any felony involving the **use of force or threat of physical force or violence against a person**, and
- b. A hit and run traffic accident **resulting in death or serious injury**.
- c. All other pursuits are **prohibited**, except non-motor vehicle pursuits.

3. The pursuing officer will consider the following factors in determining whether to initiate pursuit:

1. The performance capabilities of the pursuit vehicle;
2. The condition of the road surface upon which the pursuit is being conducted;
3. The amount of vehicular and pedestrian traffic in the area; and
4. Weather conditions.

4. The pursuit will be terminated when the danger posed by the fleeing person(s) escape is less than the dangers imposed by the pursuit.

C. Responsibilities for Vehicle Pursuits:

1. Officer's Responsibilities

- a. An officer intending to initiate a pursuit must make a judgment as to the danger posed by the fleeing person in relation to the danger of the pursuit. It is recognized that this judgment must be made, in most cases, with only a brief evaluation of the emerging situation. Officers are required to make their best judgment under the circumstances and then continue to evaluate the evolving situation.
- b. The pursuit is only authorized if the pursuit poses a lesser danger than would the fleeing person's escape. In determining relative danger, the officer will use all information known to the officer or relayed to the officer by the police team.
- c. The officer must at all times continue to evaluate the dangers of the pursuit.
- d. Officers engaged in pursuit will use lights, siren and headlights at all times throughout the pursuit.
- e. All officers will also comply with the provisions of The Maryland Vehicle Law pertaining to Emergency Vehicles. The driver of an emergency vehicle may:
 - Park or stand without regard to the other provisions of this title;
 - Pass a red or stop signal, a stop sign, or a yield sign, but only after slowing down as necessary for safety;
 - Exceed any maximum speed limit, but only so long as the driver does not endanger life or property;
 - Disregard any traffic control device or regulation governing direction of movement or turning in a specified direction; and
 - Should be aware that this section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

D. Supervisory Responsibilities

1. A supervisor or command officer not directly involved in the pursuit will assume Pursuit Supervisory control of all pursuits from non-supervisory staff.
2. The Pursuit Supervisor controlling the pursuit will ensure that Department rules, policy and procedures are followed during the pursuit.
3. The Pursuit Supervisor will limit the number of vehicles involved in the Pursuit to the number necessary to maintain the pursuit and apprehend the fleeing person. Secondary pursuit vehicles should normally be limited to one or two by the supervisor controlling the pursuit.
Supervisors may have units not assigned as a primary or secondary pursuit unit, in positions to lend assistance in the pursuit should they be needed.
4. In controlling the pursuit incident, the supervisor will be responsible for coordination of the pursuit as follows:
 - a. Directing pursuit vehicles and air support units into or out of the pursuit;
 - b. Re-designation of primary, support or other back-up vehicle responsibilities;
 - c. Approval or disapproval, and coordination of pursuit tactics; and
 - d. Approval or disapproval to leave the county to continue pursuit.
5. In making the decision concerning the number of secondary pursuit units to allow, the supervisor will consider such factors as:
 - a. The number of suspects and any known propensity for violence;
 - b. The *felony* crime for which they are pursued, and
 - c. The known or probable weapons accessible to the fleeing suspects, and
 - d. The danger posed by the fleeing suspects when they are finally stopped.
 - e. The number of officers necessary to make an arrest at the conclusion of the pursuit; and
 - f. Any other clear and articulable facts that would warrant the increased hazards caused by numerous pursuit vehicles
6. Supervisors must evaluate the nature of the *vehicle* pursuit, including:
 - a. The fleeing person and the *felony* offense, for which he is wanted,
 - b. The pursuing officers and their skills,
 - c. The nature of the roadways upon which the pursuit is being conducted,
 - d. The weather and time of day as it may affect the pursuit,
 - e. The character of the neighborhoods through which the pursuit is proceeding, or may proceed, and
 - f. Any other condition or circumstance which may affect the safety of the pursuit.
7. The managing supervisor shall be responsible for requesting aerial assistance from Maryland State Police or U.S. Park Police as appropriate, via TPPD Communications. They will also be responsible for directing assistance to the scene of the termination of the pursuit and shall respond to that location without undue delay
8. If at any time the supervisor determines that the danger posed by the pursuit is greater than the danger posed by the escape of the fleeing person(s), the supervisor will terminate the pursuit.
9. If death or serious injury occurs as a result of a pursuit the Duty Commander will be notified, see General Order 631, Notifications

E. Communications' Responsibilities

1. Communications personnel will carry out the following activities and responsibilities during the pursuit:
 - a. Receive and record all incoming information on the pursuit and the pursued vehicle;
 - b. Control all radio communications and **clear the radio channel(s)** of all non-emergency traffic;
 - c. Obtain criminal record and vehicle checks of the vehicle and suspects as soon as practical;
 - d. Coordinate and dispatch back-up assistance and air support units under the direction of the pursuit supervisor; and
 - e. Notify and coordinate with other jurisdictions when the pursuit may extend into their area.
2. Communications personnel will provide assistance to the primary pursuit unit and the pursuit supervisor in the coordination of the pursuit. Communications will make, or cause to be made, an immediate notification of the pursuit to the on-duty supervisor or Watch Commander.
3. In the event that another agency involved in the pursuit determines the need to use stop sticks, Communications will assist in the notification of the placement of Stop Stick devices. They will utilize the alert tone and notify all units involved in a pursuit, about the deployment and exact location of the devices.
4. In cases where Communications receives a notification of a pursuit being conducted by another law enforcement agency that is anticipated to enter, has entered or has culminated in our jurisdiction, the person receiving the notification will immediately notify the on-duty supervisor. Communications will obtain all relevant information concerning the pursuit including the reason the law enforcement agency is pursuing the fleeing vehicle, any lookout and weapon information.
5. Communications will immediately relay all information, regarding a request for assistance in a pursuit from another jurisdiction, to the on-duty supervisor. The supervisor will make the decision regarding participation in the incident by this agency.

04. Vehicle Pursuit

- A. Once an officer has evaluated the factors associated with an incident and decided to pursue a fleeing person, the officer will, as soon as is practical, notify Communications of the pursuit. The following information will be provided to Communications:
 1. Unit identification number;
 2. Location, speed and direction of travel of the fleeing vehicle;
 3. Description and license plate number, if known, of the fleeing vehicle;
 4. Number of occupants in the fleeing vehicle and descriptions, when possible; and
 5. Reason(s) supporting the decision to pursue
- B. The pursuing officer (primary pursuit unit) will broadcast a lookout for the person or persons being pursued. The lookout will include as much of the following information as is available:
 1. a description of the person or person(s) being pursued in as much detail as possible, and
 2. a description of the vehicle and license information if known, and
 3. the direction the vehicle is traveling and the street or highway it is currently on, and
 4. the crime or offense for which the person(s) is being pursued.

- C. It will be the responsibility of the primary pursuit unit to keep Communications informed of the location of the fleeing vehicle. When practical and safe to do so the secondary pursuit vehicle should take over communicating locations with Communications
- D. Units involved in the pursuit will not pass each other except for some specific, planned and coordinated purpose. Each unit involved in the pass should be aware of the other's intentions, and the pass should be coordinated verbally over the radio. **Note:** This section does not prevent or preclude passing required because of safety issues necessitated by unexpected movements of any vehicle.
- E. Radio transmissions from all units other than the primary pursuit unit will be limited to emergency and/or pursuit pertinent information. Normally, all units will maintain radio silence unless acknowledging transmissions from the primary pursuit unit, Communications, or a supervisor.
- F. Only marked vehicles will engage in pursuit as a primary or secondary unit, except when the initiating unit is an unmarked vehicle. If an unmarked vehicle initiates the pursuit a marked unit will replace that vehicle as soon as practical. Unmarked vehicles may be used as assisting or secondary units if enough marked units are not available. Civilian vehicles may not be used in any capacity and only police vehicles with emergency lights and siren in operation will be used for pursuits.
- G. Units not assigned a primary or secondary role in the pursuit may position themselves to lend assistance in the pursuit should they be needed. Any unassigned unit may proceed in a non-priority mode using the utmost caution to the area to be in an area ahead of the pursuit, a parallel position, or an area behind the pursuit should the pursued vehicle alter its course. Unassigned units will report their positioning when the pursuit nears their location. At no time may an unassigned unit attempt to "tail" the pursuit in a priority mode. If the pursuit proceeds through their area they may only continue to assist by heading in the direction of the pursuit obeying all traffic laws until such a time as requested to do otherwise.
- H. No vehicle containing a passenger who is not a police employee will engage in a pursuit as a primary or secondary vehicle. Any exceptions to this policy required by unforeseen and extreme circumstances will require written justification be submitted to the Chief immediately following the incident.

05. Foot and Bicycle Pursuits

- A. The doctrine of "Fresh Pursuit" applies to officers engaged in any non-vehicular pursuits. This doctrine applies when the pursuit is continuous and without unreasonable delay, but does not require instant pursuit.
- B. Fresh pursuit is authorized when the suspect;
 1. Has committed or is reasonably believed to have committed a felony in the jurisdiction in which the law enforcement officer has the power of arrest; **or**
 2. Has committed a misdemeanor in the presence of the officer and in the jurisdiction in which the officer has the power of arrest.

06. Vehicle Pursuit Tactics

- A. Unless expressly authorized by the supervisor, pursuits will be limited to the assigned primary and back-up vehicles. Officers are not otherwise permitted to join the pursuit team or follow the pursuit on parallel streets except as mentioned in Section 4 G.
- B. Department policy pertaining to the use of deadly force will be adhered to during the pursuit.

- C. Officers will not continue direct pursuit if the pursued vehicle begins to travel the wrong way on a one-way roadway. Units may continue to travel on the parallel roadway going the correct direction of travel.
- D. At the request of a supervisor monitoring a pursuit, communications will notify any available police aircraft to monitor a pursuit in progress. At the point where police aircraft are in place and monitoring a pursuit, pursuing units will decrease their speed and increase following distance, even to the point of losing direct sight of the pursued vehicle. If there is a canine unit assigned to the pursuit or available they will be assigned as secondary pursuit vehicle, unless they initiated the pursuit.
- E. During an active pursuit, there shall be no bumping, ramming, boxing in, or blocking of the suspect vehicle(s). There shall be no paralleling of the pursuit authorized except as mentioned in Section 4 G. Roadblocks, moving or stationary are not permitted. The boxing in of a MOTIONLESS suspect vehicle by police vehicles is not prohibited by this procedure.
- F. This policy does not prevent another agency from using vehicle pursuit tactics and vehicle stopping methods that are allowed within their own department's policy. At no time will a Takoma Park Officer participate in another agencies pursuit tactics or stopping methods, unless it is authorized by our policy and approved by the Pursuit Supervisor.

07. Risk Assessment

It is recognized that individual officers, as well as, individual Department vehicles have different levels of performance. The decision to abandon a pursuit must be considered in light of these individual factors. No officer should feel compelled to continue a pursuit when personal and/or vehicle limitations would be exceeded. No officer will be punished or otherwise admonished for determining to terminate a pursuit.

08. Conclusion/Termination

- A. Safety is critical after a fleeing vehicle is stopped. Therefore, officers at the scene of the stop will handle the situation in the same manner as a high-risk felony stop.
- B. A decision to terminate may be the most rational means of preserving the lives and property of both the public, and the officers and suspects engaged in the pursuit. Pursuit may be terminated by the pursuing officer, the supervisor, the Watch Commander or any other command staff officer who is fully aware of all the pertinent details of the pursuit.
- C. Pursuit will be immediately terminated in the following circumstances:
 1. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect;
 2. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile; or
 3. The danger posed by continued pursuit to the public, the officers or the suspect is greater than the value of apprehending the suspect(s).
 4. The pursuing officer will relay this information to communications personnel along with any further information acquired which may assist in an arrest at a later date.

09. Applicable Laws

A. *Criminal Procedure Article, Subtitle 3 Fresh Pursuit;*

1. Pertaining to authority of duly organized agency to pursue within state and/or jurisdiction. *Article 2-305 states:*

Any member of a duly organized State, County or Municipal peace unit of another State of the United States who enters this State in fresh pursuit, of a person in order to arrest him/her on the ground that he/she is believed to have committed a felony in such other State, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized State, County or Municipal peace unit of this State, to arrest and hold in custody a person on the ground that he/she is believed to have committed a felony in this State.

2. Pertaining to requirement that an out-of-state pursuing officer present arrestee to judiciary. *Article 2-306 states:*

If an arrest is made in this State by an officer of another State, in accordance with the provisions of [Article] 2-305, he/she shall, without unnecessary delay, take the person arrested before a judge of the Circuit Court of the County in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the judge determines that the arrest was unlawful, he/she shall discharge the person so arrested.

3. Defining District of Columbia as a state as it pertains to pursuits
Article 2-304(c) states:

"State" means a state of the United States or the District of Columbia.

B. District of Columbia

District of Columbia code provides that a police officer from another jurisdiction may enter the District of Columbia in fresh pursuit in order to arrest a person "on the ground that he is believed to have committed a felony in the pursuing officer's state: and, that he has the same powers to arrest the person and hold him in custody as has the D.C. officer. The arresting officer must appear before a judge of the Superior Court of the District of Columbia without unnecessary delay after the arrest to determine the lawfulness of the arrest.

C. Commonwealth of Virginia

The Commonwealth of Virginia, Title 19.2, Virginia State Code, provides that a police officer may enter Virginia in close pursuit in order to arrest a person "On the ground that he has committed a felony" in the pursuing officer's state or the District of Columbia and that he has the same power to arrest that person and hold him in custody as a Virginia officer. The arrested person must be taken before a judge of a county, municipal, circuit or corporation court of the county or city where the arrest was made without unnecessary delay for a hearing to determine the lawfulness of the arrest.

Note: It should be noted that the State of Maryland permits fresh pursuit of a person who has committed a felony, or who is reasonably suspected of committing a felony, whereas, the Commonwealth of Virginia permits fresh pursuit of a person solely on the ground that he/she has committed a felony.

Note: Pursuits crossing Major Jurisdictional Boundaries should be relinquished to units of that jurisdiction as soon as possible, with the primary TPPD unit following that agency's pursuit. Should a pursuit outdistance the department's radio system, and no vehicular telephone service is practical, then the pursuit should be relinquished to the surrounding agency. Communications shall notify the surrounding jurisdiction that radio contact has been lost with the TPPD units, and then should broadcast to the managing supervisor that appropriate notification has been made to that agency.

10. Reporting practices

- 1.** All accidents resulting from the pursuit are to be reported separately and given individual event numbers in CAD. Officers are reminded that vehicular damage or injuries resulting from intentional acts (i.e. ramming) by the fleeing vehicle are not documented as accidents but should be documented as an offense in addition to the initial offense. In any event, the details of the pursuit should be contained in the narrative of the initial offense report, or in the absence of one, a MIR shall be prepared by the primary unit.
- 2.** Additionally, the information shall be documented and completed by the managing supervisor in "Blue Team", then forwarded for approval. The purpose is to develop an accurate database on pursuits engaged in by this agency to assist with developing training needs and evaluating this policy. The managing supervisor will also make a written request to Communications for a copy of the radio tape for the incident, to be provided to the working team's Sergeant.
- 3.** The "Blue Team" submission will be submitted into IA Pro. The Patrol Operations Commander may assign the review to a subordinate at their discretion, who shall be responsible for conducting a critique regarding the pursuit as soon as possible. They will then prepare a written memorandum to the Office of the Chief via the chain of command for review. Such an inquiry shall include any coaching done, training needs noted, equipment failures, and reports of deviations from rules and procedures stemming from the incident. The Professional Standards Manager will include the information into the department's Personnel Early Warning System (PEWS).
- 4.** Information will also be maintained by the Training Committee, who will conduct periodic (at least yearly) meetings with the Chief of Police for the purpose of reviewing this procedure and any training recommendations.
- 5.** A Command Information Summary Form will also be prepared and distributed in accordance with General Order 621.
- 6.** The Commander of Patrol Operations will conduct an annual documented analysis of the Vehicle Pursuit Reports and provide the information to the Chief of Police.