

General Order 551.00

Reviewed: 7/13

551.00 VEHICULAR PURSUITS

551.01 POLICY

It is the responsibility of sworn members of the Department to apprehend known or suspected law violators. This requirement remains in effect when those offenders attempt to flee from apprehension in a vehicle.

Sworn officers may initiate a vehicular pursuit of an offender who attempts to flee in a vehicle. However, the decision to continue that pursuit shall be made by an officer or supervisor based upon such criteria as the following:

- Seriousness of crimes known
- Whether or not the identity of the offender is known
- Amount of vehicular and pedestrian traffic present
- Time of day
- Nature of the vicinity, whether residential, commercial, rural, school zone, etc.
- Environmental factors such as road conditions and weather

GPD officers and supervisors shall utilize the following primary guidelines in determining whether to begin or continue a vehicular pursuit:

1. Sworn officers may initiate or engage in a pursuit when they have reasonable grounds to suspect that the offender has committed or attempted to commit a felony crime involving violence and/or a deadly weapon. For the purpose of this guideline the pursued vehicle itself shall not be considered a deadly weapon.
2. If in the judgment of the involved officer or supervisor the danger created for the public and/or officers would be greater from discontinuing the pursuit than by allowing it to continue, the pursuit shall be allowed to continue.

The decision to begin, continue or cancel a vehicular pursuit is not irreversible. The decision may be altered as additional information becomes available or conditions change. In all vehicular pursuits and pursuit-related decision making by Greeley police personnel, the primary concern at all times shall be for the safety of the public and police officers.

Personnel involved in a vehicle pursuit shall not exhibit a reckless disregard for the public's safety. To that end sworn personnel shall be familiar with the contents of CRS 42-4-108 regarding emergency vehicle operation.

551.02 DEFINITIONS

Vehicular Pursuit: An active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude the police by using high-speed driving or other evasive tactics such as driving off the roadway, making sudden or unexpected movements, or any other overt action directed at avoiding apprehension. Vehicular pursuits include “low speed pursuits” in which the fleeing offender drives at relatively slow speeds, perhaps even obeying traffic control devices, but intentionally refuses to stop for pursuing officers.

Authorized emergency vehicle: A vehicle equipped with operable visual and audible emergency equipment as designated by state law.

Primary unit: The police unit which initiates a pursuit or any unit which assumes control of the pursuit.

Secondary unit: A police vehicle which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

Emergency Operation: Emergency operation shall mean the act of driving a police vehicle with emergency lights and siren in operation while in pursuit of a violator in accordance with the Colorado Motor Vehicle Code or any applicable Greeley Municipal Code.

Overtaking: Catching up to a violator’s vehicle for the purpose of initiating a traffic stop. This action is not considered an initiation of a vehicular pursuit.

Termination of a pursuit: Discontinuing active attempts to maintain contact with and stop a suspect vehicle through the use of emergency equipment and driving actions.

Citizen ride-a-long: A person who has successfully completed the appropriate ride-a-long application process and has been assigned to ride with a police officer.

Passenger: Any person, including a prisoner, who is being transported in a police vehicle.

Boxing in: The tactic of surrounding a moving vehicle with moving police vehicles which are then stopped along with the fleeing vehicle.

Heading off: The tactic of attempting to end a pursuit by pulling police vehicle(s) ahead of, alongside and towards a fleeing vehicle in an attempt to force it off the roadway or cause it to stop.

Officer: A sworn, commissioned peace officer.

Supervisor: A commissioned peace officer with the rank of sergeant or higher.

Ramming: The deliberate act of striking a fleeing vehicle with another vehicle in an effort to cause it to stop.

Pit maneuver: A driving maneuver in which a police vehicle intentionally strikes the rear quarter panel of the moving pursued vehicle in an attempt to force the fleeing driver to lose control.

Roadblock: A restriction or obstruction intended to prevent the passage of a fleeing vehicle.

Deadly weapon: A weapon the primary purpose of which is to inflict death or serious bodily injury. Examples include firearms, knives, clubs and explosive devices.

551.03 PROCEDURES

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1. Officers engaged in a vehicular pursuit shall use both audible and visual emergency equipment throughout the pursuit.
2. Officers engaged in a vehicular pursuit shall operate their police vehicles with due regard for the safety of other users of the roadway and shall obey all laws governing the operation of emergency vehicles.
3. Upon engaging in a vehicular pursuit, the primary officer shall notify Communications and the other police units on the air of all pertinent information available, to include the following:
 - a. Location and direction of travel
 - b. Description of the pursued vehicle
 - c. Known or suspected offenses (reason for the pursuit)
 - d. Speeds involved
 - e. Identity or description of suspect(s), if known
 - f. Other pertinent information, such as special hazards or conditions
4. A pursuit shall consist of no more than two GPD vehicles, a primary and a secondary unit, unless additional police units are authorized for cause by a sworn supervisor.
5. The officer in the primary unit shall determine which unit will handle radio traffic, including updated information on the pursuit.
6. Secondary Unit Responsibilities:

Take over duties delegated by the primary unit. These may include: Direction of travel, speeds, environmental conditions, or other pertinent information.
7. Officers not involved in the pursuit may head to the general area in order to block off intersecting streets and/or assist should a foot pursuit ensue.
8. When an officer terminates a pursuit, he shall so advise Communications by radio. At that time, all involved GPD police units shall turn off emergency equipment and stop or turn off from the direction of the pursuit.
9. When a pursued vehicle comes to a halt, it is strongly recommended that the involved officers employ felony stop or high-risk vehicle stop tactics in the apprehension of the offender(s).

551.04 RESTRICTIONS ON VEHICULAR PURSUITS

1. Officers shall not discharge firearms at fleeing vehicles unless deadly force is authorized against the occupant(s).
2. Officers shall not pursue vehicles wanted only for minor traffic violations.
3. Officers shall not pursue stolen vehicles unless the offender is wanted for another offense serious enough to justify the vehicular pursuit.
4. Greeley police officers shall not join a vehicular pursuit entering the City from another jurisdiction until and unless pursuit is authorized by a GPD sworn supervisor.
5. Unmarked GPD vehicles and GPD police motorcycles with activated audible and visual emergency equipment may participate in a vehicular pursuit only until they can safely be relieved by marked police vehicles.
6. Officers with passengers other than other Police Department employees or ride-alongs shall not participate in vehicular pursuits.

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7. Officers shall not engage in radical driving actions such as ramming, boxing in, heading off or utilizing the pit maneuver.

551.05 INTER-JURISDICTIONAL PURSUITS

1. The pursuing officer shall notify Communications when it appears that a vehicular pursuit will continue into another jurisdiction.
2. When a GPD pursuit enters another jurisdiction, the actions of Greeley officers continue to be governed by Greeley Police Department policies, orders and pertinent state statutes.
3. Greeley Police Department policies and orders remain in effect for GPD personnel when any other jurisdiction's vehicular pursuit enters Greeley. GPD personnel may render any assistance authorized by a Greeley sworn supervisor but shall not accommodate requests that deviate from the Department's policies and orders.
4. Greeley police personnel participating in an inter-jurisdictional pursuit remain under the direction of GPD policies and procedures.
5. Sworn personnel are responsible for being familiar with the contents of the Weld County Interagency Vehicular Pursuit Agreement. (Appendix A)

551.06 SUPERVISORY RESPONSIBILITIES

1. The sworn supervisor in charge of a vehicular pursuit has the authority and responsibility to monitor the pursuit, continually assess the risks and hazards involved in allowing the pursuit to continue, and make the decision to allow the pursuit to continue or order it terminated.
2. A sworn supervisor shall order a pursuit terminated anytime that he or she concludes that the danger to the pursuing officers or the public outweighs the necessity for the immediate apprehension of the suspect(s).
3. The supervisor will order the pursuit terminated if the identity of the offender is known, immediate apprehension is not necessary to protect the public from a known dangerous offender, and apprehension at a later time is possible.
4. A sworn supervisor shall respond to the termination point of all GPD-involved pursuits. The supervisor is responsible for coordinating and controlling GPD police operations there and assuring that required reports are completed.
5. A sworn supervisor shall complete a pursuit review report at the conclusion of all GPD-involved vehicular pursuits.

551.07 COMMUNICATIONS CENTER RESPONSIBILITIES

1. Communications shall initiate a clear channel when a vehicular pursuit is initiated.
2. Communications shall ensure that a sworn supervisor is aware that a vehicular pursuit has been initiated.
3. Communications shall perform pertinent records, registrations and "wanted" checks on the involved vehicle, if feasible.
4. When it appears that a vehicular pursuit may be leaving Greeley, Communications will so advise the appropriate jurisdictions. Those agencies will be advised that the

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notification is for informational purposes and is not a request for assistance. A request for assistance must come from a sworn GPD supervisor, which may then be relayed to the other jurisdiction(s).

551.08 USE OF TIRE DEFLATION DEVICES

1. The use of a tire deflation device such as a portable spike pad may be authorized by a sworn supervisor for use to aid in the apprehension of a dangerous offender.
2. Tire deflation devices may only be deployed by personnel trained in their use.
3. At least one marked police vehicle and at least one uniformed sworn officer shall be at the site where a tire deflation device is deployed.
4. The location of the planned deployment of the device shall be communicated to the pursuing police units by the deploying officer before the device is placed on the roadway.
5. Deployment of a tire deflation device in the path of a fleeing motorcycle is only permitted if the use of deadly force is authorized.

551.09 ROADBLOCKS

1. Department personnel shall only use roadblocks to apprehend an extremely dangerous felon who, if allowed to escape, would create a substantial risk of another person being killed or seriously injured.
2. Authority to initiate and cancel a roadblock lies with a sworn supervisor.
3. At least one marked police vehicle with operating emergency lights shall be at the scene of a roadblock. At least one uniformed officer shall be present.

551.10 REPORTING REQUIREMENTS

1. Whenever a GPD officer engages in a vehicular pursuit, all appropriate crime and other reports will be completed by the involved personnel.
2. A sworn supervisor shall complete a pursuit review report on the appropriate forms. The report normally will be completed by the supervisor who has the most direct knowledge of the pursuit. If that supervisor was one of the pursuing officers, another supervisor shall complete the report. The report shall summarize the events and state the supervisor's findings on the appropriateness of the decisions made and tactics involved. The supervisor shall state whether in his or her opinion the pursuit was in compliance with pertinent Department policies and orders and make recommendations for corrective actions required, if appropriate.

551.11 PURSUIT REVIEW

1. Pursuit reports shall be reviewed by the chain of command, including the chief of police. Each level of command shall enter findings and, as appropriate, make recommendations based on the review.

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2. Pursuit review reports shall be retained by the Professional Standards sergeant who will periodically report to the Department's command staff regarding statistics, trends and other pertinent information.
3. Pursuit reviews shall be utilized by command staff in helping determine the need for training, corrective action, policy and/or procedural changes and equipment requirements.

General Order 551.00 Vehicular Pursuits	Reviewed 7/13
Authorized by Jerry Garner, Police Chief	
Effective: July <u>31</u> , 2013	
Signature <u>Jerry Garner</u>	Date: <u>7-31-2013</u>

Appendix A

WELD COUNTY INTER-AGENCY PROCEDURES
FOR MULTI-JURISDICTIONAL VEHICULAR PURSUIT
2013

I. Operational Considerations

The operational considerations of inter-agency vehicular pursuit shall be:

- A. Warning other motorists that a pursuit is in progress by using emergency lights and sirens on authorized emergency vehicles involved in the pursuit.
- B. The severity of offense which gave cause to initiate the pursuit by weighing the nature of offense such as a serious felony versus a misdemeanor when opting to participate in a pursuit.
- C. Alternative methods of apprehending the suspect(s).
- D. The danger to the public if the suspect(s) is/are not immediately apprehended.
- E. The risk to the public and others from agencies involved in the pursuit if the pursuit is continued. For example, the speed of a pursuit should be reasonable under the circumstances.
- F. Existing driving conditions including, but not limited to, road conditions, traffic congestion, weather conditions, and vehicle performance limitations if known at the time.

II. Scope

The Inter-Agency Vehicular Pursuit Procedure is intended to provide common operational procedures when the officer originating a pursuit, still in pursuit, leaves his jurisdiction and enters another jurisdiction within Weld County. The statutory authority to pursue an offender is as follows:

- A. C.R.S. 16-3-104(1)(c). **Arrest by peace officer from another jurisdiction.** “Fresh pursuit” means the pursuit, without unnecessary delay, of a person who has committed a crime, or who is reasonably believed to have committed a crime.
- B. C.R.S. 16-3-106. **Peace officer may pursue offender.** When any peace officer is in fresh pursuit of an alleged offender, having a warrant for his arrest or having knowledge that such warrant has been issued, or, in the absence of an arrest warrant, when the offense was committed in the officer’s presence or the officer

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has reasonable grounds to believe that the alleged offender has committed a criminal offense, and the alleged offender crosses a boundary line marking the territorial limit of his authority, such peace officer may pursue him beyond such boundary line and make the arrest, issue a summons and complaint, or issue a notice of penalty assessment.

- C. Neither the provisions of this Inter-agency Procedures for Multi-jurisdictional Vehicular Pursuit nor individual departmental policies shall relieve an officer or deputy from the civil or legal consequences of such driver's reckless disregard for the safety of others. See *C.R.S. 42-4-108(4)*. Injury or threat of injury to innocent third persons during a pursuit, regardless of compliance with this or departmental policy, is not justified if the pursuit is conducted in a reckless or criminally negligent fashion. See *C.R.S. 18-1-707(3)*.

No Weld County law enforcement agency is obligated under this procedure to participate or continue to participate in any vehicular pursuit initiated by any other law enforcement agency. If any conflict occurs with respect to an individual agency's pursuit policy, that agency's policy will prevail.

III. Responsibility

Information from **the agency initiating a pursuit**, or any other agency obtaining information, which may reasonably affect the decision to continue a pursuit shall be provided to other agencies involved in an expedient manner.

Each agency is responsible for the training of its personnel in the application of this agreement.

Each agency participating in a multi-jurisdictional pursuit is encouraged to participate in an "after action" pursuit critique.

Each agency participating in a multi-jurisdictional pursuit is responsible to notify communications when they discontinue or will not be directly engaged in a pursuit.

The dispatch center for the primary pursuit vehicle is responsible, when possible, to inform other law enforcement agencies when a pursuit in progress may enter that agency's jurisdiction. This dispatch center is responsible to initiate and maintain continuous contact with any other agency's communication center whose jurisdiction the pursuit traverses.

IV. Definitions

Pursuit-- an attempt to apprehend a violator who is trying to avoid apprehension by one or more peace officers. Avoidance may include high speed

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driving, unexpected turning movements, failing to comply with a peace officer's signal to stop, or other evasive tactics.

Emergency
Operations--

the act of driving a law enforcement vehicle, regardless of the vehicle's appearance or markings, with emergency lights and siren operating in compliance with C.R.S. 42-4-108 and 42-4-213.

Primary
Vehicle--

the lead law enforcement vehicle following the violator.

Secondary
Vehicle(s)--

additional law enforcement vehicle(s) assigned to assist the primary law enforcement vehicle during the course of the pursuit.

Vehicle
Disabling
Device--

an agency approved, less-lethal, tire deflating device which may be deployed to disable a fleeing vehicle.

Tactical
Vehicle
Intervention--

(TVI) is an agency approved method of forcing a suspect vehicle off the road.

V. Assignments

Primary Vehicle:

The primary vehicle should provide the appropriate dispatch center with all information pertinent to the pursuit such as location, direction of travel, speed, vehicle description, occupant(s) description(s), and reason for the pursuit.

The primary officer may attempt to apprehend the fleeing violator until such time as--

- A. The officer determines the risk from the pursuit to life and property is greater than the need to apprehend the violator, or
- B. The pursuit is terminated by a supervisor or command level officer from the agency employing the officer operating the primary pursuit vehicle, or
- C. The primary vehicle position is relinquished to another law enforcement vehicle due to lack of knowledge of terrain, inoperable pursuit vehicle, or other reason which will improve the chances of successful resolution of the pursuit, or

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- D. The identity of the violator is known or can be reasonably determined at a later time and the violator poses no serious threat to the public if not immediately apprehended, or
- E. The primary pursuit vehicle is no longer able to maintain radio communications with the appropriate dispatch center, or
- F. The road, vehicle, traffic, or weather conditions or excessive speed make continued pursuit unreasonable.

Secondary Vehicle:

The purpose of the secondary vehicle is to provide assistance to the primary vehicle upon termination of the pursuit or assuming the primary position if required. The secondary vehicle shall maintain a safe distance from the fleeing vehicle and primary pursuit vehicle.

The secondary vehicle should attempt to serve as the primary communication point of the pursuit if both the secondary and primary vehicles are from the same agency or able to communicate on the same radio frequency.

The secondary vehicle shall use its emergency equipment in compliance with C.R.S. 42-4-108.

Other Participating Vehicles:

Inter-county, multi-jurisdictional pursuits should be limited, if practical, to one primary pursuing law enforcement vehicle and one secondary pursuing law enforcement vehicle.

Self-assignment of additional vehicles beyond the primary and secondary is prohibited unless additional vehicles have been requested by the primary or secondary vehicle. All units in the pursuit must coordinate through dispatch. In the event it is deemed necessary to have more than two pursuit vehicles, additional law enforcement vehicles must maintain sufficient distance between each other and other pursuing or fleeing vehicles to reduce the possibility of a multiple vehicle collision. Additional law enforcement vehicles shall be operated at reduced speeds and with a high awareness of the potential for collision with vehicles in the pursuit or with members of the public.

Additional law enforcement vehicles may provide support by blocking traffic at major intersections and/or notifying pursuing agencies of special hazards, unusual terrain, other emergency traffic, etc.

Types of Vehicles:

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If a pursuit is initiated by a peace officer operating an unmarked law enforcement vehicle, motorcycle, or other vehicle not normally used for patrol use, that vehicle should withdraw from a pursuit as soon as possible, and a marked patrol unit should assume the primary vehicle pursuit function. Vehicles other than a marked patrol unit are discouraged from participating in a pursuit in any capacity due to the extreme danger to officers and others.

Agency Communication Centers:

The dispatch center for the primary pursuit vehicle will facilitate interagency radio communication by patching the talk group being utilized by the pursuit vehicle to an appropriate mutual aid talk group, such as MAC 7. Dispatchers should evaluate the benefit of patching primary talk groups together to facilitate communication. All agencies joining or assisting the pursuit will be directed to turn to the assigned mutual aid channel. Units not on the pursuit will remain on their designated primary talk groups.

Dispatchers are to obtain clear, concise and specific information regarding the facts about the pursuit and the driver, and are to provide timely updates.

In the event of a fast moving highly dynamic pursuit it may be necessary for the primary dispatch center to patch various primary talk groups together to facilitate interagency communication. In this event, all units not assigned to the pursuit will be directed to migrate to their designated secondary or clearance talk groups to conduct routine business.

Command/Supervisory:

The overall command of a pursuit shall rest with the jurisdiction of the primary pursuit vehicle. If the primary vehicle relinquishes the pursuit and another agency assumes the pursuit, the command authority will shift to the jurisdiction of the vehicle assuming the primary pursuit vehicle position. Transfer of primary command of the pursuit from one agency to another will be clearly announced by the agency passing it and clearly acknowledged by the agency accepting it.

Any involved agency with an on duty supervisor shall be required to monitor in progress pursuits involving their officers. Supervisors of involved agencies are expected to monitor the tactics deployed and use of force issues associated with a given situation. Supervisors are expected to assess the known facts in each episode and weigh the safety of the public and officers involved to determine whether or not a pursuit should be allowed to continue. This assessment will be determined within a reasonable amount of time and may vary based on the informational gathering ability and the factors surrounding the pursuit. This requires supervisors to exercise greater affirmative command and control of a pursuit.

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Nothing in this procedure limits the ability of each agency to conduct an internal review of their agency's action at their own discretion.

Tactics:

Tactics employed to stop a fleeing vehicle will be based on the greatest probability of success with the least likelihood of injury to the general public and peace officers. Tactics which could reasonably result in injury or death to occupants of the fleeing vehicle will be applied in accordance with constitutional and statutory provisions for use of less-lethal and lethal physical force. Individual agency policy and procedure for use of less-lethal and lethal physical force is considered incorporated herein by reference. The implementation of any tactic should be directed by either the primary or secondary unit through dispatch.

Tactics may include an attempt to alter the fleeing vehicle's direction of travel through the use of cones, pylons, or other traffic control devices. Use of this technique may divert the fleeing vehicle to an area where greater control and higher probability of pursuit termination exists.

An example of a disabling device is a mechanical tire deflator. Examples of vehicle use to disable or stop a fleeing vehicle include boxing or ramming the vehicle, and/or deploying a roadblock. In the event a roadblock is deployed, it should be staged away from uninvolved motorists, allowing for advance warnings, i.e. flares, traffic control devices, etc., and ample room to stop. Roadblocks require command or supervisory authority to stage.

UPON TERMINATION OF ANY PURSUIT, IT IS RECOMMENDED THAT THE INVOLVED OFFICERS EMPLOY FELONY OR HIGH RISK STOP PROCEDURES FOR THEIR SAFETY AS WELL AS THE SAFETY OF THE PUBLIC. IT IS ALSO RECOMMENDED THAT, IF PRACTICAL, ALL AGENCIES PARTICIPATING IN THIS SHARED PURSUIT PROCEDURE TRAIN TOGETHER ANNUALLY ON A COMMON HIGH RISK STOP PROCEDURE.

Requests for Mutual Aid:

All requests for mutual aid assistance should be made by command or supervisory personnel when possible.

Requests for mutual aid assistance should specify the actions desired:

- A. Traffic control only
- B. Request to participate in the pursuit
- C. Deployment of a non-lethal tire deflating device
- D. Use of force required and method requested

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Peace officers assigned to provide mutual aid to an agency requesting assistance are under the direction of the primary vehicle.

Investigation at Termination:

In the event the initiating agency is not present at the termination point of a pursuit, a representative should be sent as soon as possible. The primary agency at the termination point will be responsible for making the arrest.

The arrestee will be released to the initiating agency or the agency where the most serious violation transpired, acknowledging the need for expedient processing of evidence. The command officer for the initiating agency or jurisdiction wherein the most serious offense was committed will assume responsibility for coordinating the investigation.

The appropriate charges or felony filing will be presented to the Weld County District Attorney's Office by the initiating agency or jurisdiction wherein the most serious offense was committed.

Media/Public Information:

Media/public information requests will be directed to the command or supervisory officer of the initiating agency or jurisdiction wherein the most serious offense was committed.

VI. Maintenance

This procedure will be administered by the Weld County Chiefs' of Police organization. This procedure will be reviewed annually in January by the Weld County Chiefs' of Police and revisions may be made at any time with 30 days advance written notice to each agency.

This procedure will be reviewed for signature by all participating agencies each year.

By signing this document, the Chief of Police or Sheriff is indicating that the individual officers and or deputies of his or her law enforcement agency will operate under the guidelines of this Weld County Inter-Agency Procedures for Multi-Jurisdictional Vehicular Pursuit as contained in this document, unless or until such time as the document is modified or the agency head opts out of these established procedures.

See [Agreement] Appendix A (Attached)

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APPENDIX A

AULT POLICE DEPARTMENT

JOHNSTOWN POLICE DEPARTMENT

KERSEY POLICE DEPARTMENT

DACONO POLICE DEPARTMENT

LASALLE POLICE DEPARTMENT

EATON POLICE DEPARTMENT

LOCHBUIE POLICE DEPARTMENT

ERIE POLICE DEPARTMENT

MILLIKEN POLICE DEPARTMENT

EVANS POLICE DEPARTMENT

PLATTEVILLE POLICE DEPARTMENT

FIRESTONE POLICE DEPARTMENT

UNC POLICE DEPARTMENT

FREDERICK POLICE DEPARTMENT

WINDSOR POLICE DEPARTMENT

FT LUPTON POLICE DEPARTMENT

WELD COUNTY SHERIFF'S OFFICE

GREELEY POLICE DEPARTMENT

Signed Copy maintained in the Chief's Office