

Crestwood Police

General Order Vehicle Pursuits

Purpose:

To establish the criteria for initiating a vehicle pursuit, vehicle operation during a pursuit, termination of a vehicle pursuit and report documentation and conclusion.

Policy:

It is the policy of the Crestwood Police Department to narrowly regulate the manner in which vehicular pursuits are undertaken and performed. To that end, the following shall apply to **all** pursuits.

A vehicle pursuit may be initiated in order to effect the capture or prevent the escape of a law violator **Only when ALL** of the following criteria are met:

1. The suspect committed or attempted to commit a felony; and
2. The crime involved the use or threatened use of deadly force; and
3. There is substantial risk that the fleeing violator will cause death or serious physical injury if apprehension is delayed. (B.2.a)

Therefore, there will be no initiation of high speed pursuits relative to traffic violations or any misdemeanor offenses unless, in the discretion of the officer, the suspect, if allowed to flee, would present a danger to human life or cause serious injury. It shall be the policy of the Crestwood Police Department to discourage the initiation of a high speed pursuit where the driver is only suspected of driving while intoxicated.

Safety to the officer and the general public must always be the highest and most serious consideration in the decision to initiate, maintain and / or terminate a pursuit. (A.1)

Deliberate contact between vehicles or forcing the pursued vehicles into parked cars, ditches, or any other obstacle, boxing in, heading off, ramming, or driving alongside the pursued vehicle while it is in motion shall be prohibited. Such actions may be approved only when the use of deadly force would be authorized. (B.1.e)

Officers shall not discharge a firearm from / at a moving vehicle, except as the ultimate measure of self-defense or defense of another against whom the suspect is using deadly force. (B.1.m)

Pursuits will be documented in an Internal Memorandum to the Inspector of Police regarding adherence to policy and the Inspector of Police shall conduct an administrative review and conduct

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any follow-up inquiry, as needed, and conducts an annual analysis of vehicle pursuits to determine patterns or trends. (C.1, 2, 3,3a)

Definitions: The following definitions apply when used in this policy:

Pursuit: An active attempt by one or more police officer(s) to apprehend a suspect operating a motor vehicle, while the suspect is trying to avoid capture by:

1. Using high speed driving; or
2. Other evasive tactics such as driving off a roadway, making sudden or unexpected movements.

The following shall not be considered a pursuit: A driver who is suspected of operating a motor vehicle in an intoxicated / impaired condition, who may not realize that an Officer is attempting to stop him. An officer who is following a driver that is not yielding to the officer's emergency lights and siren but who is otherwise not taking any overt action to avoid apprehension (i.e. excessive acceleration, high speeds, obvious attempts at evasion, etc.) **is not in pursuit** of the vehicle for the purposes of this policy.

Authorized Emergency Vehicle: A Department vehicle with siren and roof-mounted emergency lights or emergency lights mounted internally which are readily visible from the front and rear of the vehicle, operating in accordance with Revised Missouri Statute 304.022 and responding to an emergency call or in pursuit of an actual or suspected law violator.

Initial Unit: The police unit initiating the pursuit.

Primary Unit: The police unit in closest proximity to the fleeing vehicle with primary responsibility for conducting the pursuit. The primary unit may or may not be the initial unit.

Secondary Unit: The second unit involved in the pursuit.

Caravanning: The operation of police units in a group, in a line or alongside each other in a pursuit.

Paralleling: The operation of police units other than those involved in the pursuit, on streets parallel to the pursuit route.

Stationary Roadblocks: Stationary roadblocks are those in which an officer places his vehicle or some other stationary vehicle across or in the road to block a subject's route of escape or travel.

Rolling or Moving Roadblocks: Rolling or moving roadblocks are those in which 3 or 4 police vehicles surround a suspect vehicle - one in front, one behind, one on the left side, and one on the right side, and all attempt to slow down and stop the suspect vehicle.

A. Decision Factors for Initiating, Maintaining and Terminating Pursuits:

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1. Safety to the officer and the general public must always be the highest and most serious consideration. In this regard, factors to be considered in the decision to initiate, maintain, and/or terminate a pursuit include, but are not limited to:
 - a. The nature of the suspect's offense (Felonies and situations of imminent danger);
 - b. Road conditions;
 - c. Traffic conditions, pedestrian and vehicular;
 - d. Weather conditions;
 - e. Pedestrian traffic;
 - f. Pursuit location, i.e., residential neighborhoods, school zones, etc.;
 - g. Police vehicle and officer condition;
 - i. Geography;
 - j. Experience and ability/training;
 - k. Visibility and illumination;
 - l. Ability to identify suspect and potential for apprehension at later time; and
 - m. Likelihood of success.

B. Procedures:

1. Vehicle Operations:

- a. When operating a police vehicle on an emergency assignment, officers must place the protection of human life above all other considerations. Operating police vehicles in a manner or at a speed in which the officer does not have sufficient control of the vehicle to insure the safety of people is strictly prohibited, regardless of the circumstances.
- b. According to State law, the red light and siren must be in operation in order that a police vehicle may be considered an emergency vehicle and therefore exempt from traffic regulations. When only the red light or only the siren is being used, the vehicle is not classified as an emergency vehicle and the operator must obey all traffic laws.
- c. Subject to the provisions of paragraph b, the driver of a police vehicle may, in pursuit or emergency situations:
 - 1) Proceed past a red light or stop sign, but only after slowing sufficiently to insure safe passage through the intersection;
 - 2) Exceed the posted speed limit, provided that life or property is not endangered;

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- 3) Disregard traffic laws governing direction of movement or turning, provided that it can be done in a safe manner without danger to anyone; and
- d. Unmarked, undercover and personal vehicles which are not equipped with red light and a siren are not considered emergency vehicles under State law and are therefore **prohibited** from engaging in pursuits.
- e. Offensive Tactics: In the course of pursuit, deliberate contact between vehicles or forcing the pursued vehicles into parked cars, ditches, or any other obstacle boxing in, heading off, ramming, or driving alongside the pursued vehicle while it is in motion **shall be prohibited**. Such actions may be approved only when the use of deadly force would be authorized.
- f. Roadblocks: Only in the case of suspected fleeing violent felons, where escape poses an immediate danger to life, may officers set up a stationary or a rolling roadblock. The decision to erect a roadblock may only be made by the field supervisor. The decision to erect a roadblock must consider:
 - 1) Safety of the officers;
 - 2) Risk of physical injury to occupants of the pursued vehicle; and
 - 3) Protection of citizens and their property.
 - 4) A stationary roadblock will be set up where it will afford visibility to traffic in all directions and to all highway users allowing sufficient distance to enable an approaching vehicle to stop safely. An escape route prior to the roadblock should be established, if at all possible. An escape route through the roadblock must be established, and in such a manner to be maneuvered through at a reasonable speed.
 - 5) Suspect vehicles failing to stop at a barricade are not to be fired upon, unless the occupant(s) of the vehicle represent a direct and immediate threat to the life or safety of the police officer or an innocent person, and then only as a last resort.
 - 6) Private vehicles **shall not** be used in either stationary or rolling roadblocks.
 - 7) Remove vehicles and people not associated with the roadblock to a safe distance from the location of the roadblock.
- g. Caravanning: There shall be no caravanning by field units not directly involved in the immediate pursuit.
- h. Passing: There shall be no attempt by officers to pass other field units involved in the pursuit unless the passing officer received specific permission from the unit to be passed or the field supervisor.
- i. Spacing: All units in pursuit, whether the vehicle in front of the unit is the suspect vehicle or another police vehicle, shall space themselves at a distance that

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will ensure proper braking and reaction time in the event the lead vehicle stops, slows, or turns.

- j. Number of Police Vehicles: No more than two (2) police vehicles will become actively involved in a pursuit, unless specifically directed otherwise by the field supervisor. Other officers should be alert to the pursuit progress and location.
- k. Controlled Access Highways: Officers **shall not** pursue suspects the wrong way on interstate or other controlled access highways or divided roadways unless specifically authorized by the field supervisor.
- l. Traffic Control Devices: Extreme caution must be used whenever officers disregard traffic signs or signals, even though statutes specifically permit such conduct. Officers shall make use of all available warning devices to alert motorists and pedestrians, and only proceed when the roadway is clear and can be safely entered without injury or damage to any vehicle or pedestrian.
- m. Firearms: Officers **shall not** discharge a firearm from a moving vehicle or at a moving vehicle, **except** as the ultimate measure of self-defense of another against whom the suspect is using deadly force.
- n. Officers with passengers that are not Department employees, such as civilians, prisoners, witnesses or victims, **will not** participate in pursuits.

2. Initiating/Primary Unit Responsibilities:
 - a. A commissioned officer in an authorized emergency vehicle may initiate a pursuit when all of the following criteria are met:
 - 1) **The suspect committed or attempted to commit a felony; and**
 - 2) **The crime involved the use or threatened use of deadly force; and**
 - 3) **There is a substantial risk that the fleeing felon violator will cause death or serious physical injury if apprehension is delayed.**
 - b. The responsibility for the decision to initiate a pursuit rests with the individual officer. The officer initiating a pursuit shall, in all cases, notify communications as soon as reasonably possible that a pursuit is underway and provide the following information, if available:
 - 1) Police unit identification and number of occupants;
 - 2) Location, speed, and direction of travel;
 - 3) Vehicle description, including license number, if known;
 - 4) The specific reason for the pursuit, including laws violated;
 - 5) Number and description of occupants in pursued vehicle; and
 - 6) Traffic and weather conditions.

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- c. The authority of the primary unit is, at all times, subordinate to the command of the field supervisor.
- d. Often, a decision to abandon pursuit may be the most prudent course of action. Officers must continually evaluate the decision factors in **Section B** of this policy to determine whether continuing the pursuit is justified. A pursuit shall be terminated under any of the following circumstances:
 - 1) If, in the opinion of the pursuing officer, the field supervisor or a member of the Command Staff, there is a clear and unreasonable danger to the officer and other users of the highway created by the pursuit that outweighs the necessity for the immediate apprehension.
 - 2) The suspect's identity has been established to the point that later apprehension can be accomplished and there is no longer any need for immediate apprehension.
 - 3) The prevailing traffic, roadway and environmental conditions indicate the futility of continued pursuit.
 - 4) The pursued vehicle's location is no longer known or visual contact has been lost.
 - 5) If the pursuit results in the injury to an officer or citizen that requires immediate medical attention.

3 Assisting Unit Responsibility:

- a. Assistance will be coordinated under the direction of the field supervisor. The field supervisor and primary unit will be advised of the identity and location of backup units who can assist.
- b. The active pursuit will normally involve not more than two units; the primary and one backup unit. If more assistance is specifically requested, the amount will be determined by:
 - 1) Nature of the offense;
 - 2) Number of suspects;
 - 3) Whether the participating units have more than one officer; and
 - 4) Other clear and articulated facts that would warrant the increased hazard.
- c. Only the field supervisor may authorize more than two units to be in active pursuit. In addition to the factors stated above, the field supervisor must also; weigh the risk associated with adding units to the pursuit; and the continued police protection of the city. All other units will remain aware of the direction and progress of the pursuit, but **shall not** actively participate, and **shall not** respond or parallel the pursuit on adjacent streets unless specifically authorized to do so or an "Officer in need of aid" situation is broadcast.

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- d. The assisting unit, upon joining the pursuit, **shall** immediately notify communications of its identity. If the primary unit is a one-man unit, the assisting unit may assume radio communications responsibility, allowing the primary unit to devote full attention to driving.
- e. The assisting unit will maintain a safe distance behind the primary unit, but close enough to render backup assistance if and when required.
- f. If the primary unit becomes disabled, the assisting unit will become the primary unit. The communications center will advise the field supervisor and other units that a new backup unit is needed, and the next unit to join the pursuit will be designated the backup unit.

4. Communications Center Responsibilities:

- a. Receive and record all incoming information on the pursuit and the pursued vehicle.
- b. Immediately notify the field supervisor when a pursuit is initiated.
- c. Clear radio channel of any unnecessary traffic and advise all other units that a pursuit is in progress providing all relevant information.
- d. Notify surrounding jurisdictions of pursuit in progress, its direction, and other information that may be necessary.
- e. Perform relevant record and motor vehicle checks.
- f. Control all radio communications during the pursuit.
- g. Coordinate assistance under the direction of the field supervisor.
- h. Continue to monitor the pursuit until it has been terminated.

5. Supervisory Responsibilities:

a. Initiating Officer/Primary Unit Officer

- 1) The initiating officer shall assume overall control of the pursuit and will request assistance through the field supervisor.

b. Field Supervisor

- 1) Upon being notified of the pursuit, the field supervisor shall verify the following:

- a) No more than the required or necessary units are involved in the pursuit;
- b) Aerial assistance, if available, has been requested;
- c) Proper radio frequency is being utilized; and
- d) Affected agencies are being notified.

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- 2) The field supervisor will continue to direct the pursuit, and approve or order alternative tactics, and maintain control until the pursuit is terminated. In the absence of adequate information from the primary or backup unit, the field supervisor may order the termination of the pursuit. If in the opinion of the field supervisor, any part of this policy is being violated, the seriousness of the crime does not justify the continuing pursuit or the safety factor is too great, the supervisor **shall terminate the pursuit**.
- 3) As with any tactical field problem, it is not necessary that the field supervisor be physically present in order to bring coordination to and assert control of the pursuit.
- 4) A field supervisor may respond to the termination point of all department pursuits, if requested or if necessary to insure all necessary assistance is rendered, investigations conducted and reports made.

6. Aerial Assistance:

When operationally feasible, aerial assistance will be utilized if available. The air unit shall direct the movement of the primary unit and coordinate assistance of other ground units under the direction of the field supervisor. The primary unit may relinquish the pursuit responsibility to the helicopter if the circumstances indicate the helicopter can maintain surveillance while ground units deploy for apprehension.

7. Inter/Intra-jurisdictional Pursuits:

- a. Officers shall not participate in pursuits originating outside our jurisdiction unless the following criteria are met:
 - 1) The suspect committed or attempted to commit a felony; and
 - 2) The crime involved the use or threatened use of a deadly weapon;
 - 3) There is a substantial risk the fleeing violator will cause death or serious physical injury if apprehension is delayed.

The assistance must be specifically authorized by the field supervisor, or unless it is clearly demonstrated that a unit from an outside agency is unable to request assistance or the emergency nature of the situation dictates the need for assistance. In these instances, all departmental pursuit policies are in effect.

- b. Pursuit of a vehicle into another jurisdiction will ONLY be made when the driver or occupant is wanted on a felony charge meeting the criteria as outlined under the Policy section. When it appears a pursuit may enter

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another jurisdiction, that agency will be immediately notified of the pursuit and all pertinent information, including the charge(s) for which the vehicle is being pursued.

C. Report and Review Process:

1. A field supervisor may respond to the pursuit termination point, if requested, to insure all necessary assistance is rendered and the proper investigations and reports are made.
2. The field supervisor shall submit an Internal Memorandum to the Inspector of Police regarding adherence to policy and procedures for all pursuits.
3. The Inspector of Police shall conduct an administrative review of the pursuit memorandums and conduct any follow-up inquiry that may be needed.
 - a) The Inspector of Police shall also conduct an annual analysis of incidents involving vehicle pursuits to determine patterns or trends that indicate additional training needs or policy modifications.
4. In January of each year, the pursuit policy shall be reviewed by the Command Staff and revised as needed. In February of each year the policy will be discussed during roll call and a General Order signature form will be signed to indicate the training was received and the policy was understood.

This general order cancels:

O21.4 Pursuit Driving Doc. # G17209 July 28, 2017

Ronald K Compton
Chief of Police

Date

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