



COTTAGE CITY POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: **PURSUIT**

NEW REVISED RESCINDS

APPROVED: *GM*
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ACTING CHIEF OF POLICE

Effective Date 8/22/2018

I. INTRODUCTION

The mission of the Cottage City Police Department includes, among other things, providing and maintaining a feeling of security and safety to person within the Town. Each incident in which the department becomes involved should be resolved in a fashion that maintains the positive level of confidence which the community has in the department.

This policy is designed to reduce potential dangers involved in any pursuit situation. Officers must recognize that the goal of a pursuit is a safe conclusion and not to "win" a contest with a suspect. When an officer attempts to pursue a vehicle, it must be in accordance with the restrictions outlined in section III, A and the approval criteria in Section III, B. However, the pursuing officer should do so only in circumstances where the benefits of apprehension or identification outweigh the risk to the public, the officer, the suspect, or passengers in the suspect's vehicle. The pursuing officer must terminate the pursuit when the risk of injury or damage to any person or property resulting from the continuation of the pursuit becomes greater than the risk of injury to any person or damage to any property that would result from the escape of the suspect.

Although state law gives police officers a qualified privilege from observing traffic regulations, officers are not relieved of the responsibility for driving with due regard for the safety of all persons. Officers must also recognize that the pursuit may cause the suspect to drive more erratically or at higher speeds in an effort to escape. Such conduct by a suspect increases the risk to the public and must be considered by the officer in deciding whether to continue a pursuit. No other police activity poses a greater risk to innocent citizens than that of a pursuit.

Officers must exercise sound judgment and discretion throughout a pursuit. The propriety of continuing a pursuit shall be continuously re-evaluated. This general order is intended to guide the decision making process.

II. PURSUIT DYNAMICS

"The majority of research and professional literature has concluded that pursuit creates a far greater risk than benefit to the officer, the public, and the suspect. The question is - Is it worth it?" What you do and how you do it may ultimately be reviewed by a jury.

- Fleeting suspects are usually traffic offenders - irrationally afraid of being stopped.
- Pursuit activity may cause the suspect to continue to operate at high speeds.
- Once the officers turn off their emergency equipment and reduce speed, the pursued vehicle usually slows.
- Police chases grow increasingly dangerous the longer they last. The longer the siren is on the more invincible and officer will feel.

III. DEFINITION

A pursuit is considered to have begun when an officer makes a vehicular attempt to apprehend the occupant(s) of a motor vehicle when the driver has been requested or signaled to stop and is resisting apprehension by maintaining or increasing the vehicle's speed or otherwise maneuvering his/her vehicle in a manner to elude the officer.

Under this definition, it is the suspect who initiates pursuit, and the officer must then make a series of decisions as to whether the pursuit shall continue or be terminated.

Closing in on a motorist who stops on being signaled by a police officer is not a pursuit. Following a vehicle when the police vehicle is being operated in full compliance with all traffic laws and regulations (e.g. not speeding, stopping for stop signs and traffic signals, etc.) is not a pursuit.

IV. PURSUIT CIRCUMSTANCES

Police pursuit of a suspect is authorized only in certain circumstances set forth in Section IV, A and IV B. If these circumstances are present, the officer must take into account the factors set forth in Section IV, C. Even if the specified circumstances are present and the factors described in Section IV, C do not weigh against engaging in a pursuit, there are

circumstances under which pursuits shall not be maintained. These circumstances are set forth in Section IV, D.

A. Minimum Criteria

Pursuit of a vehicle is authorized only when the offense for which a suspect is being pursued is one or more of the following:

1. A felony has occurred or is occurring, or the officer has reason to believe a felony has occurred or is occurring, except motor vehicle theft as defined in CR § 7-105 (b).
2. Assault in the first degree. (CR § 3-202)

NOTE: The traffic charge of fleeing and eluding the police is not a pursuable offense.

B. Pursuit Approval

The officer must receive immediate approval from a Cottage City Police supervisor to continue a pursuit, if a Cottage City Police supervisor cannot be contacted for approval to continue the pursuit, the officer will discontinue the pursuit. Supervisory approval will be based on the following information:

1. The seriousness of the crime (be able to articulate, prior to the pursuit); and
2. Safety concerns, to include:
 - a. Location of the pursuit,
 - b. Time of day,
 - c. Amount of vehicular and pedestrian traffic in the area,
 - d. Weather conditions and lighting,
 - e. Road conditions,
 - f. Speed of the pursuit,
 - g. Inter-jurisdictional restrictions,

- h. School zones and residential areas,
- i. Safe distance, and
- j. Never pursue with a ride-along, civilian or sworn.

If a supervisor cannot be contacted immediately for approval to continue the pursuit, the officer will discontinue the pursuit.

In addition to the minimum criteria set forth above, the officer must be able to articulate that permitting the suspect to continue to escape would be a greater danger to the community or the public in general than the risks inherent in a pursuit.

- C. If the minimum criteria set forth above are present, the officer shall consider the following factors in deciding whether or not to engage in a pursuit:
 - 1. The safety of others on or near the roadway;
 - 2. The safety of the occupants of the vehicle being pursued;
 - 3. The officer's personal safety;
 - 4. The type and seriousness of the offense committed;
 - 5. The danger presented to the public if the suspect is not immediately apprehended;
 - 6. The volume and speed of vehicular traffic;
 - 7. The volume of pedestrian traffic;
 - 8. The location of the pursuit;
 - 9. The familiarity of the officer and/or supervisor with the area of pursuit;
 - 10. The time of day or night;
 - 11. Weather conditions;
 - 12. Speeds involved in the pursuit;

13. The quality of radio communications between the pursuing unit, the dispatcher and the supervisor;
14. The capability of the police vehicle involved;
15. The availability of alternatives to pursuit;
16. The presence of a ride-along program participant.

D. When Not to Pursue

An officer shall not engage or continue in a pursuit if any of the following circumstances are present:

1. In the officer's judgment the risk of injury to any person (including the public, the occupants of the suspect vehicle or the police officer) outweighs the benefits of apprehension and/or identification.
2. If the officer's vehicle does not have properly operating emergency warning devices (emergency lights, sirens, headlights);
3. If the officer's supervisor or the dispatcher directs the officer not to engage in a pursuit;
4. If one (1) or more vehicles are already directly engaged in the pursuit; however, a Cottage City officer may proceed as a back-up, but not participate in the pursuit, if the pursuit enters the Cottage City boundaries or contract areas and the officer has been assigned that contract area at the time of the pursuit.
5. When prisoners or other civilians are passengers in the vehicle operated by the officer;
6. For the crime of Motor Vehicle Theft as defined in CR § 7-105 (b) (Unauthorized Use)

V. PURSUIT PROCEDURES

- A. Safety is the primary consideration when engaging in the pursuit of another vehicle. Officers will not under any circumstances pursue at a speed so great as to render the vehicles uncontrollable thereby endangering the lives of others or themselves.

- B. All safety restraints must be in use.
- C. When in a pursuit situation, the pursuing officer shall start and maintain steady communication with the Police radio dispatcher. The officer will inform the dispatcher of the identity of the unit, the location, direction of travel, license number and description of the vehicle being pursued, number of occupants, driving behavior of the pursued vehicle and the charges against the suspect. The officer will keep the dispatcher informed of the location and direction of the pursuit and of any relevant new information.
- D. Only marked police vehicles will engage in pursuits and emergency equipment (rooftop lights, siren and headlights) must be continuously activated throughout the pursuit. If more than one unit is involved in the pursuit, each unit shall use a different siren sound.
- E. The pursuit shall be limited to the initial unit, unless exceptional circumstances warrant the use of additional units. Exceptional circumstances may be determined to exist only by a supervisor. The primary unit shall control tactical operations and will be responsible for broadcasting the radio communications. Under appropriate circumstances, units may position themselves at locations thought to be helpful and shall notify the dispatcher of their locations.

If a second Cottage City unit is proceeding as a back-up, that unit shall immediately notify the dispatcher of its identity. Under no circumstances will the second Cottage City unit leave the Town unprotected by engaging in a pursuit or proceeding as a back-up. If the primary officer is a one officer unit, if in position the assisting unit may assume radio communications responsibility, allowing the primary unit to devote full attention to driving.

1. The secondary unit will maintain a safe distance behind the primary unit, but close enough to render back-up and assistance if required.
 2. Secondary units will avoid intersecting the path on an on-coming, high, high-speed vehicle.
 3. If the primary unit becomes disabled, the secondary unit may become the primary unit.
- F. All pursuit units shall maintain an adequate distance to assure adequate reaction and braking time. While in congested traffic, the officer shall lower the driver's window far enough to hear other sirens and traffic warning signals.

- G. Cottage City officers shall not engage in paralleling (driving abreast of a fleeing vehicle to eliminate directional changes).
- H. Cottage City officers shall not engage in "rolling" roadblocks or any other type of roadblock during pursuits. Roadblocks involving Cottage City officers and Cottage City vehicles are strictly prohibited.
- I. Cottage City officers shall not engage in ramming or the use of the P.I.T. maneuver, which is the intentional striking of a suspect vehicle by a police vehicle.
- J. Cottage City officers shall not engage in pursuits if they have been directed by a supervisor or dispatcher not to engage in a pursuit.
- K. Officers shall not discharge a firearm at or from a moving vehicle except as a necessary measure of self-defense or defense of another when a suspect is using lethal force. The use of deadly force must be justified and both of the following requirements must be met:
 - 1. There is a substantial likelihood that the projectile will not strike any person other than the suspect.
 - 2. The risk of the suspect vehicle going out of control after being it is less than the risk of the suspect not being captured immediately.
- L. In the event any person is injured during the course of the pursuit, the involved officer(s) shall immediately provide, or make arrangement for providing, medical care. The care for human life is more important than the capture of a fleeing suspect in the vast majority of situations. If the pursuit must be continued to prevent additional deaths or injuries, the pursuing officer(s) must make arrangements via radio to provide the victim(s) alternate care.

VI. TERMINATING PURSUIT

Because the decision to terminate a pursuit is based upon the analysis of the risk created by the pursuit compared to the benefits gained by an immediate apprehension, the officer's or supervisor's decision to terminate shall be respected. Due regard for the safety of other includes consideration of the risk created by the suspect's driving as well as that of the officer. Therefore, there will be no peer criticism or negative discipline imposed for the decision to terminate a pursuit.

Pursuit shall be terminated in the following situations:

- A. Situations in which a pursuit is prohibited as previously described in this general order;
- B. When the evaluation of legal, procedural and environmental factors preclude a pursuit, including but not limited to the consideration of the totality of circumstances and the creation of unreasonable hazards;
- C. The pursuit of a motorcycle, motorized bicycle, all-terrain vehicle, semi, or tanker shall be terminated if the driver of the vehicle is engaging in evasive tactics (e.g. disregarding stop signs, dangerous or continuous lane changes, excessive speeds, etc.) unless the situation would otherwise allow the use of deadly force or, that if the perpetrator is not immediately apprehended, it is likely that another person may suffer death or serious bodily injury.
- D. Situations in which the officer knows or reasonably should know that the potential for harm to persons or property arising from the pursuit outweighs the potential harm threatened by the escaping suspect;
- E. Situations in which the suspect is not suspected of a life-threatening crime or violation and the suspect attempts to evade in a reckless manner;
- F. Situations in which there is a malfunction of police equipment or the police vehicle.
- G. Situations in which a supervisor recommends or orders termination of the pursuit;
- H. Situations in which the suspect is identified and the failure to apprehend the suspect during the pursuit poses no immediate threat of death or serious injury to another person;
- I. The distance between the pursuing officer and the suspect is so great that further pursuit is futile;
- J. The pursuing officer loses visual contact with the violator for an extended period of time.

VII. SUPERVISOR'S RESPONSIBILITY

- A. The supervisor shall monitor all pursuits to ensure compliance with this policy by police personnel.
- B. The supervisor shall order the pursuit stopped when he or she:
 - 1. Determines that any condition listed in the terminations section of this general order exists; or,
 - 2. Believes the pursuit should be terminated based on the facts and
 - 3. information available to the supervisor.
- C. The supervisor must recognize that the pursuing officer's judgment may be affected by adrenaline rush or the excitement of the moment. The supervisor shall provide a calm analysis of the situation and shall order the pursuit terminated if its continuance cannot be clearly justified.
- D. The supervisor shall review all pursuits after termination, including audio tapes, as an administrative review, and prepare an Incident Report concerning same. All reports of pursuits will be reviewed by the Chief of Police.
- E. After reviewing the supervisor's report, the Chief or his designee shall provide a constructive critique of the incident to the officers involved.

VIII. DISPATCHERS' RESPONSIBILITY

Police Communications dispatchers shall have those responsibilities set forth in relevant PGPD regulations, policies, procedures and orders.

IX. PURSUITS ACROSS JURISDICTIONAL LINES (state, or county area boundaries).

- A. Officers may pursue across a jurisdictional line only when the officer has probable cause to believe the crime committed was a violent felony (involved the infliction or threatened infliction of serious physical harm or death). Officials of the entered jurisdiction shall immediately be notified and requested to take over the pursuit.
- B. Officers may arrest a person for a violent felony after a legal pursuit out of Maryland; however, they shall hold the individual for and relinquish the individual to the law enforcement agency of the entered jurisdiction. Custody of this individual should then be administratively processed through the entered jurisdiction with extradition procedures initiated by the offended jurisdiction.

- C. The pursuit of misdemeanants into another county, state or the District of Columbia will not be allowed under any circumstances. In situations where the offense is one that continues to be committed in the foreign jurisdiction (i.e., D.W.I., carrying an illegal weapon, continuing theft) officers will terminate pursuit and transmit a description of the suspect, and/or vehicle, the charges, and direction of travel to communications personnel who will immediately relay the information to the police in the jurisdiction involved.
- D. Vehicle Use in Foreign Jurisdictions

X. REPORTING PURSUIT ACTION

A. Responsibility

Whenever a Cottage City police officer and/or vehicle is involved in any type of pursuit situation, regardless of the duration, degree of involvement, who initiated the pursuit, and the outcome of the pursuit, the officer shall be responsible for reporting the incident to the Chief of Police.

B. Method of Reporting

Every Cottage City police officer involved in a pursuit situation shall report the pursuit on an Incident Report and complete a CCPD Pursuit Notification Form. This form shall be completed in addition to all other required reports or paperwork, and must be submitted to the supervisor for review prior to securing from the shift on which the pursuit situation took place.

- C. The Lieutenant will evaluate the circumstances surrounding the pursuit and submit his critique to the Chief within 30 days of the pursuit. The Chief will conduct an administrative review of the pursuit. The Lieutenant's critique will include, if necessary, recommendations for training and discipline.
- D. The Chief of Police will conduct an annual, documented analysis of pursuit reports for the purpose of identifying patterns or trends that indicate training needs and/or policy modifications.