

COVINGTON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

Subject: PURSUIT OF MOTOR VEHICLES

Date: 06-15-2001

Number of Pages: 7

Policy No. P190

Review Date: 06-01-2007

Distribution: Departmental

Revision Date: 11-23-2022

I. Purpose

To establish procedures and guidelines for officers in the pursuit of motor vehicles.

II. Statement of Policy

Pursuits present a dangerous situation to the officers and suspects involved in the pursuit and the public at-large; therefore, it shall be the policy of the Covington Police Department to set strict guidelines governing vehicular pursuits.

III. General Guidelines

- A. Police pursuit of motor vehicles shall be conducted in strict accordance with existing statutes. To be considered an "Authorized Emergency Vehicle," officers must activate their blue lights and siren when engaged in a pursuit.
- B. All personnel operating departmental vehicles shall exercise due regard for safety of all persons.
- C. No assignment shall be of such importance, and no task shall be expedited with such emphasis, that the principles of safety become secondary.
- D. There are no tasks in the department of such importance that justify the reckless disregard for the safety of innocent persons.
- E. Department personnel will be held strictly accountable for the consequences of their reckless disregard for the safety of others.

IV. Definitions

- A. **FORCIBLE FELONY** - A felony that involves an actual or threatened attack in which the officer has reason to believe could result or has resulted in death or serious bodily injury (e.g., aggravated assault, armed robbery, murder).
- B. **OFFICER REASONABLY BELIEVES** – Means what a reasonable person in the same or similar circumstance would believe based upon his knowledge of the facts surrounding the event as they existed at the time of the event. This is more than mere suspicion.

- C. PRIMARY PURSUIT UNIT - The police unit that initiates a pursuit or any unit that assumes control of the pursuit.
- D. PURSUIT - An active attempt by one or more police officers to apprehend a suspect operating a motor vehicle, while the suspect is trying to avoid capture by using high speed driving or other evasive tactics such as driving off a highway, making sudden or unexpected movements, or maintaining legal speed, but willfully failing to yield to the officer's signal to stop.
- E. SECONDARY PURSUIT UNIT - The police unit that trails the primary pursuit unit at a safe distance. This officer is available to assume the role of primary pursuit unit or assist when the fleeing vehicle stops.
- F. SERIOUS PHYSICAL INJURY – A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement or results in long-term loss or impairment of the functioning of any bodily member or organ.
- G. TERMINATION OF PURSUIT – The police unit(s) will deactivate all emergency equipment and resume a normal speed within posted speed limits.
- H. TERTIARY (THIRD) PURSUIT UNIT - The police unit that trails the secondary pursuit unit at a safe distance. This officer provides support of the primary and secondary unit when they enter the city limits of Covington from another jurisdiction.

V. Initiating Officer's Responsibilities

- A. Pursuit is justified only when the officer has actual knowledge or reasonably believes:
 - 1. That the suspect has committed or is attempting to commit a forcible felony;
 - 2. That the suspect presents a clear and immediate danger to other motorists or the public in general; and
 - 3. The necessity of immediate apprehension outweighs the level of danger created by the pursuit.

NOTE: The mere fact that the suspect(s) flees is not reasonable grounds to believe that he/she has committed a forcible felony.

- B. Any officer engaged in or initiating a pursuit of a motor vehicle will immediately notify the Communications Center of the following:
 - 1. That a pursuit has been initiated;
 - 2. Location and direction of travel;
 - 3. Description of vehicle and tag number, if available;
 - 4. Reason for incident (traffic violation, felony, etc.); and
 - 5. Description and number of occupants, if known.

- C. The initiating or primary unit shall be in field command, and bears operational responsibility for the pursuit unless relieved by a supervisor. Such command pertains to the immediate field operation, and is, at all times, subordinate to the command of the Field Supervisor and/or Watch Commander.

VI. Termination of the Pursuit

- A. If a vehicle flees from an officer and the officer only has non-forcible felony or misdemeanor charges against the driver, the officer shall immediately terminate the pursuit by turning off all emergency equipment and reducing his or her speed to the posted speed limit.
- B. **The decision to pursue is not irreversible. The decision to abandon the pursuit may be the most intelligent course of action. Officers must continually evaluate the circumstances and question whether the seriousness of the crime justifies continuing the pursuit.**
- C. A pursuit shall be terminated under any of the following circumstances:
 - 1. If, in the opinion of the pursuing officer or field supervisor 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 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 visibility, weather conditions and/or road conditions limit the probability of a safe and successful end to the pursuit.
 - 4. The location of the pursued vehicle is no longer known.
 - 5. The pursuing officer, knows, or is reasonably certain, that the fleeing vehicle is operated by a juvenile, the offense constitutes a misdemeanor or a non-forcible felony and the safety factors involved are obviously greater than a juvenile can cope with.
 - 6. A field supervisor or higher authority orders the pursuit terminated.
 - 7. The termination of a pursuit does not prohibit following of the vehicle at a safe speed or remaining in the area to reinitiate the pursuit if the opportunity and conditions permit.
 - 8. The officer may, at a supervisor's discretion, continue to follow the offender at a safe distance within the posted speed limit until the vehicle comes to a stop or leave the city limits.

VII. Backup Unit Responsibilities

- A. Assistance will be coordinated by the Communications Center under the direction of the Field Supervisor or the Watch Commander. The Field Supervisor and the primary unit will be advised of the identity and the location of backup units that can assist.

- B. The active pursuit will normally involve not more than two units: the primary unit 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.
 - 4. Other clear and articulated facts that would warrant the increased hazard.
- C. Only the Field Supervisor or the Watch Commander may authorize more than two units to be in active pursuit. All other units will remain aware 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.
- D. The backup unit, upon joining the pursuit, shall immediately notify the Communications Center of its identity. If the primary unit is a one-man unit, the backup unit may assume radio communications responsibility, allowing the primary unit to devote full attention to driving
- E. The backup unit will maintain a safe distance behind the primary unit, but close enough to render assistance when required.
- F. Backup units shall, at all costs, avoid intersecting the path of an oncoming high-speed vehicle.
- G. If the primary unit becomes disabled, the back-up 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 as the backup unit.

VIII. Communications Center Responsibilities

Upon notification of a pursuit in progress, the dispatcher will immediately:

- A. Clear the radio channel of any unnecessary traffic and advise all other units that a pursuit is in progress, providing all relevant information.
- B. Ascertain location and direction of the pursuit.
- C. Perform relevant records and motor vehicle check.
- D. Notify Patrol Supervisor that a pursuit has been initiated.
- E. Control all radio communications during the pursuit.
- F. Coordinate assistance under the direction of the Field Supervisor or Watch Commander.
- G. Continue to closely monitor the pursuit until it has been terminated.

IX. Supervisor's Responsibilities

- A. Upon notice of a pursuit in progress, the Patrol Supervisor will immediately:
 - 1. Ascertain direction/location of the pursuit and verify that no more than the required or necessary units are involved.
 - 2. Ascertain the reason for pursuit.
 - 3. Maintain contact with pursuing officer to determine how dangerous the chase is.
- B. The Field Supervisor will continue to direct the pursuit, and approve or order alternative tactics, such as the use of a roadblock, 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 termination of the pursuit.
- C. It is not necessary that the Field Supervisor be physically present in order to begin coordination and assert control of the pursuit.
- D. When the pursued vehicle is stopped, the field supervisor shall proceed to the location to provide supervision and guidance.
- E. The supervisor shall ensure that the officer involved in the pursuit completes an incident report and Vehicle Pursuit After-Action Report. Once the supervisor receives the after action report, he will review the incident and complete the supervisor's section and submit it up the chain-of-command. A copy of the completed report will be forwarded to Training.
- F. After the pursuit has ended, the supervisor may, depending on the circumstances, request a copy of all radio transmissions during the pursuit. The request form will be forwarded to the Communications Center where a tape of the radio transmissions will be made and delivered back to the training officer of the police department. The recording will be reviewed by management personnel and will be used for training purposes.
- G. On an annual basis, the Patrol Division Commander will prepare a documented analysis of pursuits that occurred during the previous calendar year. Upon completion, the analysis will be forwarded to the Chief of Police for approval. In addition, the Commander will conduct an annual review of the pursuit policy and reporting procedures.
- H. An initial review of the pursuit policy will be conducted for officers who are in Field Training (FTO), as outlined by lesson plan in the FTO manual, and documented in said manual. Additionally, a documented annual review of the pursuit policy will be conducted for all sworn personnel.

X. Pursuit Tactics

- A. Offensive tactics - In the course of pursuit, deliberate contact between vehicles or forcing the pursued vehicle 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, unless such actions are specifically authorized by the Commanding Officer or Field Supervisor. Such actions may be approved only when the use of deadly force would be authorized.

- B. Passing - There shall be no attempt by officers to pass other field units involved in the pursuit unless the passing officer receives specific permission from the primary unit or the field supervisor
- C. Spacing - All units in the pursuit, whether the vehicle in front of the unit is the suspect vehicle or another police vehicle, shall space themselves at a distance that will ensure proper braking and reaction time in the event the lead vehicle stops, slows, or turns
- D. Number of police vehicles - No more than two police vehicles will become actively involved in a pursuit, unless specifically directed otherwise by the Commanding Officer or Field Supervisor. Other officers should be alert to the pursuit progress and location.
- E. Unmarked Police Vehicles - Officers operating unmarked police vehicles may engage in pursuit only when the fleeing vehicle presents an immediate and direct threat to life or property (provided the vehicle is equipped with emergency lights and siren). Whenever a marked unit becomes available to take over the pursuit, the unmarked vehicle will withdraw from active pursuit and serve in a support role.
- F. 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 Patrol Supervisor.
- G. Traffic Control Devices - Extreme caution must be used whenever officers disregard traffic signs or signals, even through statutes permit such conduct. Officers shall make use of all available warning devices to alert other motorists and pedestrians.

XI. Forcible Stopping

- A. Because of the obvious dangers inherent in the use of roadblocks in pursuit situations, it shall be the policy of this department that setting up roadblocks for the purpose of apprehending wanted suspects shall not be employed in misdemeanor cases and only as a last resort in felony cases. If circumstances exist so that a roadblock is deemed necessary by the patrol supervisor, police department vehicles may be used. Officers will not remain inside any vehicles that are used as roadblocks. (See SOP P200, p.2, Roadblocks)
- B. It is the policy of the department that each officer shall use only the minimum amount of force necessary, which is consistent with the accomplishment of his mission, and shall exhaust every other reasonable means of apprehension or defense before resorting to the use of firearms.
- C. Officer will not fire at or from a moving vehicle, unless the situation warrants the use of deadly force

XII. Inter/Intrajurisdictional Pursuits

- A. The Communications Center, with the approval of the Field Supervisor or Watch Commander, will notify outside agencies if this department is in a pursuit moving into their jurisdiction. The informing person will specify that the call is either a request for assistance or merely a courtesy notification, with no participation desired.

- B. Notification by another jurisdiction of a pursuit in progress shall not be construed as a request to join the pursuit. Officers shall not become involved in another agency's pursuit unless specifically authorized by the Field Supervisor, or it is clearly demonstrated that the 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.
- C. When Communications Center personnel receive notification of a pursuit by an outside agency, they will carefully assess the circumstances to determine if the pursuit is likely to enter the city limits of Covington. Prior to making any radio broadcast, dispatch personnel will obtain from the notifying agency the same information our primary unit is expected to provide.
- D. When a pursuit, initiated by an outside agency, does not meet the criteria set forth in this SOP, members may only assist the outside agency at the termination point, if within the city limits, or provide other appropriate assistance during the pursuit which does not violate this SOP.

This SOP supersedes any SOP previously issued.

BY ORDER OF THE CHIEF OF POLICE:

Stacey L. Cotton

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Chief of Police