

# OGDEN CITY POLICE

## Office of the Chief

**Policy No: 04**

Subject	Effective Date
Vehicular Pursuit	February 2018
Department	Replaces Policy Dated
Police	April 2013
Division	Review Date
All Police Personnel	February 2020
Authorized Signature	
	

**I. PURPOSE**

The purpose of this policy is to establish the permissions and procedures to be followed for vehicular pursuits by Officers of the Ogden Police Department.

**II. LEGAL DISCLAIMER**

This policy is for Departmental use only and does not apply to any criminal or civil proceeding. This policy will not be construed as creating a higher legal standard of care in an evidentiary sense with respect to third-party claims. Violations of this policy will form the basis of Departmental administrative sanctions only.

**III. POLICY**

It is the general policy of the Ogden Police Department to not engage in vehicular pursuits of solely traffic law violators or suspects of misdemeanor offenses. However, the Ogden Police Department also recognizes the risk of creating an environment where disobedience to the lawful orders of an Ogden Police Department Officer to stop a vehicle in accordance with state law becomes commonplace. Therefore, Ogden Police Department Officers may pursue violators of traffic laws or misdemeanor offenses when they can clearly articulate a reason for doing so in accordance with the following provisions of this policy.

Vehicular pursuit of fleeing suspects presents a danger to the lives of members of the general public, Officers, and suspects in the area of, or involved in, a vehicular pursuit. It is the policy of this Department to protect all persons' lives

to the extent possible while appropriately enforcing the law. In addition, it is the responsibility of the Department to assist officers in the safe performance of their duties. To effect these obligations, it is the policy of the Department to regulate the manner in which vehicular pursuit is undertaken and performed.

Unless a greater articulable risk exists, a pursuit WILL NOT be undertaken if the subject can be identified and later apprehension accomplished. A pursuit WILL NOT be initiated if the dangers of pursuing or continuing the pursuit are too great when compared to the nature of the crime, the conditions in the general area of the pursuit, and the need for immediate apprehension.

Sworn officers of this department will conduct pursuits in compliance with U.C.A. Section 41-6a-212 and Utah Administrative Code Section R728-503, using sound professional judgment, compliance with Department policies, i.e., seat belt use, and current pursuit practices outlined in procedure manual. Every officer and supervisor will review this policy on a periodic basis to ensure clear understanding.

#### IV. OBJECTIVE OF POLICE PURSUIT

The objective of a police pursuit is to apprehend the violator without unnecessarily endangering the officers involved or other persons or property, given the nature of the crime. If officers become involved in a collision, they will not only fail to accomplish that objective, but will certainly incur property damage and very likely injury to themselves or others. When officers are pursuing an offender, they must continually weigh the collision risk involved against the nature of the offense that prompted the pursuit. Although it is good police practice to apprehend a person who is attempting to evade arrest when it is reasonable to do so, a pursuit must be terminated when the risk of injury and accident outweighs the benefits of apprehension. Officers need not, and will not, feel that they have to continue a chase under all circumstances and at all costs, nor will an Officer be chastised or disciplined for exercising discretion and discontinuing a pursuit.

#### V. DEFINITIONS

- A. Authorized Emergency Pursuit Vehicle: Ogden Police Department vehicle, either marked or unmarked, properly equipped with audible sirens and visual lights, and including Ogden Police Department motorcycles.
- B. Back-up Unit: Each authorized Ogden Police Department vehicle assisting the primary unit.

- C. Balance Test: An Ogden Police Officer will act as a reasonably prudent emergency vehicle operator while making ongoing decisions based upon a process for analyzing the risk of initiating, continuing, and/or terminating pursuit given the following considerations:
  - 1. The need to apprehend a violent fugitive or violent felon who presents a danger to others because of the serious and violent nature of the crime for which the person's custody is sought, or who creates a clearly articulable risk to the public or other Law Enforcement officers if not immediately apprehended.
  - 2. The legal authority to apprehend a traffic law violator or where the person's driving presents an immediate threat to the safety of the public outweighing the risks a pursuit poses.
  - 3. The need to avoid initiating or to discontinue a pursuit if the threat to the safety of the general public or to Officers is greater than the need for immediately apprehending the suspect.
- D. Boxing-in: A technique designed to stop a violator's vehicle by surrounding it with authorized emergency pursuit vehicles and then slowing all vehicles to a stop.
- E. Channelization: A technique where objects are placed in the anticipated or actual path of a pursued vehicle which tend to alter the vehicle's intended direction of travel.
- F. Intervention Techniques: Specific operational tactics including immobilization, channelization, ramming, boxing-in, roadblock procedures, tire deflation devices (spike strips, etc.) which are intended to disable fleeing vehicles or otherwise prevent further flight or escape.
- G. Paralleling: Participating in the pursuit by proceeding in the same direction and maintaining approximately the same speed while traveling on an alternate street or highway that parallels the pursuit route.
- H. Primary Unit: The Ogden Police Department Officer and vehicle initiating a pursuit or assuming control of the pursuit as the lead vehicle, or the first authorized emergency pursuit vehicle immediately behind the fleeing suspect.
- I. Supervisor: A law enforcement officer who, by virtue of rank or assignment, is responsible for the direction or supervision of the activities

of other law enforcement officers, and who has the clear authority under this policy for permitting the continuation of or terminating a pursuit.

- J. Vehicular Pursuit: An attempt by one or more Ogden Police Officers operating Ogden Police Department vehicles to apprehend a fleeing suspect operating a motor vehicle engaged in the act of avoiding apprehension.

## VI. GUIDELINES

### A. Restrictions

1. Officers will not engage in a motor vehicle pursuit while there is a citizen occupant in the department vehicle including, but not limited to, family, suspects, arrested persons, victims, complainants, witnesses or civilian members of the department. This prohibition applies whether or not the passenger has signed a waiver of liability.
2. Police officers operating unmarked department vehicles may only engage in a motor vehicle pursuit in the event of an extreme emergency (e.g., when the fleeing motor vehicle represents an immediate and direct threat to life). Whenever a marked department vehicle becomes available to take over a vehicle pursuit, the operator of the unmarked department vehicle will take a secondary position in the pursuit. When a second marked department vehicle becomes available to take the secondary position, the unmarked vehicle will completely withdraw from active pursuit.
3. Motorcycles may only be used for pursuit in exigent circumstances and when weather and related conditions allow. They shall relinquish the pursuit to a marked patrol unit as soon as practical, and will completely withdraw from active pursuit.
4. Intervention techniques will only be used to apprehend violent felons or where the risk to officers and the public, if the pursuit is continued or the suspect is allowed to escape, is judged to be greater than the risk of initiating the intervention.

### B. Initiation of Pursuit

1. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
2. Each Ogden Police Department Officer will consider the Balance Test previously contained in this policy prior to engaging in an emergency vehicle pursuit and continuously throughout an active pursuit.
3. An Ogden Police Department Officer in an authorized pursuit vehicle may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so.
4. In deciding whether to initiate pursuit, the Ogden Police Department Officer will take into consideration:
  - a. Road, weather, and environmental conditions;
  - b. Population density and vehicular and pedestrian traffic;
  - c. The relative performance capabilities of the pursuit vehicle and driver and the suspect vehicle being pursued;
  - d. The seriousness of the offense;
  - e. Likelihood of pursuit resulting in apprehension;
  - f. Familiarity with the area and road; and
  - g. Any other pertinent factors.

C. Pursuit Officer Responsibilities

1. When initiating pursuit, each authorized emergency pursuit vehicle shall activate appropriate warning equipment including an audible signal and/or visual signal visible to the front of the pursuing vehicle. In the case of unmarked police cars, both audible signal, if equipped, and visual signal visible to the front of the pursuing vehicle will be activated.
2. When initiating pursuit and when reasonably possible during the pursuit the law enforcement officer shall notify communications of:
  - a. The location, direction, and speed of the pursuit;
  - b. The description of the pursued vehicle including suspects and occupants; and
  - c. The reason for the pursuit.

3. When reasonably possible the law enforcement officer shall keep communications updated on the pursuit.
4. When reasonably possible, communications personnel shall:
  - a. Notify any available agency supervisor of the pursuit;
  - b. Clear the radio channel of non-emergency traffic; and
  - c. Relay necessary information to other law enforcement officers and jurisdictions.
5. When reasonably possible, units and supervisors involved in the pursuit shall use a single statewide or regional radio channel that communications may restrict to pursuit communications.
6. Unless circumstances dictate otherwise, a pursuit shall consist of no more than two police vehicles, a primary and a back-up unit. All other personnel shall stay clear of the pursuit unless instructed to participate by a supervisor. No unit shall pass another unit involved in the pursuit unless specifically requested to do so or it is otherwise considered necessary.
7. The primary unit shall become back-up when the pursued vehicle comes under air surveillance, if available, or when another unit is assigned primary responsibility.

D. Back-up Unit Responsibilities

1. The officers in the primary back-up unit and subsequent units entering the pursuit will immediately notify the dispatch center that they are joining the pursuit.
2. Although the actual role may vary, it is usually desirable for a back-up unit to assume responsibility for radio contact between the dispatch center and the pursuing units. This will allow the primary unit to concentrate fully on driving and keeping the pursued vehicle in sight. It also allows officers of the primary unit to make the arrest or further apprehend the suspects on foot without first notifying dispatch of their movements when the vehicle pursuit is terminated.

E. Supervisor's Responsibility

1. As with any critical law enforcement incident, it may not be necessary for the supervisor to be present in order to begin exercising management and control of the pursuit.
2. When reasonably possible, the supervisor shall not actually be engaged in the pursuit itself.
3. Each supervisor shall consider the balance test prior to authorizing the pursuit or its continuance.
4. When reasonably possible each supervisor shall:
  - a. Monitor incoming information;
  - b. Coordinate and direct activities;
  - c. Appropriately limit the number of pursuing units; and
  - d. Ensure notification of law enforcement agencies into whose jurisdiction the pursuit is likely to enter.
5. A supervisor shall have the discretion to terminate the pursuit.

F. Traffic Regulations During Pursuit

1. Each unit authorized to engage in vehicular pursuit will be required to activate headlights and all emergency vehicle equipment prior to beginning pursuit.
2. Officers engaged in pursuit will at all times drive in a manner exercising reasonable care for the safety of themselves and all other persons and property within the pursuit area.
3. Officers are permitted to suspend conformance with normal traffic regulations during pursuit as long as reasonable care is used when driving in a manner not otherwise permitted, and the maneuver is reasonably necessary to gain control of the suspect.
4. Officers will operate their vehicles at speeds in a manner in accord with weather and local conditions so that complete control of the vehicle is maintained at all times and allows the officer to bring the vehicle to a complete stop at intersections if necessary.

G. Pursuit Tactics

1. When reasonably possible, authorized emergency pursuit vehicles having the most prominent markings and emergency lights shall be

used to pursue, particularly as the primary unit. When a pursuit is initiated by an unmarked patrol unit, such unit shall relinquish the pursuit to a marked patrol unit as soon as practical.

2. Intervention techniques shall be used only when it is possible to do so safely and when the law enforcement officers using them have received training in their use.
3. There shall be no paralleling the pursuit route.
4. Roadblocks may not be used unless the circumstances would warrant the use of deadly force.
  - a. When reasonably possible, roadblocks shall only be created with a supervisor's approval.
  - b. When a roadblock is created, law enforcement officers shall:
    - (1) Allow for reasonable stopping distance;
    - (2) Place the roadblock in a position that is reasonably visible;
    - (3) Reasonably ensure the safety of non-involved pedestrians and motorists; and
    - (4) Not place themselves or their vehicle in a position to jeopardize their own safety.
5. The use of tire deflating devices should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle.
  - a. Road spike devices shall only be deployed by those officers who have been trained on proper deployment by a department certified instructor.
  - b. It is imperative that all officers are aware of the exact location of deployed road spikes, so they can slow in time to allow the removal of the device after the violator's vehicle crosses it. If feasible, measures should be taken to divert other traffic from the area to prevent unnecessary damage to other vehicles.
  - c. Road spike devices shall not be used when the pursuit involves motorcycles, three wheeled vehicles, or all-terrain vehicles.

- d. The officer who deploys road spikes should remove them immediately after the violator vehicle crosses them. The violator's vehicle will be slowing rapidly and the pursuing officer should be prepared to take evasive action to avoid contact with the violator's vehicle.
  - e. The officer's supervisor will include in his after action report details of the deployment which includes date, time and location as well as the results of the deployment.
  - f. The Evidence Custodian shall notify the road spike company of the deployment and necessary replacement.
  - g. If the Watch Commander determines that there is a likelihood the use of a road spike device could lead to litigation, the road spike device itself should be held as evidence until all legal avenues have been exhausted.
6. Decisions to discharge firearms at or from a moving vehicle shall be governed by the law enforcement agency's use of force policy and are prohibited when they present an unreasonable risk to others. These decisions shall first be authorized when reasonably possible by a supervisor.
  7. When the pursued vehicle is stopped, law enforcement officers shall use appropriate officer safety tactics and shall be aware of the necessity to utilize only reasonable and necessary force to take suspects into custody.

#### H. Termination of Pursuit

1. The supervising Sergeant of the primary unit or the primary unit in absence of a Sergeant, will continually monitor and evaluate the pursuit and weigh its continuance against the Balance Test to assess whether or not the pursuit should be allowed to continue.
  - a. The supervising Sergeant will order the termination of a pursuit at any time the Sergeant determines the Balance Test has been exceeded.
  - b. The primary unit may terminate the pursuit at any time.
  - c. The on-duty Watch Commander will also monitor and evaluate a pursuit and will order the termination of the pursuit if the Watch Commander determines it does not meet the Balance Test or the Department's best interests.
2. A pursuit WILL be terminated under the following conditions:

- a. The suspect's identity has been determined and future apprehension is likely.
  - b. Air support is available to track the suspect.
  - c. Weather or traffic conditions substantially increase the danger of the pursuit beyond the necessity of apprehending the suspect.
  - d. The distance between the suspect and pursuing vehicles makes further pursuit futile.
  - e. Immediate apprehension is not necessary to protect the public or law enforcement officers.
  - f. The law enforcement officer is unfamiliar with the area and is unable to accurately communicate location and direction of pursuit.
  - g. The pursuit proceeds the wrong way on a limited access road, for example an interstate highway.
  - h. In the judgement of a Watch Commander, a supervising Sergeant, or a primary unit, the Balance Test has been exceeded.
3. Termination of pursuit includes deactivating the audible siren and visual light equipment, pulling the police vehicle to the side of the road, and stopping until there is no further visual access to the suspect vehicle.

#### I. Inter-jurisdictional Pursuits

1. Chapter 77-9, the Uniform Act on Fresh Pursuit, governs Rule R728-503-8 as applicable.
2. The primary unit shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line.
3. An on-duty Watch Commander or a supervising Sergeant must authorize inter-jurisdictional pursuit or the pursuit will be immediately terminated upon reaching an inter-jurisdictional boundary.
4. When a pursuit enters another jurisdiction, the action of law enforcement officers shall be governed by the policy of the law enforcement officers' own agency, specific inter-local agreements and state law as applicable.

5. Pursuit into a bordering state shall comply with the law of both states and any applicable inter-jurisdictional agreements.

V. TRAINING REQUIREMENT

- A. Ogden Police Department officers operating emergency authorized pursuit vehicles must receive initial tactical pursuit training and Emergency Vehicle Operation (EVO) training as defined in Rule R728-503, and must be recertified in such training every 2 years.
- B. Pursuit training will include details concerning the Balance Test and its application to Department-authorized pursuits.
- C. Ongoing periodic policy and procedure and case law review are required for Ogden Police Department Officers as determined by the Training Lieutenant.