

LITTLETON POLICE DEPARTMENT

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(603) 444-7711

PROCEDURE #: 13-2

SUBJECT: Vehicle Pursuits

Statutory Authority: RSA 266:74, 266:73, 265:8, 265:8-a, 265:61, 265:5 and 259:28

NOTE: This written directive is for the internal governance of the Littleton Police Department, and as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

Date of Issue

12-01-09

Issuing Authority

Chief Paul Smith

Effective Date

11-01-10

Distribution

All Members

POLICY:

It is the duty of police officers to apprehend law violators whenever feasible under the existing conditions. A vehicle traveling at high speed or violating the rules of the road constitutes a force capable of causing death and serious injury. Criminals must not be led to believe that they may commit crimes with impunity by merely fleeing from the police. However, pursuits when necessary, must be so conducted as to safeguard the lives of police personnel, members of the community, and minimize the possibility of injury to property. All personnel operating department vehicles must exercise due regard for the safety of all persons when making decisions as to whether or not to engage in a vehicular pursuit; how to conduct a pursuit; whether to continue the pursuit; and when to call off a pursuit. Being aware that pursuits can involve danger to the officer, the public, and to the persons being pursued.

PURPOSE:

To establish procedures governing motorized pursuits. Including, the initiation of a pursuit, vehicle operation, supervision of a pursuit in progress, termination and post-pursuit procedures.

DEFINITIONS:

- A. Emergency vehicle: A vehicle of this department equipped with operable emergency equipment as designated by State law.
- B. Emergency equipment: Emergency lights as regulated by RSA 266:74 and/or siren.
- C. Personally-owned vehicle: Any vehicle used by a law enforcement officer acting under color of law, either on or off-duty, and when being called into duty when the vehicle is not owned, equipped and insured by the law enforcement agency employing the officer.
- D. Primary unit: The police unit, which initiates a pursuit, or any unit that assumes control of the pursuit.

- E. Secondary unit: Any police vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- F. 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.
- G. High-Risk Pursuit: A vehicle pursuit that escalates the potential for danger to the officer and others. The escalation of risk may be created by such factors as the nature of the offense, escalating speeds, road, weather and traffic conditions, the type of area, the time of day or duration of the pursuit.

PROCEDURES:

A. Initiation of Pursuit:

1. After weighing the above considerations, if pursuit is justified, an officer may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so.
2. In deciding whether to initiate pursuit, the officer shall take into consideration:
 - a. road, weather, and environmental conditions;
 - b. population density and vehicle and pedestrian traffic;
 - c. the relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
 - d. the seriousness of the offense and whether it outweighs the dangers of pursuit;
 - e. the presence of other persons in the police vehicle.

B. Pursuit operations:

1. All pursuits shall be conducted in strict conformity to the applicable traffic law and regulations and the emergency vehicle exemptions therein.
2. RSA 265:8 provides that the driver of an emergency vehicle in a pursuit proceed past a red stop signal or sign, but only after slowing down, as necessary, for safe operation. This means if coming to a complete stop is necessary for safe operation, the emergency vehicle should stop.
3. Emergency vehicles may exceed the posted speed limits, but only so long as they do not endanger lives and property. They may disregard road rules governing turning movements and direction, but these provisions do not relieve the driver from the duty to drive with due regard for the safety of all persons, nor protect the driver from the consequences of reckless disregard for the safety of others.
4. RSA 265:8 also provides that the above exemptions for a person driving an emergency vehicle apply only when the vehicle is using audible or visual emergency signals, OR in pursuit of an actual or suspected violator.

The intent of this provision was to permit an officer, while unobserved by the violator, to clock a speeder with the police car's speedometer and/or catch up to the vehicle and move into position to stop it before the violator could decide to flee.

- a. It is the policy of this department that the provisions in (4) (above) be used very sparingly with common sense and good judgment, and for short distances only.
 - b. Depending on weather, road, and traffic conditions, and the speeds required to catch up to the violator's vehicle; if it is apparent that the driver is attempting to flee, or that the speeds required under the existing traffic conditions make it prudent to use the cruiser's emergency warning devices, they shall be activated at once.
 - c. Once emergency warning devices are activated, the statute allows the use of lights OR siren, however, the department mandates the use of lights **and** siren. The only exception is when, in the officer's judgment, the use of the siren would likely startle other traffic and result in a sudden movement that could induce a collision.
 - d. RSA 265:61 provides that emergency vehicles may exceed the posted speed limits when in pursuit, but not with reckless disregard for the safety of others.
5. Other than as provided in 4(a) above, at all times when engaged in a pursuit, the driver of the police vehicle shall activate the lights **and** siren.
 6. Upon engaging in pursuit, the officer shall notify the dispatcher of the location, speed and direction of the pursuit, the description of the pursued vehicle, and the initial grounds for the stop. The officer shall keep the dispatcher updated on the progress of the pursuit. The dispatcher shall notify any available supervisor of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.
 7. Whenever a pursuit extends off the roadway the pursuing officer will carefully consider if the seriousness of the offense outweighs the risk to his or her safety and the potential damage to the police vehicle and public or private property.
 8. Unless circumstances dictate otherwise, a pursuit shall consist of no more than two police vehicles, a primary and a secondary unit. All other personnel shall stay clear of the pursuit, or follow along at legal speeds to be in position to assist when the pursuit has ended. The primary unit shall become the secondary unit if the fleeing vehicle comes under air surveillance or another unit has been assigned primary responsibility. No pursuit shall be undertaken with prisoners or non-police personnel in the cruiser.
 9. When made aware of a vehicular pursuit, the appropriate supervisor shall monitor incoming information, coordinate and direct activities, as needed, to ensure that proper procedures are used, and have the authority to terminate the pursuit. Where possible, a supervisor shall respond to the location where a vehicle has been stopped after a pursuit.

C. Pursuit Tactics:

1. Officers shall not normally follow the pursuit on parallel streets, unless authorized by a supervisor, and it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.

2. Officers engaged in a pursuit shall not drive emergency vehicles the wrong way (against the regular flow of traffic) on a divided highway, interstate, or expressway designated for one-way traffic, despite allowances in the state vehicular code. When a fleeing vehicle goes the wrong way against traffic, the primary officer shall:
 - i. Parallel the vehicle in the correct lane of traffic
 - ii. Notify dispatch of a wrong way driver
 - iii. Request assistance from outside agencies to shut down vehicular traffic on the highway coming in the fleeing subject's direction
 - iv. Have communications notify department of transportation to activate reader boards to advise motorists of a wrong way driver
3. Officers shall not engage in a pursuit when they are transporting prisoners, witnesses, suspects, complainants or any person who is not a member of this department.
4. When feasible, the patrol unit having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked unit, such unit shall disengage when a marked unit takes up the pursuit.
5. Intervention tactics, short of deadly force, such as spike strips and low speed channeling, with appropriate advance warning, may be used when it's possible to do so with safety, and officers utilizing them have had appropriate training in their use. Spike strips shall never be used to stop a motorcycle.
6. Decisions to discharge firearms at a moving vehicle shall be governed by this department's Response to Force policy and the provisions of RSA 627:5. They are prohibited if they pose an unreasonable risk to others, including any innocent persons that might be in the pursued vehicle. A moving vehicle makes an inappropriate platform for accurate firing of a weapon, and therefore discharging firearms from a moving vehicle is prohibited. Firearms may only be discharged at a moving vehicle under conditions where deadly force is authorized, **and then, and then only**, in self-defense and when there is no risk of death or injury to an innocent person.
7. Rolling roadblocks are too dangerous for officers and are prohibited except in an absolute life and death emergency.
8. Forcible intervention techniques (such as bumping a vehicle off the road) are a potential use of lethal force, and are prohibited except for low speeds where the officer has received training in their use, and the situation is such that the officer would have a right to use deadly force under RSA 627:5.
9. Fixed roadblocks to stop a fleeing vehicle have been ruled by the U.S. Supreme Court to be a potential use of deadly force.
 - a. They are strictly prohibited, unless under the circumstances, the officer has a right to use deadly force under RSA 627:5: there is no other means available to stop the pursuit, there is a grave risk of death or serious personal injury unless the vehicle is stopped, the officer has had training in the technique, a supervisor has given his or her approval, and the dispatcher has sufficient time to warn other police units in the area.
 - b. The potential danger of death or serious personal injury to suspects, the possible presence of innocent occupants of the pursued vehicle, and danger to other road users is great. Extreme care must be taken to place warning devices well in advance

of the roadblock, considering speeds and terrain, and to get other vehicles safely off the road.

- c. Officers, **under no circumstances** shall remain in a stopped vehicle that is involved in a roadblock.

10. Once a pursued vehicle is stopped, officers shall utilize appropriate approach tactics, and shall be aware of the necessity to utilize only reasonable and necessary force to take suspects into custody. Contact/cover tactics shall be used, and any officer who has a drawn weapon shall keep his/her finger off the trigger until it becomes necessary to fire. It is best to await the arrival of backup units before attempting to remove suspects from the vehicle. Officers shall not attempt to handcuff a suspect when the officer has a firearm in his/her hands.

D. Termination of the Pursuit:

1. The primary pursuing unit shall continually re-evaluate and assess the circumstances, including all the initiating factors, and terminate the pursuit whenever he/she reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
2. The pursuit may be terminated by a pursuing unit at any time, and no officer shall be disciplined for deciding to terminate a pursuit because of the public risk involved.
3. A supervisor may order the termination of a pursuit at any time.
4. A pursuit may also be terminated if the suspect's identity has been determined, immediate apprehension is not necessary to protect the public or officers, an apprehension at a later time is feasible.

E. Inter-Jurisdictional Pursuits:

1. Whenever a pursuit goes beyond the boundaries of Littleton, the pursuing officer shall notify the dispatcher, who shall notify the host jurisdiction. If cruisers from the host jurisdiction join the pursuit, Littleton units shall turn the pursuit over to them, and either become a secondary unit or follow at safe speeds. Littleton units shall terminate pursuit when instructed to do so by either a Littleton supervisor or dispatcher or by a supervisor or dispatcher from the host jurisdiction. Pursuit into a bordering state shall conform to the laws of both states, and any applicable inter-jurisdictional agreements.
2. When a pursuit from another jurisdiction enters Littleton, if the pursuing units so request, Littleton units shall assume the position of primary and/or secondary units, otherwise, they shall follow at legal speeds to be in position to assist when the pursuit has ended. Decisions for Littleton units to take up, continue, or terminate the pursuit shall be made in the same manner as for a pursuit that began within Littleton. We have no authority to order a unit from another jurisdiction to terminate a pursuit so long as they are operating in accordance with the fresh pursuit provisions of the statute, but we can decline to participate in an unsafe pursuit

F. Post Pursuit Actions:

1. Whenever an officer engages in a pursuit, he/she shall file a written report in the form prescribed by the department, detailing the circumstances. This report shall be critiqued

by the appropriate supervisor to determine if this policy was complied with, and to detect and correct any training deficiencies.

2. The department shall at least annually, analyze police pursuit activity and identify any additions, deletions or modifications warranted in departmental pursuit policies and tactics.

G. Training:

Officers who drive emergency vehicles shall be given initial and periodic update training in the department's pursuit policy and in safe driving tactics. The pursuit policy shall be reviewed with officers attending the annual four hour response to force training.

H. Personally owned vehicles:

Personally owned vehicles shall not be used in a pursuit. They may only proceed to legal speeds and in full conformity to all motor vehicle laws and regulations.

I. Emotional Component:

Pursuit driving places significant mental and physical strain on officers in a pursuit. The character of the violators' failure to yield to lawful authority and the driving hazards fleeing violators commonly pose frequently invoke emotional responses from the involved officers. This procedure requires immediate involvement of either the on-duty supervisor, on-call supervisor or Chief of Police.

Source

Police Department SOP
International Association of Chiefs of Police
Police Standards and Training Council
Littleton Police Department's SOP
NH RSA's

Re-written By: Goffstown

Chief Jeff Nelson
Tracy Culberson, Esq
Christopher D. Connelly
Chief Paul Smith

Reviewed Date

5-27-04
5-11-05
4-10-07
4-24-13

Revised

5-27-04
5-11-05
12-14-09
6-11-13

Authority By

Paul Smith
Chief of Police

**GENERAL INFORMATION
VEHICLE PURSUIT REPORT**

DATE OCCURRED:	TIME:	SHIFT:	TYPE OF INCIDENT:	INCIDENT #:
OFFICER INVOLVED:	I.D.# RANK:	CRUISER TYPE: CROWN VIC <input type="checkbox"/> CHARGER <input type="checkbox"/> EXPEDITION <input type="checkbox"/>		
ON DUTY <input type="checkbox"/> OFF DUTY <input type="checkbox"/>		UNIFORMED <input type="checkbox"/> NON-UNIFORMED <input type="checkbox"/>		
INITIAL REASON FOR STOP		SUPERVISOR ON SCENE/DUTY YES <input type="checkbox"/> NO <input type="checkbox"/>		
TYPE OF ROAD:		LOCATION:		
LIGHTING: DAYLIGHT <input type="checkbox"/> DUSK <input type="checkbox"/> NIGHT <input type="checkbox"/> GOOD ARTIFICIAL <input type="checkbox"/> BAD ARTIFICIAL <input type="checkbox"/>				
WEATHER CONDITIONS: CLEAR <input type="checkbox"/> CLOUDY <input type="checkbox"/> RAIN <input type="checkbox"/> FOG <input type="checkbox"/> DUST <input type="checkbox"/> OTHER <input type="checkbox"/> _____				
NO. OF OCCUPANTS:	VEHICLE INFO:		REG. OWNER INFO:	
DESCRIBE INCIDENT:				
SUSPECT(S) ACTIONS:				
OFFICERS ACTIONS:				

CONTINUATION PAGE OF VEHICLE PURSUIT:

EFFECTS/RESULTS OF SAID PURSUIT:

OFFICER SIGNATURE AND ID#:

DATE:

SUPERVISOR (PRINT)

DATE:

SUPERVISOR (SIGNATURE)

DATE: