

VILLAGE OF WALDEN
POLICE DEPARTMENT
ONE MUNICIPAL SQUARE
WALDEN, NEW YORK 12586

Jeffry Holmes
Chief of Police

GENERAL ORDER

NO: 09.01

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Subject: Vehicle Pursuit Driving	
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Issuing Authority: Chief Jeffry Holmes	

PURPOSE:

The purpose of this General Order is to provide the utmost safety for police officers and users of streets and highways when officers are attempting to apprehend the occupant(s) of another vehicle, whose operator refuses to comply with a lawful order and who attempts to flee.

POLICY:

The pursuit policy of the Village of Walden Police Department is that a motor vehicle pursuit is justified only when the necessity of immediate apprehension outweighs the level of danger created by the pursuit. In accordance with the **primary goal** of a professional police agency, protecting life, and property, the following PURSUIT POLICY will be followed and will serve as a standard for administrative review of the judgement exercised by any Officer(s) involved in a pursuit and the appropriateness of the action taken.

I. INITIATION OF A PURSUIT:

- A. Officers shall be allowed to initiate an emergency response pursuit only when the law violator clearly exhibits an intention to avoid arrest by using a vehicle to flee.
- B. The officer, prior to initiating and constantly thereafter, must evaluate the risks involved in initiating or continuing a pursuit and shall constantly evaluate the following factors:
 - 1. reason for the response or pursuit/seriousness of the incident or charges;
 - 2. traffic density/pedestrian volume;

3. weather/road conditions;
4. speed involved;
5. time of day;
6. type of area (business/residential)
7. condition of police vehicle;
8. availability of additional police vehicles to assist the scene or to intercept pursued vehicle; and
9. knowledge of the offender's identity/damage to the community if the suspect is not immediately apprehended.

C. Section 1104 of the NYS Vehicle and Traffic Law exempts authorized emergency vehicles involved in emergency operation from some restrictions of the Vehicle and Traffic Law. Section 1104-4e states, "The foregoing provisions shall not relieve the driver of and authorized emergency vehicle from the duty to drive with due regard for the **safety** of all persons, nor shall such provisions protect the driver from the consequences of his **reckless disregard** for the safety of others."

II. COMMUNICATIONS PERSONNEL:

A. Upon notification of a pursuit shall:

1. Clear the channel except for vehicles involved in the pursuit. (All other transmissions will be sent to another channel.)
2. Immediately notify the shift supervisor.
3. Notify other police departments if pursuit may enter their jurisdiction along with the 911 Center.
4. Run registration and criminal record searches as soon as possible and broadcast when time permits.
5. Keep track of the location of the pursuit and if necessary assist in coordinating responses.
6. If pursuit goes beyond the Town of Montgomery boundaries notify the 911 Center and let them take the lead on coordinating responses.

III. PRIMARY UNIT RESPONSIBILITY:

A. Once the officer decides to initiate a pursuit he shall immediately notify communications of the following:

1. reason of the pursuit,
2. location and direction of pursuit,
3. description of the fleeing vehicle and occupants,
4. speeds involved.

- B. Failure to provide the above information may be cause for the shift supervisor to order the termination of the pursuit.
- C. Officers will use all emergency lights and siren at **all** times during the pursuit. Once either the lights or siren are discontinued, emergency operation shall be terminated and the officer shall respond in obedience to all traffic laws.
- D. During a pursuit, the officer shall drive with due regard to all persons. He shall avoid engaging in or shall terminate any emergency operation when conditions indicate that the safety of the officer and/or the community is in jeopardy or as instructed by a supervisor.

IV. ASSISTING UNIT RESPONSIBILITY:

- A. Upon joining the pursuit the assisting unit shall notify communications personnel and if the primary unit is a one- (1) man unit, the assisting unit shall assume radio communications for the pursuit, so that the primary unit can devote its full attention to driving.
- B. The assisting unit shall remain at a safe distance behind the primary unit and avoid intersecting the path of an oncoming pursued vehicle.
- C. If the primary unit becomes disabled the assisting unit will become the primary unit and advise communications of this action.

V. SHIFT SUPERVISOR RESPONSIBILITY:

- A. Upon being notified of a pursuit the shift supervisor shall assume control over the pursuit and shall be responsible for immediately terminating any pursuit when, in his judgement, the pursuit is not justified through the provisions of this order.
- B. The active pursuit shall normally consist of no more than two (2) units; the primary unit and one assisting unit. If more assistance is specifically requested, the amount will be determined by the shift supervisor using the following factors:
 - 1. nature of crime;
 - 2. number of suspects;
 - 3. whether participating units are one or two man cars; and
 - 4. other clear and articulated facts that would warrant time increased hazard.

VI. PURSUIT TACTICS:

- A. Transporting Civilians - Members shall not engage in an emergency operation while transporting non-departmental persons (prisoners, witnesses, parents of juveniles, etc.) other than observers, "Ride-Alongs", who have signed Liability Release Forms.

- B. Unmarked Vehicles - In cases where initial pursuit is begun by an unmarked vehicle, that unmarked vehicle should retire from the lead of the pursuit as soon as a marked vehicle has joined the chase.
- C. Undercover Vehicles - Police vehicles not equipped with emergency equipment (red lights and siren) shall not undertake an emergency response except under the most critical of circumstances and will advise dispatcher of same.
- D. 4 Wheel Drive Vehicles - 4WD vehicles are not to engage in any pursuits, unless the operator is specifically trained to do so.
- E. AWD Vehicles - AWD vehicles will only engage into a pursuit if the vehicle is pursuit rated by the manufacture. If the vehicle is not pursuit rated the vehicle shall not engage into any pursuit.
- F. Number Units Involved - Normally only two (2) units will be active in the pursuit. The primary pursuing unit and one back-up unit shall be responsible for the actual "tailing" pursuit. Other assisting units shall remain in the area of the pursuit, take parallel courses, and attempt to stay with the pursued vehicle.
- G. Traffic Control Devices - Extreme care shall be used when passing traffic signs or signals. Units shall slow or stop, if necessary, to insure that all-vehicular and pedestrian traffic is aware of and yielding to the emergency vehicle.
- H. Roadblocks/Ramming - Roadblocking or ramming **is considered a use of physical force**. As such, all policies governing such use of force must be applied in these situations. They shall be allowed only in extraordinary situations and as directed by a supervisor in accordance with department procedures for use of roadblocks.
- I. Firearms - Officers shall not shoot at or from a moving vehicle, except as the ultimate measure of self defense or defense of another when the suspect is using deadly physical force by means other than the vehicle.
- J. Passing - There shall be no attempt by officers to pass other cars involved in the pursuit unless the passing officer received specific permission from the lead car. There shall be no attempt to stop a suspect by boxing in the fleeing vehicle, unless it is apparent that the escape of the fleeing vehicle or operator would cause an extreme danger to the public.
- K. 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 will ensure proper braking and reaction time in the event that lead vehicle stops, slows, or turns.
- L. Pursuits Initiated in the Village that Extend Outside of the Village Limits - If a pursuit extends beyond the village limits, only the two primary police vehicles and supervisor shall continue the pursuit (unless additional units are deemed necessary by the supervisor). Pursuing drivers and supervisor shall reevaluate the pursuit to determine if continuance of the pursuit is justified and/or if assistance from other police agencies is available.

- M. Pursuits Initiated by Another Jurisdiction/Agency - If requested by another agency, officers may assist in a pursuit within the village limits. Officers shall not leave the village limits while assisting another jurisdiction without permission of the shift supervisor.
- N. Apprehension - The two primary units and supervisor are responsible for the activities at the apprehension site. No other units shall respond unless requested by the primary unit or supervisor as dictated by the situation.

VII. TERMINATION OF PURSUIT:

- A. The decision to pursue is not irreversible and it is the intelligent officer who knows when to call-off the pursuit. Officers must continually question whether the seriousness of the crime justifies continuing the pursuit. A pursuit must be discontinued:
 - 1. When there is a clear and unreasonable danger to the officer and other users of the highway. A clear danger exists when speeds dangerously exceed the normal flow of traffic or when vehicular or pedestrian traffic necessitates dangerous maneuvering, exceeding the performance capabilities of the car or driver.
 - 2. After a reasonable short distance when only known reasons for the pursuit are traffic violations or a minor offense.
 - 3. When the violator can be identified to the point where an apprehension can be more safely made later.
 - 4. When it is the result of action by another police department travelling through our jurisdiction and our assistance is no longer needed.

VIII. POST PURSUIT REPORTING:

- A. After each pursuit situation, it shall be the responsibility of the shift supervisor to file a report of the incident with the Chief of Police that includes the following:
 - 1. reason for pursuit/offense,
 - 2. suspect(s) name, address, age,
 - 3. charges filed and any additional charges after apprehension,
 - 4. speed/duration of the chase,
 - 5. injuries or accidents,
 - 6. number of police department vehicles involved and/or outside agencies assisting,
 - 7. any deviation from the established procedures and justifications for such deviation.

- B. The Chief of Police will review all reports of the pursuit and if necessary, interview personnel involved to ensure it conformed to departmental policies.
- C. An annual documented analysis of incidents involving police pursuits shall be conducted by the Chief of Police or in his absence his designee in order to discover trends which may indicate possible needs for training and/or policy changes.

A handwritten signature in black ink, appearing to read "Jeff Holmes", with a long horizontal flourish extending to the right.

Jeffrey Holmes,
Chief of Police