

City of Fayetteville Staff Review Form

2018-0388

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8/7/2018

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Greg Tabor, Chief of Police

7/19/2018

Police /
Police Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Council approves resolution adopting Fayetteville Police Policy 41.2.8, Vehicular Pursuit.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	<u>Current Balance</u> \$ -
Does item have a cost? <u>NA</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	<u>Remaining Budget</u> \$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____


Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 7, 2018

TO: Mayor and City Council
FROM: Greg Tabor, Chief of Police 
DATE: July 19, 2018
SUBJECT: Police Department Policy

RECOMMENDATION:

Council approves resolution adopting Fayetteville Police Policy 41.2.8, Vehicular Pursuit.

BACKGROUND:

The Fayetteville Police Department is currently in the process of reviewing policies and updating as necessary. Policy 41.2.8 Vehicular Pursuit is an existing policy that was approved by the council on November 19, 2013.

DISCUSSION:

Policy 41.2.8, Vehicular Pursuit is an existing policy that contains changes to clarify existing responsibilities, and to improve the efficiency during vehicular pursuits.

BUDGET/STAFF IMPACT:

These policies will not have any impact on budget or staff at this time.

Attachments:

Fayetteville Police Policy 41.2.8, Vehicular Pursuit

POLICIES, PROCEDURES, AND RULES

Subject: 41.2.8 Vehicular Pursuit	Effective Date: November 19, 2013
Reference:	Version: 4
CALEA: 41.2.2	No. Pages: 7

I. PURPOSE

The purpose of this policy is to state the guidelines to be followed during vehicular pursuits. (Note: In instances where there is no Field Supervisor on-duty, the wording "Shift Supervisor" applies throughout this policy.)

II. POLICY

Vehicular pursuit of fleeing suspects presents a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the policy of this department to protect all persons' lives to the extent possible when 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 shall be the policy of the department to narrowly regulate the manner in which vehicular pursuit is undertaken and performed.

The professional, well-trained, and well-disciplined officer is aware that the decision to terminate a pursuit is determined under those circumstances in which the most intelligent and professional course of action would probably result in saving the life of a citizen or fellow officer. Any officer's or supervisor's decision not to pursue or to terminate a pursuit will not be subject to review or discipline used or considered in discipline.

III. DEFINITIONS

- A. Vehicular Pursuit: For the purposes of this policy, pursuit is defined as an active attempt by an officer operating an emergency vehicle and simultaneously utilizing all emergency equipment a city vehicle while attempting to apprehend the occupant(s) of another moving vehicle, when the driver of a fleeing vehicle is aware of the attempt and is resisting apprehension by increasing his speed or disobeying traffic laws.
1. Following a vehicle that is being operated legally, but ignoring the law enforcement officer's attempt to stop them, does not constitute a pursuit.
 2. Sworn employees shall be given a reasonable amount of time in order to catch up to a vehicle in a safe and prudent manner to conduct a traffic stop, make a determination if the violator is going to stop and assess if a vehicle pursuit is warranted.

- B. Supervisor/Field Supervisor: For the purposes of this policy, Supervisor/Field Supervisor excludes the rank of Corporal.
- C. Termination of Pursuit – a pursuit is considered terminated when an employee deactivates all the patrol vehicle's emergency equipment, notifies or acknowledges to the Central Dispatch Center of the termination of the pursuit and starts obeying all traffic laws.

IV. PROCEDURES

A. Initiation of Pursuit [CALEA 41.2.2 a.]

1. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit only when **ALL** of the following criteria are met:
 - a. 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;
 - b. When an officer reasonably believes ~~that the fleeing suspect exhibiting the intention to avoid arrest by using a vehicle to flee apprehension~~ has committed a serious felony or is suspected of DWI. For the purposes of this policy, a serious felony shall be restricted to the following offenses: Murder, Robbery, Burglary, Kidnapping, Rape, Aggravated Assault, Battery 1st Degree, Battery 2nd Degree, Felony Domestic Cases, and any other felony offense which involves the use or threat of physical force or violence against another person. Facts gathered after initiation of a pursuit will not be considered part of the justification to initiate a pursuit;
 - 1) Supervisors can give authorization to pursue for other criteria if there is immediate or potential danger to the public should the suspect remain at large.
 - c. The suspect operating the vehicle refused to stop at the direction of the officer;
 - d. The officer's unit is not occupied by a prisoner, suspect, complainant, witness, civilian observer, or any person not a law enforcement officer; and
 - e. The officer intending to pursue is equipped with a marked patrol unit. Exceptions to this will only occur with supervisory approval and should be limited to special circumstances.
2. The pursuing officer shall have considered and come to the conclusion that the following factors would not increase the danger to the lives of the public, officers, or suspects involved in or affected by the pursuit:
 - a. The performance capabilities of the pursuit vehicle;
 - b. The condition of the road surface upon which the pursuit is being conducted;
 - c. The amount of vehicular and pedestrian traffic in the area;
 - d. Weather conditions; and
 - e. The officer's own driving skills and knowledge of the roadway. (The officer should know his or her driving abilities and limitations and should not exceed them.)

B. Pursuit Officer Responsibilities [CALEA 41.2.2 b.]

1. The pursuing officer shall immediately notify communications center personnel that a pursuit is underway by using signal 27 or simply stating he or she is in a vehicle pursuit. The officer shall provide communications personnel with the following information within a reasonable amount of time from the onset of the pursuit:
 - a. Unit identification;
 - b. Location, approximate speed and direction of travel of the fleeing vehicle;
 - c. Description and license plate number, if known, of the fleeing vehicle;
 - d. Number of occupants in the fleeing vehicle and descriptions, where possible;
 - e. Reasons supporting the decision to pursue, and;
 - f. Updates to location and direction of travel as the pursuit continues.
2. Failure to provide this information in a timely manner to communications personnel may result in an immediate decision by a field supervisor assigned to monitor the pursuit to order its termination.
3. The primary pursuit unit shall reduce the level of pursuit to that of support, backup, or other assignments as directed by a supervisor when another vehicle has been assigned primary pursuit responsibility.
4. The secondary pursuit unit, when available, shall notify communications center personnel of his or her status in the pursuit and may take over primary communication responsibilities of the pursuit.
5. Any primary or backup unit sustaining damage or failure of essential vehicular equipment during pursuit shall not be permitted to continue in the pursuit. The unit shall notify communications so that another unit may be assigned to the pursuit. A unit shall terminate pursuit at any time it appears that a defect has developed in the police vehicle, which would in any way affect the safe operation of that vehicle, including loss of any emergency equipment.

C. Communications Center Responsibilities [CALEA 41.2.2 e.]

1. Upon notification that a pursuit is in progress, communications personnel shall immediately advise a field supervisor of essential information regarding the pursuit.
2. Communications personnel shall carry out the following activities and responsibilities during the pursuit within a reasonable amount of time:
 - a. Receive and record all incoming information on the pursuit and the pursued vehicle;
 - b. Control all radio communications and clear the radio channels of all non-emergency calls;
 - c. Obtain criminal record and vehicle checks of the suspects when information is available;
 - d. Coordinate and dispatch backup assistance under the direction of the field supervisor; and

- e. Notify neighboring jurisdictions, where practical, when pursuit may extend into their locality.

D. Field Supervisor Responsibilities during Vehicular Pursuit [CALEA 41.2.2 f.]

1. Upon notification that a vehicular pursuit incident is in progress, the field supervisor shall assume responsibility for the monitoring and control of the pursuit as it progresses.
2. The field supervisor shall continuously review the incoming data to determine whether the pursuit should be continued or terminated. The field supervisor shall permit a pursuit to continue only if all criteria required to initiate the pursuit continues to be met.
3. The field supervisor shall order the termination of a pursuit for any of the following circumstances:
 - a. Anytime the supervisor concludes that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the suspect;
 - b. When the suspect's identity is established to the point where later apprehension may be accomplished and when there is no immediate threat to public safety;
 - c. When officers lose all radio communications with: Fayetteville Dispatch, Washington County Dispatch or the Field Supervisor;
 - d. When a vehicular pursuit becomes prolonged in recognition of the increased risk associated with the overall population density and volume of vehicular traffic in Fayetteville, unless the supervisor determines that further pursuit is justified to respond to an immediate threat to public safety;
 - e. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect;
 - f. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile;
 - g. The fleeing vehicle travels the wrong direction on any freeway, freeway frontage road, or divided highway; or
 - h. For any other reason a supervisor deems necessary.
4. In controlling the pursuit incident, the field supervisor shall be responsible for coordination of the pursuit as follows [CALEA 41.2.2 c.]:
 - a. Directing pursuit vehicles into or out of the pursuit;
 - b. Re-designation of primary, support, or other backup vehicle responsibilities;
 - c. Approval or disapproval, and coordination of pursuit tactics; and
 - d. Approval or disapproval to leave jurisdiction to continue pursuit.
5. The field supervisor may approve and assign additional backup vehicles to assist the primary and backup pursuit vehicles based on an analysis of [CALEA 41.2.2 c.]:
 - a. The nature of the offense for which pursuit was initiated;
 - b. The number of suspects and any known propensity for violence;
 - c. The number of officers in the pursuit vehicles;
 - d. Any damage or injuries to the assigned primary or backup vehicles or officers;

- e. The number of officers necessary to make an arrest at the conclusion of the pursuit; and
- f. Any other clear and articulated facts that would warrant the increased hazards caused by numerous pursuit vehicles.

E. Traffic Regulations during Pursuit

1. Each unit authorized to engage in vehicular pursuit shall be required to activate headlights and all emergency vehicle equipment prior to beginning pursuit [CALEA 41.2.2 d.].
2. Officers engaged in pursuit shall 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 is reasonably necessary to gain control of the suspect.

F. Pursuit Tactics

1. Unless expressly authorized by a field supervisor, a pursuit will involve no more than three units to include the primary unit, a back-up unit, and a supervisor [CALEA 41.2.2 c.]. Officers are not otherwise permitted to join the pursuit team or follow the pursuit on parallel streets. However, officers are permitted to attempt to terminate the pursuit with deployment of Stop Sticks [CALEA 41.2.3 a.].
2. Officers may not intentionally use their vehicle to bump or ram the suspect's vehicle, unless "Deadly Force" is justified [CALEA 41.2.3 a.].
3. Departmental policy pertaining to use of deadly force shall be adhered to during the pursuit.
4. Boxing in a suspect's vehicle or heading off a suspect's moving vehicle is unauthorized [CALEA 41.2.3 a.].
5. Roadblocks are unauthorized [CALEA 41.2.3 a.].
6. K-9 units and motorcycles are prohibited from initiating, engaging in and/or following vehicle pursuits unless authorized by a supervisor [CALEA 41.2.2 d.].

G. Termination of Pursuit [CALEA 41.2.2 g.]

1. A decision to terminate pursuit may be the most rational means of preserving the lives and property of both the public and the officers and suspects engaged in pursuit. The pursuing officer, the field supervisor, or any higher-ranking supervisor to the field supervisor may terminate the pursuit.

2. The pursuit shall be immediately terminated in any of the following circumstances:
 - a. When the officer concludes that the danger to the pursuing officer(s) or the public outweighs the necessity for immediate apprehension of the suspect;
 - b. If the suspect's identity or probable identity is established to the point where later apprehension may be accomplished and where there is no immediate threat to the safety of the public or police officers;
 - c. When officers lose all communications with: Fayetteville Dispatch, Washington County Dispatch or the Field Supervisor;
 - d. When a vehicular pursuit becomes prolonged in recognition of the increased risk associated with the overall population density and volume of vehicular traffic in Fayetteville, unless the supervisor determines that further pursuit is justified to respond to an immediate threat to public safety;
 - e. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect;
 - f. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile;
 - g. The fleeing vehicle travels the wrong direction on any freeway, freeway frontage road, or divided highway; or
 - h. For any other reason a supervisor deems necessary.
3. The pursuing officer shall relay suspect information to communications personnel along with any further information acquired which may assist in an arrest at a later date.

H. Inter-jurisdictional Pursuits [CALEA 41.2.2 h.]

1. Pursuits Originated by Fayetteville Police Department
 - a. The pursuing officer shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the state line.
 - b. Regarding our pursuits entering other jurisdictions, our units will maintain their pursuit positions in their efforts to bring the pursuit to conclusion.
 - c. Pursuit into a bordering state shall conform to the department's inter-jurisdictional pursuit agreement, if existent, and state law.
2. Pursuits Originated by Other Agencies
 - a. Since it is almost impossible to know all circumstances surrounding another agency's decision to pursue, or the charges pending against the pursued driver in the short period of time we are notified of the pursuit, Fayetteville Police units will assume a backup role in pursuits conducted through our jurisdiction by other law enforcement agencies.
 - b. Pursuits by other agencies through our jurisdiction terminate for Fayetteville Police Officers at the city limits, unless specifically authorized by a supervisor to proceed outside of our jurisdiction.
 - c. If another agency specifically requests our assistance in their pursuit, the dispatcher will attempt to get all of the known information and charges pending against the driver.
 - d. Once the field supervisor is informed of the specific charges by communications, an immediate decision shall be made by the field supervisor on the continuation

of the pursuit by Fayetteville Police units outside our jurisdiction. In any event, as other jurisdictions join the pursuit to assist the originating agency, Fayetteville Police units shall cease their participation.

I. Reporting Procedures

1. Officers involved in a pursuit or involved in the deployment of a tire deflation device are required to complete a report.
2. The field supervisor shall prepare a comprehensive review of the pursuit and forward through the chain of command to the Deputy Chief for review [CALEA 41.2.2 i.] [CALEA 41.2.3 e.].
3. The Administrative Lieutenant will be responsible for maintaining pursuit records and for retaining records according to the retention schedule. The Administrative Lieutenant is responsible for conducting a documented annual analysis of pursuit reports [CALEA 41.2.2 j.].
4. The Administrative Lieutenant will be responsible for conducting an annual review of pursuit policies and reporting procedures [CALEA 41.2.2 k.].