



# Suffern Police Department

## GENERAL ORDER

<b>General Order No. 317</b>	<b>Issuance Date: 02/26/08</b>
<b>Subject: VEHICLE PURSUITS / ROADBLOCKS</b>	
<b>Cross Reference: 43.4</b>	<b>Effective Date: 02/29/08</b>
<b>Distribution: All Department members</b>	
<b>Rescinded Date:</b>	
<b>Issuing Authority: Chief Andrew Loughlin</b>	

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**I. Purpose.**

The purpose of this policy is to establish guidelines and procedures regarding police operation of motor vehicles by members of this Department and to provide tactics and considerations when members are involved in a pursuit, emergency or non-emergency driving situation.

**II. Policy.**

Vehicular pursuit of fleeing suspects presents 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.

**III. Definitions.**

- A. "Pacing" means the positioning of a police vehicle at a stable, fixed distance behind a speeding vehicle, in order to determine the speed of the operator/violator.
- B. "Closing" means an attempt to catch up to a violator who may or may not be aware of the officer's presence, but who is not making an obvious attempt to flee or escape.
- C. "Vehicular Pursuit" an active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive tactics.

- D. “Emergency” as a method of motor vehicle operation, means an immediate response, usually utilizing emergency warning lights and siren. Emergency responses are necessitated by events that, if allowed to continue unchecked, will likely result in death, injury, or serious property damage. An emergency response may also be appropriate during, or following, the commission of a serious felony.
- E. “Non-emergency” as a method of motor vehicle operation means **routine** driving. Non-emergency operation is that which is generally used while on routine patrol, or when responding to calls for service of a non-emergency nature.
- F. “Intentional Collision” as a pursuit tactic means intentionally causing contact between a police vehicle and a fleeing vehicle in an attempt to cause the fleeing vehicle’s operator to stop.
- G. “Roadblock” as a pursuit tactic means the establishment of a barrier across a part of, or all of the traveled portion of a roadway. This barrier may be moving (as in the case of vehicles placed in front of a fleeing vehicle), or stationary. Roadblocks are frequently established using police vehicles as blocking devices.
- H. “Termination” as a technique of police pursuit management means the discontinuance of active pursuit by both primary and back-up police pursuit vehicles.
- I. “Police Vehicle: means a vehicle used for police operations. Sometimes referred to as a ‘patrol vehicle’ or ‘patrol unit’, there are two types:
1. Marked – A conspicuously marked [**POLICE**] emergency vehicle that is equipped with both audible and visual emergency warning devices as required by the Vehicle and Traffic Law for the purpose of being exempted from certain traffic regulations during emergencies or pursuits.
    - a. Audible Signal – A bell, siren, air-horn or other audible device which is installed in Department vehicles as directed and approved by the Chief of Police and which can reasonably be heard by other vehicle operators.
    - b. Visual Signal - Flashing, oscillating, or rotating red lights visible to other motorists under normal atmospheric conditions. Red lights may be used in conjunction with different color lights as permitted by law and approved by the Chief of Police.
  2. Unmarked – All other Department vehicles.
- J. “Last Resort” situations are those wherein certain immediate and drastic measures must be undertaken by an officer in order to protect human life. Force used in these situations may involve the use of techniques or weapons not covered by policy, however, they remain to be tested by “reasonable” and “necessary” use of force standards.

## IV. Procedures.

### A. Evaluation the Circumstances of a 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 remains at large.
2. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when ALL of the following criteria are met:
  - a. The suspect exhibits the intention to avoid arrest by using a vehicle to flee apprehension for an alleged felony or misdemeanor that would normally require a full custody arrest;
  - b. The suspect operating the vehicle refuses to stop at the direction of the officer; and
  - c. The suspect, if allowed to flee, would present a danger to human life or cause serious injury.
3. The pursuing officer shall consider the following factors in determining whether to initiate 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;
  - e. Time of day (or night);
  - f. Location and the existence of known factors of considerations such as the presence of school zones, parks, construction sites, etc.,
  - g. If the violator is known and can be found/apprehended later.

### B. Initiating Officer's Responsibilities.

1. The initiating officer shall immediately notify communications center personnel that a pursuit is underway. The officer shall provide communications with the following information:
  - a. Unit identification;
  - b. Reason for the pursuit (clearly articulated);
  - c. Route, direction of travel and areas being approached (to be reported as frequently as safety permits);
  - d. Description of the fleeing vehicle, and license plate number if known;
  - e. Number of occupants in the fleeing vehicle, and descriptions, where possible;
  - f. Weapons involved, if any;
  - g. Speed of pursuit;
  - h. Operation of pursued vehicle, e.g., reckless, slow, etc.

2. Failure to provide this information to communications personnel may result in an immediate decision by a Supervisor or OIC who is monitoring the event to order its termination.
3. Members will refrain from non-essential radio transmissions during the pursuit.
  - a. Supervisors may utilize a signal 100 (emergency-radio silence), if appropriate.

C. Secondary Units

1. The number of police units involved in the actual “tailing” pursuit should generally be limited to the primary unit and one back-up unit.
2. The back-up unit will assume radio communications responsibility, allowing the primary pursuing unit to devote full attention to driving. The back-up unit will maintain a safe distance behind the primary pursuing unit that is reasonable and prudent under the existing conditions. Other than a supervisor, no other units will follow behind these two units.
3. Other assisting units (s) will remain in the area of the pursuit. Other units in the vicinity and available to assist shall do so only after requesting authority from communications or a Supervisor.
  - a. Unless instructed otherwise by a supervisor, additional units authorized to assist shall remain in the area of the pursuit, and take parallel and alternate routes. They shall not join the pursuit unless directed to do so by a supervisor.

D. Communications Center Responsibilities.

1. Upon notification that a pursuit is in progress, communications personnel shall immediately advise a Supervisor or OIC of essential information regarding the pursuit.
2. Communications personnel shall carry out the following activities and responsibilities during the pursuit.
  - a. Receive and record all incoming information on the pursuit and the pursued vehicle;
  - b. Control all radio communication and clear the radio channels of all non-emergency radio traffic;
  - c. Obtain local criminal information and vehicle checks of the suspects/plate numbers;
  - d. Coordinate and dispatch backup assistance under the direction of the field supervisor;
  - e. Notify neighboring jurisdictions, where practical, when pursuit may extend into their locality.

E. Supervisor or OIC responsibilities During Vehicular Pursuit.

1. Upon notification that a vehicular pursuit incident is in progress, the Supervisor or OIC shall assume responsibility for the monitoring and control of the pursuit as it progresses.
2. The Supervisor or OIC shall continuously review the incoming data to determine whether the pursuit should be continued or terminated.
3. In controlling the pursuit incident, the Supervisor or OIC shall be responsible for coordination of the pursuit as follows:
  - 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 or continue pursuit.
4. The Supervisor or OIC may approve and assign additional backup units to assist the primary and backup pursuit vehicles based on an analysis of:
  - 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 and backup vehicle or officers;
  - e. The number of officers necessary to make an arrest at the conclusion of the pursuit; and
  - f. Any clear and sensible facts that would warrant the increased hazards caused by numerous pursuit vehicles.

F. Traffic Regulations During Pursuit.

1. Pursuing vehicle(s) shall activate emergency lights and siren in a continuous mode.
  - a. 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. Right of way is not to be assumed or anticipated.
2. N.Y.S. Vehicle and Traffic Law exempts authorized emergency vehicles involved in emergency operations from certain restrictions of the Vehicle and Traffic Law.
  - a. This exemption does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor does it protect the driver from the consequences of his/her reckless disregard for the safety of others.
  - b. Pursuing vehicles are exempted from certain traffic regulations only when necessary and justified and only when safe to do so.

G. Termination of Pursuit.

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

2. pursuit. Pursuit may be terminated by the pursuing officer, the Supervisor, OIC, Lieutenant or Chief of Police.
3. Termination of pursuit shall be accomplished when any of the following conditions exist:
  - a. When circumstances develop which present extraordinary danger to the officer or the public (pursuing officer or supervisor discretion).
  - b. Under those circumstances wherein the offender can be identified and an arrest made at a later time without risk of creating an unreasonable danger to the public;
  - c. When so ordered by a supervisor;
  - d. When the pursued vehicle's location is no longer known by the pursuing officers; or
  - e. When radio contact is lost due to distance or equipment failure, unless extraordinary circumstances exist.

H. Inter-and Intra jurisdictional Pursuits.

1. If a pursuit is initiated by the Village of Suffern Police Department and extends beyond the Village limits, only the two "tailing" vehicles and the supervisor shall continue, unless the supervisor deems additional units necessary.
2. Pursuing officers must notify communications when entering another jurisdiction and communications shall notify the authority of that jurisdiction providing all pertinent details.
3. Village of Suffern Police Officers may assist in pursuits initiated by other jurisdictions subject to the following provisions:
  - a. **When requested** by the agency involved in the pursuit **and**, the purpose for the pursuit is known and meets the guidelines as defined in section **IV**.
  - b. Suffern Officers shall not leave the Village limits in such cases except with specific authorization of a Supervisor or OIC.
  - c. If the purpose of the vehicle pursuit is not known or, if the justification for pursuit is questionable or does not meet the guidelines set forth in paragraph **IV** above, Suffern Officers may **assist** the pursuing agency in a manner that does not constitute vehicle pursuit as described in this Order. Such assistance is limited to:
    - (1) Observing and reporting.
    - (2) Following at a safe speed.
    - (3) Leapfrogging or maneuvering to positions ahead of the direction of pursuit to provide for traffic control and safety at intersections.
4. Pursuit into another State shall be strictly governed by the rules of close pursuit as defined in the Criminal Procedural Law of the State of New York.

## I. Forcible Stopping

1. Officers may not intentionally use their vehicle to bump or ram the suspect's vehicle in order to force the vehicle to a stop unless there is a reasonable belief that doing so is necessary to protect the life of another person.
2. Boxing in (moving roadblocks) of vehicles being pursued may be utilized in an attempt to slow/stop a pursued vehicle. Supervisor may authorize additional units to assist ahead of the pursuit to try to slow down the pursued vehicle.
2. Departmental policy pertaining to use of deadly force shall be adhered to during the pursuit.
4. Highway roadblocks of any type shall be utilized only in accordance with these procedures, and in a manner which provides as much protection and safety of the officers and general public.
  - a. The blocking of any highway shall be specifically authorized by a Supervisor or OIC only in extreme cases where it is necessary to alleviate a greater risk to the officers and the public.
    - (1) The officer shall advise the Supervisor or OIC of:
      - (a) Traffic conditions;
      - (b) Weather;
      - (c) Type of blockade being used; and
      - (d) Any other pertinent facts.
    - (2) In making such decisions, the Supervisor or OIC shall adhere to departmental guidelines regarding the use of force and deadly physical force.
  - b. A safe sight distance will be allowed in both directions.
  - c. The location should be visible at a distance sufficient to enable an oncoming vehicle traveling at high speed-to stop safely.
  - d. If time allows, flares or other warning devices shall be placed at an approximate distance of 500 feet from the blockade in both directions.
  - e. Efforts shall be made to remove any civilian personnel from the area prior to the approach of the fleeing vehicle.
  - f. Officers shall remove themselves from the area of the barricade as the fleeing vehicle approaches, and assume a position that affords adequate safety.
    - (1) No person shall be permitted to remain in any vehicle at the blockade.
  - g. **(GO 210- Use of Force)** Shooting at or from a moving vehicle shall be avoided except to defend an officer's or citizen's life or protect them from serious physical injury or when the escape of a felon will pose an imminent threat of death or serious physical injury to an officer or other person.
    - (1) Firearms shall not be used to attempt to stop a pursued vehicle if the requirements in **(GO 210)** are not met.
5. The complete blocking of any highway is authorized in **EXTREME** cases. Complete blockades **MUST** be authorized by a Supervisor or OIC and only in severe circumstances where it is necessary to alleviate a greater risk to the officers

and/or the public. In addition, all of the aforesaid provisions addressing roadblocks need to be considered before a supervisor authorizes a complete blockade of a highway.

6. Roadblocks shall be conducted in a manner that provides a suspect a reasonable opportunity to stop without physically impacting the roadblock or losing control of the vehicle.
7. Road spikes devices (STOP STICKS) shall be stored in marked patrol vehicles and may be used in conjunction with a stationary roadblock. If circumstances and time permit, prior approval from the supervisor or OIC shall be requested before deploying the road spikes to terminate a pursuit.
  - a. It is imperative that all officers involved are aware of the exact location of deployed road spikes, so they can slow in time to allow the officer who deployed the device to remove them (immediately after the violator's vehicle crosses it). Measures if possible, should be taken to divert other traffic from the area to prevent unnecessary damage to other vehicles.
  - b. Road spikes devices **SHALL NOT** be used when the pursuit involves motorcycles, three-wheeled vehicles or all-terrain vehicles.
  - c. The violator's vehicle will be slowing rapidly and the pursuing officers should be prepared to take evasive action to avoid contact with violator's vehicle.

## **V. General Regulations**

- A. Unmarked police vehicles may not engage in vehicle pursuits except under the most critical and unusual circumstances where immediate apprehension is necessary to alleviate a danger to public safety.
- B. Pursuits related to traffic offenses.
  1. Officers shall not engage in high-speed pursuits of persons who have committed only traffic violations. It is permissible to follow such vehicle at prudent speeds until the violator stops or the following is otherwise curtailed by the officer a Supervisor or OIC..
- C. Reporting Requirements.
  1. Upon completion of a pursuit, the pursuing officer shall complete a numbered incident report, which shall include the following information:
    - a. The reason for the pursuit, offense involved and any extraordinary circumstances including charges filed;
    - b. The suspects name, address, and date of birth;
    - c. The speed(s) and duration of the pursuit, and the number of Suffern and outside agency vehicles involved;
    - d. Description of any injuries or accidents occurring during or as a result of the pursuit; and



- e. Any deviation from or non-compliance with Departmental rules, regulations and procedures, and any justification for such.
  - f. The Supervisor or OIC shall make an entry on the incident report concerning any violations of Departmental policy, or any accident, injury or other unusual event.
  - g. The Lieutenant shall maintain records and statistical data of all pursuits and make policy recommendations to the Chief of Police.
4. Any primary or backup unit sustaining major damage or failure of essential vehicular equipment during the 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.

D. Lieutenants Requirements.

- 1. The Lieutenant shall review all vehicular pursuit incidents to determine compliance with policy, training needs or the need for policy amendment.
- 2. The Lieutenant shall maintain records of all vehicular pursuit incidents involving a member of the Department.