

CHAPTER 103
PURSUIT DRIVING

DISCUSSION: Pursuit is an active attempt by an on-duty police officer in an authorized emergency vehicle to apprehend one or more occupants of a moving vehicle providing, a reasonable and prudent driver of such vehicle would be aware of the attempt and is avoiding apprehension by maintaining or increasing speed, taking evasive action or otherwise ignoring the officer's attempt to stop him/her.

Society is highly mobile and this, coupled with the natural desire of a law violator to avoid arrest, may often result in situations that suggest the necessity of pursuit contrary to traffic laws and regulative signals.

Patrol Officers are authorized to make a reasonable effort to apprehend a fleeing violator. It is not in the best interest of public safety to advocate a policy that would encourage the dangerous driver, or the fleeing criminal to proceed without the eminent possibility of police intervention. On the other hand pursuits should not be carried to such an extent as to endanger the lives of innocent users of our streets and highways or the officer. As a general rule, pursuit is not recommended or favored where the danger to the officer and the general public outweighs the advantage of apprehending a fleeing suspect. Stated simply, pursuit is inappropriate when the pursuit itself endangers life more than the escape of the pursued. Delayed arrest may be the wiser choice when the person is known and he or she poses no immediate threat to the community.

Each officer must use his discretion in determining whether or not to commence a chase bearing in mind the guideline outlined herein. Many factors should have a bearing on this choice, but some of the major ones are listed:

- A. Road conditions.
- B. Traffic conditions.
- C. Weather conditions.
- D. Time of day.
- E. Type of vehicle involved.
- F. Nature of the offense.
- G. Condition of the police car.
- H. Officer's knowledge of the area.

The decision to pursue is not irrevocable and it is the prudent officer who knows when to discontinue pursuit. It is better to abandon the pursuit when the risk of damage to himself or to the public is high or when weather or road conditions are poor. The experience and common sense of each officer and his knowledge of the area should also guide him in this decision.

When pursuit is undertaken, each officer is responsible for observing the specific procedures that follow.

103.1.1 Initiating the Pursuit

- A. If possible, especially in situations involving traffic violations or misdemeanors, the Police Officer should attempt to avoid a pursuit. Tactical placement of the police unit can often create a psychological feeling of being caught decreasing the perceived opportunity for flight averting a possible pursuit.
 - 1. The officer shall activate the emergency lights.
 - 2. If the foregoing fails to effectuate a stop, a siren may be used.
 - 3. The emergency lights and siren shall remain activated after the pursuit is undertaken.

- B. A continuing pursuit (over a greater distance and for a longer period of time than reasonable in "A") of a motor vehicle is authorized when the officer has reasonable grounds to believe that the operator of the motor vehicle:
 - 1. Is wanted for a felony involving the use or threatened use of force or violence.
 - 2. Has just committed, or is about to commit a felony.
 - 3. Is operating the motor vehicle in such a manner that the public's safety is seriously endangered CLEARLY INDEPENDENT of the pursuit itself.

- C. The continuing pursuit of a motorcycle is only authorized when the officer has reasonable grounds to believe that the operator of the motorcycle:
 - 1. Is wanted for a felony involving the use or threatened use of force or violence.
 - 2. Has just committed, or is about to commit a felony.

- D. The officer who pursues is neither relieved of the duty to drive with "due regard" for the safety of all persons nor protected from the consequences of any reckless disregard for safety.

- E. Pursuits of lengthy duration are extremely hazardous when assistance is not available or when assisting units must drive long distances to provide aid.

- F. The pursuit should be terminated if the offense is a misdemeanor and the identity of the violator is known or can be readily determined.

- G. The pursuit should be terminated if the pursuing officer knows, or has reason to believe that the fleeing vehicle is operated by a juvenile who has committed a misdemeanor or non-violent felony, and that the hazards involved are obviously greater than a juvenile can cope.

103.1.2 Radio Information

- A. Upon commencing pursuit, the officer shall immediately make radio contact with the Communication Section and communicate the following information:
 - 1. Identity of the officer or unit.
 - 2. Advise that he/she is in pursuit.
 - 3. The exact location and direction of travel.
 - 4. Description of the vehicle and/or occupants.
 - 5. The offense or reason for pursuit.
- B. The telecommunicator shall notify the patrol supervisor immediately upon learning of a pursuit.
- C. Radio contact shall be maintained and the officer shall regularly broadcast the location and direction of travel of the vehicles being pursued. When it is anticipated that the pursuit will enter another jurisdiction, the appropriate agency will be notified, if possible, furnishing all pertinent information.

103.1.3 Use of Vehicles

- A. Only marked police vehicles shall be used for continuous pursuit. If the INITIAL pursuit MUST be undertaken by another vehicle, such vehicle shall immediately abandon the pursuit when a marked police vehicle has intercepted and overtaken to continue the pursuit.
- B. Only ONE (1) police vehicle shall be directly involved in the pursuit with a secondary unit in a back-up position to relay direction and other information for the primary unit.
 - 1. If other units are dispatched to assist, they shall respond IAW the Departmental guidelines set forth for operation of police vehicles.
 - 2. Assisting units shall yield the right of way to the pursued and pursuing vehicle(s) and will not become directly involved in the chase.

103.1.4 Command

- A. Primary control responsibility shall rest with the telecommunicator under the direction of the on-duty supervisor.
 - 1. If an officer receives a communication from the telecommunicator or any supervisor that the chase be terminated, he/she shall do so immediately, reporting to the telecommunicator the final location and direction of the pursued vehicle at the time of termination.
 - 2. The pursuing officer shall voluntarily terminate pursuit when he/she determines that the safety of the public, conditions of the roads, weather, traffic, or other factors so necessitates. He/she shall notify the telecommunicator of his decision and relay the final location and direction of travel of the pursued vehicle at the time of termination.
- B. The on-duty supervisor shall monitor the progress and status of the pursuit continuously providing constant assessment to make assignments, deploy tire deflation devices or terminate the pursuit.

103.1.5 Contact with Pursued Vehicle

- A. Any form of a "rolling roadblock" or intentional contact between a police vehicle and the vehicle pursued shall be prohibited; except in extreme and exigent circumstances and after all other reasonable attempts have failed.
- B. The police vehicle shall be maintained at such a distance from the pursued vehicle so that a sudden stop or change in direction of the pursued vehicle will not result in a collision.

103.1.6 Tire Deflation Device Deployment

- A. Hattiesburg Police Department maintains tire deflation devices know as "stingers". The stingers are assigned to Patrol Units by the on duty supervisor.
- B. The decision and responsibility to deploy the stingers rest with on duty supervisor. The decision to deploy should be based on the situation taking into account factors such as:
 - 1. Time of day.
 - 2. Location
 - 3. Agencies involved.
 - 4. Reason for pursuit.
 - 5. Other factors associated with the pursuit.

C The Training Academy is responsible for the training in deployment techniques.

103.1.7 Use of Roadblocks

The use of police vehicles as a roadblock may only be used in the most extreme and exigent circumstances as authorized by the on-duty supervisor. When such authorization has been given, the exact location of the intended roadblock shall immediately be relayed to the pursuing officer, and the roadblock shall be established in such a location as to allow vehicles approaching at high speed sufficient time to stop. Any roadblock shall provide an "escape route" should the vehicle refuse to stop.

103.1.8 Use of Firearms

The use of firearms during a pursuit can only be justified as a last resort; and then only to defend the officer or another from an attack that he/she has reasonable cause to believe could result in death or serious bodily injury.

103.1.9 Police Vehicle Occupants

Pursuit is not recommended when the police vehicle is occupied by any person who is not a law enforcement officer.

103.1.10 Pursuits Involving Agencies from Other Jurisdictions

The Hattiesburg Police Department utilizes a 800mhz system while surrounding agencies operate in the 400 band. Although a patch can be made to the state wide law enforcement frequency, this does not ensure that all parties involved make the proper channel adjustments. Most pursuits are terminated or otherwise concluded before notification can occur, in other situations communication between agencies becomes another variable or factor governing decisions in the pursuit.

A. When pursuing into another jurisdiction:

1. A request shall be made by the telecommunicator for the agency in that jurisdiction to take over the pursuit.
2. If the requested agency is able to comply with this request, the Hattiesburg unit will discontinue the actual pursuit.
3. If necessary and authorized by the on-duty supervisor, the Hattiesburg unit may become a secondary unit as described in Section 103.1.3.
4. Pursuit shall be terminated if requested by the agency holding jurisdiction.

5. Once an officer enters into unfamiliar roadways or area he/she should discontinue the action and relay all information to include descriptors and reason for pursuit.
- B. When a pursuit by another agency enters this jurisdiction:
1. Hattiesburg units may act as secondary units IAW Section 103.1.3 if so directed by the supervisor.
 2. When alerted to the possibility of a pursuit entering the city limits, all information shall be collected as to direction, ETA, vehicle/suspect descriptors, agency involved and reason for pursuit.
 3. Based on available information, the on duty supervisor shall determine if the factors would merit a continued pursuit or deployment of a tire deflation device by the Hattiesburg Police Department. In any event, the pursuing agency will be asked to discontinue action once in the city limits.
 4. It is fully realized the other agencies may not comply with a request to discontinue or allow Hattiesburg to conduct the pursuit. The safety of the citizens of Hattiesburg must take priority, should an agency refuse to comply, HPD units shall not enter into actual pursuit of the vehicle, but provide for overall community safety as much as possible under the circumstances. This usually involves clearing intersections to allow for the pursuit.
 5. In the case of a request by another agency, the telecommunicator shall immediately notify the patrol supervisor who may authorize the continued pursuit, or make a decision to terminate the pursuit.

103.1.11 Administrative Procedures

- A. If an officer participates in a pursuit, he and his supervisor shall each immediately submit a written report and furnish the operations Bureau Commander a copy of this report. This report shall be comprehensive, explain in detail the circumstances of the pursuit, and specifically cite all facts known to the officer at the time the pursuit was undertaken, as well as a justification by the supervisor for either continuing or discontinuing the pursuit. This report shall be separate from any other report that may be required.
- B. These procedures and guidelines shall be followed in conjunction with all relevant existing statutes, laws, ordinances, Departmental policies and procedures, rules and regulations.

103.1.12 Statistics

- A The Operations Bureau Commander shall be responsible to establish and maintain an administrative file for pursuit related information and statistics.
- B The Operations Bureau Commander shall insure that information or reports from every pursuit is forwarded to the administrative file.
- C. At the end of each calendar year, the Operations Bureau Commander shall prepare a report to the Chief of Police summarizing activity during the year relative to pursuits.
- D. copy of each summary report shall be maintained in the administrative file.