



VEHICULAR PURSUITS

FC No.: 135

DATE: 05-22-09

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. Policy

This policy is designed to protect officers of this department and the public from the hazards of high-speed pursuits and to provide legal and departmental guidelines for the benefit of officers. Maryland law does not relieve the operator of an emergency vehicle from driving with due regard for the safety of all people. The operator may be held liable for negligence. *Sworn* supervisors and duty commanders will take immediate control of pursuits in progress to ensure adherence to state law/departmental regulations. All sworn officers and ECC personnel will receive periodic training on the policies and guidelines in this directive.

II. Definitions

- A. Vehicular Pursuit - An active attempt by an officer in a vehicle to apprehend an occupant of a moving motor vehicle who exhibits a clear intention to avoid apprehension by:

- 1. Maintaining elevated speed.
- 2. Increasing speed.
- 3. Using evasive tactics.

This does not include a driver who is maintaining a safe and legal speed and following all rules of the road but fails to stop at police direction. Additionally, officers should be reasonably certain that the fleeing driver knows of their presence.

- B. PMARS - Police Mutual Aid Radio System; a radio system providing direct agency-to-agency communications.

- C. Felony of a Violent Type - A felony that involves the infliction or threatened infliction of serious physical injury or death.
- D. Serious Physical Injury - **Physical** injury that:
 - 1. Creates a substantial risk of death, or
 - 2. Causes permanent or protracted serious:
 - a. Disfigurement;
 - b. Loss of the function of any bodily member or organ; or
 - c. **Impairment of the function of any bodily member or organ.**

III. Authorized Reasons to Pursue

Pursuit of a vehicle is authorized only when the offense for which the suspect is being pursued is one of the following:

- 1. **Criminal:** Felony or the officer has reason to believe a felony has occurred or is occurring.
Note: In order for 2nd Degree Assault on a police officer to be a felony, “physical injury means any impairment of physical condition, excluding minor injuries”, and “a person may not intentionally cause physical injury to another if the person knows or has reason to know that the other is a law enforcement officer engaged in the performance of the officer’s official duties.”
- 2. **Traffic:**
 - a. Driving under the influence of alcohol or narcotics (misdemeanor).
 - b. Hit-and-run, personal injury collision when the officer has reasonable cause to believe serious physical injury has occurred (felony)

IV. Safety

Deciding to pursue is a process of weighing the hazards of the pursuit against the hazards created by the violator; good judgment in weighing these risks is essential. The seriousness of the offense involved does not lessen the officer’s liability and/or duty to all people, including **the officer** and fellow officers, to drive with due regard for the safety of all. Senior officers who are passengers in pursuing vehicles will be held responsible as well as the operators of the vehicles.

V. Approval to Continue

- A. Except for pursuits for felonies of a violent type, the officer must receive immediate approval from a **sworn** supervisor to continue the pursuit, based on the following information:
 - 1. The reason for the pursuit;
 - 2. The seriousness of the crime; and
 - 3. Safety concerns, to include:
 - a. Location of the pursuit
 - b. Time of day
 - c. Amount of vehicular and pedestrian traffic in the area
 - d. Weather conditions
 - e. Condition of the road surface
 - f. Speed of the pursuit, etc.
- B. When notified of a pursuit, ECC will:
 - 1. Attempt to notify a **sworn** supervisor from the district the pursuit is occurring in.
 - a. The **sworn** supervisor will either approve or call off the pursuit based on the criteria above.
 - b. If ECC is unable to raise a **sworn** supervisor, they will advise the officer that a **sworn** supervisor could not be contacted.

- c. The officer must acknowledge this message and terminate the pursuit (except for a felony of a violent type).
2. Notify *the appropriate district executive officer or the Duty Commander* of the pursuit.

VI. Terminating

A. Danger to Officer and Public

Pursuits will be terminated when the officer believes that the dangers to officers and the public outweigh the advisability of continuing.

B. Supervisor Responsibility

When, in the *sworn* supervisor's judgment, the dangers outweigh the advisability of continuing, the supervisor shall direct the discontinuance of the pursuit (refer to section V.A.).

C. Outside Factors in a Pursuit

Pursuits will be terminated regardless of the seriousness of the crime when weather, traffic, road conditions, or locale make further pursuit unreasonably hazardous, or when the distance from the pursued vehicle is too great to justify continuing the pursuit.

D. Operator Identity is Known

Pursuits will be terminated when the identity of the operator is known and the offense is an authorized misdemeanor.

VII. Driving Procedures

A. Speed

Officers will not, under any circumstances, pursue at a speed so great as to render their vehicles uncontrollable.

B. Radio Communication

1. When a vehicle attempts to elude an officer or drives in a manner endangering others, the pursuing officer shall start and maintain communication with the dispatcher, including identifying the unit, location, direction of travel, license number and description of the vehicle, and the charges against the violator.
2. *To ensure that all personnel are receiving the most accurate and up to date information, pursuits will be conducted only on the district talkgroup originating the pursuit. If applicable, any controlled units from other districts will advise their respective dispatcher they are assisting and switching to that talkgroup.*
3. *Officers making transmissions relating to the pursuit on the improper talkgroup will be advised by the dispatcher to switch to the appropriate talkgroup.*

C. ECC Responsibility

1. ECC dispatchers will ensure that the *pursuing talkgroup* remains open by putting a *restricted air* in effect.
2. *When geographically appropriate, ECC dispatchers on the non-pursuing talkgroup may announce the specifics of the pursuit but will not continue to broadcast updates.*
3. *ECC supervisors will ensure the pursuit is coordinated on the primary district talkgroup only.*

D. Helicopter Assistance

At the request of a supervisor, ECC will request helicopter assistance, if available.

E. Emergency Equipment

Emergency equipment will be used throughout a pursuit.

F. Other Units Involved

1. Once an officer announces a pursuit is in progress, units in the area should position themselves at locations thought to be helpful in the apprehension and shall notify the dispatcher of their locations.
2. Only two police vehicles will be actively engaged in the pursuit unless a *sworn* supervisor, based on the following, authorizes more units:
 - a. Seriousness of the charge
 - b. Number of suspects in the pursued vehicle
 - c. Known weapons in suspect's possession
 - d. Increased hazards caused by numerous pursuit vehiclesK-9 units are not included in the two car limit.
3. Police supervisors will not permit distant units to "strip" a beat of coverage or converge on the scene once the stop is made. Vehicles committed to the pursuit, either actively or in a support role, should be of a sufficient number to provide protection for officers in the event that the offender(s) should stop or attempt escape on foot.

G. Units with Non-Police Passengers

Units that have people other than law enforcement officers in the vehicle will not become engaged in pursuit situations.

H. Unmarked Police Vehicles

An operator of an unmarked police vehicle with emergency equipment (a minimum of department-authorized and -installed four corner strobes, a dash light, and a siren) may initiate a pursuit for the same criteria as marked police vehicles. Due to the increased danger created by the less visible unmarked units, officers operating unmarked cruisers during a pursuit will withdraw at the earliest possible time.

Whenever two or more marked police vehicles become engaged in the pursuit, the unmarked vehicle will withdraw from active pursuit and serve in a support role unless authorized by a *sworn* supervisor to continue in the pursuit.

NOTE: Unmarked vehicles that are equipped with only emergency lights (no four corner strobes) and siren can initiate a pursuit only in the instance of a violent felony. Withdrawal from the pursuit will be based on the guidelines above.

I. Driving on One-Way Streets

Officers are discouraged from driving their vehicles the wrong way on a one-way street or highway, unless absolutely necessary.

VIII. Use of Roadblocks

A. Rolling Roadblocks

The use of rolling roadblocks is prohibited. A rolling roadblock is designed to stop a violator's vehicle by surrounding it with pursuit vehicles and intentionally slowing all vehicles to a stop.

B. Stationary Roadblock

A stationary roadblock is the use of department vehicles strategically placed or situated to stop or slow down a pursued vehicle in the safest possible manner. The hazards to the public, other officers, and the suspect must be considered. Only department vehicles are to be used. At least one of the vehicles used will be a marked police vehicle.

1. Use roadblocks only when the officer has probable cause to believe the crime committed was a felony of a violent type. The offense of DWI/DUI is *not* a valid reason to use a roadblock.

2. Before a roadblock is used, a **sworn** supervisor must grant permission. The effectiveness and dangers (e.g., highly populated areas, heavily traveled roadways, etc.) will be weighed when considering authorization.
3. No officer will remain in the vehicle after it is stationed as part of a roadblock.
4. All officers involved in a roadblock will take reasonable steps to ensure the safety of all bystanders and fellow officers.

C. Ramming

Ramming, the intentional striking of a suspect's vehicle, is prohibited.

IX. Use of Tire-Deflating Devices

- A. The department currently has two approved tire-deflating devices. The Stop Stick is used to stop a pursuit. The Piranha is used to prevent a pursuit from occurring.
- B. Only those volunteer officers successfully trained in the use of the tire-deflating devices will be issued or authorized to deploy the approved devices.
- C. Stop Sticks will only be utilized in authorized pursuit situations.
- D. The deploying officer, after considering the safety risks present at the time, will receive permission from a **sworn** supervisor prior to deploying a tire-deflating device. The decision will be based on, but not limited to, the information in section V.A. in addition to the following:
 1. Tactical considerations.
 2. Any information provided by the pursuing officer(s).
- E. Tire-deflating devices will only be deployed on four-wheeled vehicles. Its use is prohibited on two-wheeled vehicles (i.e., motorcycle, bicycle, moped) or on any ATV, three- or four-wheeled.
- F. Action should be taken when possible to divert other traffic from the area where a tire-deflating device is to be used to prevent damage to other vehicles.
- G. The exact location of the deployed Stop Stick, to include the direction and lane, will be communicated to ECC and all pursuing vehicles.
- H. When a Stop Stick has been placed in the roadway, the deploying officer's police vehicle may be used to block a portion of the roadway prior to the Stop Stick; however the entire roadway will not be blocked with the police vehicle. The deploying officer and the vehicle should be positioned in such a manner that it will afford the officer protection from the vehicle being pursued. The police vehicle will not be occupied. The deploying officer shall immediately remove the Stop Stick from the roadway after it is struck or the pursued vehicle passes by.
- I. The tire-deflating device is not intended to be used as a hand weapon.
- J. Once the Stop Stick has been struck, it shall be returned to the Central Supply, along with a copy of the MCP 610. Supply will send it back to the manufacturer for repair/replacement.
- K. The Stop Sticks that are issued are maintenance-free and will be kept in marked patrol vehicles. They will be stored in vehicle trunk lid trays that may only be installed by **Fleet Management Services**. Officers will ensure that items loaded in the trunk will not damage the Stop Sticks.

- L. The Piranha will be stored in covert police vehicles where they will not be damaged but will be readily available for deployment.

X. Pursuits from Montgomery County into Other Jurisdictions

- A. Hazards
When engaged in pursuit of a fleeing suspect across jurisdictional lines (county or state), officers face the hazards of unfamiliarity with the area and decreased communications capability.
- B. Authorized Reasons for a Pursuit
Officers may pursue into a neighboring jurisdiction only when an officer has probable cause to believe the crime committed was a felony of a violent type.
- C. Arrests Outside of Montgomery County
Officers may arrest an individual after a legal pursuit out of the county.
 1. If the arrest occurs within Maryland, officers will retain custody of the individual unless the jurisdiction entered places charges of its own.
 2. If the arrest occurs outside of Maryland, officers will relinquish the individual to the law enforcement agency of the entered jurisdiction. In this situation, custody of the individual should be processed through extradition procedures.
- D. Misdemeanors
Pursuits **based on** misdemeanor **offenses** will not be allowed, under any circumstances, **to continue** into another county, state, or the District of Columbia.
- E. Vehicle Use in Foreign Jurisdictions
All emergency equipment will be activated while pursuing outside of the county. No more than two vehicles will cross into a foreign jurisdiction unless authorized by a **sworn** supervisor. As soon as practicable, relinquish the pursuit to the entered jurisdiction with the units from the initiating jurisdiction continuing in response. Vehicles will be operated with due regard for road conditions and public safety. The pursuit will be abandoned if elements such as weather, road, and traffic conditions make further pursuit unduly hazardous.
- F. Communications
ECC personnel will initiate a PMARS link with the entered jurisdiction to coordinate the response. **The jurisdictions will be advised which Montgomery County talkgroup the pursuit is being conducted on and will be asked for the entered jurisdiction talkgroup so it may be forwarded to responding units. Talkgroup patches allowing** communications between pursuing units and units from the entered jurisdiction **may** be established if requested by the pursuit units and time allows.

XI. Pursuits Discontinued at the County Line

- A. “Surveillance Mode” Prohibited
If a pursuit is discontinued at the county line, further use of a police vehicle in a “surveillance mode” outside of the county is prohibited. This does not prohibit unmarked vehicles from conducting authorized surveillances in foreign jurisdictions during non-pursuit situations.
- B. Notification to Other Jurisdiction
When the fleeing vehicle is engaged in a continuing crime (e.g., DWI, continuing felony theft), officers will transmit a description of the suspect/vehicle, the charge(s), and direction of travel to ECC personnel. ECC will relay the information to the jurisdiction entered.

XII. Joining Pursuits Initiated by Other Agencies/Jurisdictions

When there is a pursuit in the county that was initiated by another agency, including pursuits that enter the county from another jurisdiction, ECC will advise the patrol supervisor of the pursuit ***and the name of the talkgroup the other agency is using***. The supervisor will determine if MCP officers are to join the pursuit based on the following:

1. The pursuing agency notifies MCP of the offense for which the suspect is wanted, and
2. The offense meets the criteria for pursuits within the boundaries of Montgomery County (see section III).

If the above criteria are NOT met, MCP officers will NOT join in the pursuit. ECC will monitor the pursuit and inform MCP officers of the location of the other agency's unit(s). MCP officers should position themselves to ensure sufficient backup to the pursuing unit(s) should the suspect(s) bail out, wreck, attack the pursuing officer(s), etc., while in the county.

XIII. Officer Discretion

In certain circumstances which threaten life and when there is no time for an officer to comply with a departmental directive, the officer will assess to the best of the officer's ability the safety factors involved and then take whatever action the officer believes necessary.

XIV. Reporting Procedures

A. Supervisor Responsibility

For each pursuit involving officers from the department, a supervisor (not to be delegated) from the district where the pursuit initiated will ***complete in full*** an MCP 610, "Motor Vehicle Pursuit Report," and forward ***along with the incident report (if completed)***, through the chain of command, to the respective assistant chief. This will be completed prior to the end of the supervisor's tour of duty.

NOTE: If the supervisor participated in the pursuit, the supervisor's lieutenant will complete the "Supervisor's Supplementary Narrative" section of the MCP 610.

B. Reporting the Use of Stop Sticks

Use of the Stop Stick, including whether it was successful or not, will be indicated on the MCP 610. If the Stop Stick is run over, the serial number of the stick must be noted. If damage is caused to a vehicle tire on other than the pursued vehicle, it will be documented to include the exact make and size of the tire in an ***incident*** report.

C. Assistant Chief Responsibility

The Assistant Chief will review the MCP 610 to ensure compliance with state law and departmental regulations and then forward it to the ***Policy and Planning Division (PPD)***

D. Collisions

If a collision occurs as a result of the pursuit, a copy of the MCP 610 will be included in each collision report package that is prepared ***and forwarded to the respective district traffic sergeant***.

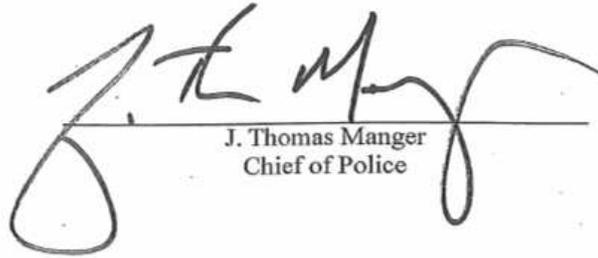
XV. CALEA Standards: 41.2.2., 41.2.3.

XVI. Proponent Unit: FSB Administration

FC No.: 135
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XVII. Cancellation

This directive cancels FC 135, dated 06-11-03.



J. Thomas Manger
Chief of Police