

 <p>City of Dublin POLICE</p>	Policy and Procedure: 303.01
	<b>Pursuit of Motor Vehicles and Forcible Stopping</b>
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	Approved by: Justin Páez, Chief of Police

## PURPOSE

This policy and procedure aims to establish clear direction for officers, communications personnel and supervisors involved in a pursuit and address the conditions under which a pursuit can be initiated and conducted. This policy also addresses the use of forcible stopping techniques.

## POLICY

The Dublin Police Department authorizes pursuits and the implementation of forcible stopping techniques within the guidelines of the procedure outlined in this policy.

## DEFINITIONS

- Moving Road Block: A moving roadblock is defined as a maneuver using police cars in front, in the back, and/or alongside the violator's vehicle to forcibly terminate a pursuit or to stop a vehicle when otherwise warranted by policy.
- Pursuit: When one or more police officers attempt to apprehend a violator in a motor vehicle while lights and sirens are activated, and the violator appears to be trying to avoid apprehension. Officers will be considered in pursuit when, after having activated their emergency lights and sirens and after having exhausted all other appropriate means of communicating their presence and intention, the violator refuses to stop.
- Precision Immobilization Technique: A forced rotational vehicle stop of a non-compliant suspect vehicle.
- Ramming: A maneuver where a police vehicle intentionally strikes a fleeing violator's vehicle (other than a Precision Immobilization Technique maneuver) or deliberately forces the pursued vehicle into a parked car, ditch, or another object with the intent of forcibly terminating a pursuit.
- Serious Physical Harm: Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment; Any physical harm that carries a substantial risk of death; Any physical harm that involves some permanent incapacity, whether partial or total or that involves some temporary, substantial incapacity; Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement; Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain (ORC 2901.01).

- Vehicle Interception: Blocking a suspect vehicle that is slowing, stopped, or beginning to move. A vehicle interception is not a moving roadblock, and vehicles traveling in excess of 10 mph are not considered viable candidates for this technique.

## **PROCEDURE**

- I. **Motor Vehicle Pursuits (CALEA 41.2.2)**: To establish clear direction for officers, communications personnel, and supervisors involved in a pursuit, the following policy will address the conditions under which a pursuit can be initiated and will be conducted. Officers are permitted to pursue fleeing vehicles in the following circumstances:
  - When an officer reasonably believes a crime has occurred that involved the threatened, attempted, or actual infliction of serious physical harm.
  - When an officer reasonably believes an abduction or kidnapping has occurred.
  - When a vehicle is operated by a subject whose threats or actions create or have created a strong probability of serious physical harm to others prior to the initiation of any pursuit.
- A. The necessity for apprehension must outweigh the risk associated with the pursuit.
  - In determining the level of risk, and the decision to initiate or continue a pursuit, the officer(s) and supervisor on duty shall evaluate the following criteria:
    - The reason for the pursuit
    - The speed of the pursuit
    - Is the suspect known?
    - The possibility of apprehension
    - The type of route the pursuit is liable to take (residential streets, freeway, etc.)?
    - The traffic conditions
    - The weather conditions
    - The condition of the police vehicle
    - Are forcible stopping techniques available?
    - Is air support available?
    - Is the pursuing officer alone?
    - Is the assistance of another officer available?
  - Officers engaged in emergency driving in an attempt to catch up to a violator will not be considered to be in pursuit.
  - This policy specifically prohibits members of the Dublin Police Department from "following" a suspect without lights and/or a siren at high speeds or while violating traffic laws. It does not preclude officers from operating as an emergency vehicle (lights and sirens) when responding to a pursuit-related situation requiring an immediate response or using lights and/or sirens to engage in forcible stopping techniques.
  - Due to the risk of injury to the officer(s), violator, and the public, it should be the goal of the agency to bring every pursuit to a safe conclusion as soon as possible. With that

in mind, techniques for stopping the violator, such as those outlined in section II of this policy, may be considered anytime a pursuit is initiated.

**B.** Initiating officers are responsible for ensuring that the following procedures are followed:

- Officers shall use the vehicle's emergency lights, headlights, and siren to warn vehicular and pedestrian traffic.
- Officers may exceed the posted speed limit as long as they drive with due regard for the safety of all persons using the street or highway.
- Officers may proceed cautiously past a red light, stop signal, or stop sign after slowing down as necessary for the safety of traffic, with due regard for the safety of all persons using the street or highway.
- Officers may disregard other regulations specified by law while operating with due regard for the safety of all persons using the street or highway. However, officers shall not pursue a violator on the wrong way of a divided roadway.
- Officers will ensure the following information is accurately and repeatedly transmitted to communications, supervisors, and all officers involved:
  - Reason for pursuit
  - Route of pursuit
  - Description of the suspect, suspect vehicle, etc.
  - The speed of the pursuit
  - Traffic conditions
  - Officer intentions
- Officers shall assume responsibility for coordinating the pursuit until a supervisor takes control.
- Officers shall maintain communications on this agency's frequency unless directed elsewhere by the communications technician or a supervisor.
- Officers shall use body worn and cruiser video/audio recording devices to document the pursuit and any relevant activity thereafter.
- Officers shall terminate a pursuit anytime there is a reasonable belief that the necessity for apprehension does not outweigh the risk associated with the pursuit.

**C.** The responsibilities of the secondary or backup unit include the following:

- Officers shall use the vehicle's emergency lights, headlights, and siren to warn vehicular and pedestrian traffic.
- Officers may exceed the posted speed limit as long as they drive with due regard for the safety of all persons using the street or highway.
- Officers may proceed cautiously past a red light, stop signal, or stop sign after slowing down as necessary for the safety of traffic, with due regard for the safety of all persons using the street or highway.
- Officers may disregard other regulations specified by law while operating with due regard for the safety of all persons using the street or highway. However, officers shall not pursue a violator on the wrong way of a divided roadway.

- Officers will ensure the following information is accurately and repeatedly transmitted to communications, supervisors, and all officers involved.
  - Reason for pursuit
  - Route of pursuit
  - Description of the suspect, suspect vehicle, etc.
  - The speed of the pursuit
  - Traffic conditions
  - Officer intentions
- Officers shall maintain communications on this agency's frequency unless directed elsewhere by the communications technician or a supervisor.
- Officers shall notify the communications technician of their identity.
- Officers shall assume radio communications for the primary unit.
- Officers shall maintain a safe following distance from the primary unit but close enough to render assistance or assume the pursuit if the primary vehicle becomes disabled.
- Officers shall assist in utilizing methods to terminate the pursuit.
- Officers shall use body worn and cruiser video/audio recording devices to document the pursuit and any relevant activity thereafter.
- Officers shall terminate a pursuit anytime there is a reasonable belief that the necessity for apprehension does not outweigh the risk associated with the pursuit.

**D.** Roles and restrictions for the involvement of police vehicles in a motor vehicle pursuit include:

- Only marked police vehicles are authorized to participate in a motor vehicle pursuit, with the following exceptions permitted:
  - Officers operating marked police vehicles that are not pursuit-rated (including utility trucks, the mobile command post, prisoner transport vehicles, and evidence collection vehicles) may only pursue a motor vehicle under the same circumstances outlined in this policy.
  - Unmarked department vehicles will only be permitted to engage in motor vehicle pursuits if equipped with emergency lights and sirens. If an officer operating a non-pursuit-rated vehicle or an unmarked departmental vehicle becomes involved in a motor vehicle pursuit, they shall relinquish involvement in the pursuit as a primary pursuing vehicle as soon as a total of three marked pursuit-rated police vehicles become involved in the motor vehicle pursuit.
- Normally, no more than three marked Dublin police units will become involved in a motor vehicle pursuit. This restriction may be waived if, in the opinion of the on-duty supervisor, circumstances necessitate the involvement more than three marked units.
- This does not prohibit officers from taking action, such as blocking traffic to protect pursuit intersections routes or using stop sticks to attempt to end a pursuit.
- Officers will not pursue a vehicle with a prisoner in their vehicle.

**E.** The responsibilities of the communications technician include the following:

- Initiating an alert tone and a message indicating that the channel is reserved only for the units involved in a pursuit (99 traffic)
  - Immediate notification to the supervisor of the pursuit
  - Obtaining and broadcasting the following information:
    - The unit/units in pursuit
    - A description of the vehicle being pursued
    - The location of the pursuit
    - The direction of travel and approximate speed
    - The reason for the pursuit and any other pertinent information
  - Responding to requests from involved units or supervisor
  - Maintaining radio discipline
  - Keeping involved jurisdictions informed of up-to-date information
- F.** The responsibilities of the on-duty supervisor are primarily to:
- Ensure the pursuit meets the guidelines specified in this policy for allowing a motor vehicle pursuit.
  - Direct and control the pursuit through communications
  - Evaluate methods of identifying the fleeing vehicle/driver
  - Monitor, approve, and/or coordinate tactics used to stop the violator
  - Order the termination of a pursuit if it does not meet the guidelines specified in this policy.
- G.** Pursuits shall be terminated when a pursuit does not meet the guidelines specified in this policy or when the necessity of apprehension does not outweigh the risk associated with the pursuit. Pursuits may be terminated by the pursuing officer(s) or a supervisor at any time. The termination of a pursuit does not prohibit officers from continuing to follow a vehicle while complying with all traffic laws.
- H.** If an officer of this agency starts a pursuit, the communication center shall immediately notify other nearby agencies of the reason for the pursuit, the route of travel, speed, etc. Once a pursuit initiated by our agency enters another jurisdiction, the communications center should request assistance from the agency of jurisdiction to assume the primary pursuit position.
- If the agency of jurisdiction assumes the primary pursuit position, our unit(s) should assume the backup position(s) or perimeter control, as directed by the agency of jurisdiction.
  - If another agency pursues into our jurisdiction, officers will not become directly involved in the pursuit unless the pursuit meets the guidelines specified in this policy for allowing a motor vehicle pursuit, officers are specifically requested to engage in the pursuit by that agency, and the shift supervisor grants approval. This does not prohibit officers from taking action, such as blocking traffic to protect intersections/routes or using stop sticks to attempt to end a pursuit into our jurisdiction.

- I.** At the conclusion of any pursuit our agency initiated or provided direct support for, the primary Dublin officer(s) involved in said pursuit will file a vehicle pursuit report form Part I (Form 303.01 A) detailing the involvement of agency personnel.
- All officers involved in the pursuit shall complete a statement of facts detailing the circumstances and actions involved in and with the pursuit.
  - These forms will provide our agency with a permanent record of the incident and allow for an administrative review of the incident by the agency.
  - Part II of the vehicle pursuit report shall be filled out by the supervisor on duty at the time or by the appropriate Bureau Commander if the supervisor was directly involved in the pursuit. The on-duty supervisor or Bureau Commander will conduct an administrative review of the pursuit as needed.
  - There shall be a sixty-day time limit for completing administrative reviews of motor vehicle pursuits. The Chief of Police may only grant extensions in cases of extenuating circumstances.
  - Part I & Part II of the vehicle pursuit report are then reviewed by the appropriate Bureau Commander and Chief of Police to ensure an adequate review of all motor vehicle pursuits that the agency personnel are involved in were in accordance with previously established department guidelines.
  - This review process also allows the agency to modify its existing policy should circumstances or legal precedents mandate such action.
- J.** The Operations Bureau Commander shall ensure a documented analysis of motor vehicle pursuits is completed annually. This analysis will be based on the information provided in the vehicle pursuit reports to determine any patterns and/or trends that indicate a need for training and/or policy revisions.

**II. Procedures for Implementation of Roadblocks and Forcible Stopping Techniques (CALEA 41.2.3)**

- Forcible stopping techniques include the use of controlled deflation devices, stationary or moving roadblocks, ramming the suspect vehicle, the Precision Immobilization Technique, the use of firearms, or other forcible stopping techniques depending on the circumstances.
- Some of these forcible stopping techniques, as described in the following subsections, are only appropriate when circumstances would justify the use of deadly force.
- Officers in a position to prevent a pursuit may consider utilizing a vehicle interception to block or barricade another stationary or slow-moving vehicle.
- Officers utilizing forcible stopping techniques with their lights and/or siren will not necessarily be considered "in pursuit."
- When practical, officers will advise, via radio, their intention to use any forcible stopping technique.
- The responsibilities of the on-duty supervisor are:
  - To coordinate, monitor and/or approve tactics used to stop the violator
  - To ensure that tactics used meet the guidelines specified in this policy

## **A. Vehicle Interception**

- To prevent or terminate a pursuit, officers may position their vehicles to block the path of another stationary or slow-moving vehicle
- A vehicle is considered slow-moving if it is traveling at 10 mph or lower.

## **B. Controlled Deflation Device**

- Officers may deploy a controlled deflation device at any location in this jurisdiction or on any adjacent roadway if the officer believes the deployment will protect lives or stop a vehicle that refuses to stop for officers.
- Officers may engage in emergency driving with lights and sirens to get into position to use a controlled deflation device while operating with due regard for the safety of all persons using the street or highway.
- Officers may only deploy a controlled deflation device outside of this jurisdiction with the authorization of the on-duty supervisor and in accordance with any requirements of the Mutual Aid provisions.
- Officers may deploy a covert controlled deflation device (i.e., Piranha) on a stationary vehicle to prevent the vehicle from fleeing.

### **C. Moving Roadblock (45 MPH or less)**

- Officers are permitted to use this technique only if they would be permitted to pursue fleeing vehicles.

A moving roadblock is permitted during a pursuit at **speeds up to 45 MPH** when there is a high likelihood that doing so will result in stopping the vehicle without injury.

The use of a moving roadblock prior to the initiation of a pursuit requires the approval of an on-duty supervisor.

- Since a moving roadblock may be extremely hazardous at high speeds, the use of the technique at speeds in excess of 45 MPH will only be permitted when deadly force would be justified.

### **D. The Precision Immobilization Technique (PIT) (45 MPH or less)**

- Officers are permitted to use this technique only if they would be permitted to pursue fleeing vehicles.
- The Precision Immobilization Technique is permitted during a pursuit at **speeds up to 45 MPH** when there is a high likelihood that doing so will result in stopping the vehicle without injury.
- The use of the Precision Immobilization Technique prior to the initiation of a pursuit requires the approval of an on-duty supervisor.
- Since the Precision Immobilization Technique may be extremely hazardous at high speeds, the use of The Precision Immobilization Technique at speeds in excess of 45 MPH will only be permitted when the use of deadly force would be justified.
- Officers may only use the PIT if they have been specifically trained to do so.
- The Precision Immobilization Technique is not considered a ramming technique.

## **E. Ramming the Suspect Vehicle**

- Ramming should only be considered to stop a fleeing vehicle as a last resort and then only in those extreme cases where force is justified to prevent injury or death to the officer or other persons.
- Officers must consider the extreme danger to themselves and other users of the roadway, when considering using this technique.
- Such tactics are only authorized when the use of deadly force would be justified.
- The Precision Immobilization Technique is not considered a ramming technique.

#### **F. Stationary Roadblock**

- As a last resort in those extreme cases where the use of deadly force would be justified, a stationary roadblock may be considered at the direction of, or with the approval of, a police supervisor.
- If a stationary roadblock is established, officers must:
  - Allow the suspect vehicle a reasonable stopping distance.
  - Not place themselves or their vehicle in a position that would jeopardize the safety of the officers involved.
  - Place their vehicles in a position that is reasonably visible to the suspect.
  - Reasonably ensure the safety of non-involved pedestrians and motorists.
  - Reasonably ensure that the roadblock is designed to leave an open path through the restricted area, allowing the suspect to escape injury.
  - If suitable devices such as construction barricades are unavailable, unoccupied police vehicles with emergency lights in operation may be used at the direction of the shift supervisor.
  - To avoid creating an unnecessary hazard to pursuing officers and innocent persons, the barricade should be located in an area that provides a safe stopping distance for oncoming traffic.

#### **G. Use of Firearm**

- Officers shall not discharge a firearm at or from a moving motor vehicle except as the ultimate measure of self-defense, defense of another, or to effect the capture or prevent the escape of a suspect if there is a substantial risk that a person to be arrested will cause death or serious physical harm if their apprehension is delayed.

### **III. Training and Administrative Reporting**

- A.** Sworn agency personnel will receive annual training on this policy, which will consist of, at minimum, a review of the methods for the use of a controlled deflation device, the use of stationary or moving roadblocks, ramming a suspect vehicle, and the use of firearms or other forcible stopping techniques.
- B.** If an officer deploys or attempts to deploy a controlled deflation device, the officer shall complete a Controlled Deflation Form (back of pursuit form) without delay and forward the form along with any damaged controlled deflation device to the supervisor for review.
- C.** Any officer involved in using a controlled deflation device, a stationary or moving roadblock, ramming a suspect vehicle, using the Precision Immobilization Technique, or using a firearm or other forcible stopping technique will complete a statement of facts and forward it to the



supervisor.

- D.** Controlled Deflation Device Forms and forcible stopping technique statements of fact will be reviewed by the appropriate Bureau Commander and Chief of Police to ensure techniques were used in accordance with department guidelines.
- E.** Part II of the form is to be filled out by the supervisor on duty at the time or by the appropriate Bureau Commander if the supervisor was directly involved. The on-duty supervisor or Bureau Commander will conduct an administrative review of the forcible stopping techniques as needed.
- F.** There shall be a sixty-day time limit for completing administrative reviews of forcible stopping techniques. The Chief of Police may only grant extensions in cases of extenuating circumstances.
- G.** These forms will provide our agency with a permanent record of the incident and allow for an administrative review of the incident by the agency. This review process also allows the agency to modify its existing policy should circumstances or legal precedents mandate such action.

**REFERENCE:**

None.

**CROSS-REFERENCE TO FORMS:**

44.2.3: Pursuit Report

**REPLACES:**

General Order 41 (Sections 41.2.2 and 41.2.3)