

ESSEX POLICE DEPARTMENT
Operational Directive



Date Issued: May 25, 1995 May 1, 2000 March 28, 2015	Number: 2.3.1
<p style="text-align: center;">TRAFFIC ENFORCEMENT High-Speed Pursuit</p>	<p style="text-align: center;"> <input type="checkbox"/> New <input type="checkbox"/> Amends <input checked="" type="checkbox"/> Rescinds </p>
Authorized Signature: _____ Chief of Police	
<p><i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i></p>	
Date Implemented:	Review Date:

1.0 PURPOSE

- 1.1 To define and establish guidelines, which will be followed by all members in situations in which apprehension of an individual, will require a high-speed pursuit. High speed pursuit means an active attempt by a law enforcement officer, on duty in a car, to apprehend one or more occupants of a moving motor vehicle, providing the driver of such vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing his/her speed or by ignoring the law enforcement officer's attempt to stop him/her.
- (I) Routine radar operation, which requires short-term pursuit and apprehension, or other short-term vehicle pursuits, i.e., stopping of a speeder or other motor vehicle violator, are excluded from this policy.
- 1.2 Due to each member's dual responsibility to promote public safety and enforce the law, each member carries a tremendous burden in making decisions regarding high-speed pursuits. This policy is not intended to divest each member of his/her own responsibility to make such judgments but rather to recognize the principle that despite the urgency of the pursuit, it is each member's responsibility to weigh the

dangers to innocent parties and at all time to drive with due regard for the safety of others.

2.0 POLICY

- 2.1 Unless a supervisor is not available, a member will notify his/her supervisor and obtain approval from the supervisor as soon as possible after initiating a high-speed pursuit. Notification shall include:
- (I) The reason for the pursuit,
 - (II) The offense,
 - (III) Road and traffic conditions,
 - (IV) Location, direction and approximately speed of the vehicle being pursued,
 - (V) Description of the vehicle and its occupants, if possible.
- 2.2 After being notified, the supervisor shall be responsible for deciding whether or not a high-speed pursuit is authorized.
- (I) In reaching his/her decision, the supervisor will take into account the following factors:
 - A. Offense committed
 - B. Has operator been identified?
 - C. Traffic conditions.
 - D. Weather conditions.
 - E. Capabilities of member.
 - F. Alternatives other than pursuit.
 - G. Is reckless operation by suspect putting others at unacceptable risk?
- 2.3 The supervisor will order that a pursuit be discontinued or continued only at a reduced speed whenever the hazard of its continuance exceeds the relative value of an apprehension.
- 2.4 The supervisor will have the dispatcher do the following:
- (I) Notify other units of the pursuit.
 - (II) Direct other patrol units to communicate car to car when necessary.
 - (III) Notify neighboring jurisdictions of a pursuit approaching their boundaries.
- 2.5 At no time during a pursuit will there be more than one primary vehicle involved.
- 2.6 The closest vehicle in a pursuit shall normally become the primary vehicle and shall remain as the primary vehicle until told otherwise by the supervisor or a situation arises which forces a change.

- 2.7 At no time during a pursuit will there be more than two secondary vehicles involved. Secondary vehicles shall remain not closer than an approximate distance of 25 car lengths behind the primary vehicle until the time of apprehension.
- 2.8 The functions of the secondary vehicles are to assist the primary vehicle in the apprehension of the violator and to continue the pursuit should the primary vehicle be disabled.
- 2.9 The secondary vehicles shall not pass the primary vehicle unless requested to do so.
- 2.10 If the operator of an unmarked vehicle initiates the pursuit, the operator shall turn over the responsibility of the primary vehicle to a marked unit when one becomes involved in the pursuit. The unmarked vehicle may continue as a secondary vehicle.
- 2.11 At all times during a pursuit the blue lights and siren will be activated on both the primary and secondary vehicles.
- 2.12 When it becomes apparent to the operator of the primary vehicle that the danger of accident or injury outweighs the necessity to apprehend the violator, the pursuit shall be discontinued.
- 2.13 The operator of the primary vehicle shall have the option of terminating the pursuit at any time without authorization.
- 2.14 Tactics for stopping the pursued vehicle.
- (I) Boxing-In A running roadblock or the surrounding of a law violator's vehicle with pursuit vehicles which are then slowed to a stop, along with the law violator's vehicle.
- A. The use of boxing-in (with two or more pursuit vehicles) on a limited access highway is permitted when the member believes the violator has committed, attempted to commit, or is attempting to commit a felony and there is a substantial risk that the violator will cause death or serious physical injury to others if apprehension is delayed.
- B. The use of boxing-in (i.e., running roadblocks) on a highway which maintains two-way traffic should only be used if the above criteria in (A) has been met and a safe sight distance can be maintained.
- (II) Ramming The deliberate act of hitting a law violator's vehicle with a pursuit vehicle for the purpose of functionally damaging or forcing the violator's vehicle off the roadway. Ramming shall be considered the use of deadly force and members shall be guided by Section II, Force, Chapter 5, Article I, Use of Deadly Force.

- A. Ramming will only be used as a last resort after all other reasonable means of stopping the violator have failed, and where the member believes the violator has committed, has attempted to commit, or is attempting to commit a felony which involves the use or the threatened use of deadly force, and there is a substantial risk that the pursued law violator will cause death or serious physical injury to others if apprehension is delayed.
- 2.15 Upon approaching intersections, stop or yield signs, traffic lights, and other traffic control devices, primary and secondary vehicles will proceed cautiously and yield the right of way to traffic either unaware of or unresponsive to the siren and blue lights.
- 2.16 A critique of all pursuits shall be made by the members involved with a summary being made by the supervisor which shall include but not be limited to equipment, communications, driving techniques, and any problems encountered. This summary will be given to the Patrol Commander and if deemed appropriate by the Patrol Commander it shall be forwarded to the Chief of Police.
- 2.17 All members will also comply with 23 V.S.A. Sec. 1075(a), which states:

The operator of a motor vehicle, including authorized emergency vehicles under Section 1015, upon meeting or overtaking a vehicle (school bus) marked and equipped as provided in Section 1283 which has stopped on the highway for the purpose of receiving or discharging public or private school children shall stop his/her vehicle immediately and shall keep it stationary while the flashing red signal lights are in operation.

 - (I) Stopped school buses displaying flashing red lights may be passed only after the bus operator has signaled to proceed.
- 2.18 Should a collision result from any pursuit; the supervisor shall notify the Chief of Police as soon as it is practical.
- 2.19 At no time should the department's motorcycle be utilized as a high-speed pursuit vehicle.