



# TIVERTON POLICE DEPARTMENT

<b>SUBJECT:</b> Vehicle Pursuit	<b>GENERAL ORDER NO. 300.10</b>
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NOTE: This written directive is for the internal governance of the Tiverton Police Department, and is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

**INDEX WORDS:** Emergency response, Lethal force, Pursuit, Roadblock, Road Spike  
Tire Deflation Device

## I. POLICY:

In recognition of the dangers the pursuit of fleeing suspects presents to the public, officers, and suspects involved in the pursuit, this policy establishes guidelines to assist officers in the safe performance of their duties while enforcing the laws of the State.

## II. PURPOSE:

To establish guidelines for use during vehicular pursuits.

## III. DEFINITIONS:

A. Attendant Circumstances: Those factors which might affect the decision to continue or discontinue a pursuit which *must* be communicated to the Officer in Charge (OIC):

1. The reason for the pursuit;
2. Location and direction of travel;

3. Speed;
  4. Traffic conditions.
- B. Authorized Emergency Vehicle: All marked and unmarked police vehicles equipped with operable emergency equipment, as designated by State law. A personally owned vehicle is not a police vehicle.
  - C. Back-Up Pursuit Vehicle: A police vehicle that becomes involved as a backup to the primary pursuit vehicle and follows the primary pursuit vehicle at a distance.
  - D. High Speed Pursuit: A pursuit in excess of 15 MPH over the posted speed limit.
  - E. Lethal Force: Force resulting from the use of a firearm or other weapon likely to cause death or serious physical injury with its intended use. Lethal Force is also referred to as deadly physical force.
  - G. Primary Pursuit Vehicle: A police vehicle that initiates a pursuit or any marked police vehicle that assumes control of a pursuit.
  - H. Pursuit: The active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing operator of a moving vehicle who, in the officer's judgment, clearly exhibits a refusal to stop his/her vehicle at the officer's direction and attempts to avoid apprehension through speed or evasive tactics.
  - I. Roadblock: A physical blockage of a roadway with material, equipment or vehicles to stop the operator of a vehicle who is attempting to elude an officer.
  - J. Road spike tire deflation device: A device designed to terminate a pursuit by deflating the suspect vehicle's tires.
  - K. Termination of the Pursuit: When the officer(s) operating the authorized emergency vehicle turns off the vehicle's emergency lights and siren, and immediately reduces his/her speed to no more than the posted or prima facie speed limit.
  - L. Vehicular Intervention: A deliberate striking or contact with a fleeing vehicle by an officer with an authorized emergency vehicle.

#### IV. PROCEDURES:

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- A. Initiation of Pursuit. A pursuit may be undertaken by an officer only after consideration is given to the following factors:
  1. The type of crime or violation committed. A high-speed pursuit or continuation of a pursuit that becomes a high-speed pursuit shall be

limited to those situations that involve:

- a. The attempted apprehension of persons wanted for the commission of felonious and/or misdemeanor acts that threaten, have threatened, or will threaten the health, life or safety of a person or persons; or
- b. The pursuit of a motor vehicle operator who has committed moving motor vehicle violations which have endangered the lives and safety of others, and was operating in a reckless manner before the pursuit was initiated and is continuing to operate in a manner that recklessly endangers the lives and safety of others including, but not limited to, driving under the influence of liquor or drugs.

2. The danger created by the following conditions:

- a. Amount of vehicular and pedestrian traffic;
- b. Location;
- c. Weather conditions;
- d. Condition of road surface upon which pursuit is being conducted;
- e. Time of day;
- f. The officer's knowledge of the road and surrounding area;
- g. Performance capabilities of the pursuit vehicle and the vehicle being pursued;
- h. Any other conditions known to the officer that may be potentially hazardous.

3. A reasonable assessment has been made regarding the potential advantage to law enforcement of apprehending the fleeing operator versus the potential danger to the officer, other users of the highway, innocent bystanders, and the occupant(s) of the fleeing vehicle.

B. Personnel Responsibilities

1. Pursuit Officer Responsibilities – The pursuing officer shall, as soon as practical, notify the dispatcher and/or the Officer in Charge (OIC) that a pursuit has commenced. The pursuing officer shall also advise the dispatcher and/or OIC of:
  - a. The attendant circumstances supporting the pursuit;

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- b. The registration plate number (if known) and description of the fleeing vehicle;
- c. The number of occupants, with descriptions, in the fleeing vehicle.

It shall likewise be the pursuing officer's responsibility to keep the dispatcher and/or the OIC updated about the ongoing status of the pursuit including any significant change in the attendant circumstances or other factors that may affect the decision to continue the pursuit. The pursuing officer may, at his or her discretion, based upon the attendant circumstances, terminate a pursuit at any time.

RI 7.3 c

- 2. Back-up Officer Responsibilities – The back-up officer shall maintain a safe distance behind the primary unit sufficient to provide aid to the primary unit and shall assume the responsibility of keeping the dispatcher and/or the OIC informed of the attendant circumstances.

RI 7.3 d

- 3. Dispatcher Responsibilities – Upon notification that a pursuit is in progress, the dispatcher shall:
  - a. Immediately advise the OIC of the attendant circumstances regarding the pursuit;
  - b. Control all radio communications and clear the frequency in use from all non-emergency radio traffic, except that pertaining to the pursuit;
  - c. Notify other units of the pursuit;
  - d. Notify other departments or jurisdictions via telephone or radio when appropriate;
  - e. Obtain criminal records and vehicle checks of the suspects;
  - f. Coordinate and dispatch back-up assistance under the direction of the supervisor or OIC;
  - g. Continue to monitor the pursuit until it has been terminated.

RI 7.3 e

- 4. Officer In Charge (OIC) Responsibilities – Upon notification that a vehicular pursuit is in progress, the OIC shall, as soon as possible, assume responsibility for monitoring and controlling the pursuit. In controlling the pursuit, the OIC shall be responsible for coordination of the pursuit as follows:

- a. Directing vehicles and/or other support units into or out of the pursuit;
- b. Re-designation of primary, support or other back-up vehicle responsibilities;
- c. Approval or disapproval, and coordination of pursuit tactics;
- d. Approval or disapproval to leave the jurisdiction to continue the pursuit.

The OIC shall continually evaluate the attendant circumstances of a pursuit and, if judgment dictates that the potential and real dangers of the pursuit begin to outweigh the advantage of arresting the fleeing suspect(s), the OIC or superior officer shall have the authority to override a pursuing officer's decision to continue a pursuit and shall order the termination of the pursuit.

RI 7.3 f

C. Termination of the Pursuit

1. The decision to pursue a fleeing vehicle is not irreversible. The decision to terminate a pursuit may be the most rational based on the rapidly evolving, unpredictable, and tense circumstances. The pursuit may be terminated by the pursuing officer, the OIC, or another ranking officer of the pursuing agency.
2. The pursuit shall be immediately terminated in any of the following circumstances:
  - a. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect;
  - b. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile;
  - c. The danger posed by continued pursuit to the public, the officer(s), or the suspect(s), is greater than the value of apprehending the suspect(s).
3. The pursuing officer shall constantly evaluate the advisability of continuing the pursuit.

D. Accidents

1. During a pursuit when either a police vehicle or the pursued vehicle is involved in an accident with an unattended vehicle, fixed object or

highway fixture, the officer will communicate the incident and may continue the pursuit if, in his/her judgment, it is safe to do so, subject to the discretion of the Officer In Charge.

2. During a pursuit when either a police vehicle or the pursued vehicle is involved in a motor vehicle accident with an attended vehicle or any person, the police vehicle will stop to render aid unless another police vehicle can be immediately dispatched or is available to render aid, in which case the police vehicle may continue the pursuit if, in the pursuing officer's judgment, it is safe to do so, subject to the discretion of the Officer In Charge.
3. All other provisions of the Department's "Traffic Accident Investigation" policy shall remain in effect.

E. Pursuit Tactics

1. Unless expressly authorized by the Officer in Charge, no pursuit will be conducted by more than two (2) authorized emergency vehicles, an assigned primary and a back-up vehicle. Officers are not otherwise permitted to join the pursuit team. Officers in the immediate area of the pursuit may position themselves to assist in limiting and/or terminating the pursuit. When the pursuit involves an assisting unit, the second vehicle shall maintain a safe distance behind the primary unit but close enough to provide aid and assume radio communications.
2. The pursuing officers must have emergency lights and siren activated at all times during a pursuit and adhere to the provisions of *R.I.G.L. § 31-12-6* through *§ 31-12-9*. Officers engaged in a pursuit shall, at all times, drive in a manner exercising reasonable care for the safety of themselves and others within the pursuit area.
3. Whenever feasible, only marked police units shall participate in a pursuit. Unmarked cars, police motorcycles, police vans and trucks that initiate a pursuit shall give way, if possible, to the first marked cruiser that joins the pursuit. This marked cruiser will then become the primary vehicle.
4. No officer shall engage in a pursuit while transporting a civilian in a police vehicle.
5. Officers may not intentionally use vehicular intervention unless the use of deadly force would be authorized as described in the Department's *Use of Force* policy, or as enumerated in Section (IV)(F)(1) of this policy.

RI 7.3 h

F. Use of Lethal Force

1. Any use of lethal force must meet the criteria established in the Use of Force Policy. In particular, an officer is authorized to use deadly physical force to protect himself/herself, another officer, or other person(s) when the officer has a reasonable belief that an imminent threat of death or serious physical injury exists to himself/herself, another officer or other person(s), to include effecting the capture of or the prevention of the escape of a subject whose freedom represents an imminent threat of death or serious physical injury, and when all of the following conditions exist:
  - a. The vehicle is being used as a dangerous weapon or a means to effectuate an imminent threat of death or serious physical injury to the officer or another person, or the suspect(s) are using lethal force against the officer or other persons;
  - b. The officer has a reasonable belief that there are no innocent occupants inside the vehicle;
  - c. The officer has a reasonable belief that as a result of taking such action, the lives of innocent persons will not be endangered;
  - d. The officer has clear aim at the suspect(s) in the vehicle, and a reasonable expectation of hitting the suspect(s).
2. Officers shall not discharge their firearms from a moving vehicle.
3. Officers shall not discharge their firearms at a moving vehicle except when it is necessary to neutralize a threat as provided for in Section (IV)(F)(1) of this policy, and then the officer's focus will be to disable that person presenting the threat and not the vehicle of which he/she is an occupant.

G. Roadblocks

RI 7.4 a

1. Roadblocks may be implemented in extraordinary circumstances and only when:
  - a. The use of deadly force is authorized;
  - b. Permission has been received from the Officer in Charge;
  - c. All officers involved in the pursuit have been notified of the location of the roadblock;

- d. There is no civilian traffic in the immediate vicinity of the roadblock or between the roadblock and the vehicle being pursued.

2. Roadblock Provisions:

- a. The Officer in Charge having knowledge of the situation shall determine the type and scope of the roadblock to be established.
- b. Roadblocks shall be established using only authorized emergency vehicles. Officers shall ensure that such vehicles are:
  - 1) Unoccupied when used as blocking vehicles;
  - 2) Parked with emergency lights activated, so as to be visible to the approaching vehicle(s);
  - 3) Parked in a line of sight that would provide the approaching vehicle(s) adequate distance to stop.
- c. Whenever possible, roadblocks should be manned by at least two officers.
- d. Vehicles, fixed objects, or approved equipment that is specifically designed to stop moving vehicles may be used in conjunction with authorized emergency vehicles in effecting a roadblock.
- e. Any officer involved in a roadblock should position himself/herself in an area of safety prior to the approach of the suspect vehicle.
- f. Authorization to terminate a roadblock shall be granted by the Officer in Charge having knowledge of the situation.
- g. Officers shall have training in the use of agency-authorized roadblocks and forcible stopping techniques.
- h. A written report shall be completed whenever a roadblock or a forcible stopping technique is implemented. The Officer in Charge shall complete a "*Pursuit Debrief*" report (utilizing an interdepartmental communication) and forward it through the chain of command for administrative review.

RI 7.4 b

RI 7.4 c

RI 7.4 d

RI 7.3 e, f

H. Road Spike Tire Deflation Device(s):

- 1. Usage:
  - a. A road spike tire deflation device may be utilized only after

permission has been received from the Officer in Charge;

- b. The use of a road spike tire deflation device is not considered an application of deadly/lethal force. They produce a slow, controlled deflation of the pursued vehicle's tires which should not cause the operator to lose control;
  - c. A road spike tire deflation device shall not be used to stop motorcycles, mopeds, or similar vehicles;
  - d. A road spike tire deflation device should not be used in locations where specific geographical features (i.e.: sharp curves, alongside bodies of water, steep embankments, etc.) increase the risk of serious injury to the officer, violator or public;
  - e. Deployment locations should have reasonably good sight distances to enable the officer to observe the pursuit and other traffic as it approaches;
  - f. The officer deploying the road spike tire deflation device should not attempt to overtake and pass a high-speed pursuit in order to position the device.
2. Deployment of the road spike tire deflation device in pursuit situations:
- a. The officer(s) deploying the road spike tire deflation device(s) should take a position of safety as the pursued vehicle approaches;
  - b. The officer(s) shall assemble and position road spike tire deflation device with the nylon cord attached, if practical;
  - c. Connected or disconnected a road spike tire deflation device may be tossed into the path of a pursued vehicle, when time constraints prohibit assembly and placement;
  - d. The officer should immediately notify the dispatcher if the pursued vehicle impacted the road spike tire deflation device(s); if the officer observed any signs of deflation and the direction and operation of the pursued vehicle after the impact;
  - e. As soon as practical after the pursued vehicle impacts or passes by the road spike tire deflation device(s), the officer shall retract or otherwise remove the device(s) from the roadway.
3. Deployment of the road spike tire deflation device in stationary vehicle situations:

- a. A road spike tire deflation device may be used to prevent a vehicle(s) from being moved by a suspect attempting to flee the scene;
  - b. A road spike tire deflation device may be used to prevent movement of a vehicle(s) that is, or possibly will be, used as evidence.
4. Storage and Replacement of road spike tire deflation device(s):
- a. Storage and inspection of the road spike tire deflation device(s) shall be consistent with the Department's *Vehicle Equipment* policy;
  - b. Any road spike tire deflation device(s) that has been deployed and/or damaged and is in need of replacement shall be reported to the Fleet Operations Officer. The Fleet Operations Officer shall be responsible for such replacement.

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I. Inter-Jurisdictional Pursuit

- 1. The pursuing officer shall notify dispatch when it is likely that a pursuit will continue into a neighboring jurisdiction or across the state line;
- 2. Pursuit into a bordering State shall conform to that State's law;
- 3. If the pursuit enters another jurisdiction in Rhode Island, the pursuit policy of the entered jurisdiction shall apply and control and the entered jurisdiction shall have the authority, consistent with its policies, to terminate the pursuit;
- 4. When a pursuit initiated by another agency comes into the municipality, the procedures outlined in this policy shall apply. When a pursuit initiated by another agency leaves the municipality, and that outside agency's pursuing officer is alone, a supervisor may allow other municipal units to follow as back up until such time as another agency becomes available to provide back up;
- 5. When a pursuit enters an interstate highway system and State Police personnel become involved in the pursuit and become the primary pursuit vehicle, then the State Police shall have the authority, consistent with its policies, to terminate the pursuit.

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J. Debriefing and Reporting Requirements

1. Whenever an officer engages in a pursuit, the officer shall be debriefed by the Officer In Charge who, in turn, shall notify the Uniform Division Commander (Captain) of the pursuit.
2. The Officer In Charge shall complete a *Post Pursuit Debriefing Report*, (utilizing an interdepartmental communication) during the debriefing, and promptly forward a copy to the Uniform Division Commander (Captain) for administrative review.
3. All officers involved in a pursuit shall complete a written report detailing the officer's involvement in the pursuit.
  - a. The primary pursuing officer shall include the reason for initiation of the pursuit and, if applicable, the basis for terminating the same.
  - b. The Officer In Charge shall include the factual basis for continuing or terminating the pursuit, as well as any factual basis for any decision made in the course of the pursuit.
4. Consistent with the Department's *Use of Force* policy, a *Use of Force Report* form shall be submitted by any officer who:
  - a. Uses vehicular intervention during a pursuit;
  - b. Uses a road spike tire deflation device or a roadblock that results in damage to any vehicle or when the use of such techniques plays a direct role in the apprehension of suspects.
5. The Department shall annually complete a documented analysis of its police pursuit reports and identify any additions, deletions, or modifications warranted in this policy.

RI 7.3 j

V. PROVISIONS:

- A. Officers shall receive periodic in-service training in the Department's *Vehicular Pursuit* policy.
- B. Officers shall receive training in the use of the road spike tire deflation device, prior to their use of the system and in agency-authorized roadblocks.