


JOPLIN POLICE DEPARTMENT	12-10 STANDARD OPERATING GUIDELINE
SUBJECT: Vehicle Pursuits	REVIEW DATE: Annually - December
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I. POLICY

All personnel operating department vehicles shall exercise due regard for the safety of all persons: protection of life is the paramount goal of the department. No task, call, or incident justifies disregard of public safety. Pursuits represent a dangerous and difficult task that receives much public and legal scrutiny when accidents, injuries, or death result. Pursuing officers and supervisors must justify their actions and, once they have decided to pursue, continuously evaluate the safety of their actions. Further, forcible measures to stop a fleeing driver, as detailed below, are prohibited except where deadly force is appropriate.

II. PURPOSE

To establish procedures governing the operation of police vehicles and responsibilities during pursuits.

III. DEFINITIONS

A. Authorized emergency vehicle

A vehicle owned by the City of Joplin that is equipped with a siren and at least one lighted lamp displaying a red light, or red and blue light, visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

B. Boxing in

A deliberate tactic by two or more pursuit vehicles to force a pursued vehicle in a specific direction or to force it to reduce speed or stop by maneuvering the pursuit vehicles in front of, behind, or beside the pursued vehicle.

C. Caravanning

Direct participation in a pursuit by department vehicles other than the primary and authorized support vehicles.

D. Emergency equipment

At least one red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle and a siren. *Missouri Revised Statutes* §§ 304.022 and 300.100. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.

E. Primary pursuit vehicle

Normally the department vehicle that begins the pursuit or the vehicle closest to the fleeing suspect. The primary pursuit vehicle may be re-designated by order of the on-duty patrol supervisor.

F. Pursuit driving

An active attempt by an officer in an authorized emergency vehicle to apprehend a suspect who is fleeing or evading apprehension, provided the officer reasonably believes that the suspect is refusing to stop and is willfully fleeing capture by high-speed driving or other evasive maneuvers. Pursuits shall be conducted only with activated emergency equipment as defined in *Missouri Revised Statutes* §§ 300.100 and under circumstances outlined in this order. An attempt to stop a vehicle that is not fleeing, or attempts to stop a vehicle that is refusing to stop while still obeying traffic control devices and not exceeding the speed limit by more than ten miles per hour is not a pursuit.

G. Risk

The degree of danger or hazard to the public or officers.

H. Roadblock

Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect. (41.2.3)

I. Support vehicles

The second or additional department vehicles, participating in the pursuit, which follows the primary pursuit vehicle at a safe distance and helps the primary one once the suspect vehicle has stopped, or which can assume the primary role if circumstances dictate.

IV. PROCEDURES FOR PURSUITS

A. Justification for pursuit

1. A Joplin Police Officer may initiate a vehicular pursuit when the following criteria are met:
 - a. An offense has been committed in violation of city ordinance or applicable state statutes; and
 - b. The suspect operating the violator vehicle refuses to stop at the direction of the officer, once apparently aware of the officer's presence; and
 - c. The suspect exhibits the intention to avoid apprehension through evasive or unlawful tactics, or when he is otherwise driving in a manner that requires pursuit driving in order to apprehend; and
 - d. The Joplin Police Officer is operating an authorized emergency vehicle.

B. Considerations for engaging in pursuit (41.2.2 A)

1. Officers shall not operate a vehicle at a rate of speed that may cause loss of control. The department expects an officer to end the pursuit whenever the safety risks outweigh the need for immediate apprehension.
2. Officers should be aware that the courts might hold them criminally and civilly responsible for a pursuit conducted in a negligent manner. Therefore, officers must exercise sound judgment and carefully consider the seriousness of the offense, the possible consequences, and the safety of citizens. Such considerations include the following:

- a. The nature of the violation.
- b. The possibility of apprehension without pursuit.
- c. The environment of the pursuit, e.g., a residential area, school, business district, or a limited-access highway, and the related street and traffic conditions.
- d. The number of citizens and their distribution within the environment of the pursuit, such as population density, bystanders, people in vehicles, children at play or going to or from a school.
- e. The officer's familiarity with the area.
- f. The weather conditions.
- g. Lighting (visibility).
- h. Time of day, day of week, and season.
- i. Speeds involved.
- j. Condition of the vehicles involved, including the pursuing vehicle.
- k. The capabilities, limitations, mental state of the drivers involved, if known.
- l. The safety of the officers, and occupants of the pursued vehicle.
- m. The suspect has been identified, or there is a possibility of identifying him/her at a later time.
- n. There are civilians {Persons other than on duty Joplin officers} in the police unit (see IV.G.9).
- o. The suspect, if allowed to flee, would present an imminent danger of serious injury to himself or others.

C. Primary officer responsibilities (41.2.2 B)

1. The officer's primary responsibility in a pursuit is the safe operation of the vehicle. A pursuit will be initiated/continued only when the danger created by the possible escape of the fleeing violator outweighs the danger created by the high-speed pursuit, and no reasonable alternative exists.
2. The pursuing officer shall activate headlights and all emergency equipment upon initiating pursuit.
3. The pursuing officer shall immediately notify communications center personnel that a pursuit is underway. The officer shall provide communications center personnel with the following information: (41.2.2 E)
 - a. Unit identification
 - b. Location, speed and direction of travel of the fleeing vehicle.
 - c. Description and license plate number, if known of the pursued vehicle.

- d. Number of occupants in the fleeing vehicle, including descriptions, where possible.
 - e. Offense for which pursuit is occurring.
 - f. Officers shall continually update the appropriate information to communications personnel.
4. Officers engaged in pursuit shall at all times drive in a manner exercising due regard for the safety of themselves and all other persons and property within the pursuit area.
 5. Officers are permitted to suspend conformance with normal traffic regulations during pursuits as long as both of the following conditions are met.
 - a. Officers remain in compliance with state statutes, and Department rules and regulations regarding emergency vehicle operations.
 - b. Officers exhibit due regard for public safety.
 6. The primary unit shall control tactical operations and will be responsible for broadcasting radio communications until a secondary pursuing officer becomes directly involved in the pursuit. The secondary pursuing officer will then take those responsibilities so that the primary unit can concentrate on pursuit driving.
 7. The primary unit and any secondary units shall maintain an adequate following distance to ensure adequate reaction and braking time.
 8. When approaching or entering an intersection controlled by any signal or marker, all officers shall slow their vehicle to a speed that would allow them to bring the vehicle to a complete stop prior to entering the intersection, if necessary. Even where a signal or marker gives officers right-of-way, officers shall enter the intersection at speeds that allow full control of their vehicle.
 9. There shall be no pursuit immobilization technique [PIT] used against a pursued vehicle unless, based on the existing circumstances, the use of deadly force would be justified.
 10. An unmarked unit serving as a primary unit will relinquish the pursuit to a marked unit as soon as possible. An unmarked unit may serve as a secondary unit only if no other marked unit is available to so serve. (41.2.2 D)
 11. Neither motorcycle units nor all-terrain vehicles (ATV) shall initiate or participate in pursuits. (41.1.3 A, D)
 12. The primary pursuit unit shall reduce its role in a pursuit to that of a secondary or back-up unit where: (41.2.2 D)
 - a. Another vehicle has been assigned primary pursuit responsibility by a supervisor.
 - b. The primary unit is an unmarked unit and the secondary unit is a marked unit.

D. Supervisor's responsibilities (41.2.2 F)

1. The on-duty supervisor shall monitor the pursuit by ensuring compliance with department policy, directing officers to join or abandon pursuit, re-designating primary and support pursuing vehicles if necessary, approving or directing pursuit tactics, and terminating the pursuit. The supervisor shall:
 - a. Ensure proper radio channels and procedures are in use.
 - b. Ensure tactics conform to department policy.
 - c. Ensure only necessary number of units are involved.
 - d. Ensure allied agencies are notified.
 - e. Consider aborting the pursuit if cause exists.
2. The on-duty patrol supervisor shall monitor the pursuit and shall proceed to the termination point of the pursuit and provide appropriate assistance and supervision at the scene. The supervisor may end the pursuit at any time that he or she feels circumstances warrant.
3. No more than two department vehicles may pursue a fleeing suspect without the specific authorization of the on-duty supervisor. In authorizing additional department vehicles to pursue, the supervisor shall consider:
 - a. The nature of the offense.
 - b. The number of suspects.
 - c. The number of officers currently participating as primary or support vehicles.
 - d. Any injuries or property damage already sustained as a result of the pursuit.
 - e. Any other clear, articulated facts that would justify the assignment of additional department vehicles.
4. After the incident, the supervisor shall critique the pursuit with all of the officer's involved and direct participants to submit reports. The supervisor will complete the Police Pursuit report at that time (see attached form).
5. Upon termination of the pursuit, the supervisor shall make any necessary notifications to the command staff.
6. When the pursuit begins during one shift and continues into the next shift, the on-duty supervisor at the time the pursuit was begun will retain authority over the pursuing officers of the department for the duration of the pursuit.
7. The supervisor may direct the use of tire-deflation devices, as appropriate. See paragraph E 9 below.

E. Supporting officers' responsibilities (41.2.2 C)

1. No other unit should engage in the pursuit until requested by a supervisor or the initiating officer, if no supervisor is available.
2. Back-up units shall be limited to one unit unless otherwise specified by a supervisor or the initiating officer, if no supervisor is available.

3. Back-up units shall abide by the same guidelines as the primary unit unless otherwise directed by a supervisor.
4. There shall be no units paralleling the pursuit route, or caravanning in the pursuit.
5. No unit shall pass another unit involved in the pursuit unless specifically requested to do so or if otherwise considered necessary as an emergency matter.
6. All units involved in the pursuit should operate on the standard radio channel.
7. Normally the first back-up unit to respond shall help the primary officer in pursuing the suspect and making the arrest. The secondary pursuing officer is responsible for broadcasting the progress of the pursuit and controlling the pursuit tactics. The secondary officer must also alert other officers of the probable route of travel. By handling these communications responsibilities, the primary officer can focus attention on the pursuit driving.
8. Upon request of the primary unit, or in the event that the primary unit is disabled or unable to continue the pursuit, the back-up unit shall assume the responsibilities of the primary unit.
9. Tire-deflation devices may be deemed appropriate to stop a pursuit and may be set up by supporting officers. Only officers trained in their use shall use these devices and, when circumstances and time permit. (41.2.3 A, B, C, D)
 - a. Storage The device will be carried in the officer's patrol car
 - b. Use The decision by an officer or supervisor involved in a pursuit to deploy the road spikes shall be made after giving considerations to the principles outlined in this Standard Operating Guideline as it applies to pursuits. If circumstances and time permit, prior approval from a supervisor should be sought before deploying road spikes to terminate a pursuit.
 - c. It is imperative that all officers involved are aware of the exact location of deployed road spikes, so they can slow in time to allow the removal of the device after the suspect's vehicle crosses it. Measures should be taken to divert other traffic from the area to prevent unnecessary damage to other vehicles.
 - d. Road spike devices will not be used when the pursuit involves motorcycles, three wheeled vehicles or all terrain vehicles.
 - e. The officer who deploys the device should remove it immediately after the suspect vehicle crosses it. The suspect vehicle will be slowing rapidly and the pursuing officer should be prepared to take evasive action to avoid contact with the suspect's vehicle.
 - f. As training indicates, "Never wrap the rope around your hand and always stay clear to avoid becoming tangled with the attached rope.
 - g. It will be the responsibility of both the officer and shift supervisor for training in the use of the device. Officers will be familiar with the operation of the device assigned to them. No officer will use this device without first receiving training.

F. Dispatchers' Responsibilities (41.2.2 E)

1. Clear the channel on which the primary unit is operating for emergency traffic only.
2. Notify the primary units' field supervisor.
3. Relay direction and location information.
4. Assist, as directed by the field supervisor, in directing the secondary unit to the pursuit.
5. Alert all nearby agencies of the pursuit.
6. Query for license plate information and any outstanding wants/warrants.

G. Rules of pursuits

1. Officers shall not intentionally ram, bump, or collide with a fleeing vehicle nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle unless deadly force is authorized under the given circumstances
2. Boxing-in shall be performed **only** at low speeds and under the direct authorization of the on-duty supervisor. [Note: For this tactic to be employed, more than two pursuit vehicles must be involved.]
3. Caravanning is prohibited.
4. Firing at, or from a moving vehicle is prohibited **except** where the officer reasonably believes that:
 - a. An occupant of the other vehicle is using, or threatening to use, deadly force by a means other than the vehicle; OR
 - b. A vehicle is operated in a manner deliberately intended to strike an officer or a citizen and all other reasonable means of defense have been exhausted (or are not present), including moving out of the path of the vehicle, and the safety of innocent persons would not be unduly jeopardized by the officer's action.
 - c. To protect the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily injury.
 - d. To prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others should escape occur.
 - e. Officers shall not fire at or in the direction of a vehicle that no longer poses an immediate threat. Consideration should be given to all factors found in section IV, B.
5. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the officer shall stop, give his or her location, and continue efforts to apprehend on foot. Circumstances may dictate, however, a continued pursuit in a vehicle. Support vehicles shall be dispatched in close proximity to offer assistance. The pursuing officer should be cautious, however, that the pursued vehicle might carry other persons who might assault the pursuing officers.

6. If the on-duty supervisor orders the pursuit to end, then the primary and supporting pursuing officers shall cease immediately. Also, the pursuing officer(s) shall end the pursuit if at any time during the course of the pursuit he or she loses sight of the fleeing vehicle for more than a few seconds.
7. The use of a stationary roadblock shall be authorized only by the chief of police. In the absence of the chief of police, the next officer in command must directly authorize this measure. The use of a roadblock constitutes the use of deadly force. The decision to erect a roadblock must consider: (41.2.3 A, B, D)
 - a. The safety of officers.
 - b. The risk of physical injury to the occupants of the pursued vehicle.
 - c. The protection of citizens and their property.
 - d. The nature and severity of the offense(s) involved.
8. A roadblock must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify the dispatcher of its precise location. All participating officers must be aware of the roadblock and have acknowledged this awareness before it is constructed. Further, no personnel shall remain in blocked vehicles, and an avenue of escape shall be provided. (41.2.3 B)
9. If a civilian is in the department vehicle at the beginning of a pursuit situation, ideally that officer should not pursue and turn the pursuit over to another officer. When another officer is not available and it is imperative that the vehicle be pursued, the officer should first deposit the civilian at an appropriate, safe location and notify dispatch to have the observer picked up.
10. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit shall use a different siren-sound selection, if circumstances and safety permit. The use of different siren-sound combinations can help the primary and secondary vehicles hear one another and alert motorists and bystanders that two vehicles are operating under emergency conditions.
11. Officers involved in a pursuit shall not try to overtake or pass the suspect's vehicle unless a box-in technique has been authorized.
12. Intersections are a particular source of danger. When approaching an intersection where signal lights or stop signs control the flow of traffic, officers shall:
 - a. Slow their vehicle to a speed that would allow them to bring the vehicle to a complete stop prior to entering the intersection, if necessary.
 - b. Resume pursuit speed only when safe. When using emergency lights, siren, and headlamps, the officer is requesting the right of way and does not absolutely have the right to run a red traffic light or stop sign.

H. Out-of-jurisdiction pursuits (41.2.2 H)

1. Pursuits beyond the local jurisdiction require the direct approval of the on-duty supervisor and, if approved, shall be conducted according to this order. The dispatcher shall notify the appropriate jurisdiction of the pursuit and request help.

2. If a pursuit enters another agency's jurisdiction, the following will apply:
 - a. The primary officer will advise communications that the pursuit is entering another agency's jurisdiction.
 - b. The supervisor, or in the absence of a supervisor, the primary officer handling the pursuit will evaluate the entire incident and make the decision whether to let the pursuit continue or terminate.
 - c. Communications personnel will notify the involved jurisdiction.
3. Once the pursuit has entered another jurisdiction, if officers from that jurisdiction enter the pursuit, department officers shall cease their emergency driving unless circumstances require their continued pursuit (i.e. only one officer from the other jurisdiction and the Joplin officer is required for back-up). When ceasing the pursuit, the officer shall turn off emergency equipment, and may follow the pursuit while observing all posted speed limits and traffic control devices.
4. When the fleeing suspect is apprehended in another State, the suspect cannot be transported back to Missouri without first going through an extradition process. The suspect will be arrested by officers within the jurisdiction of the State in which he/she is captured and transported by them to their jail. It will be necessary for the pursuing Joplin officer to ensure that a warrant is issued from a court within the appropriate Missouri jurisdiction (Newton or Jasper County) and ensure that a teletype is sent to the apprehending jurisdiction as soon as possible, acting as a detainer.
5. If officers from another jurisdiction pursue a suspect into our jurisdiction, Joplin officers shall enter the pursuit **only** if the other agency specifically requests help **and** the on-duty supervisor approves our participation. Any non-pursuit assistance (including apprehension of a stopped suspect) may be provided as the circumstances dictate.
6. If Joplin units join the pursuing agency and the pursuing agency's back-up unit arrives to assist, Joplin units will terminate active pursuit, unless otherwise instructed by a supervisor.
7. When a fleeing suspect from another jurisdiction is apprehended within the city limits of Joplin, the on-duty supervisor shall confer with the other jurisdiction to determine which shall maintain custody of the suspect.

V. TERMINATING PURSUITS (41.2.2 G)

- A. This order has noted the necessity for a pursuing officer to continuously evaluate the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the officer can make.
- B. Officers **shall discontinue** a pursuit under the following circumstances:
 1. The on-duty supervisor orders it.
 2. The pursuing vehicle experiences an equipment or mechanical failure that renders the vehicle unsafe for emergency driving.
 3. The pursued vehicle has outdistanced the pursuing officer such that its location is not known.

4. A person has been injured during the pursuit and no medical or department personnel are able to provide help.
5. The pursuing officer perceives a clear, unreasonable danger to officers, the fleeing suspect, or the public, and the danger created by continuing the pursuit outweighs the value of apprehending the suspect **at the time**.

VI. FOLLOW-UP REQUIREMENTS (41.2.2 I, 41.2.3 E)

- A. The on-duty supervisor shall ensure that all participating officers document their involvement prior to ending their tour of duty whether or not the suspect was stopped. Copies of related cases will be attached to the pursuit report. The supervisor will ensure that the officer(s)' report includes all the pertinent information including the following:
 1. The names of participating officers.
 2. A narrative description of where the pursuit began and under what circumstances (including the weather conditions and road description), where it ended and under what circumstances, at what speeds, and the duration of the pursuit.
 3. A description of the tactics used to stop the suspect's vehicle, including the use of tire-deflation devices, and an evaluation of their effectiveness.
 4. Any observations on the behavior or actions of the fleeing driver that may support additional criminal charges.
 5. A description of how the suspect was apprehended and the force-measures employed.
 6. A description of property damaged or an account of injuries sustained during the pursuit.
 7. The offenses for which the suspect was charged.
- B. After receiving the after-action reports, a supervisor will route copies of them through the proper channels.
- C. All reports will then be submitted to the pursuit review board to ensure that the pursuit was within guidelines set forth in policy and forwarded to the Office of Internal Affairs.
- D. Annual Pursuit Report - The Office of Internal Affairs will submit to the Chief of Police, an annual analysis report on police pursuits initiated by the department. This report is used to identify compliance with the department pursuit policy. (41.2.2 J, 41.2.3 E)

VII. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action as described in the City of Joplin's Personnel Rules or the Joplin Police Department's Rules and Regulations and General Orders. Members of the Joplin Police Department, while assigned to or assisting other agencies shall comply with this policy.

VIII. APPLICATION

This document constitutes department policy, is for internal use only, and does not enlarge an employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense, with respect to third party claims insofar as the employee's legal duty as imposed by law. Violations of this policy, if proven, can only form a basis of a complaint by this department, and then only in a non-judicial administrative setting.

Joplin Police Department Pursuit Report

Officers[s] involved: _____

Supervisor: _____

Date: _____

Other Police units involved: List Car Number(s) _____

1: Factors in pursuit decision: The following factors, although not all inclusive, are some considerations in the decision to initiate, continue or terminate a pursuit:

A. Nature of violation: _____

B. Beginning time: _____ Ending time: _____

C. Weather conditions: _____

D. Road conditions: _____

E. Geographic location: _____

F. Pedestrian/Vehicular traffic: _____

G. Familiarity with area: _____

H. Non-Joplin/civilian persons in police unit: _____

I. Has suspect been identified: YES NO Comments: _____

J. Has vehicle been identified: YES NO Comments: _____

K. Is pursuit necessary, explain: _____

L. The subject, if allowed to flee, would present immediate danger of serious injury to themselves or others: _____

M. The possibility of identifying the suspect at a later time: _____

N. Minimum speed: _____ Top speed: _____

2: Vehicle Pursuit

A. Beginning and end location of pursuit: _____

B. Emergency equipment activated: _____

C. Was contact lost with suspect vehicle: YES NO How long: _____
Comments: _____

D. Was pursuit terminated: YES NO Comments: _____

E. Who terminated pursuit: _____

F. Did pursuit enter another jurisdiction? Yes No Details: _____

G. Did primary pursuit unit relinquish position to another agency: YES NO
Comments: _____

H. Name of agency[s] and officer involved: _____

