

BERLIN POLICE DEPARTMENT
BERLIN, MARYLAND

SUBJECT: VEHICULAR PURSUIT		NO: 400 E-3
APPROVED/EFFECTIVE DATE May 12, 2003/Oct 9, 2003	AMENDS	RESCINDS:
DISTRIBUTION/DATE October 9, 2003	REFERENCES: IACP Model Policy on Vehicular Pursuits/ Ocean City Police 2003 General Orders	

- .10 Vehicle pursuit of fleeing suspects presents a danger to the lives of the public, officers, and suspects involved in the pursuit. The decision to engage in a pursuit is critical and should not be made lightly. Officers must remember that the pursuit must never create more of a risk than that originally posed by the suspect. Officers will continually weigh the risk of the pursuit against the original risk and terminate the pursuit if circumstances warrant.
- .20 A vehicle pursuit occurs when a police officer operating an emergency vehicle with both lights and siren activated is attempting to apprehend a fleeing suspect who exhibits evasive tactics. Such tactics include but are not limited to: sudden acceleration, erratic lane changes, disregard for traffic control devices or turning off lights. High speed without other factors does not create a pursuit. Low speeds do not negate a pursuit if evasive tactics are exhibited.
1. Vehicles transporting prisoners, civilians or non-sworn personnel shall not be used in vehicular pursuits.
 2. Officers operating unmarked vehicles or while in a non-uniformed capacity may engage in pursuits for serious crimes only. Crimes which fall into this category are crimes against persons which pose a serious and immediate threat to society. The pursuing officer should be able to articulate the reason a particular suspect posed such a threat.

- C. Officers operating unmarked vehicles or while in a non-uniformed capacity who are engaged in a pursuit will advise Communications of their status. The supervising manager of the pursuit will cause a uniformed officer in a marked vehicle to take over the pursuit as soon as possible.
- .30 When a department vehicle is engaged in a pursuit, the duties and responsibilities of the officer shall be strictly adhered to, as enumerated in the "Transportation Article, Section 21-106."
- .40 The decision to engage in a pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
- .50 An officer may engage in a vehicular pursuit when **ALL** of the following criteria are met.
1. The suspect exhibits the intention to avoid arrest by using a vehicle to flee apprehension for an alleged felony or misdemeanor that would normally require a full custodial arrest; and
 2. The suspect operating the vehicle refuses to stop at the direction of the officer; and
 3. The suspect, if allowed to flee, would present a danger to human life or cause serious injury.

The only traffic violations, which shall meet this criterion, are alleged offenses for:

- 1) Driving while intoxicated or under the influence of alcohol and/or drugs;
- 2) Failure to stop and remain at the scene of a fatal, personal injury, or property damage accident.
- 3) Unauthorized use of a motor vehicle.

- .60 The factors to be considered and weighed in deciding whether to initiate a pursuit are:
1. The condition and performance capabilities of the pursuit vehicle;
 2. The condition of the road surface upon which the pursuit is being conducted;
 3. The amount of vehicular and pedestrian traffic in the area; and
 4. Weather conditions.
- .70 When a pursuit begins, the pursuing officer shall immediately notify the dispatcher that a pursuit is underway. The officer shall provide the dispatcher with the following information:
1. Unit identification;
 2. Location and direction of travel of the fleeing vehicle;
 3. Description and license plate number, if known, of the fleeing vehicle;
 4. Number of occupants in the fleeing vehicle, and descriptions, where possible; and
 5. Reasons supporting the decision to pursue.
- .80 Failure to provide this information to the dispatcher may result in an immediate decision by a field supervisor to order its termination.
- .90 In the event that an officer is involved in an automobile accident during the course of a vehicle pursuit, the officer shall immediately terminate the pursuit and take proper action as is required by the "Maryland Transportation Article," and all other departmental orders and directives unless:

1. The person being pursued is a dangerous felon;
 2. No unit is available to assume the pursuit for the unit involved;
 3. Damage to the unit is minor and it can still be operated without danger; and
 4. There are no apparent injuries as a result of the accident.
- .100 During a pursuit the commanding officer/field supervisor shall:
1. Assume responsibility for the monitoring and control of the pursuit as it progresses; and
 2. Continuously review the incoming data to determine whether the pursuit should be continued or terminated.
- .110 In controlling the pursuit incident, the supervisor shall be responsible for coordination of the pursuit as follows:
1. Directing pursuit vehicles into or out of the pursuit;
 2. Redesignation of primary, support or other back-up vehicle responsibilities;
 3. Approval or disapproval and coordination of pursuit tactics; and
 4. Approval or disapproval to leave jurisdiction to continue pursuit.
- .120 The supervisor may approve and assign additional back-up vehicles to assist the primary and back-up pursuit vehicles based on analysis of:
1. The nature of the offense for which pursuit was initiated;
 2. The number of suspects and any known propensity for violence;

3. The number of officers in the pursuit vehicles;
4. Any damage or injuries to the assigned primary and backup vehicles and officers;
5. The number of officers necessary to make an arrest at the conclusion of the pursuit; and
6. Any other clear and articulable facts that would warrant the increased hazards caused by additional pursuit vehicles.

.130 The following are traffic regulations during a vehicular pursuit:

1. Each unit authorized to engage in vehicular pursuit shall be required to activate headlights and all emergency vehicle equipment prior to beginning pursuit;
2. Officers engaged in pursuit shall at all times drive in a manner exercising reasonable care for the safety of themselves and all other persons and property within the pursuit area; and
3. Officers are permitted to suspend conformance with normal traffic regulations during pursuit as long as reasonable care is used when driving in a manner not otherwise permitted, and the maneuver is reasonably necessary to gain control of the suspect.

.140 Officers, while engaged in an actual pursuit, shall follow at a distance to enable them to avoid collisions with the suspect vehicle should the suspect vehicle lose control or become involved in an accident.

.150 Unless expressly authorized by the supervisor, pursuit shall be limited to two (2) vehicles: the assigned primary unit and a back-up unit. Officers are not otherwise permitted to join the pursuit team or follow the pursuit on parallel streets.

- .160 Officers may not intentionally use their vehicle to bump or ram the suspect's vehicle in order to force the vehicle to a stop.
- .170 Officers shall not attempt to pull alongside or in front of a vehicle being pursued in an effort to terminate the pursuit. Officers shall not construct any type of roadblock this creates unnecessary risk to both the officers and suspect being pursued.
- .180 A decision to terminate pursuit may be the most rational means of preserving lives and property of both the public, and the officers and suspects engaged in pursuit. Pursuit may be terminated by the pursuing officer, supervisor, or the Chief of Police.
- .190 Pursuit shall be immediately terminated in any of the following circumstances:
 - 1. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect;
 - 2. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile; or
 - 7. The danger posed by continued pursuit to the public, the officers or the suspect is greater than the value of apprehending the suspect.
- .200 When a pursuit is terminated, the pursuing officer shall relay this information to the dispatcher, along with any further information acquired which may assist in an arrest at a later date.
- .210 If a pursuit occurs and continues into another jurisdiction with additional police vehicles joining, only the primary vehicle shall remain outside the jurisdiction. All other Berlin units shall return to Berlin. The primary unit shall surrender the pursuit to the agency of the jurisdiction in which the pursuit continues.

- .220 The supervisor shall prepare an analysis of the pursuit before ending his/her tour of duty, and forward it to the Chief of Police.
- .230 The objective of a high speed pursuit is never to "catch" a suspect vehicle, but to maintain a line-of-sight on a suspect vehicle so the pursuing officer can be present at the pursuit's termination and apprehend the suspect. This objective cannot be accomplished without due regard for the safety of the officer, the public and the suspect.