

# **Model Use of Force Policy Beta Release Version 1.0**

## **Chapter 6:**

### **Vehicle Pursuits and Tactical Apprehensions**

**October 13, 2022**

## **OVERVIEW**

This Chapter covers vehicle pursuits and tactical apprehensions. The Chapter establishes a clear threshold for authorizing vehicle pursuits, which include a requirement of significant law enforcement objectives and consideration of the substantial risks presented by a pursuit. Even when a vehicle pursuit is authorized, this Chapter sets forth requirements for the manner and conduct of the pursuit and prioritizes supervision, communication, and coordination. This Chapter also prohibits specified types of intervention tactics and restricts other types. In addition, this Chapter establishes a mechanism for officers to proceed with an apprehension of suspects in a moving vehicle or under circumstances that do not meet the criteria for a vehicle pursuit, through moving surveillance/tactical apprehension.

This Chapter includes a High-Level Policy Summary outlining the overarching principles of the Chapter, the full Policy Language, a Supporting Memorandum providing the policy rationale and guidance, and a Comparison Memo Summary that compares this Chapter to certain other national, state, and local-level policies.

## **PART 1: HIGH-LEVEL POLICY SUMMARY**

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1. Vehicle Pursuits present substantial dangers to the public, officers, and the subjects of a pursuit. Because they can cause injury or death to officers, subjects, and bystanders, they require strong justification and must be conducted in accordance with this policy.
2. Vehicle Pursuits are permitted only where (1) an officer has probable cause that an occupant of the Eluding vehicle has committed or attempted to commit a Crime of Violence, (2) the subject's escape would pose an imminent threat of death or serious bodily injury to the officer or to another person; (3) the Vehicle Pursuit can be safely undertaken based on identified factors; and (4) the officer receives supervisory approval before initiating the Vehicle Pursuit.
  - a. The act of Eluding alone does not justify a Vehicle Pursuit.
  - b. When circumstances do not meet the criteria for a Vehicle Pursuit, the circumstances nonetheless may support the use of moving surveillance or a Tactical Apprehension.
3. Officers may not undertake a Vehicle Pursuit based solely on the observation that the driver is engaged in the act of Eluding.
4. Officers must activate their body-worn and/or car-mounted cameras for a Vehicle Pursuit.
5. Officers are restricted as to the number and types of police vehicles that can be involved in a Vehicle Pursuit and the conduct of a pursuit.
6. Supervision, communication and coordination are crucial to a Vehicle Pursuit. Officers must involve central communications from the beginning and central communications must stay involved throughout the pursuit. A Controlling Supervisor is responsible for monitoring the pursuit's progress and overseeing the pursuit.
7. Specified highly dangerous intervention tactics, such as discharging a firearm in an effort to stop an Eluding vehicle, are expressly prohibited. Other types of intervention tactics may be used only if (1) the officer has reason to believe that the continued movement of the Eluding vehicle would place others in imminent threat of death or serious bodily injury; (2) the apparent risk of harm, if the Eluding vehicle continues to flee, is so great as to outweigh the apparent risk of harm involved in the forcible stop; and (3) the officer obtains a supervisor's permission to use intervention tactics.

## **PART 2: POLICY LANGUAGE**

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### **6.100 – General Considerations and Definitions**

#### **A. General Considerations:**

1. Vehicle Pursuits (as defined below) can present substantial dangers to the public, officers, and the subjects of a pursuit. They can cause injury or death to officers, subjects, and bystanders. This Department's goal is to preserve life and maximize the safety of all police officers and other members of the public. Vehicle Pursuits require strong justification and must be conducted in accordance with this policy.
2. The act of Eluding alone does not justify a Vehicle Pursuit.<sup>1</sup>
3. No officer or supervisor will be criticized or disciplined for deciding not to engage in a Vehicle Pursuit or for terminating a Vehicle Pursuit if the officer or supervisor perceives that the risk of the pursuit, either to any officer or to the public, outweighs the benefit of immediate apprehension.<sup>2</sup>
4. Vehicle Pursuits and Tactical Apprehensions are not themselves a use of force but may involve the use of force, including an intervention tactic that involves the use of force on the Eluding vehicle or a use of force in connection with effecting an arrest. Any use of force must comply with Chapter 1, including the authorization and standard.

#### **B. Definitions:**

1. *Vehicle Pursuit*: An active attempt by an officer in an authorized emergency vehicle to apprehend a suspect that is fleeing in a motor vehicle and attempting to Elude the officer.<sup>3</sup>
2. *Eluding*: A driver's act of increasing speed, taking evasive actions, or refusing to stop after a reasonable time, after an officer's use of voice, lights, or sirens to signal to that driver to stop.<sup>4</sup>
3. *Crime of Violence*: A felony involving the infliction of death or serious bodily injury, or the threat of death or serious bodily injury.<sup>5</sup>
4. *Termination Point*: The location where the subject vehicle's movement comes to a conclusion.<sup>6</sup>
5. *Direct Involvement*: Participation in the conduct of a Vehicle Pursuit that takes the form of either:
  - a) Keeping in sight of the pursued vehicle, with the goal of maintaining sight of the pursued vehicle or apprehending the pursued vehicle; or

- b) Keeping another directly involved police vehicle in sight and maintaining proximity to that vehicle.<sup>7</sup>
- 6. *Primary Pursuit Unit*: The police officer or unit that initiates a vehicle pursuit and maintains closest proximity to the Eluding vehicle, or any other unit that assumes control of the Vehicle Pursuit under this policy.<sup>8</sup>
- 7. *Secondary Pursuit Unit*: A police officer or unit that trails the Primary Pursuit Unit at a safe distance, to support the Primary Pursuit Unit by assuming communications duties, to assist the Primary Pursuit Unit if the Eluding vehicle stops, or to be available to assume the Primary Pursuit Unit role, if necessary.<sup>9</sup>
- 8. *Tertiary Pursuit Unit*: A police officer or unit trailing the Secondary Pursuit Unit at a safe distance, available to provide additional support to the Primary and Secondary Pursuit Units as needed, if such additional support is deemed necessary under the circumstances and approved by the Controlling Supervisor.<sup>10</sup>
- 9. *Pursuit Units*: The Primary Pursuit Unit and any Secondary and Tertiary Pursuit Units.
- 10. *Controlling Supervisor*: The supervisor who has responsibility for overseeing the relevant operation.
- 11. *Tactical Apprehension*: A coordinated and supervised operation involving one or more departmental workgroups in the apprehension of a suspect(s) with vehicular mobility or other similar circumstance. An apprehension of this type may be conducted with a helicopter, covert police elements and marked units along with a Controlling Supervisor.

## 6.200 – Authorization to Undertake a Vehicle Pursuit

- A. Authorization: An officer may engage in a Vehicle Pursuit of an Eluding vehicle only when:
1. The officer determines that probable cause exists that an occupant of the Eluding vehicle has committed or attempted to commit a Crime of Violence;<sup>11</sup>
  2. The subject's escape would pose an imminent threat of death or serious bodily injury to the officer or to another person;<sup>12</sup>
  3. The Vehicle Pursuit can be safely undertaken based on the factors set forth in Part 6.200(C) below; and
  4. The officer receives supervisory approval before initiating the Vehicle Pursuit under Part 6.200(D) below.
- B. Prohibited Units: The following units are prohibited from engaging in Vehicle Pursuits:
1. Unmarked units not equipped with emergency equipment;<sup>13</sup> and
  2. Any unit whose occupants include prisoners, witnesses, suspects, complainants, other members of the public, or any other occupants other than sworn police officers of this Department.<sup>14</sup>
- C. Safety Factors: Officers must consider the following factors to determine whether a Vehicle Pursuit can be safely undertaken:
1. The risk of the subject's conduct toward third parties;
  2. Known information on the subject;
  3. Road configuration;
  4. Physical location and population density;
  5. Existence of vehicular and pedestrian traffic;
  6. Lighting and visibility;
  7. Weather and environmental conditions;
  8. The relative performance capabilities of the pursuit unit and the Eluding vehicle;
  9. Officer training and experience;



10. Available equipment;
  11. Speed and evasive tactics employed by the subject;
  12. The presence of other persons in the pursuit unit and the Eluding vehicle;  
and
  13. Any other condition or situation that would create an unreasonable risk.
- D. Supervisory Approval: Officers must receive supervisory approval before initiating a Vehicle Pursuit.<sup>15</sup>
1. Upon determining that the conditions in Part 6.200(A)(1) – (3) are met, the officer must provide a supervisor with an account of the totality of the circumstances surrounding the proposed Vehicle Pursuit, so that the supervisor can make an informed decision as to whether a Vehicle Pursuit is justified.
  2. The supervisor or commander who responds to the officer's call is responsible for making an initial determination about whether a Vehicle Pursuit is justified.
    - a) If the supervisor determines that the totality of the circumstances does not justify a Vehicle Pursuit under this policy, the supervisor must communicate that determination to the officer requesting permission to undertake the pursuit and to central communications, and the officer must not undertake a Vehicle Pursuit.
    - b) If the officer requesting permission to undertake the Vehicle Pursuit does not receive a response from the supervisor, the officer must communicate the lack of authorization to central communications and must not undertake a Vehicle Pursuit.
- E. Alternative of Engaging in Moving Surveillance/Tactical Apprehension: If circumstances do not meet the criteria for authorization of a Vehicle Pursuit under this Part 6.300, those circumstances may nonetheless meet the criteria for authorization of Moving Surveillance/Tactical Apprehension under Part 6.900 below.

### 6.300 – Standard for Conducting a Vehicle Pursuit

- A. If a supervisor grants permission to initiate a Vehicle Pursuit, a Controlling Supervisor will be designated.
- B. The officer who requested permission to undertake the pursuit must immediately communicate to central communications that a Vehicle Pursuit is being initiated.
  - 1. The officer must convey the following information:
    - a) the reason for the Vehicle Pursuit;
    - b) the officer’s location and direction;
    - c) a description of the Eluding vehicle and its occupant(s);
    - d) the speed of the Vehicle Pursuit; and
    - e) traffic conditions.<sup>16</sup>
  - 2. The officer must use the word “pursuit,” and avoid terms such as “Following . . .” or “Trying to catch up to . . .” The use of the term “pursuit” will prompt uninvolved officers to reduce unrelated communications or switch to an alternate channel.<sup>17</sup>
- C. Cameras: When a Vehicle Pursuit is anticipated, all officers who anticipate involvement must activate their body-worn and/or car-mounted cameras at the earliest practical time. Upon the initiation of a Vehicle Pursuit, all officers who have involvement must activate their body-worn and/or car-mounted camera if such cameras have not already been activated.<sup>18</sup>
- D. Limit on Number of Pursuit Units:
  - 1. No more than three vehicles total may have Direct Involvement in a Vehicle Pursuit of any one Eluding vehicle.<sup>19</sup>
  - 2. No more than a Primary and Secondary Pursuit Unit should be involved, unless the officers in those units anticipate that two units will not be able to safely apprehend the pursued vehicle’s occupants, or if the Primary Pursuit Unit is unable to continue in that role.<sup>20</sup>
  - 3. If the officers in the Primary and Secondary Pursuit Units perceive that an additional unit’s involvement will be required for one of these purposes, those officers will communicate that perceived need to the Controlling Supervisor. The Controlling Supervisor may then designate a Tertiary Pursuit Unit to join the pursuit.

E. Responsibility of Pursuit Units:

1. The officer who initiated the Vehicle Pursuit and that officer's vehicle will be the Primary Pursuit Unit, unless an officer with more suitable training or equipment joins the pursuit.
2. An officer trained in advanced pursuit techniques and that officer's vehicle will assume the role of the Primary Pursuit Unit upon joining the Vehicle Pursuit, if the initiating officer does not possess the required training.
3. A motorcycle unit may request to initiate a Vehicle Pursuit and, if approved, may continue in the pursuit until a marked patrol unit or helicopter unit becomes available and joins the pursuit.<sup>21</sup> Once replaced, the motorcycle unit will resume normal driving and proceed to the Termination Point in a non-emergency driving mode.<sup>22</sup>
4. The Secondary Pursuit Unit, if any, is responsible for relaying information to central communications, including developments on the direction and location of the Vehicle Pursuit.<sup>23</sup>
5. The Tertiary Pursuit Unit, if any, will provide support to the Primary and Secondary Pursuit Units as authorized and as required.<sup>24</sup>
6. Officers in Secondary and Tertiary Pursuit Units must turn on their body-worn and/or car-mounted cameras upon joining the Vehicle Pursuit.

F. Pursuit Driving Operations for All Units:

1. All officers must wear their seatbelts.<sup>25</sup>
2. All Pursuit Units must maintain a safe distance from the Eluding vehicle and other vehicles, so that they are able to see and avoid hazards and can react to maneuvers undertaken by the Eluding vehicle.<sup>26</sup>
3. Upon undertaking a Vehicle Pursuit, all Pursuit Units must activate emergency lights and sirens, which must then remain activated for the duration of the pursuit.<sup>27</sup>
4. All units must drive with caution, traveling at a reasonable and prudent speed and maintaining control of their vehicles. Units may not proceed through intersections marked with red lights, stop signs, or yield signs, without first ensuring that it is safe to continue through the intersection.<sup>28</sup>
5. No unit may drive on the left side (wrong side) of a freeway to pursue an Eluding vehicle. If an Eluding vehicle drives on the left side of a freeway, the pursuing officer should consider driving parallel to the Eluding vehicle on the right side of the freeway, with the availability of air support, and

the availability of additional units to drive ahead and monitor exits accessible from the left side of the freeway.<sup>29</sup>

G. Responsibility of Uninvolved Units in the Field:

1. Any units in the field that are not involved in the Vehicle Pursuit must monitor the progress of the pursuit. These units may position themselves at intersections along the route of the Vehicle Pursuit to warn drivers and manage traffic in advance of the pursuit.<sup>30</sup>
2. Uninvolved units are prohibited from following the Vehicle Pursuit on parallel roadways or driving in an emergency mode.<sup>31</sup>

H. Responsibility of Supervisors:

1. Controlling Supervisor:

- a) The Controlling Supervisor is responsible for monitoring the Vehicle Pursuit's progress and overseeing the pursuit, including:
  - (1) Acknowledging the location and direction of travel;
  - (2) Requesting the reason for the Vehicle Pursuit;
  - (3) Monitoring radio transmissions regarding the Vehicle Pursuit and proceeding in the direction of the pursuit's progress in a non-emergency mode;
  - (4) Ensuring that only the necessary units are involved in the Vehicle Pursuit;
  - (5) When appropriate, ensuring that other law enforcement agencies are notified if the Vehicle Pursuit will enter other jurisdictions;
  - (6) Ensuring that the Vehicle Pursuit is terminated if the pursuit units do not provide adequate information; and
  - (7) Ensuring that the Vehicle Pursuit is terminated if the risk to officers and other members of the public is outweighed by the potential benefits of the pursuit.<sup>32</sup>
- b) The Controlling Supervisor must direct that the Vehicle Pursuit be terminated at any point when the supervisor determines that the risks of continuing the pursuit outweigh the benefits of immediate apprehension of the vehicle, or when the supervisor learns any information that causes the pursuit to no longer be justified.

2. Pursuit Unit's Immediate Supervisor: The Primary Pursuit Unit's immediate supervisor will proceed to the Termination Point whenever a suspect is apprehended or when injuries, death, or property damage have occurred.
  3. Supervisors in Zone of Termination Point: Any supervisor in the zone where the Vehicle Pursuit ends will proceed to the Termination Point and provide all necessary supervision until the Primary Pursuit Unit's immediate supervisor arrives.<sup>33</sup>
- I. Responsibility of Central Communications: Central communications is responsible for the following operations during the course of a Vehicle Pursuit:
1. Clearing the radio channel of any unnecessary traffic;
  2. Obtaining all available information;
  3. Determining whether the supervisor or watch commander has authorized the continuation of the Vehicle Pursuit;
  4. Coordinating assistance for the Vehicle Pursuit;
  5. Receiving and recording all pertinent information during the Vehicle Pursuit;
  6. Performing relevant record checks and motor vehicle checks;
  7. Advising the Pursuit Units of any known or potential hazards in the path of the Vehicle Pursuit;
  8. Coordinating with other law enforcement agencies that may become involved in the Vehicle Pursuit, including if the pursuit approaches a neighboring jurisdiction.<sup>34</sup>

## 6.400 – Termination of a Vehicle Pursuit

- A. The Primary Pursuit Unit and the Controlling Supervisor must continuously evaluate the circumstances of the Vehicle Pursuit and must terminate the pursuit whenever the risks of continuing the pursuit are no longer justified based on available information.<sup>35</sup>
- B. The Primary Pursuit Unit may terminate the pursuit at any time.
- C. Circumstances when a Vehicle Pursuit Must Be Terminated:
  - 1. An officer must terminate a Vehicle Pursuit when directed to do so by the Controlling Supervisor.<sup>36</sup>
  - 2. A Vehicle Pursuit must be terminated if the conditions in Part 6.200 are no longer met, or when the subject's identity has been established to the point that later apprehension is likely possible and the subject poses no reasonable threat to the public if the pursuit is terminated.<sup>37</sup>
  - 3. A Vehicle Pursuit must be terminated if the Primary Pursuit Unit loses visual contact with the Eluding vehicle for fifteen seconds and the vehicle's location is no longer definitively known.<sup>38</sup>
- D. Upon the decision or order to terminate a Vehicle Pursuit, all involved officers must turn off all emergency equipment and resume driving in a non-emergency mode at or below the posted speed limit.
- E. Once a Vehicle Pursuit is terminated, officers may not re-initiate the pursuit unless new information becomes known that would satisfy the requirements for authorization for a renewed Vehicle Pursuit under Part 6.200, including obtaining new supervisory approval for a new pursuit.<sup>39</sup>

## 6.500 – Vehicle Pursuit Interventions

- A. Authorization: Intervention tactics may be used only when:
1. The officer has reason to believe that the continued movement of the Eluding vehicle would place others in imminent threat of death or serious bodily injury;
  2. The apparent risk of harm, if the Eluding vehicle continues to flee, is so great as to outweigh the apparent risk of harm involved in the forcible stop;<sup>40</sup> and
  3. The officer obtains a supervisor's permission to use intervention tactics.
- B. Prohibited Intervention Tactics: Regardless of whether authorized under Part 6.500(A) above, the following intervention tactics are not permitted:
1. Fixed roadblocks;
  2. Moving or rolling roadblocks;
  3. Ramming;
  4. Forcing fleeing vehicles off the roadway, including through boxing in; and
  5. Discharging a firearm in an effort to stop an Eluding vehicle.<sup>41</sup>

## 6.600 – Vehicle Pursuits That Cross Jurisdictions

### A. Vehicle Pursuits that Continue into other Jurisdictions:

1. The Pursuit Units must notify a supervisor and central communications when it is likely that a Vehicle Pursuit will continue into a neighboring jurisdiction or across the county or state line. Central communications must immediately notify law enforcement in the jurisdiction being entered by the Vehicle Pursuit.<sup>42</sup>
2. When a Vehicle Pursuit extends into another jurisdiction, the Controlling Supervisor must determine if the other jurisdiction should be asked to assume the pursuit. The following factors must be considered:
  - a) The distance between the Pursuit Units and the Eluding vehicle and the speed involved;
  - b) The Pursuit Units' level of familiarity with the area;
  - c) The willingness and capability of the other jurisdiction to assume control of the Vehicle Pursuit; and
  - d) Communication limitations at longer distances.
3. If the Controlling Supervisor determines that the control of the Vehicle Pursuit should be relinquished to another jurisdiction, that request must be relayed to the other agency and the other agency's acceptance must be confirmed.
4. A Vehicle Pursuit into a bordering jurisdiction must comply with the laws of both jurisdictions and any applicable interjurisdictional agreements. Each officer's actions will be governed by the policy of the officer's own agency.
5. Once a Vehicle Pursuit has been taken over by the law enforcement agency of another jurisdiction, the officers of this Department who have been relieved must cease emergency driving and proceed to the Termination Point in a non-emergency driving mode.<sup>43</sup>

### B. Vehicle Pursuits from Other Jurisdictions:

1. When specifically requested to join a Vehicle Pursuit that will continue from a neighboring jurisdiction into this Department's jurisdiction, the responsible supervisor must consider the appropriate degree of involvement from this Department.
2. If it is determined that a Vehicle Pursuit should be assumed by this Department, the supervisor who makes that determination must assume



the role of Controlling Supervisor under this policy and provide the appropriate direction.

3. Where appropriate, once a Vehicle Pursuit is assumed, the Controlling Supervisor must attempt to cancel units from the other agency.

## **6.700 – Reporting Requirements for Vehicle Pursuits**

- A. The officer who initiated the Vehicle Pursuit must complete an incident report documenting the pursuit. All other officers involved in the Vehicle Pursuit must complete supplemental incidental reports.<sup>44</sup>
  - 1. If the Vehicle Pursuit involved any use of force, including a pursuit intervention that involved the use of force on the pursued vehicle, any officer responsible for a use of force must complete a use of force report.
- B. The Controlling Supervisor must complete a supervisor's report documenting the pursuit.
- C. All videos of the Video Pursuits must be reviewed by this Department following the incident.<sup>45</sup>
- D. Any officer who encounters a situation in which a vehicle fails to stop, but where a Vehicle Pursuit is not authorized or undertaken, must complete a report documenting the vehicle's failure to stop.<sup>46</sup>

## **6.800 – Training Requirements for Vehicle Pursuits**

- A. All officers must attend in-service Vehicle Pursuit training at least annually. Vehicle Pursuit training must consist, at a minimum, of knowledge of applicable statutes, familiarization with the Department's Vehicle Pursuit policy and procedures, and decision-making skills.
- B. The Department will provide periodic training that simulates Vehicle Pursuit situations and conditions for the purpose of improving officers' discretion and judgment in the conduct of vehicle pursuits.<sup>47</sup>

## 6.900 – Moving Surveillance/Tactical Apprehension<sup>48</sup>

- A. This policy establishes a mechanism for officers to proceed with an apprehension of suspects in a moving vehicle or under circumstances that do not meet the criteria for a Vehicle Pursuit under Part 6.200 above. As with all operations, the goal is to preserve life and maximize the safety of all police officers and other members of the public.
- B. Authorization: Officers may engage in Tactical Apprehension only when the officer determines that probable cause exists that the subject with vehicular mobility or other similar circumstance has committed or is about to commit an offense of a serious nature and there is an immediate need to apprehend the suspects.
- C. Initiation of a Tactical Apprehension:
  - 1. Upon determining that the conditions in Part 6.900(B) are met, the officer initiates a Tactical Apprehension by notifying a supervisor of the need to tactically apprehend the subject.
    - a) The officer must give the supervisor as much information as possible, including the suspected offense, the number of police elements, direction of travel, reason for request of Tactical Apprehension, description and number of occupants and any other available information.
    - b) The officer also must request helicopter involvement immediately (if available).
  - 2. The supervisor has the authority to instruct the officer to refrain from engaging in a Tactical Apprehension based on the totality of the circumstances. If the supervisor does so, the supervisor must communicate the determination to the officer and to central communications, and the officer must not undertake a Tactical Apprehension.
- D. Police Element Involvement:
  - 1. The Controlling Supervisor will determine the number of marked patrol elements required for the Tactical Apprehension of the subject(s). All other patrol elements must stay out of the operating area unless requested by the Controlling Supervisor, or circumstances develop that would require an immediate police response.
  - 2. In some situations the helicopter or divisional deployment assets will not be available in a timely manner. The Controlling Supervisor must check with central communications and request assistance from another division.

If these resources are not able to respond, the Controlling Supervisor will make the decision to initiate a traffic stop or felony stop.

E. Standard for Conducting a Tactical Apprehension:

1. If the supervisor responding to the initiating officer's call does not instruct the officer to refrain from engaging in a Tactical Apprehension, the officer must immediately communicate to central communications that a Tactical Apprehension is being initiated.
2. A Controlling Supervisor will be designated.
3. Covert police elements will respond to positions where they will be conducting the moving surveillance of the subject vehicle.
4. Marked elements will disengage and be directed to trail or perimeter positions by the Controlling Supervisor.
5. Whenever possible the helicopter will join the Tactical Apprehension and will respond to positions where they will be conducting the moving surveillance of the subject vehicle. Upon joining, the helicopter will:
  - a) Advise central communications and the Controlling Supervisor of their presence;
  - b) Be aware of the number of marked units and their positions. The helicopter may direct marked elements away from the subject vehicle.
  - c) Direct ground units to the Termination Point.
6. For safety reasons, covert officers will refrain from being part of the arrest and will only expose themselves in an emergency. If an emergency exists and covert officers deploy, they will wear a Departmental identification jacket or vest with identifying marks and verbally identify themselves as officers of this Department.

F. Responsibilities of the Controlling Supervisor:

1. The Controlling Supervisor will:
  - a) Be involved in the Tactical Apprehension to the greatest extent possible and will determine how to coordinate the operation.
  - b) Have the helicopter and/or covert police elements follow the vehicle until the subject abandons the vehicle or direct marked patrol elements to initiate a stop as dictated by the individual circumstances.

- c) Coordinate information directing police elements to a subject's position for an arrest opportunity. Uniformed officers may be directed by covert police elements or by the helicopter to the subject and will be provided with a physical and clothing description of the subject. Uniformed officers will affect the arrest of the designated subject(s) and provide transport for those subject(s).
  - d) Ensure no Vehicle Pursuit will be initiated without circumstances that would authorize a Vehicle Pursuit under Part 6.200 above.
2. The Controlling Supervisor may also decide that an extended moving surveillance is required before an arrest opportunity. This surveillance consists of: the covert and accurate observation of persons, places or things for the purpose of obtaining physical and visual evidence concerning identities or activities of subjects for evidentiary or intelligence gathering purposes. At this point, the Controlling Supervisor will announce this decision on all affected radio channels to ensure involved personnel, field police elements and the central communications are informed.

## **PART 3: SUPPORTING MEMORANDUM**

## **PART 3: SUPPORTING MEMORANDUM**

Vehicle pursuits are typically addressed in guidance separate from a police department's comprehensive "use of force" or "response to resistance" policy. In the traditional conception of a pursuit, the vehicle being pursued is evading contact with officers, so officers may not think of a pursuit as a scenario in which "force" is a possibility. But, as police department policies recognize in other contexts, motor vehicles are capable of causing lethal harm.<sup>49</sup> Vehicle pursuit policies can benefit from alignment with the principles that apply to the typical use of force policy.<sup>50</sup> Indeed, when the United States Department of Justice enters into a consent decree with a police department, the agreement may require the department to revise its policies, procedures, or trainings related to vehicle pursuits, as part of a reform of the department's use of force policy.<sup>51</sup> Further, the United States Supreme Court has recognized that police interventions that affect a pursuit subject's driving can constitute uses of force or seizures that are subject to the requirements of the Fourth Amendment.<sup>52</sup>

Even where officers never make contact with the subject of a pursuit, the pursuit itself poses risks to the involved officers, the occupants of the vehicle being pursued, and uninvolved third parties, including other drivers, pedestrians, and bystanders.<sup>53</sup> Because vehicle pursuits present inherent dangers to all of these persons<sup>54</sup> and are likely to be undertaken in fast-developing situations where the officer is highly motivated to apprehend the person being pursued, a written policy should make clear that vehicle pursuits pose risks to all parties involved and should provide clear guidance to officers in making decisions under these circumstances.

The SCRJ model policy goes further and adopts a restrictive-policy approach, rather than one that relies on officer discretion. The model policy establishes that, in certain situations, the unavoidable risks of a vehicle pursuit will outweigh any potential benefit of undertaking a pursuit. The model policy prohibits vehicle pursuits except where the pursued vehicle is occupied by an individual who is suspected of committing a crime of violence, and who poses an ongoing, imminent threat of death or serious bodily harm to others if not apprehended. Recognizing that this policy decision will represent a major departure from the current practice of many departments,<sup>55</sup> and that the other specific policies adopted in the model policy stem from that major policy decision, this memorandum focuses on explaining the rationale for the decision to restrict pursuits.

### **I. RECOMMENDED POLICY**

#### **A. Recent Developments Supporting A Restrictive-Policy Approach**

A 2019 report issued by the Leadership Conference on Civil and Human Rights recognized that at a minimum, pursuit policies should set "clear parameters dictating when officers may initiate a vehicle pursuit."<sup>56</sup> A version of this recommendation was adopted as early as the early 1990s, by a group of researchers associated with the U.S. Department of Justice's National Institute of Justice.<sup>57</sup> Those researchers, who studied a sample of "restrictive" police pursuit policies in existence at the time,<sup>58</sup> concluded that a police pursuit policy should "[s]tat[e] the rules for initiating a high-speed pursuit," "[n]am[e] the types of offenses for which high-speed pursuit is allowed or not allowed," and "[e]xplicitly describe[e] tactics that may or may not be used" in a pursuit, among other provisions.<sup>59</sup>



However, during the same period, the International Association of Chiefs of Police (IACP) adopted a model policy that preserved discretion for officers on the ground.<sup>60</sup> That IACP model policy provided officers with a set of criteria to consider, but did not impose any absolute restrictions on the situations in which officers could undertake pursuits.<sup>61</sup> The revised version of the IACP model policy adopted in 2015 added more criteria, but maintained the same approach of encouraging officers to consider various logistical and environmental conditions, without articulating bright-line rules about when pursuits would or would not be permitted.<sup>62</sup>

A 2017 study found that by 2013, nearly 80% of sworn law enforcement officers in the United States worked under vehicle-pursuit policies that imposed *some* restrictive criteria, and that the percentage of officers who worked in agencies that left pursuit decisions entirely to officers' discretion had declined during the same period.<sup>63</sup> During 2012–2013, the number of vehicle pursuits that officers engaged in was lower among agencies that imposed restrictive criteria, compared to agencies that left pursuit decisions to officers' discretion.<sup>64</sup>

Yet even as departments imposed some restrictions on officer discretion, the number of vehicle pursuits rose overall during the period 1990–2013.<sup>65</sup> A study of the IACP's pursuit database during a similar time period found that more than 40% of pursuits were initiated in response to a fleeing driver who had committed traffic violations, as opposed to a more serious or dangerous offense; an additional 18% of pursuits were initiated because the vehicle was believed to be stolen, a serious offense that nevertheless does not present an inherent ongoing risk of harm to the public.<sup>66</sup> But the harm caused by vehicle pursuits *themselves* can be significant: vehicle pursuits can result in serious bodily injury or death, most frequently of third-party drivers or pedestrians uninvolved in any pursuit.<sup>67</sup> And the risk of harm resulting from a vehicle pursuit is not distributed equally: a study of vehicle pursuits in 2013 and 2014 found that Black drivers were more likely to be pursued than white drivers, that deadly pursuits of Black drivers were more likely to begin over a minor or nonviolent offense, and that Black individuals, whether involved in a vehicle pursuit or not, were killed at a disproportionate rate as the result of police pursuits.<sup>68</sup>

In recent years, some police departments have recognized that their discretionary vehicle-pursuit policies allow pursuits in situations where the risks of a pursuit are unjustified, when compared with the risk posed by the fleeing vehicle, and have revised their policies accordingly. Most notably, after a 2019 incident in which officers pursued suspects in a stolen vehicle and the stolen vehicle crashed into a third car, killing the two occupants, the Atlanta Police Department instituted a “no-chase” policy for 2020.<sup>69</sup> In adopting that policy, the Chief of Police at the time observed that the policy would not be popular and that it might “drive crime up”; however, she identified other factors that rendered the risk of harm to officers and other members of the public far too severe to justify the benefits of vehicle pursuits.<sup>70</sup> In December 2020, following a vehicle pursuit in which the subject of the pursuit crashed and eventually died of his injuries, the Atlanta Police Department ended the moratorium on vehicle pursuits and announced a new policy, which went into effect on December 30, 2020. Atlanta officers are now permitted to undertake vehicle pursuits, but only when an occupant of the pursued vehicle has committed or attempted to commit one of an enumerated list of forcible felonies.<sup>71</sup>

## B. The Model Policy Implements A Restrictive-Policy Approach

Our model policy adopts a restrictive approach toward police vehicle pursuits. The model policy is influenced in large part by the policies in effect in New Orleans and Seattle, as well as the approach adopted by the Atlanta Police Department in 2021 after a one-year moratorium on police vehicle pursuits.<sup>72</sup> The model policy recognizes that vehicle pursuits present acute risks to officers, suspects, and bystanders alike, and these risks are not justified by the potential benefit of apprehending a fleeing suspect except when the suspect has committed or attempted a violent felony that renders the suspect a continuing danger to the community. Vehicle pursuits are not permitted for the sole purpose of protecting property or when the evading person does not pose an imminent danger of death or serious bodily injury to either the public or officers.<sup>73</sup>

## II. ALTERNATIVE APPROACHES

We have located no comprehensive studies on the effects of restrictive police pursuit policies, and we recognize the need for more data on the effects of changes to pursuit policies, especially over the long term.<sup>74</sup> However, we have considered alternative approaches and determined that these alternatives are deficient.

The alternatives to a restrictive pursuit policy are the variety of policies that impose fewer or less strict limits on officers' discretion to pursue fleeing or noncompliant vehicles.<sup>75</sup> One somewhat less restrictive approach, adopted by the Philadelphia Police Department, permits pursuits when an officer has probable cause to believe that an occupant of the subject vehicle has committed a forcible felony *or* when the officer believes that the occupant poses an ongoing risk of imminent harm, instead of requiring both conditions to be satisfied.<sup>76</sup> The Chicago Police Department's vehicle pursuit policy prohibits officers from pursuing a vehicle if the most serious offense at issue is a traffic offense or theft, including vehicle theft.<sup>77</sup> Other policies, including the IACP model policy for vehicle pursuits, *discourage* but do not restrict pursuits for minor violations, and otherwise allow pursuits whenever the officer believes that the fleeing vehicle or its occupants could "present a danger to human life or cause serious injury."<sup>78</sup>

We decided against these alternative approaches because the available data show that departments with more restrictive policies engage in fewer pursuits during the course of a year<sup>79</sup> and that where more restrictive policies have been studied, they have not been accompanied by rising rates of vehicles eluding police.<sup>80</sup> Further, we note that in general, departments across the country have adopted vehicle pursuit policies that are more, rather than less, restrictive over the past twenty years.<sup>81</sup>

Future research will provide more clarity on the impact of restrictive vehicle pursuit policies like those in effect in Atlanta, New Orleans, and Seattle, and similar laws imposing restrictive vehicle pursuit criteria statewide (such as the law passed in the State of Washington in 2021<sup>82</sup>). But we recognize that more permissive vehicle pursuit policies can have severe negative effects on officers and communities, including on bystanders and uninvolved drivers. We conclude, based on available studies and data, that these risks are not justified by the benefits of quicker apprehension of violators who do not pose imminent, serious risk to the public.<sup>83</sup> We therefore adopt a model policy that restricts vehicle pursuits to only the situations where prompt

apprehension is most important: where an officer has probable cause to believe that the occupants of the pursued vehicle have engaged in a crime of violence and the officer believes that the vehicle's occupants continue to pose an imminent threat of death or serious bodily injury to others.

### III. OTHER CONSIDERATIONS

We note that the specifics of a vehicle pursuit policy may need to be adjusted for the specific jurisdiction. For example, officers undertaking vehicle pursuits in densely populated and highly trafficked urban environments will most likely consider different risk factors than officers who patrol less dense suburban or rural environments.<sup>84</sup> The model policy requires officers to consider their surroundings in general when conducting pursuits, but the environment becomes especially relevant when an officer considers whether and when it is safe to undertake a pursuit intervention tactic.

The model policy follows the approach of restrictive pursuit policies in determining that certain intervention tactics—including fixed roadblocks, ramming, and discharging firearms in an effort to stop a moving vehicle—are categorically prohibited. However, other interventions, which still pose risks to officers, suspects, and third parties, may be undertaken by properly trained officers who have received authorization from the pursuit's supervisor, when the eluding vehicle presents risks that outweigh the risks of the intervention tactic. This provision is intended to cover the use of interventions like stop sticks and the “precision immobilization technique,” or “PIT” maneuver—a pursuit tactic involving a pursuing car causing the fleeing car to turn sideways, lose control and stop<sup>85</sup>, but leaves to individual agencies the questions of whether and when officers will be trained to use these interventions. We note that even permitted intervention tactics present serious risks to pursuit participants and to the public, and that PIT maneuvers in particular have been responsible for deaths and serious bodily injuries.<sup>86</sup> While some evidence suggests that PIT interventions may be undertaken safely in limited circumstances and may remain a viable option for ending a pursuit where the officer has sufficient training and knowledge and the risk is justified, high-profile examples of deadly PIT maneuvers show that further research is needed on this tactic, including how and when it can be deployed safely.<sup>87</sup>

Another area of significant variation among law enforcement agencies is whether supporting technology is available to assist officers in a pursuit—or even to render a pursuit unnecessary. We recognize that certain technologies may not be available to all law enforcement agencies, depending on an agency's size and funding, so the model policy does not assume that resources like air support or GPS tagging devices will consistently be available to assist in or avoid a pursuit. However, when a department has access to this kind of technology, research suggests that these alternatives can allow a pursuit to proceed more safely or assist officers in finding and apprehending a suspect who has eluded police.<sup>88</sup>

### IV. SELECTED RESOURCES CONSULTED

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- Morgan Gaither et al., Pursuit Technology Impact Assessment: Final Report Version 1.1 (January 2017), <https://www.ojp.gov/pdffiles1/nij/grants/250549.pdf>.
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- Richard R. Johnson, *A Longitudinal Examination of Officer Deaths from Vehicle Pursuits*, 15 Int'l J. Police Sci. & Mgmt. 77 (2013).
- Daniel B. Kennedy, Robert J. Homant & John F. Kennedy, *A Comparative Analysis of Police Vehicle Pursuit Policies*, 9 Just. Q. 227 (1992).
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- Hugh Nugent, Edward F. Connors III, J. Thomas McEwen & Lou Mayo, U.S. Dep't of Justice, NCJ 122025, Nat'l Inst. of Justice, *Restrictive Policies for High-Speed Police Pursuits* (date unknown), <https://www.ojp.gov/pdffiles1/Digitization/122025NCJRS.pdf>.
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- Wash. Rev. Code § 10.116.060

## **PART 4: COMPARISON MEMO SUMMARY**

## **PART 4: COMPARISON MEMO SUMMARY**

We have evaluated numerous other model policies, use of force guidelines, and state law mandates and compared them to the Model Policy provisions. The following memo reflects a summary of our opinions about the key differences or similarities between the reviewed policies and the Model Policy. In particular, this Comparison Memo Summary compares our Model Policy provisions concerning Vehicle Pursuits with other policies.

The national, state, and local policies we compared<sup>89</sup>—and the comparisons derived from them—provide a general opinion on differences in use of force options. We will continually review and update these comparisons. This Comparison Memo Summary is currently in draft form as a part of the Model Policy Beta Release. Some of the information provided may be subject to change.

### **COMPREHENSIVE POLICY**

- Many policies do not have a separate section on Vehicle Pursuits. Examples include New York, Minnesota, and Texas.
- The SCRJ policy has an explicit section on Vehicle Pursuits to make clear to officers what threshold must be satisfied before a pursuit may be initiated and what practices and procedures must be followed during and after a pursuit.
- Some policies cover only discharge of a firearm during pursuit. Examples include Lexipol, IACP, Campaign Zero, Texas, NYU Guidelines, and PERF Principles.
- The SCRJ policy provides stage-by-stage guidance, including the number and types of police vehicles that may become involved in a pursuit, the conduct of a pursuit, the role of supervisors, the role of central communications, the termination of a vehicle pursuit, pursuit interventions, pursuits that cross jurisdictions, reporting requirements, and training. This limits discretion and outlines clear procedures for officers.

### **AUTHORIZATION OF PURSUIT**

- Some policies have an overly permissive standards or no standard for the authorization of a pursuit. Examples include NYU Guidelines, PERF Guidelines, California, and New Jersey.
- The SCRJ policy limits Vehicle Pursuits to when (1) an officer has probable cause that an occupant of the Eluding vehicle has committed or attempted to commit a Crime of Violence, (2) the subject's escape would pose an imminent threat of death or serious bodily injury to the officer or to another person; (3) the Vehicle Pursuit can be safely undertaken based on identified factors; and (4) the officer receives supervisory approval before initiating the Vehicle Pursuit. Consideration of these factors help limit pursuits to when significant law enforcement objectives outweigh the dangers presented by Vehicle Pursuits.

## **VEHICLE PURSUIT INTERVENTIONS**

- Many policies do not prohibit firing against a moving vehicle for the purposes of disabling it. Examples include Lexipol, IACP, Campaign Zero, Texas, New Jersey, and NYU Guidelines.
- The SCRJ policy outright prohibits an officer from discharging their firearm at a moving vehicle for the purpose of disabling it, which helps reduce the risk of severe injury and death to the officers, subjects, and other members of the public.
- Many policies require fewer or no safety procedures or restrictions during a Vehicle Pursuit. Examples include PERF Guidelines, NYU Guidelines, IACP, and California.
- In contrast, the SCRJ policy outright prohibits “boxing-in,” roadblocks, and other highly dangerous intervention tactics. The policy also instructs officers to activate body and car-mounted cameras, and requires officers maintain a safe distance from the pursued vehicle and wear a seatbelt. These help reduce the risk of harm to the officer or other persons during a pursuit.



## ENDNOTES

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- 1 Seattle; *see also* Metro. Nashville.
  - 2 Anaheim; *see also* Cleveland (“Officers shall err on the side of caution and interpret this policy in the more restrictive manner if, for any reason, this directive does not offer clear guidance . . .”).
  - 3 Dallas.
  - 4 Seattle.
  - 5 New Orleans.
  - 6 IACP Model Policy.
  - 7 Atlanta.
  - 8 Atlanta.
  - 9 Atlanta.
  - 10 *See* Atlanta.
  - 11 New Orleans.
  - 12 Atlanta; New Orleans.
  - 13 *See* Dallas; Seattle.
  - 14 IACP; Seattle.
  - 15 Atlanta.
  - 16 Seattle.
  - 17 Indianapolis.
  - 18 Baltimore.
  - 19 Atlanta.
  - 20 Atlanta.
  - 21 Atlanta.
  - 22 Atlanta.
  - 23 Atlanta; IACP.
  - 24 Atlanta.
  - 25 IACP.
  - 26 Anaheim.
  - 27 IACP.
  - 28 Buffalo.
  - 29 Anaheim.
  - 30 Anaheim.
  - 31 Atlanta.
  - 32 Atlanta; *see also* IACP.
  - 33 Atlanta.
  - 34 Atlanta.
  - 35 IACP.
  - 36 Atlanta; IACP.
  - 37 *See* Atlanta.
  - 38 IACP; Atlanta.
  - 39 *See* Seattle.
  - 40 IACP.
  - 41 Atlanta.
  - 42 IACP.
  - 43 IACP.
  - 44 Atlanta.
  - 45 IACP.
  - 46 Durham.
  - 47 *See* Colorado Springs.
  - 48 Dallas.
  - 49 *See generally* Geoffrey P. Alpert & Patrick R. Anderson, *The Most Deadly Force: Police Pursuits*, 3 Just. Q. 1, 3 (1986); *see also* Richard R. Johnson, *A Longitudinal Examination of Officer Deaths from Vehicle*

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*Pursuits*, 15 Int'l J. Police Sci. & Mgmt. 77, 78–79 (2013) (“Approximately 1 in 100 pursuits results in a fatality, with more than one third of these fatalities being uninvolved third parties or police officers.”) (citation omitted).

<sup>50</sup> See Am. Law Inst., Principles of the Law, Policing: Revised Tentative Draft No. 1, at 21 (draft policy) (July 30, 2017) (noting that use of force matrices “may or may not acknowledge that different rules are required in specific contexts, such as . . . vehicle pursuits,” and recommending that use of force “policies should move beyond” the current, “limited concept of proportionality reflected in existing tools to take account of these varied factors”).

<sup>51</sup> Police Exec. Research Forum, Civil Rights Investigations of Local Police: Lessons Learned 13 (2013).

<sup>52</sup> See *Brower v. Cty. of Inyo*, 489 U.S. 593, 599 (1989); see also *Scott v. Harris*, 550 U.S. 372, 381 (2007) (noting that an officer’s “decision to terminate the car chase by ramming his bumper into respondent’s vehicle constituted a ‘seizure’”).

<sup>53</sup> See Hugh Nugent, Edward F. Connors III, J. Thomas McEwen & Lou Mayo, U.S. Dep’t of Justice, NCJ 122025, Nat’l Inst. of Justice, Restrictive Policies for High-Speed Police Pursuits 23 (date unknown), <https://www.ojp.gov/pdffiles1/Digitization/122025NCJRS.pdf> (“High-speed vehicle pursuits are possibly the most dangerous of all ordinary police activities.”); New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing 125 (2019) (collecting statistics on the numbers of passengers and bystanders injured or killed by police vehicle pursuits).

<sup>54</sup> See Alpert & Anderson, *supra* note 49, at 3.

<sup>55</sup> See, e.g., New York State Municipal Police Training Council, *Use of Force Model Policy* (Sept. 2020), <https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/MPTC-Model-Policy-Use-of-Force-2020.pdf> (making no mention of vehicle pursuits); *Sample Policy Manual*, Texas Police Chiefs Association, <https://www.texaspolicechiefs.org/sample-accreditation-policy-manual> (same).

<sup>56</sup> New Era of Public Safety, *supra* note 53, at 127.

<sup>57</sup> Nugent et al., *supra* note 53, at 18.

<sup>58</sup> The researchers defined “restrictive” policies as those that “plac[e] certain restrictions on officers’ judgments and decisions,” as opposed to policies allowing officers to exercise discretion on “all major decisions” or policies “cautioning against or discouraging any pursuit, except in the most extreme circumstances.” *Id.* at 2.

<sup>59</sup> *Id.* at 18-19.

<sup>60</sup> See Cynthia Lum & George Fachner, Int’l Ass’n of Chiefs of Police, Police Pursuits in an Age of Innovation and Reform: The IACP Police Pursuit Database (2007), at app. A (Vehicular Pursuit Model Policy (1996)), [https://www.nccpsafety.org/assets/files/library/Police\\_Pursuits.pdf](https://www.nccpsafety.org/assets/files/library/Police_Pursuits.pdf).

<sup>61</sup> See *id.*

<sup>62</sup> Int’l Ass’n of Chiefs of Police, Model Policy: Vehicular Pursuit 1-2 (2015).

<sup>63</sup> Brian A. Reaves, Bureau of Justice Statistics, U.S. Dep’t of Justice, NCJ 250545, Police Vehicle Pursuits, 2012-2013, at 5 (2017), <https://www.bjs.gov/content/pub/pdf/pvp1213.pdf>.

<sup>64</sup> *Id.* at 6.

<sup>65</sup> Thomas Frank, *High-Speed Police Chases Have Killed Thousands of Innocent Bystanders*, USA Today (July 30, 2015), <https://www.usatoday.com/story/news/2015/07/30/police-pursuits-fatal-injuries/30187827/>; see also *id.* (observing that the data on deaths resulting from police pursuits collected by the National Highway Traffic Safety Administration likely undercounted these figures based on different jurisdictions’ reporting requirements, and that no national data on injuries is collected).

<sup>66</sup> Lum & Fachner, *supra* note 60, at 56; see *id.* (noting that the three most prevalent reasons for initiating a pursuit—traffic offenses, belief that the vehicle was stolen, and belief that the driver was intoxicated—accounted for more than seventy-five percent of pursuits during the study period).

<sup>67</sup> See Frank, *supra* note 65 (noting that more than half of the people killed in the course of police vehicle pursuits from 1979 to 2013 were bystanders and passengers); see also Lum & Fachner, *supra* note 60, at 57 (finding that 9% of police pursuits reported in the IACP’s pursuit database ended in injury, and that nearly 20% of those pursuits ended in serious or fatal, as opposed to minor, injuries).

<sup>68</sup> Thomas Frank, *Black People Are Three Times Likelier to Be Killed in Police Chases*, USA Today (Dec. 1, 2016), <https://www.usatoday.com/pages/interactives/blacks-killed-police-chases-higher-rate/>.

<sup>69</sup> See Tyisha Fernandes, *2 Dead After Driver Running from Police Crashes at Atlanta Intersection*, WSB-TV (Dec. 5, 2019), <https://www.wsbtv.com/news/local/atlanta/breaking-2-dead-in-5-car-crash-in-sw-atlanta/1015495152/>; Matt Johnson, *Atlanta Police Begins No-Chase Policy Effective Immediately*, WSB-TV (Jan. 3, 2020), <https://www.wsbtv.com/news/local/atlanta/atlanta-police-sets-no-chase-policy-effective-immediately/NMXS6JZ6LRBPP2FE5KMY25RAY/>. The pursuit was permitted under the policy in effect at the time in

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Atlanta, which a deputy chief described as “very strict” but which permitted a pursuit in this case of a “vehicle . . . taken at gunpoint.” *Id.*

<sup>70</sup> Johnson, *supra* note 69.

<sup>71</sup> Asia Simone Burns, *Atlanta Police Alter ‘No-Chase’ Policy*, Atlanta Journal-Constitution (Jan. 4, 2021), [ajc.com/news/breaking-atlanta-police-alter-no-chase-policy/ZMGZG5DKCVDSZMTFYUMOGHEHAT4/](https://www.ajc.com/news/breaking-atlanta-police-alter-no-chase-policy/ZMGZG5DKCVDSZMTFYUMOGHEHAT4/); *see also* Atlanta Police Dep’t, Policy Manual, Standard Operating Procedure 3050: Pursuit Policy 2-3 (2020).

<sup>72</sup> *See* Seattle Police Dep’t, Police Department Manual, 13.031: Vehicle Eluding/Pursuits (2021) (“Officers will not engage in a vehicle pursuit without probable cause to believe a person in the vehicle has committed a violent offense or a sex offense” and “probable cause to believe that the person poses a significant imminent threat of death or serious physical injury to others”); New Orleans Police Dep’t, Operations Manual, Chapter 41.5: Vehicle Pursuits (2019) (“Upon express supervisory approval, officers are authorized to initiate a pursuit *only* when . . . an officer can articulate that a suspect is attempting to evade arrest or detention for a *crime of violence* . . . ; . . . the escape of the subject would pose an imminent danger of death or serious bodily injury to the officer or to another person; and . . . the suspect is fleeing in a vehicle after having been given a signal to stop . . . .”); *see also* New Era of Public Safety, *supra* note 53, at 127 (citing the Seattle vehicle pursuit policy with apparent approval as an example of “provid[ing] clear parameters dictating when officers may initiate a vehicle pursuit”); Jonathan Aronie & Geoff Alpert, *16 to a Dealer’s 10: Could Blackjack Odds Help Inform Police Pursuit Policies?*, Police1 by Lexipol (Mar. 2, 2020), <https://police1.webstage.lexipol.com/police-products/pursuit-management-technology/articles/16-to-a-dealers-10-could-blackjack-odds-help-inform-police-pursuit-policies-Y9x2Avr8SWzJG1c4> (discussing the New Orleans Police Department’s vehicle pursuit policy).

<sup>73</sup> *See* Atlanta Police Dep’t, *supra* note 71, at 2; New Orleans Police Dep’t, *supra* note 72, at 1, 4.

<sup>74</sup> *See* Lum & Fachner, *supra* note 60, at 28 (“As the breadth of research has indicated, pursuit policies are much less studied than pursuit data. What is needed is more outcome evaluations that examine how changes in pursuit policies can affect pursuit outcome.”); *see also* Seth W. Stoughton, Jeff Noble & Geoffrey P. Alpert, *Better Information Is the Key to Policing Reform*, The Atlantic (Sept. 24, 2015), <https://www.theatlantic.com/politics/archive/2015/09/better-information-is-the-key-to-policing-reform/406696> (recognizing, in the related context of reforming use-of-force policies, that “the U.S. simply doesn’t have the information it needs to make informed policy decisions or provide officers with thorough, evidence-based training”).

<sup>75</sup> *See, e.g.*, Daniel B. Kennedy, Robert J. Homant & John F. Kennedy, *A Comparative Analysis of Police Vehicle Pursuit Policies*, 9 Just. Q. 227 (1992).

<sup>76</sup> *See* Philadelphia Police Dep’t, Directive 9.4: Vehicular Pursuits 1 (2016) (permitting vehicle pursuits only when an officer believes that a pursuit is necessary to prevent death or serious bodily injury of another, or where the pursuit is necessary to effect arrest or prevent escape of a person who the officer has probable cause to believe has committed or attempted a forcible felony or who possesses a deadly weapon.); *see also* New Jersey Office of the Att’y Gen., Use of Force Policy Addendum B Vehicular Pursuits § 3.2 (2020) (same).

<sup>77</sup> Chicago Police Dep’t, General Order G03-03-01: Emergency Vehicle Operations – Eluding and Pursuing 3 (2020).

<sup>78</sup> Int’l Ass’n of Chiefs of Police, *supra* note 62, at 1.

<sup>79</sup> *See* Reaves, *supra* note 63, at 6 (“Agencies with a written policy that left the pursuit decision to an officer’s discretion had the highest vehicle pursuit rate (17 pursuits per 100 officers employed).”).

<sup>80</sup> *See* David P. Schultz, Ed Hudak & Geoffrey P. Alpert, *Evidence-Based Decisions on Police Pursuits: The Officer’s Perspective*, FBI Law Enforcement Bulletin (Mar. 1, 2010), <https://leb.fbi.gov/articles/featured-articles/evidence-based-decisions-on-police-pursuits-the-officers-perspective> (“[R]esearch has shown that if the police refrain from chasing all offenders or terminate their pursuits, no significant increase in the number of suspects who flee would occur.” (citing Geoffrey P. Alpert, Roger G. Dunham & Meghan S. Stroshine, *Policing: Continuity and Change 194-205* (2d ed. 2014))); *see also* Aronie & Alpert, *supra* note 72 (“[T]here is no compelling evidence that crime rates will increase, or case clearances will decline[,] if agencies adopt restrictive policies.” (citing Geoffrey P. Alpert & Cynthia Lum, *Police Pursuit Driving: Policy and Research* (2014))); Lum & Fachner, *supra* note 60, at 25 (“There is . . . little evidence that more individuals will flee if the police adopt more restrictive pursuit policies (or even no-pursuit policies).”).

<sup>81</sup> *See* Reaves, *supra* note 63, at 5 (“The percentage of officers employed by agencies with a discretionary vehicle pursuit policy declined from 1997 to 2013.”).

<sup>82</sup> *See* Wash. Rev. Code § 10.116.060(1) (restricting the circumstances in which a Washington peace officer may engage in a vehicle pursuit).

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<sup>83</sup> See Aronie & Alpert, *supra* note 72 (framing the “vehicle pursuit debate” as a “search[] for the lesser of two evils” rather than a “win/lose dilemma[,]” and noting that available data, “while admittedly not unassailable, strongly favor a restrictive pursuit policy”).

Further support for restrictive pursuit policies comes from a finding that 72% of pursuits in one study ended “because of a reason that is almost completely out of the hands of the police,” including collision, evasion, or the eluding vehicle’s decision to stop. Lum & Fachner, *supra* note 60, at 66. Recognizing “this high level of uncertainty and lack of control that [officers] often have during pursuit situations” should “increase the ante” for officers to engage in pursuits. *Id.*; see also Queensland (Australia) Crime & Misconduct Commission, *An Alternative to Pursuit: A Review of the Evade Police Provisions 2* (June 2011), <https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CMC/An-alternative-to-pursuit-A-review-of-the-evade-police-provisions-Report-2011.pdf> (noting view of proponents of further restrictions to police vehicle pursuit policies, that “police [are] far more likely than . . . fleeing drivers to be responsive to reforms to reduce the number of pursuit-related deaths and injuries.”).

<sup>84</sup> See New Era of Public Safety, *supra* note 53, at 125 (observing that “[h]igh-speed police car chases are inherently dangerous, especially in urban areas and on densely populated streets” (emphasis added)).

<sup>85</sup> Shaun Raviv & John Sullivan, *Deadly Force Behind the Wheel*, Washington Post (Aug. 24, 2020), <https://www.washingtonpost.com/graphics/2020/investigations/pit-maneuver-police-deaths> (noting that PIT interventions resulted in at least thirty deaths and hundreds of injuries nationwide, during the period 2016-2020).

<sup>86</sup> See *id.*

<sup>87</sup> See Schultz, Hudak & Alpert, *supra* note 80 (reviewing evidence from across jurisdictions and finding that “the PIT can be effective and efficient when used properly,” though “[i]n many other cases, it is more appropriate for the officer in a pursuit to turn off his lights and siren and stop or turn around”); see also Raviv & Sullivan, *supra* note 85 (noting that 74 of 142 responding agencies did not permit use of the PIT maneuver under any circumstances); Madison Police Dep’t, *Standard Operating Procedure: Emergency Vehicle Operation Guidelines 6* (2020) (defining PIT as a “ramming technique[]” and permitting its use only where deadly force would be justified).

<sup>88</sup> See, e.g., Morgan Gaither et al., *Pursuit Technology Impact Assessment: Final Report Version 1.1*, at 34 (January 2017), <https://www.ojp.gov/pdffiles1/nij/grants/250549.pdf> (concluding that the GPS-deployment system StarChase, “when properly deployed, had a positive impact on the pursuit outcome for apprehensions” (footnote omitted)); Geoffrey P. Alpert, *Helicopters in Pursuit Operations*, Nat’l Inst. of Justice: Research in Action, Aug. 1998, at 1, 3 (finding that pursuits undertaken with the assistance of helicopters “compare[d] favorably” to pursuits involving ground units alone); see also Albuquerque Police Dep’t, *Procedural Orders, SOP 2-45: Pursuit by Motor Vehicle 7* (2020) (providing that “[o]nce air support has responded and has a visual on the pursued vehicle, the Air Support Unit shall be the primary unit of the authorized pursuit . . . Pursuing unit(s) will stop the motor vehicle pursuit and provide enough distance so as not to affect the driving of the pursued vehicle.”).

<sup>89</sup> Selected policies include:

- Lexipol National Use of Force Policy
- International Association of Chiefs of Police National Consensus Policy on Use of Force
- Campaign Zero Model Use of Force Policy
- Minnesota Use of Force and Deadly Force Model Policy
- New York Use of Force Model Policy
- Texas Police Chiefs Association Use of Force Model Policy
- New Jersey Office of the Attorney General Use of Force Policy
- Santa Monica Use of Force Policy
- Police Executive Research Forum Guiding Principles on Use of Force
- NYU Policing Project Police Use of Force Policy Guidelines