

EMERGENCY & PURSUIT DRIVING

PURPOSE: To establish Department procedures regarding the emergency and pursuit driving of departmental vehicles.

POLICY: It is the Department policy for employees to operate Department vehicles in a safe and defensive manner while observing all laws concerning motor vehicle operation. During an emergency or pursuit driving situation officers will operate their vehicles with extreme caution and in compliance with A.C.A. §27-37-202. At all times, departmental vehicles will be operated with due regard for the safety of lives and property. In all instances, the safety of persons using the traffic ways is the primary consideration in vehicle operation.

DEFINITIONS:

- I. **EMERGENCY:** Circumstances or results that call for immediate action to protect lives or the intervention of a felony in progress.
- II. **EMERGENCY DRIVING:** The operation of an emergency vehicle with the use of emergency lights and siren in response to an emergency.
- III. **EMERGENCY VEHICLE:** A marked or unmarked Police Department vehicle equipped with blue lights and siren, as described in A.C.A. §27-37-202 and A.C.A. §27-36-303.
- IV. **PURSUIT DRIVING:** Motor vehicle pursuit is an active attempt by a Law Enforcement Officer operating a emergency vehicle utilizing simultaneously all emergency equipment to apprehend one or more occupants of another moving vehicle, when the driver of a fleeing vehicle is aware of that attempt and is resisting apprehension by maintaining or increasing his speed, disobeying traffic laws, ignoring the police, or attempting to elude an officer.

PROCEDURES:

- I. **LEVELS OF RESPONSE (7.17)**
 - A. **Code 1: Routine Assignment-** A call for service where no emergency exists, nor is there a potential of an emergency situation to arise. Officers responding Code 1 shall respond complying with all traffic regulations and shall not use emergency equipment.
 - B. **Code 2: Urgent-** A call for service where an emergency has occurred but is currently over, or is escalating and a timely response is required. Officers responding Code 2 shall respond to the location without delay, by the most direct means, complying with traffic regulations. Officers will use discretion when choosing to use a Code 2 response as to use of emergency equipment.
 - C. **Code 3: **EMERGENCY-**** A call for service where a crime is in progress or an emergency currently exists which requires an immediate response. Officers responding Code 3 shall respond expeditiously to the location of the emergency, by the most direct means, using all emergency equipment with a paramount consideration for the safety of the public and the assigned officers. Officers should remain alert to traffic and pedestrians using common sense when responding to calls that require speeds that exceed the posted limits. In no event shall officers operate the vehicle in a reckless manner.

D. It will be the responsibility of all supervisors to monitor the radio for compliance.

II. EMERGENCY DRIVING (NON-PURSUIT SITUATIONS) (7.17)

- A. The decision to drive under emergency conditions will be discretionary with each individual officer, based on the following considerations:
 - 1. When deciding to initiate or continue driving under emergency conditions, the officer will consider such factors as traffic volume, time of day and potential hazards or liability to themselves and the public.
 - 2. Emergency responses will be made only when the call involves a life threatening situation or violent crime in progress.
 - 3. Officers must have sufficient information to justify the decision to drive under emergency conditions.
 - 4. Officers operating under emergency status must bear in mind that even though a rapid response is important, they must arrive at the scene safely in order to be of assistance.
 - 5. Officers will notify communication immediately upon deciding to make an emergency response to any situation.
- B. All officers deciding to make an emergency response will notify communications of such by using the term "Code 3". This term indicates that the officer will be employing all emergency equipment (blue lights and siren).
- C. Field supervisors will override the officers decision to make an emergency "Code 3" response if, in their judgment the emergency response is not warranted or cannot be done safely.
- D. No officer will operate a police vehicle in emergency "Code 3" status if any passengers other than another police officer or a person who has signed a release of "Waiver of Liability" occupy it.

III. PURSUIT DRIVING

- A. Only emergency vehicles may engage in pursuits.
- B. Specialty vehicles (SUV's, Vans, undercover vehicles, and any non-pursuit rated vehicle) will not become involved in any pursuit.
- C. No more than two (2) police vehicles will be involved in the immediate pursuit, unless a supervisor authorizes additional back-up units. Other police vehicles will not become actively involved in the pursuit, follow the pursuit, or operate in an emergency mode unless authorized by a supervisor.

IV. PRIMARY AND BACK UP UNIT

The first unit to become involved in a vehicle pursuit will be designated as the primary unit and will have the following responsibilities:

- A. The officer will activate the police vehicles emergency lights and sirens.
- B. The officer will notify communications of the following information as soon as possible:
 - 1. The unit number in pursuit;
 - 2. The location and direction of travel of the suspect vehicle;
 - 3. The vehicle description, license number and number of occupants; and
 - 4. The reason for the pursuit.
- C. The second marked unit will become the back up. The back-up officer will activate the vehicle's emergency lights and siren and advise communications immediately upon joining the pursuit.
- D. The secondary unit will also take over the responsibilities of keeping other units and communications updated on the pursuit; this relieves the primary unit of the additional duties

- so he may concentrate on the fleeing vehicle.
- D The back-up unit will follow the primary unit at a safe distance.
 - E. The driver of any authorized emergency vehicle when responding to an emergency call upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety but may proceed cautiously past the red or stop sign or signal. At other times, drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.
 - F. No driver of any authorized emergency vehicle shall assume any special privilege under the law except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law.
 - G. The driver of an emergency vehicle is not held to the prima facie speed limit or the maximum/minimum speed limits on the highway while on an emergency call. For purposes of this section, "emergency calls" means legitimate emergency situations which call for the operation of an emergency vehicle, including a police vehicle.
 - H. This law does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any emergency vehicle from the consequence of a reckless disregard of the safety of others.

V. SUPPORT UNITS:

Additional units will be support units and will not become actively involved in the pursuit, violate traffic laws, or operate in emergency mode unless authorized by a supervisor. Support units may cover escape routes, or proceed to a location in which the suspect is traveling to deploy stop sticks, after receiving the approval from the supervisor.

VI. COMMUNICATIONS RESPONSIBILITIES

When an officer has notified the Communications Center that he is in pursuit, the Dispatcher will:

- A. Direct the net to clear the channel of all but emergency traffic;
- B. Verify the on-duty Supervisor is aware of the pursuit;
- C. Dispatch additional units to assist the pursuing unit; and
- D. Document all radio traffic.

VII. PROHIBITED TACTICS

- A. Police vehicles will not be used for:
 - 1. Ramming of suspect vehicles unless the use of deadly force is justified and is absolutely necessary.
 - 2. Boxing in or surrounding (exceptions: marked and unmarked units may be used to box in an unaware suspect to avoid a pursuit).
 - 3. Overtaking, driving next to, or forcing suspect vehicles off the roadway.
- B. The Jacksonville Police Department prohibits the use of roadblocks. A roadblock is a restriction, obstruction, or device used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to apprehend a suspect. (7.20)

VIII. TERMINATION OF PURSUIT

Pursuits will be immediately terminated under the following conditions:

- A. When any police supervisor orders the pursuit terminated.
- B. The officer knows the suspect's identity and knows the suspect is wanted only for a traffic violation or misdemeanor.

- C. The primary officer loses visual contact with the suspect for a period of time reducing the likelihood of capture [approximately fifteen to twenty (15–20) seconds]. This is not to imply that the officers must cease looking for the suspect, but they must discontinue the pursuit after loss of contact.
- D. When there is a clear and unreasonable danger to the officer, fleeing suspect, or any other persons. This may be due to excessive speed, reckless driving techniques, or erratic driving by the suspect that exceeds the performance capabilities of the vehicles or drivers.
- E. When the danger created by the pursuit outweighs the necessity for immediate apprehension. When pursuing units are not able to maintain radio contact with communications either directly or through use of relay units.

IX. PURSUIT TERMINATION CONSIDERATION

The following factors will be considered by officers and supervisors when making the decision to continue or terminate a police pursuit:

- A. Environmental factors such as rain, fog, ice, snow, or darkness that would substantially increase the danger of the pursuit.
- B. The officer's familiarity with the area and the ability to accurately notify communication of the location and direction in which the pursuit is proceeding.
- C. Road conditions, vehicle traffic, or pedestrians. This would be especially important during periods of heavy traffic or in the area of a school.
- D. Pursued Vehicle proceeds the wrong way on any freeway, divided highway, or one-way street. AT NO TIME will officers pursue violators the wrong way on a freeway, or a divided highway.
- E. The pursuing officers know or have reason to believe that the fleeing vehicle is being operated by a juvenile who has committed a traffic violation, misdemeanor or nonviolent felony who is driving in such an unsafe manner that it is obvious he does not have the maturity to deal with the danger involved.

X. PURSUITS – OTHER AGENCIES OR JURISDICTION

- A. When other agencies pursue vehicles into the City limits, the Department policy regarding pursuits applies.
- B. Jacksonville Police Department officers will not assist in any active pursuit, unless requested by the pursuing agency, and a Jacksonville Police Department supervisor approves such assistance and the assistance is in compliance with Department policy.
- C. With the permission of the supervisor, the assigned unit to assist an outside agency pursuit may deploy the stop sticks if it can be done in a manner that is safe to all officers involved.
- D. When Jacksonville Police Department units involved in a vehicle pursuit, leave the City limits, and enter into other jurisdictions, the Department policies regarding pursuits applies:
 - 1. The primary officer will advise communications that the pursuit is leaving the City. The Communication Center will notify other agencies that our Department is involved in a pursuit entering their jurisdiction. If that agency has the appropriate multi-agency channel, all units will be advised to go to this channel so communications can be set up.
 - 2. The supervisor responsible for monitoring the pursuit will evaluate the entire incident and make the decision to let the pursuit continue or terminate.
- E. When other agencies become involved in a Jacksonville Police Department pursuit within the City limits of Jacksonville, the Department's policy regarding pursuits applies: The primary unit will, if possible, advise communications of the identity of the other agency so that communications can make contact and begin communication with the involved agency.
- F. Due to limited radio communications with other agencies, the responsible supervisor will

continuously evaluate multi-agency pursuits and terminate if necessary.

XI. SUPERVISOR'S RESPONSIBILITIES

- A. The pursuing officer's Sergeant will immediately take command of the situation. He will be accountable for compliance until the pursuit is terminated. In the event that a Sergeant is unavailable, the on-duty Lieutenant will then assume command.
- B. Any police Supervisor may order a pursuit terminated if, in his best judgment, the level of danger outweighs the necessity of apprehension.

XII. SUPERVISORY DEBRIEFING

- A. The Supervisor in command of the pursuit will debrief all personnel involved in the pursuit.
- B. The purpose of debriefing is to determine if:
 - 1. The pursuit was necessary and within departmental procedures;
 - 2. There are training issues to be considered, and
 - 3. Any policy changes need to be considered.

XIII. REPORTING AND ADMINISTRATIVE REVIEW (7.16)

- A. All officers who initiate a pursuit will complete an incident report detailing the facts of the pursuit. All other officers who are involved in a pursuit will complete a supplement report detailing their participation in the pursuit.
- B. Any officer that deploys the tire deflation device for any reason other than training will be required to follow reporting requirements as outlined in Policy 16-2: Emergency and Pursuit Driving – Tire Deflation Device.
- C. The officer's Supervisor will review the report for accuracy and policy compliance.
- D. The Supervisor will submit a detailed written evaluation of the pursuit incident and make his recommendations using JPD Form 16-1.
- E. The file will be forwarded through the chain of command for evaluation and review.

XIV. FILE FORMATTING

Files regarding the pursuit incident will be prepared as follows:

- A. All documentation will be placed into a file folder and secured to the top with a two-hole metal binder. These folders will be available in the Patrol Supervisor's office.
- B. Any photo or audio/video media will be placed into a manila envelope and attached to the inside front cover. Pictures of injuries or lack of injuries on arrestees and officers will be printed out and attached to the file.
- C. The investigating Supervisor will be responsible for insuring that the necessary documentation is obtained and properly placed in the file before routing it through the chain of command.
- D. The order of documentation will be:
 - 1. Left side of folder:
 - a. Envelope with media storage items containing pictures, audio and/or video of incident. (CD, DVD, flash drive);
 - b. Printed pictures of injuries or lack of injuries.
 - 2. Right side of folder:
 - a. Supervisor will complete JPD Form 16-1;
 - i. If supervisor deems "In Policy" no further documentation
 - ii. If supervisor deems "Out of Policy" the supervisor will complete a memorandum

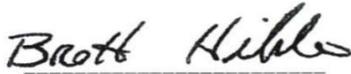
including a brief summary and their conclusion of findings.

- b. Incident Report;
- c. Supplemental Reports from police personnel or assisting law enforcement agencies;
- d. Statements from witnesses, if applicable;
- e. Copies of collision report, if applicable;
- f. Copies of any arrest reports;
- g. Copy of citations, if applicable;
- h. Any other paperwork deemed necessary for the file.

XV. ANNUAL ANALYSIS (7.16)

A documented analysis of pursuits and pursuit policies will be conducted by the Office of Professional Standards annually. These reviews may reveal patterns or trends that indicate training needs and/or policy modifications.

ALEAP: 7.15; 7.16; 7.17; 7.20


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