

# DOWNERS GROVE WRITTEN DIRECTIVE

## OPERATIONS

41.2

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### 41.2.2 PURSUIT OF MOTOR VEHICLES

**DISCLAIMER STATEMENT:** Rules, regulations, policies and procedures stated in this general order are for Downers Grove Police Department use only and do not apply to any criminal or civil proceeding. They shall not be construed as creating a higher legal standard of care or safety in an evidentiary sense with respect to third party claims. Violations thereof will only form the basis for departmental administrative sanctions.

#### PREAMBLE

One of the prime objectives of the Downers Grove Police Department is to arrest violators of the law while preserving the life of the public, department members and violator(s). When a pursuit is necessary, the Downers Grove Police will make maximum use of all available resources such as air support, telecommunications and computer networks to reduce the threat to the public, department employee(s) and violator(s). The Downers Grove Police Department recognizes the inherent danger of a vehicle pursuit and therefore, Downers Grove Police officers will engage in vehicle pursuits only for the reasons outlined in the following directive.

#### POLICY

The Downers Grove Police:

1. Will make every effort to ensure the safety of the public as well as department members at all times, and authorizes emergency use of department police vehicles when the necessity of immediate response or apprehension of offenders outweighs the level of inherent danger.
2. Recognize the objective of a motor vehicle pursuit is to maintain police contact with a fleeing driver, without unnecessary endangerment to life and property, until the individual can be apprehended. Officers and/or their supervisors will continually evaluate the nature of the pursuit with respect to its danger and make judgment whenever necessary to terminate the pursuit.
3. Officers will not initiate or become involved in pursuits for traffic offenses, property crimes, whether felony or misdemeanor, or when the suspect flees for unknown reasons except as outlined below in 4.

4. An officer should initiate a motor vehicle pursuit only when an officer has an articulable reason to believe the occupant(s) of a fleeing vehicle have committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates they will endanger human life or inflict great bodily harm unless arrested without delay. All officers involved in a pursuit must, at all times, be able to justify their reasons for the pursuit.

## DEFINITIONS

- A. Motor Vehicle Pursuit: An active attempt by a police officer operating an authorized emergency motor vehicle with all emergency equipment activated for stopping a suspect motor vehicle which is attempting to avoid apprehension. Examples of avoiding apprehension may include disobeying traffic control signals, improper passing, speeding, extinguishing headlamps and sudden changes in direction of travel. For purposes of this definition, a “refusal to stop” does not constitute a motor vehicle pursuit.
- B. Risk: The degree of danger or hazard to the public and/or police.
- C. Alternate Routes: Other routes not immediately behind the pursuit vehicle(s) which converge in the area of or move in the direction the pursuit is traveling.
- D. Silent Surveillance: The following of a violator at the legal speed limit for the purpose of monitoring direction of travel and relaying information.
- E. Authorized Emergency Vehicles Shall Include:
  1. Marked Police Vehicle - Any police vehicle that is identifiable by color scheme, department seal, and/or police lettering and has visible emergency lights mounted on or within the vehicle and the vehicle is equipped with a siren.
  2. Unmarked Police Vehicle - Any police vehicle that has no distinctive identifiable marking shall have portable emergency lights and siren.
- F. ISPERN: Illinois State Police Emergency Radio Network.
- G. Police Officer: A peace officer as defined by Illinois Statutes.
- H. Primary Unit: The police vehicle that initiates a pursuit or any vehicle that assumes control of the pursuit as the first police vehicle immediately behind the pursued vehicle.
- I. Secondary Unit: Any police vehicle which becomes involved as a secondary to the primary unit.

- J. Supervisor: A police officer who, by virtue of rank is responsible for the direction or supervision of the activities of other police officers, i.e. Sergeant or Lieutenant.
- K. Roadblock: A restriction or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to effect the apprehension of a suspect.
- L. Boxing In/ Rolling Roadblock: The surrounding of a suspect's moving vehicle with moving pursuit vehicles.
- M. Pursuit Termination Devices: Devices which contain numerous hollow spikes that when driven over, deflate a vehicles tires at a rapid but controlled rate.
- N. Refusal to Stop: An attempt by a police officer operating an authorized emergency motor vehicle with all emergency equipment activated on a driver who is generally obeying traffic laws but refuses to stop for an unknown reason. Examples of refusing to stop may include elderly drivers, intoxicated or chemically impaired drivers, hearing-impaired drivers or operators of motor vehicles with sight or sound obstructions.
- O. Fleeing & Eluding: Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a peace officer directing such driver or operator to bring his vehicle to a stop, wilfully fails or refuses to obey such direction, increases his speed, extinguishes his lights, or otherwise flees or attempts to elude the officer. Chapter 625 ILCS 5/11-204.
- P. Forcible Felony: Treason, First Degree Murder, Second Degree Murder, Predatory Criminal Sexual Assault of a Child, Aggravated Criminal Sexual Assault, Criminal Sexual Assault, Robbery, Burglary, Residential Burglary, Aggravated Arson, Arson, Aggravated Kidnapping, Kidnapping, Aggravated Battery Resulting in Great Bodily Harm or Permanent Disability or Disfigurement and any other felony which involves the use or threat of physical force or violence against any individual. Chapter 720 ILCS 5/2-8.

## **GUIDELINES IN A MOTOR VEHICLE PURSUIT**

- A. The following circumstances must be considered when deciding to engage in, or to continue a pursuit.
  - 1. Does the seriousness of the crime warrant the pursuit? Did the occupant(s) of the fleeing vehicle commit or attempt a forcible felony which indicates they will endanger human life or inflict great bodily harm unless arrested without delay?
  - 2. What is the possibility of apprehension?

- a. An officer will engage in pursuits only when the likelihood of successful apprehension is high.
  - b. In addition, where the offender is known, the officer should consider the possibility of alternative action, (obtaining an arrest warrant), against the need for immediate apprehension.
- 3. What conditions exist?
  - a. roadway surface
  - b. time of day
  - c. motor vehicle traffic
  - d. pedestrian traffic
  - e. weather conditions
  - f. familiarity with the area
  - g. availability of assistance
  - h. vehicle type and condition
  - i. presence of non-police personnel in the police vehicle
- B. The decision to begin, responsibility for continuation, and method of fresh pursuit rests primarily with the individual officer(s) involved. Although the law does not prevent the officer from using emergency speeds while engaged in pursuit, it does hold the officer criminally and civilly responsible for his/her actions. The officer must exercise sound judgment and carefully consider the seriousness of the offense and the possible consequences and safety of the citizens whose protection is his/her responsibility.
- C. An officer is expected to terminate his/her involvement in a pursuit whenever the risks to his/her safety and the safety of others are greater than the danger to himself/herself and the community if the suspect is not apprehended.

## **PURSUIT PROCEDURE/RESPONSIBILITIES**

- A. Pursuits should be initiated only when a law violator clearly exhibits the intention of avoiding arrest by using a vehicle to flee and the officer has an articulable reason to believe the occupant(s) of a fleeing vehicle have committed or attempted a forcible felony which involves the infliction or threatened infliction of bodily harm.
- B. Officer(s) initiating a pursuit must radio in the reason. If the pursuit is leaving the jurisdiction, Officer(s) must advise their supervisor and adhere to the policies and guidelines of this order. If the pursuit is leaving the jurisdiction, contact State Police District 2 on I.S.P.E.R.N. Communications shall be advised at all times of the progress of the pursuit. Information to be provided shall include:
  - 1. What the vehicle is wanted for at the time of pursuit.
  - 2. Direction of travel.

3. Description of auto, including license plate information if obtained.
4. Suspect's identity if known.
5. Description of occupants.
6. Speed of vehicles involved.
7. Continuing report of location.
8. Any additional information available.

C. Officers Responsibilities

1. When approaching an intersection where signal light or stop signs control the flow of traffic, officers shall:
  - a. Decelerate and be prepared to apply brakes.
  - b. Enter the intersection only when safe and at a reduced speed, making sure all cross vehicles are aware of their presence.
  - c. Resume pursuit speed only when safe.
2. Squad cars should avoid passing other police cars during a pursuit unless requested to do so by the pursuing unit.
3. Speed must be kept at a level which will enable the officer to avoid hazards.
4. Keep vehicle under control at all times and exercise due care.
5. Avoid passing on the right except when no other course is open, and then with extreme caution.
6. Allow motorists and pedestrians an opportunity to yield the right-of-way.
7. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the pursuing officer should stop, give his/her location, remove ignition keys, and continue their effort to apprehend on foot. The back-up car, or second police vehicle, should be dispatched in close proximity to offer assistance.
8. Whenever the course of the pursuit is extended off the roadway as when a fleeing vehicle leaves the roadway and proceeds across a field, the pursuing officer must carefully consider the risk to his/her safety and the potential damage to the police vehicle and/or private property. The officer should also attempt to receive permission from the Duty Supervisor to continue off the roadway.

9. When the pursuit is terminated, the pursuing officer is to notify communications of the disposition; last direction of travel, location and any additional information which is pertinent.

10. Emergency equipment must be utilized until the pursuit is terminated.

D. Secondary Units Responsibility.

1. Unless otherwise directed by the supervisor, no more than two (2) units (includes primary unit) shall be actively involved in the pursuit.

2. If the secondary officer is in close proximity of the primary unit he may handle the radio traffic for the primary unit.

3. The secondary unit shall follow all safety measures as mentioned above.

E. DuComm telecommunicator responsibilities.

1. Shall immediately notify the shift supervisor of the circumstances of the pursuit and advise all units to hold transmissions except for emergency traffic.

2. As long as the pursuit is continued, the DuComm telecommunicator will control the pursuit communication by rebroadcasting transmissions of relevance to any other units involved or likely to become involved, including updating supervisory personnel of the status of the pursuit.

F. Supervisor's Responsibilities.

1. Supervisors will monitor, coordinate, and limit the number of vehicles involved in a pursuit, as well as the length of the pursuit.

2. Supervisors shall be responsible to order the termination of any pursuit when deemed necessary.

**WHEN TO TERMINATE PURSUIT**

A. The pursuing officer has the prerogative to terminate a pursuit at any time, if, in his/her judgment, the risks outweigh the seriousness of the offense or if lives are being unduly threatened by the pursuit.

B. When conditions clearly indicate the futility of further pursuit, it should be abandoned.

C. A pursuing officer will immediately terminate a pursuit when ordered to do so by any supervisor.

## **ASSISTANCE TO OTHER JURISDICTIONS**

- A. In the event a pursuit initiated by an outside agency enters Downers Grove, this department will:
  - 1. Provide all reasonable assistance within the procedure guidelines.
  - 2. Not follow the pursuit out of the corporate limits of Downers Grove. However, if a Downers Grove Unit becomes the secondary unit, it may continue to assist outside of the Village unless ordered to return by a supervisor.
  - 3. Act as a secondary unit assisting with direction of travel and streets.
  - 4. Attempt traffic control at major intersections.
  - 5. If the initiating agency terminates their pursuit for any reason this agency will also withdraw from the pursuit.
- B. Pursuits initiated by an outside agency traveling through the Village of Downers Grove shall remain the responsibility of the initiating agency.

## **USE OF FIREARMS**

- A. Officers engaged in pursuit shall not discharge a firearm at the vehicle being pursued as it constitutes a hazard to the general public, unless the use of deadly force is justified.

## **PURSUIT REPORTING INFORMATION REQUIREMENTS**

- A. Officers involved in a pursuit, fleeing & eluding or refusal to stop incident shall as soon as possible following such an incident prepare a police report containing the following information;
  - 1. Date and time pursuit, fleeing & eluding, and/or refusal to stop began.
  - 2. Date and time pursuit, fleeing & eluding, and/or refusal to stop ended.
  - 3. Location and all roadways and other areas traveled by violator's vehicle and pursuing/responding officers.
  - 4. Reason for initiating the pursuit.
  - 5. Highest speed of the police vehicle and violator's vehicle.
  - 6. Type of roadways traveled upon.
  - 7. Sobriety of violator (if able to determine).
  - 8. Officer narrative containing the entire sequence of events surrounding the pursuit.
  - 9. Names of all officers and agencies involved in the pursuit.
- B. Role of the Shift Supervisor

1. The shift supervisor shall review the officer's report and prepare a memorandum containing:
  - a. The supervisor's status when the pursuit, fleeing & eluding and/or refusal to stop incident began
  - b. The supervisor's role in the incident and any action taken.
  - c. The supervisor's memorandum shall be forwarded to the Lieutenant of Operations

C. Role of the Lieutenant of Operations

1. The Lieutenant of Operations shall review the reporting officer's incident report, related supplements, supervisor's memorandum, and all audio, video, and photographic evidence. The Lieutenant shall prepare an Operational Analysis of the incident in memorandum format, containing the following information:
  - a. Whether the officer's actions conformed to applicable Downers Grove Police Department Written Directives, including 41.2.1 Responding Procedures, 41.2.2 Pursuit of Motor Vehicles, 41.2.3 Roadblocks and Forcible Stopping, and/or Rules & Regulations.
  - b. What, if any, training needs to be considered
  - c. What, if any, policy changes should be considered
  - d. All reports and related materials shall be forwarded to the assigned Deputy Chief.

D. Role of the assigned Deputy Chief:

1. The assigned Deputy Chief shall conduct an Administrative Review of all submitted reports, photographs, tape recordings, and diagrams. The assigned Deputy Chief shall:
  - a. Review and approve the Lieutenant's Operational Analysis
  - b. Initiate an internal investigation of the incident if the pursuit and/or refusal to stop incident response did not conform to Downers Grove Police Department Written Directives and/or Rules & Regulations.
  - c. Assign remedial and/or department-wide training as needed
  - d. Review policy considerations and recommend changes as needed
  - e. Forward all reports and findings to the Chief of Police
2. A documented Annual Analysis of all pursuits, fleeing & eluding, and refusal to stop incidents shall be conducted by the assigned Deputy Chief. The analysis will include:
  - a. A complete review of the policies and procedures pertaining to vehicle pursuits, responding procedures, and forcible stop techniques



- b. In the event there are no vehicle pursuits in the calendar year, a documented review of the applicable policies and procedures will be completed.

## **TRAINING**

All sworn personnel will have documented annual training on the Pursuit of Motor Vehicle policy. Newly hired sworn personnel will have documented initial training on the Pursuit of Motor Vehicle policy.