


FORT SMITH POLICE DEPARTMENT

POLICIES AND PROCEDURES

SUBJECT	Pursuit Driving		
NUMBER	1102.30	EFFECTIVE DATE	March 17, 2003
Scheduled Review Date	Annually beginning December 1	ISSUE DATE	March 17, 2003
REVIEW DATE	April 21, 2025	REVISION DATE	April 19, 2024
APPROVED BY		CALEA STANDARDS	LE 41.2.2; LE 41.2.3

I. Purpose

- A. The purpose of this policy is to define the Fort Smith Police Department's policies and procedures governing the pursuit of motor vehicles by members of the police department.

II. Policy

- A. The police department's primary concern in pursuit situations is the protection of the lives and safety of all citizens and officers. The operation of emergency vehicles is governed by Arkansas state law, which authorizes emergency vehicles to exceed the posted speed limit, but does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons. It also does not relieve the driver of any emergency vehicle from the consequence of a reckless disregard for the safety of others.

III. Definition

- A. *Vehicular Pursuit* – A vehicular pursuit is an active attempt by a law enforcement officer, operating an emergency vehicle, to apprehend one or more occupants of another moving vehicle when the driver of the fleeing vehicle is aware of that attempt and is resisting apprehension by increasing his or her speed, disobeying traffic laws, ignoring, or attempting to elude the officer.

IV. Procedure

- A. The following factors shall be considered by officers and supervisors in making the decision to continue or terminate a police pursuit:
1. Except as provided in Section IV.B.12 of this policy, the FSPD will not engage in a vehicular pursuit if the suspect is wanted only for a traffic violation, misdemeanor and/or a non-violent felony. The act of the suspect fleeing officers in a vehicle shall not be considered a violent felony for the purpose of determining if a pursuit is authorized.
 2. Environmental factors such as rain, fog, ice, snow, darkness, or roadway conditions that would substantially increase the danger of the pursuit.

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3. The officer's familiarity with the area and the officer's ability to accurately notify Communications of his or her location and the direction in which the pursuit is proceeding.
4. Congestion caused by traffic or pedestrians. This would be especially important during rush hours or in the area of any school.
5. The 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, divided highway, or one-way street.
6. Officers shall be given a reasonable amount of time in order to catch up to a vehicle in a legal manner to conduct a traffic stop, make a determination if the violator is going to stop, and assess if a vehicular pursuit is warranted or exists.

B. The following procedures will govern vehicular pursuits:

1. Vehicles not normally utilized in a patrol function are prohibited from participating in any vehicular pursuit unless properly equipped with blue lights and siren.
2. No more than two marked Fort Smith Police Department (FSPD) emergency vehicles will be involved in the immediate pursuit. Other FSPD vehicles will be support units and will not become actively involved in the pursuit. Until a secondary unit is established, support units traveling toward the immediate pursuit shall not exceed the posted speed limit without activating the police vehicle's emergency lights and siren as prescribed by state statute (AR 27-51-202). Additionally, officers will notify the on-duty supervisor(s) via the Communications Center that the police vehicle's emergency lights and siren have been activated and that he/she is traveling toward the immediate pursuit. Support unit response does not relieve officers from the lawful responsibility to drive with due regard for the safety of others, nor the consequence of a reckless disregard for the safety of others, as prescribed by state statute (AR 27-51-204). Therefore, officers shall deactivate the police vehicle's emergency lights and siren upon immediately determining they are no longer necessary, or having been so ordered by the on-duty supervisor.
3. All FSPD marked units involved in a pursuit, if outfitted with audio/video recording equipment, shall ensure that the equipment is utilized to record the entire duration of the pursuit and the equipment shall remain activated until the pursuit is terminated or when deactivation is authorized by a supervisor. All support units exceeding the posted speed limit shall ensure that audio/video recording equipment is utilized to record the entire duration of the period of time that the police vehicle's emergency lights and siren have been activated.
4. Upon initiation of a pursuit, the Communications Center will declare emergency traffic only on the primary police channel. Additionally, a Telecommunicator shall initiate a Call for Service in the CAD System regarding the pursuit.
5. The first unit to become involved in a vehicular pursuit will be designated the primary vehicle and will have the following responsibilities:
 - a. The officer will activate the police vehicle's emergency lights and siren and notify Communications of the following information:
 - (1) The unit identifier; and
 - (2) The location and direction of the suspect vehicle; and

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- (3) The charges involved; and
 - (4) The license number, vehicle description, and number of occupants.
- 6. In a pursuit, the second marked police unit will become the backup. Upon joining the pursuit, the backup officer will activate the vehicle's emergency lights and siren and advise Communications.
 - a. Only one backup unit is to be used unless authorization for additional backup units is obtained from a police supervisor.
 - b. The backup vehicle will follow the primary vehicle at a distance that will provide adequate maneuvering and stopping capability.
- 7. Additional units shall provide support and utilize lights and siren in conformance with state law. The duties of a support unit include (but are not limited to):
 - a. Cover escape routes.
 - b. Block traffic at intersections from entering the path of the pursuit.
 - c. Respond to areas where evidence may have been thrown or located.
 - d. Be prepared to take over as an involved unit should the primary or secondary become disabled.
 - e. Deploy Tire Deflation Equipment (Stop Sticks)
 - (1) The purpose of deploying tire deflation equipment is to end pursuits safely and quickly.
 - (2) Circumstances warranting the use of the spike system would include the desire to terminate a pursuit with minimal risk of injury or damage, with a supervisor's approval, in a safe manner consistent with guidance provided in this directive.
 - (3) Tire deflation equipment will be available in designated marked patrol vehicles. Only those officers who have received training in the use of the equipment will deploy tire deflation equipment.
 - (4) Only department provided and authorized equipment will be used. This equipment will be stored in the manufacturer's-provided carrying case. Supervisors will be responsible for proper maintenance and storage of tire deflation equipment in the designated, marked patrol vehicles.
 - (5) After each use, the equipment should be thoroughly inspected for damage. Should any apparent damage be detected, it shall be reported to the Quartermaster for repair as specified in the manufacturer's instructions.
 - (6) The safety of officers, citizens, and violators should be of the utmost concern; careful planning is essential before deploying this equipment.
 - (a) The tire deflation equipment shall NOT be deployed on the following vehicles: vehicles with less than four wheels (motorcycles, all terrain vehicles, etc.), vehicles with more than two axles (semi-trucks, trailers, etc.), public transportation

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vehicles (buses, motor coaches, vans, etc.), and vehicles transporting hazardous materials.

- (b) The deployment location should allow for proper deployment and provide as high a degree of safety as possible to the deploying officer(s), those officers actively engaged in the pursuit, citizens, and property that could conceivably be affected as a result of the deployment.
- (c) Natural barriers that can provide protection for the officers should be utilized if possible.
- (d) An adequate line of sight to the approaching pursuit must be available.
- (e) Patrol vehicles will be parked in such a manner to provide additional warning and protection without blocking the pursuit. Patrol vehicles will have all emergency lighting activated.
- (f) Deployment should be set far enough ahead of the pursuit to allow for adequate setup time. A rushed deployment is ineffective and dangerous and is not authorized as an acceptable solution to terminate a pursuit.
- (g) The deploying officer(s) will provide information on location and readiness to the pursuing officers. There shall be no deployment if this information is not received and confirmed by the pursuing officers.
- (h) Target vehicle information must be supplied by the pursuing units to the deploying officer(s). A visual confirmation by the deploying officer(s) should be made to reduce the possibility of error.
- (i) The deploying officer(s) shall deploy the equipment in accordance with the manufacturer's recommendations. Only those officers who have received approved tire deflation training will deploy the equipment.
- (j) The deploying officer(s) shall not wrap the rope around their hands/arms or maintain any contact with the equipment while the vehicle(s) are driving over it.
- (k) After deployment, officer(s) should immediately retrieve the tire deflation equipment using the retrieval methods prescribed in their deployment training, then immediately seek cover and protection.
- (l) The deploying officer(s) are responsible for securing the equipment immediately after use. This will include searching the area for debris, inspecting the equipment, repairing the equipment if possible, and storing the equipment. If the tire deflation equipment requires manufacturer's repair, the deploying officer shall report the repair request to his or her immediate supervisor, properly document the need for repair, and submit the tire deflation device to the Quartermaster for manufacturer's packaging and shipping instructions.

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- f. If a support unit inadvertently intercepts the suspect vehicle , the support unit will not attempt to intervene if the suspect vehicle is still being pursued by a primary and secondary unit. The support unit may attempt to obtain additional suspect vehicle description and information.
8. Officers will not operate their vehicles as primary or secondary units when any passengers, other than another police officer or a person who has signed a release or waiver of liability, occupy their vehicles.
9. Police vehicles will not be used for the following purposes:
 - a. Ramming of suspect vehicles.
 - b. Boxing in, or surrounding a suspect vehicle, or rolling road blocks (marked and unmarked units may be used to box in an unaware suspect in order to avoid a pursuit).
 - c. Overtaking, driving next to, or forcing suspect vehicles off the roadway.
 - d. The FSPD prohibits the use of roadblocks and forcible stopping for the purpose of ending a pursuit.
10. Dispatcher Responsibilities
 - a. As a vehicular pursuit begins, it shall be the responsibility of the Channel 1 dispatcher to declare emergency traffic on the channel.
 - b. Create a call for service number for the pursuit, unless a call for service number has already been issued for the call, and begin documenting the pursuit in the call notes.
 - c. The Channel 2 operator should start additional units toward the pursuit.
 - d. Monitor Channel 1 for units in pursuit and handle requests related to the pursuit.
 - e. Notify surrounding agencies if it appears the pursuit may leave Fort Smith's jurisdiction.
11. Vehicular pursuits will be immediately terminated under the following conditions:
 - a. When any police supervisor orders the pursuit terminated.
 - b. The distance between the officer and suspect is such that, in order to continue the pursuit, it would place the officer or the public in unreasonable danger.
 - c. The primary officer loses visual contact with the suspect for an extended period of time (approximately 15-20 seconds). This is not to imply that the officers must cease looking for the suspect, but they must terminate the pursuit after loss of contact.
 - d. When there is a clear and unreasonable danger to the officer, fleeing suspect, and/or any other persons. This may be due to excessive speed, reckless driving techniques, or the erratic driving by the suspect which

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exceeds the performance capabilities of the vehicle or the driver.

- e. When the danger created by the pursuit outweighs the necessity for immediate apprehension.

12. Vehicular Pursuits - Other Agencies or Jurisdictions

- a. When other agencies pursue vehicles into the city limits, the following shall govern FSPD involvement:

- (1) All criteria that govern FSPD vehicular pursuits will be considered prior to becoming involved with any pursuit that is initiated by other agencies or jurisdictions.
- (2) FSPD officers will not assist in active vehicular pursuit unless requested by the pursuing agency and such assistance is approved by an FSPD police supervisor.
- (3) At no time will FSPD units become actively engaged in a vehicular pursuit if two police vehicles from another agency are already in active pursuit.
- (4) If FSPD units join the pursuing agency, and the agency's backup unit arrives to assist, FSPD units will terminate active pursuit and cease emergency operations

- b. When other agencies become involved in FSPD vehicular pursuits within the city limits of Fort Smith, the following shall apply:

- (1) The primary unit will, if possible, advise Communications of the identity of the other agencies involved so that Communications can make contact and begin communications with the involved agency.
- (2) Due to limited radio communications with other agencies, the assigned supervisor shall re-evaluate the pursuit and make the decision to let the pursuit continue or terminate.
- (3) For the purpose of this policy, a total of two FSPD units in active vehicular pursuit are authorized to continue in the pursuit regardless of the other agencies involved.

- c. When FSPD vehicular pursuits leave the city limits and enter other jurisdictions, the following shall apply:

- (1) The primary officer will advise Communications that the pursuit is leaving the city. The Communications Center personnel shall notify the appropriate agency that the pursuit is entering their jurisdiction.
- (2) The supervisor handling the pursuit will evaluate the entire incident and make the decision to let the pursuit continue or terminate.

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13. Supervisors' Responsibilities

- a. Supervisors are responsible for managing all vehicular pursuits to include determining whether the pursuit should continue or be terminated.
- b. Upon becoming or being made aware of a vehicular pursuit, a patrol supervisor will immediately take command of the pursuit by notifying Communications (via radio if possible) that he or she is monitoring the pursuit and thereby accepting supervisory responsibility. (The supervisor of the officer who initiates the pursuit should normally be the supervisor assuming command)
- c. In the event that a sergeant does not immediately take command, the shift lieutenant will assume command and/or assign a sergeant.
- d. In the event the pursuing officer(s) is engaged in a special operation under the supervision of a supervisor not assigned to the Patrol Division, that supervisor shall be accountable for compliance with this policy until the pursuit is terminated.
- e. Any police supervisor may order a pursuit terminated if, in their best judgment, the level of danger outweighs the necessity of apprehension.

V. Reports

- A. The supervisor accountable for the pursuit and compliance with this policy will ensure that a memorandum report is generated and that each officer involved in the pursuit details the facts of the pursuit prior to the end of the employee's shift using the BlueTeam program.
- B. The supervisor accountable for the pursuit and compliance will review the officer's report for accuracy and policy compliance.
- C. The supervisor will submit a detailed written evaluation of the pursuit incident and make his or her recommendations.
- D. The supervisor accountable for the pursuit and compliance with this policy will advise the Communications supervisor to maintain a recording of all radio traffic pertaining to the pursuit for future reference.
- E. The reports will be forwarded through the chain of command for evaluation and review at each level.
- F. All documentation will be submitted by a BlueTeam entry completed by the supervisor accountable for the pursuit and compliance with this policy.
- G. Any photographs, audio, or videotapes should be uploaded into the BlueTeam entry. If they are not able to be uploaded, they should be placed into an envelope and forwarded to the Office of Professional Standards.
- H. The supervisor accountable for the pursuit and compliance with this policy shall be responsible for ensuring that all necessary documentation is obtained and properly completed before routing it through the chain of command.

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- I. A separate complaint should be initiated in BlueTeam by the reviewing supervisor if a departmental policy, procedure, or rule violation was identified in any agency-involved pursuit.
- J. Reviews of vehicle pursuits by the officer's chain of command should be completed in BlueTeam and forwarded to the Office of Professional Standards within thirty (30) days of the pursuit.
- K. The Office of Professional Standards shall conduct a documented annual analysis of the agency's pursuit reports and a documented annual review of pursuit policies and reporting procedures.

VI. Supervisory Reviews

- A. A formal review of all pursuits will be conducted by the officer's chain of command.
- B. The purpose of the review is to determine if:
 - 1. The pursuit was necessary and within departmental policy;
 - 2. There are training needs to be considered; and,
 - 3. Any policy changes need to be considered.

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