

Chapter

Law Enforcement Operations

Article

Vehicle Pursuits and Forcible Stops

PURPOSE

To guide officers in determining appropriate instances to pursue vehicles and in the use of forcible stop techniques.

POLICY

Vehicular pursuits and forcible stop techniques will be conducted in accordance with the provisions of the Colorado Revised Statutes and this policy. Each pursuit and forcible stop will ultimately be judged upon the reasonableness of the officers' actions initiating and continuing a pursuit or forcible stop. Officers shall continuously evaluate the safety of innocent civilians, police officers, and suspect(s) when initiating or continuing a pursuit.

DEFINITIONS

Blocking means blocking a vehicle into a parking space, small garage, etc. by positioning a police vehicle in such a manner that it prevents the target vehicle from driving away. There is no vehicle to vehicle contact with blocking by this definition.

Direct involvement for the purposes of this policy means actively pursuing. It does not include activities such as blocking side streets for motorist safety, deploying Stop Sticks, etc.

Elusive/Evasive actions include substantially increasing speed, displaying purposeful non-compliance to traffic control devices, or making some other overt action designed to avoid apprehension such as driving into oncoming traffic whether or not the operator has been given visual and audible signal by the officer(s) directing such operator to bring the vehicle to a stop.

Failing to yield refers to the actions of a vehicle operator who fails to stop or respond to the emergency light(s) and siren of a law enforcement vehicle. Generally, the vehicle operator continues to travel forward at or below the speed limit, observes applicable rules of the road, and does not change the direction of travel in an evasive manner.

Imminent threat of serious bodily injury or death means a threat that is likely to result in serious bodily injury or death without immediate direct involvement of an officer.

Pinning means a calculated maneuver or tactic, utilizing vehicle contact to immobilize a subject's vehicle before the subject driver can escape or elude police.

Primary officer/vehicle is the first police vehicle/officer behind the suspect vehicle in the pursuit.

Ramming is the deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.



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Roadblock is a barricade or obstruction (vehicle or otherwise) set up across a road to prevent the passage of a suspect vehicle. This definition does not include pinning a vehicle as a part of a TVI maneuver or blocking entrances/exits of private driveways or small parking lots in which possible vehicle speeds are relatively low and the greater interest of public safety is served by preventing the suspect vehicle from entering a roadway.

Secondary officer/vehicle is the first vehicle trailing the primary.

Stop Sticks is the brand of deflation device used by the Department designed to cause the slow deflation of a tire when struck and is intended for use to slow or disable a moving vehicle.

Tactical Vehicle Intervention (TVI) is a controlled maneuver where the front of a police vehicle is used to contact the rear of the suspect vehicle with the intention to cause the suspect vehicle to spin and impede the suspect vehicle's ability to continue down the roadway. This maneuver should be applied on single vehicles of like size.

Vehicular Pursuit means an active attempt by a police officer, in an authorized emergency vehicle, to apprehend (stop) an actual or suspected violator of the law who is attempting to avoid apprehension through evasive actions.

GENERAL GUIDELINES

Police Vehicle Pursuits <CALEA 41.2.2 (a) (b) (g)> <Tidwell v. City and County of Denver, 83 P.3d 75 (Colo. 2003)>

An officer in a marked or unmarked police vehicle may engage in a police vehicle pursuit only if ALL three sections of the following criteria exist:

- An officer knows or has reasonable suspicion to believe, the fleeing suspect has, or a passenger has committed, or attempted to commit a violent felony or other heinous crime, such as;
 - Homicide of any degree
 - Felony Hit and Run with an unknown suspect.
 - Car Jacking with a Firearm
 - First Degree Assault
 - Felony Sexual Assault
 - Kidnapping
 - Robbery involving a Firearm.
 - Illegal Discharge of a Firearm at an occupied dwelling
- Under the circumstances, it is reasonable for the officer to conclude that the suspect's actions are so dangerous that they present an imminent threat of serious bodily injury or death to persons other than the suspect.
- There is a reasonable expectation of apprehension of the suspect.

Any failure to comply or failure to appear warrants for the above-listed crimes do not justify a pursuit. Active arrest warrants for violent felony crimes must be vetted and approved by the Sergeant or above before the pursuit is initiated.



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The pursuing officer shall base his/her decision to initiate or continue a pursuit only on the facts and circumstances known to him/her at that time, even if the pursuit meets the criteria required above.

The officer shall consider:

- Whether or not the suspect can be identified and apprehended later through an investigative process,
- The seriousness of the offense,
- The amount of vehicular and pedestrian traffic in the area and time of day shall be considered, and may impact the risk of the pursuit making it unreasonable to continue,
- The condition of the road surface upon which the pursuit will be conducted,
- Weather conditions,
- The equipment and performance capabilities of the pursuit vehicle,
- The officer's familiarity with the area and the terrain where the pursuit will occur,
- The officer's training and experience in pursuit driving,
- The officer's emotional and physical condition at the time of the pursuit,
- Use of force considerations, and
- All other relevant information known at the time of the pursuit.

A suspect's elusive/evasive actions fleeing an attempted traffic stop that do not meet the above criteria for a pursuit shall not be used as justification to initiate or continue a pursuit unless the suspect's actions would justify the use of deadly force.

If an officer attempts to initiate a traffic stop on a vehicle, and the driver of that vehicle takes elusive/evasive action to avoid the contact and the stop does not meet the criteria for a pursuit outlined above, the officer(s) will follow this policy as outlined below for termination of a pursuit. A BlueTeam is not required in this instance since the officer did not pursue.

All supervisors and officers should work together to ensure the policy is being followed as directed. Any supervisor may terminate a pursuit for any reason.

Limitations on Vehicle Pursuits <CALEA 41.2.2(e)> <CRS 42-4-108> <CRS 24-10-106>

Officers may only engage in a motor vehicle pursuit when operating a Department issued vehicle with emergency lights and siren activated. A fully marked patrol vehicle is the most suitable vehicle to conduct a pursuit. Unmarked police cars, and K9 vehicles (containing a dog) may be involved but shall turn over their position to a marked patrol car in the pursuit to a primary and secondary unit at the first opportunity. Police motorcycles shall not be involved in a pursuit.

Unless a supervisor assigns additional patrol vehicles as necessary to initiate or assist with forcible stop methods or participate directly in the pursuit as the supervisor sees fit, a maximum of four police vehicles will be directly involved in a pursuit.

Operating an emergency vehicle in a pursuit with emergency lights and sirens does not relieve the officer of the duty to drive with due regard for the safety of all persons and does not protect the officer from the consequences of his/her reckless disregard for the safety of others.



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Police vehicles which contain civilians, prisoners, juveniles, witnesses, or suspects will not engage in a vehicular pursuit. If an adult civilian ride-along is present, to engage in a pursuit an officer must drop the civilian rider off at a safe location, advise dispatch of the location and then engage in a pursuit. If there is no safe location to drop off the civilian rider, then the officer will not be involved in the pursuit. Once the pursuit is terminated the officer will ensure that the civilian rider is or has been transported to the police department or found other accommodations.

Officer Responsibilities <CALEA 41.2.2 (c)(d)> <CRS 42-4-108>

Once an officer determines a vehicle is attempting to elude/evade contact and reasonably believes justification for the pursuit exists, the officer will activate lights and sirens to alert the suspect to stop, as well as to warn other drivers of the pursuit, and notify Communications. **The involved officers will continuously evaluate the situation and determine whether or not to continue the pursuit based on the totality of circumstances.**

- The officer will activate their Body Worn Camera (BWC) at the initiation of the pursuit.
- A pursuing officer will initially provide information such as DSN, location, initial reason for the attempted stop, reason for pursuit, direction of travel, description of the vehicle and suspects, and known weapons.
- The primary officer should relinquish radio traffic to the secondary unit when one joins the pursuit.
- Involved officers will give continual updates concerning location, speeds, direction of travel, traffic conditions, weather conditions, vehicle and occupant actions, any accidents which occur, the location, and any other information pertinent to the specific event.
- Any pursuing vehicles will utilize both emergency lights and sirens at all times during a pursuit.

Officers will only pass the primary or secondary officers when the maneuver is communicated among the units that are involved in the pursuit.

The involved officer(s) or any supervisor may terminate the pursuit at any time.

Any officer(s) not directly involved in the pursuit but trying to assist through paralleling the path of the pursuit, blocking side street traffic, or deploying Stop Sticks, shall drive obeying the applicable traffic laws, unless the situation warrants the officer(s) driving emergent with lights and sirens. If such a situation arises, the officer will communicate the situation to their supervisor.

If any citizens are injured as a result of the pursuit, an officer not involved in the pursuit or an officer assigned to respond will respond and render assistance without undue delay.

If the pursued vehicle stops, whether voluntarily or because of a crash or application of a TVI, the officers on scene, as soon as is reasonably appropriate, will provide an update as to whether additional units are required.

Once the suspect has stopped, officers should use tactics appropriate to the situation and consistent with their training.



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Officers involved in the pursuit, if possible, will not have the responsibility of handling suspects beyond the initial arrest.

Supervisor Responsibilities <CALEA 41.2.2 (g)>

An on-duty supervisor will monitor and direct the pursuit to assess the risks and hazards involved in determining whether or not to allow the pursuit to continue. Any supervisor may order the termination of the pursuit at any time; however, the Incident Supervisor will order that a pursuit is terminated when new or updated information makes it apparent continuing the pursuit is out of policy.

A supervisor should respond to the termination point of any pursuit and contact the initiating officer. If the supervisor is unable to immediately respond to the scene, the supervisor should coordinate a meeting with the initiating officer once they are available.

Terminating a Pursuit <CALEA 41.2.2 (h)(i)>

A pursuing officer **shall terminate a pursuit** under any of the following circumstances:

- When the involved officers know the suspect's identity and immediate apprehension is not necessary to protect the public or officers, and apprehension is feasible at a later time; or
- The distance between the fleeing vehicle and the pursuing vehicle(s) is so great that the officer determines further pursuit is futile; or
- The danger to all persons involved, including the general public, posed by continued pursuit becomes greater than the need of apprehending the suspect or the standards for initiating a pursuit, as discussed in this policy, no longer exist; or
- Weather or traffic conditions change and substantially increase the danger of a pursuit beyond the value of apprehending the suspect; or
- The officer is not reasonably familiar with the area and terrain of the pursuit; or
- Any of the involved officers call for the termination of the pursuit.

A pursuit shall be terminated when the pursuit is ordered terminated by a supervisor. Terminated pursuits shall not be re-engaged without supervisor approval.

When the decision is made to terminate a pursuit, every pursuing officer will acknowledge the order on the radio. The officer(s) directly involved will turn off all emergency equipment, pull over and stop, or drive in a direction different from the fleeing vehicle. The officer(s) will notify Communications of their location, the primary officer will air all available descriptive information pertaining to the vehicle, the driver, and the last known direction of travel.

Once a pursuit is terminated, Officers in the area will not chase/pursue or follow the fleeing vehicle. With supervisor approval, a police vehicle may enter the area to visually look for the suspect vehicle but will abide by applicable traffic laws. If the suspect vehicle is located, a supervisor may choose to coordinate a response to the vehicle with information provided from the police unit. The supervisor may also choose to not further engage based on the totality of the situation.

Failing to Yield: If a vehicle does not stop or respond to an officer utilizing emergency lights and sirens, the officer will notify dispatch. If the vehicle has not yielded, the officer(s) may continue to follow while



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obeying traffic laws; **the Officer will coordinate with the on-duty supervisor to determine when to stop following a vehicle failing to yield based on the situation.**

Inter-Jurisdictional Pursuits <CALEA 41.2.2 (j)> <CRS § 16-3-106>

- **Other Agency Pursuits Entering Loveland or occurring within the City** – Officers will get consent of the on-duty supervisor or the officer will identify the need for immediate LPD intervention prior to becoming involved in another agency’s pursuit, and as time and circumstances allow, the supervisor will determine the level of assistance to be rendered and make the assignments accordingly. For LPD to have direct involvement in another agency’s pursuit, the criteria for the pursuit must fit LPD criteria for a pursuit. LPD officers shall not engage in another agency’s pursuit unless the pursuing agency requests assistance.
- **Department Pursuits Leaving Loveland or starting outside the City** – Officers will get supervisor permission as soon as practical when the pursuit is or is expected to go beyond the boundaries of the City. The involved officer(s) or Department supervisor will ensure other jurisdictions to which the pursuit is approaching or entering are notified of the pursuit, the reason for the pursuit, and any requested assistance. LPD officers entering another jurisdiction shall find the earliest opportunity to turn over the pursuit to the jurisdictional agency.
- **Investigation/Jurisdiction at Termination** - The Department supervisor will coordinate with a representative from any other involved agency or jurisdiction regarding the arrest and processing of any suspects and for coordinating the investigation, and for any crashes, criminal acts, or other incidents which occurred during the course of the pursuit, as appropriate.

Tactical Vehicle Intervention (TVI) <CALEA 41.2.3 (a)(b)>

The execution or attempted execution of a TVI is a use of force and will be consistent within the guidelines established in the Department’s use of force policies. Officers may only use the TVI with the intent of ending an authorized law enforcement pursuit, except in cases where deadly force is authorized.

Officers must be trained in the proper technique of implementing this maneuver by Department driving instructors before utilizing TVI under this policy.

When using a TVI the officer will:

- Air over the radio, if possible, the intention to use the TVI, the anticipated location of the TVI and maintain radio communications when reasonable and appropriate to do so;
- Plan the initiation of the TVI to occur in as safe a location as possible, taking into account the environment and safety to the public;
- Apply the TVI maneuver at the first, safest opportunity;
- Use police vehicle(s) to pin the suspect vehicle when their tactical and practical assessments of the situation deem it to be appropriate;
- Perform high-risk traffic contact tactics when appropriate once a vehicle has been spun and stopped; and
- No TVI maneuver will be performed at speeds more than 55 miles per hour unless deadly force is justified.



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TVI maneuver shall not be used on motorcycles, vehicle towing anything, or non-motorized vehicles unless deadly force is justified.

Vehicle Roadblocks <CALEA 41.2.3 (a)(b)>

Vehicle roadblocks and ramming a fleeing vehicle are considered deadly force and shall only be implemented in accordance with the Department's use of force policies. Rolling roadblocks are prohibited.

When determining whether to use a vehicle roadblock, an officer will consider alternatives that may be used as appropriate, such as a TVI, notifying neighboring jurisdictions, or using Stop Sticks, etc. A roadblock should incorporate an exit point for the suspect funneling the suspect into an area chosen for tactical considerations.

When performing a vehicle roadblock, the officer will:

- Seek, when circumstances allow, supervisor approval prior to initiating a vehicle roadblock;
- Attempt to mitigate vehicular and pedestrian traffic in the area;
- Place a barrier (vehicle or another object) on the roadway in the path of the target vehicle;
- Remove any persons from inside or behind the barrier(s); and
- Air the intention, initiation, and results of the roadblock.

Use of Stop Sticks <CALEA 41.2.3 (a)(b)>

The use of Stop Sticks will be at the trained officer's discretion when he or she believes they can be deployed safely to help end or prevent (pre-placement) any law enforcement pursuit.

When an officer uses Stop Sticks, the officer will:

- Use viable cover other than their Department vehicle, if available, in the safest location they can find;
- Air over the radio, the intention to deploy the Stop Sticks;
- Air the location of the deployment;
- Ensure there is enough time to safely pre-deploy the Stop Sticks in the target vehicle's path of travel;
- If possible, retract the Stop Sticks for pursuing police vehicles;
- Air, without undue delay, the effects of the deployment; and
- Once deployed, Stop Sticks will not be left unattended.

Stop Sticks may be pre-deployed on a stationary vehicle to encourage the vehicle to remain stationary.

Officers shall not use Stop Sticks on motorcycles or non-motorized vehicles unless deadly force is justified.

Officers are permitted to use stationary steel tire spikes issued by LPD to prevent a pursuit. The officer who placed the tire spikes is also responsible for making sure the spikes are removed once the incident is over.



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Training Requirements <CALEA 41.2.2 (m)(n)> <CALEA 41.2.3 (c)>

The Department will train all newly-hired officers regarding the topics of TVI, roadblocks, Stop Sticks, tire spikes, the Department's pursuit policy, and general police motor vehicle operations during pre-service training.

The Department will provide annual in-service training to all police officers, regarding TVI, roadblocks, Stop Sticks, tire spikes, the Department's pursuit policy, and general police motor vehicle operations.

Supervisor Advisement and Responsibilities Involving Forcible Stops <CALEA 41.2.3 (d)>

Supervisors will respond to the scene of any TVI, roadblock, or use of tire deflation devices to oversee the planning, implementation, or investigation of such incidents.

Communications' Responsibilities <CALEA 41.2.2 (f)>

Once Communications personnel are notified of a pursuit, whether started by the Department or another agency in the Department's jurisdiction, the dispatcher will ensure the on-duty supervisor is aware of the pursuit, restrict radio traffic on the pursuit's radio channel, continue to monitor the pursuit, and provide appropriate updates.

Reporting Requirements <CALEA 41.2.2 (k)(l)> <CALEA 41.2.3 (e)>

After each police pursuit or forcible stop method, the officer will complete an offense report and a BlueTeam report. The officer's supervisor will complete the review and forward it through the chain of command. A central file containing all pursuit reports and reviews will be kept and maintained by the Professional Standards Unit (PSU). PSU will review pursuit policies and reporting procedures as well as conduct an analysis of pursuit reports annually. The analysis will be submitted to the Chief for approval.

