

MONTPELIER POLICE DEPARTMENT

Vehicle Pursuit & Emergency Vehicle Operation	Related Policies: Response to Resistance, Use of Force, MPD Police Fleet GPS Tracking.
<i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Vermont Statutes: Title 13, 23 V.S.A. §4; 23 V.S.A.§1015; 13 V.S.A.§1501, 23 V.S.A. § 1021 and 1022	
CALEA Standard:	
Date Implemented: September 29, 2021	Review Date: September 29, 2022

- I. Purpose:** It is the goal of the Montpelier Police Department (MPD) to ensure Department members consider the need for immediate apprehension of an eluding suspect and the requirement to protect the public from the danger created by eluding offenders. The procedures in this policy provide personnel with guidelines to follow when involved in an eluding or pursuing incident. These procedures also serve as a standard for any administrative review of the judgment exercised by the members involved.
- II. Policy:** MPD has a responsibility to apprehend individuals who have committed crimes. Officers operating police vehicles under pursuit conditions shall be constantly aware that no assignment is too important, and no task is to be expedited with such emphasis that any of the basic principles of safety are jeopardized. Therefore, officers shall only engage in pursuits when the need for apprehension outweighs the risk to the officer and the public. Officers and supervisors shall be held accountable for the consequences of reckless disregard for the safety of others and violations of this procedure. In initiating any pursuit, officers and supervisors shall carefully and continuously perform a balancing test throughout an eluding or fleeing incident where facts are considered such as weather, visibility and road conditions, pedestrians, other vehicles on the road, the officer’s driving skills and abilities, any reckless or dangerous driving by the suspect, the seriousness of the offense, the need for apprehension, the possible consequences, and the safety of all persons. Officers should consider not initiating a pursuit or terminating an active motor vehicle pursuit whenever the suspect’s identity has been clearly established to the point that later apprehension can be accomplished without the risk of pursuit. Officers should also consider terminating a pursuit whenever a pursued vehicle or pursuing department vehicle is involved in any type of a traffic crash. In all, officers have a duty to drive with due regard for the safety of all persons.

III. Definitions:

- A.** Discontinue the pursuit: The law enforcement officer ends their involvement in a pursuit by slowing down to the posted speed limit and turning off emergency lights and siren.
- B.** Authorization to continue pursuit: Verbal approval, transmitted over the assigned radio channel, by a supervisor and acknowledgment by the dispatcher and the officer driving the primary unit.
- C.** Authorized emergency vehicle: A vehicle of a fire department, police vehicle, public and private ambulance and a vehicle to which a permit has been issued pursuant to subdivision 1252(a)(1) or subdivision (2) of Vermont Title 23.
- D.** Boxing-in: Surrounding a violator's vehicle with emergency vehicles that are then slowed to a stop, forcing the violator's vehicle to do likewise.
- E.** Canalization: A technique where objects or vehicles are positioned in a manner intended to direct or redirect a fleeing vehicle into a clearly identifiable and unobstructed path.
- F.** Caravan: Operating emergency vehicles in a line or alongside each other in a pursuit.
- G.** City vehicle: Any motor vehicle that is owned, leased, or borrowed by the city.
- H.** Code-three emergency call: A request for police service that presents an actual and immediate danger of death or serious bodily injury.
- I.** Deadly force: Force which creates a substantial likelihood of death or serious bodily harm.
- J.** Discontinuation: Discontinuation of a pursuit requires the officer(s) to abandon all active attempts to stop and/or follow the suspected vehicles and officer(s) shall turn off all emergency equipment. Also known as terminating the pursuit.
- K.** Eluding vehicle: After a driver is issued a visual and audible signal to stop and, after a reasonable time to yield, the driver flees by doing any of the following: increases speed, takes evasive actions; or refuses to stop. An eluding incident only occurs when the officer deactivates all emergency equipment and stops following the other vehicle immediately after the driver refuses to pull over and flees. If an officer states that they are following a vehicle whose driver has refused to pull over after being signaled to do so, the incident will automatically be classified as a pursuit.
- L.** Emergency equipment: The use of visible emergency lights and/or audible sirens in an authorized department vehicle.
- M.** Emergency operation: Driving an emergency vehicle according to state law and this procedure in response to a code-two or code-three (department coding as applicable) calls or in pursuit of a fleeing vehicle.
- N.** Inter-Jurisdictional Pursuit: Any vehicle that crosses into a neighboring jurisdiction, such as across municipal, county or state line.
- O.** Marked police vehicle: A police vehicle displaying the emblem and marking of the police department with overhead lights and audible warning devices.
- P.** Paralleling: Operating an emergency vehicle on streets or a route parallel to the pursuit route.
- Q.** Pitting: Any maneuver that can force a fleeing or eluding vehicle to spin, stop or momentarily lose control. Other similar definitions include Pursuit Mobilization Technique, Precision Mobilization Techniques, etc.
- R.** Police vehicle: A city vehicle assigned to the police department.

- S.** Primary unit: The authorized law enforcement vehicle that initiates a pursuit or any other unit, which assumes control of the pursuit.
- T.** Secondary unit(s): Any authorized law enforcement vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- U.** Ramming: Deliberate contact with a violator's vehicle by a marked police vehicle to force the violator's vehicle off the roadway.
- V.** Roadblock: A barricade or other physical obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.
- W.** Stop Stick/Spike Strip: A rigid column or a strip of belting containing specially designed hollow spikes which when deployed across a lane of roadway, penetrates tires, slowing the pursued vehicle usually to a complete stop.
- X.** Supervisor: The supervisor assigned or assuming control of a pursuit situation.
- Y.** Terminate the Pursuit: The decision to discontinue the pursuit.
- Z.** Unmarked Police Vehicle: A police vehicle not displaying the emblem or marking of the police department and not having emergency warning devices to include emergency lighting and siren.
- AA.** Vehicle Pursuit: An active attempt by a law enforcement officer operating an authorized law enforcement vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.
- BB.** Violent felony: A serious felony that involves an actual or threatened attack that the officer has reasonable suspicion to believe could result or has resulted in death or serious bodily injury (e.g. aggravated assault, armed robbery, and murder, etc.)
- CC.** Mobile Video Recording (MVR): A recording device that records video and/or audio of a police event from a fixed camera mounted in a police vehicle.

IV. Emergency Vehicle Operation:

- A.** Officers operating an emergency vehicle, and especially when responding to a call for service, should be cognizant of the safety of other motorists, pedestrians, and other first responders.
- B.** Police vehicles are authorized to use blue or blue and white lighted emergency equipment when responding to an emergency call, or when responding to but not returning from, a fire alarm, and when in fresh pursuit of a suspected violator of the law.
- C.** Police vehicles may:
 1. park or stand contrary to the provisions of Title 23;
 2. proceed past a red light or stop signal, but only after slowing down as necessary for safety operation through the traffic sign, control device, or intersection as applicable;
 3. shall come to a full stop when approaching a school bus which is flashing red lights (which may have an extended stop sign) and may proceed only when the flashing stop lights (and extended stop sign) are extinguished (and/or retracted);
 4. may exceed maximum speed limits;
 5. may disregarding regulations governing direction of movement or turning in specified directions.

Officers may also activate emergency equipment when conducting traffic stops.

These exemptions are only granted to authorized emergency department vehicles with activated emergency equipment unless there is an operational or emergency need which requires emergency equipment to be de-activated just prior to, or while at a call for service (e.g. mental health related call for service, situations where emergency equipment may escalate the situation, etc.). Officers should use their discretion and only activate emergency equipment when there is a reasonable necessity requiring a timely response. At all times, officers must drive with due regard of all persons using the street or highway.

V. Procedure:

A. Pursuit Restrictions:

1. Any motor vehicle pursuit that is not conducted in accordance with this directive will be immediately discontinued by the involved officers and/or monitoring supervisors.
2. Officers will follow all applicable procedures regulating in-car video systems, radio communications, and body-worn cameras.
3. If a driver's actions meet the definition of an eluding vehicle, and no further action was taken to apprehend or stop the vehicle, the officer will immediately: disengage from the eluding vehicle, deactivate all emergency equipment, notify Dispatch and a supervisor (Dispatch shall acknowledge and document deactivation), document the incident immediately as applicable in Valcour and Benchmark (as applicable) under the assigned case number.
4. Officers will not engage in a motor vehicle pursuit whenever the most serious offense wanted for is a traffic offense, other than driving under the influence of alcohol and/or drugs; petit larceny or theft (including simple operation without consent of owner).
5. Only two emergency vehicles -- a primary vehicle and a secondary vehicle- shall engage in a pursuit unless additional emergency vehicles are authorized specifically by a supervisor.
6. Officers shall not continue a pursuit or assist in a pursuit unless immediate authorization for the pursuit is received from a designated Department supervisor.
7. Officers shall not set up roadblocks or deploy tire deflation devices without the approval of a Department supervisor.
8. Officers shall not engage in ramming, boxing-in, caravanning or driving immediately alongside a fleeing vehicle unless authorized by a Department supervisor.
9. Pursuits shall not be undertaken where the officer is operating a two-or three-wheeled police bicycle, motorcycle, UTV or ATV.
10. Pursuits shall not be undertaken where the officer is operating a vehicle which is towing a trailer or other equipment utilizing a trailer hitch.
11. Officers shall not engage in a pursuit when there is an arrestee or non-law enforcement personnel in the Department vehicle.
12. If a pursuit is discontinued by the primary vehicle (unless for mechanical reasons) or the supervisor, then all officers shall discontinue the pursuit.
13. Officers engaged in a pursuit shall not drive emergency vehicles the wrong way (against the regular flow of traffic) on a divided highway, interstate, or expressway or any other street or highway designated for one-way traffic, despite allowances

in the state vehicular code. When a fleeing vehicle goes the wrong way against traffic, the primary officer shall:

- i. Parallel the vehicle in the correct lane of traffic
- ii. Notify dispatch of a wrong way driver
- iii. Request assistance from outside agencies to shut down vehicular traffic on the highway coming in the fleeing subject's direction

B. Environmental Considerations: Officers shall continuously perform a balancing test so to carefully consider the facts and weigh the seriousness of the offense against the possible consequences of jeopardizing the safety of the officer, suspect driver and any occupants in the suspect vehicle, and the public at large. The following list includes, but is not limited to, points officers should evaluate at the time of initiation of any pursuit and in continuation of any pursuit:

1. Time of day and day of the week
2. Lighting conditions
3. Vehicular and pedestrian traffic
4. Type of roadway
5. Condition of the roadway (e.g. dry, wet, paved, gravel, icy)
6. Weather conditions (e.g. clear, overcast, rain, fog)
7. Condition of the emergency vehicle and the condition and type of the fleeing vehicle
8. Driving ability of the officer and the suspect
9. Speeds of the emergency vehicle and the fleeing vehicle

C. Initiating the Pursuit: Officers shall only initiate a pursuit:

1. When there is reasonable suspicion that the driver of that vehicle has committed a violent felony, or
2. When there is evidence of outrageous, reckless driving (generally or possibly in association with driving under the influence) and these observations precede any intervention taken by an officer.

D. Responsibilities of the Primary Unit Driver:

1. The primary unit driver is the driver of the vehicle initiating a pursuit.
2. Activate the vehicle's emergency equipment devices from the point of initiation to that of completion.
3. Seek authorization from an available supervisor.
4. Immediately relay notification and critical information to a supervisor and Dispatch such as:
 - i. Unit number
 - ii. The location
 - iii. Direction of travel
 - iv. Speed
 - v. Reasons for the pursuit
 - vi. The description of the vehicle(s) being pursued
 - vii. The number of occupants
 - viii. The presence of other law enforcement agencies
 - ix. Location at the time the pursuit is discontinued

5. Allow the secondary vehicle driver, when possible, to assume all communications regarding direction of travel, speed, and other pertinent details.
6. Provide constant updated information regarding direction of travel, speed, and other pertinent details in the event there is no secondary vehicle, or the secondary vehicle is not able to provide said information.
7. Abandon the pursuit if any mechanical problems develop in the primary vehicle.
8. Discontinue the pursuit if the hazardous circumstances or environmental factors present an unreasonable risk to public safety.
9. Continuously evaluate the pursuit and continuously perform a balancing test in determining whether the pursuit should continue or should be terminated.
10. If the primary unit driver is an unmarked vehicle, they shall yield the primary position to the first marked unit that arrives on scene. It is preferred that marked units are involved in eluding vehicle incidents or motor vehicle pursuits.

E. Responsibilities of the Secondary Unit Driver:

1. The secondary unit is the first officer who arrives to assist the primary unit. The secondary driver shall immediately notify communications of their position as the secondary vehicle driver.
2. The officer of the secondary unit shall receive immediate authorization from the supervisor to assist in the pursuit to the extent that a supervisor is available and monitoring the pursuit.
3. The officer of the secondary unit shall activate all emergency equipment from the point of entry into the pursuit until it is ended while following the primary vehicle at a safe distance and shall assume the radio communications for the primary vehicle driver to the extent possible.
4. The officer of the secondary unit shall become the primary unit upon direction of the supervisor, upon request of the primary unit, if any mechanical problems develop in the primary vehicle, etc. The secondary unit shall not arbitrarily assume the primary unit role.
5. Continuously evaluate the pursuit and continuously perform a balancing test in determining whether the pursuit should continue or should be terminated.

F. Responsibilities of the Supervisor:

1. At all times during their tours of duty, supervisors shall continuously monitor the radio in part to ensure that all vehicle pursuits involving Montpelier Police officers and units are conducted in accordance with this directive.
2. Assert control over the pursuit.
3. Control the number of authorized vehicles in the pursuit.
4. Immediately authorize continuation of the pursuit or order discontinuation depending on the hazardous circumstances and environmental factors present as communicated by the primary and secondary unit.
5. Order other units to clear intersections in the likely path of the pursuit where appropriate.
6. Ensure that not more than two (2) emergency vehicles engage in the pursuit unless additional emergency or marked police vehicle are required based on the following circumstances:

- i. The severity of the offense;
 - ii. The number of occupants in the suspect vehicle;
 - iii. The likelihood of the suspects being armed.
7. Direct and approve necessary tactics in the pursuit, including authorizing termination of the pursuit through approved use of force tactics.
8. Continuously evaluate the pursuit and continuously perform a balancing test in determining whether the pursuit should continue or should be terminated.
9. Assign additional officers to traffic control, accident investigation, foot pursuit, and/or perimeter security as applicable.
10. Order the discontinuation of the pursuit at any time hazardous circumstances or environmental factors present an unreasonable risk to public safety.
11. Respond in all situations to the scene of any arrest resulting from the pursuit to control the scene.
12. The on-duty supervisor shall ensure any video of an eluding vehicle or pursuit is preserved for a minimum of 90 days, NOTE: videos may be marked to be saved indefinitely should the incident involve injury, damage to property, death or a potential lawsuit.
13. A Sergeant shall be assigned by the Deputy Chief or Chief of Police to review any eluding incident or pursuit to ensure compliance with department policy.
14. Supervisors may audit data from GPS tracking, camera footage, or other applicable sources in reviewing any eluding incidents or pursuits.

G. Responsibilities of the Dispatcher:

1. Clear the radio channel.
2. Notify adjacent jurisdictions of the pursuit and the potential that it may enter their jurisdiction.
3. Ensure that an on-duty supervisor has been identified and assigned to monitor the pursuit, and that the approval to initiate or continue the pursuit is broadcasted.
4. Ensure that pursuing officers (primary and secondary units) request supervisory approval and that all critical information is received from the officers involved and relayed to other units.
5. Keep the supervisor apprised of all relevant traffic problems and other actions that might impact upon the conduct of the pursuit.
6. If no on-duty supervisor can be raised on the radio, the Dispatcher will attempt to contact the on-duty supervisor via phone. If a supervisor cannot be reached, the Dispatcher shall contact the Deputy Chief or Chief of Police and inform them of the circumstances surrounding pursuit. The Deputy Chief or Chief shall then become responsible for monitoring, continuing, or terminating the pursuit. If the Deputy Chief and/or Chief cannot be reached, the Dispatcher shall attempt to contact other off-duty supervisors who, once contacted, shall become responsible for monitoring, continuing, or terminating the pursuit.
7. Record all information received from the officers involved.
8. Conduct an inquiry of the license plate through NCIC and other systems as applicable.
9. Continue monitoring the pursuit.

H. Uses of force/Termination of Pursuit:

1. Officers should note that roadblocks, and stop-sticks or spike strips, etc. and other vehicle maneuvers such as pitting, ramming, boxing in, can constitute seizure, (i.e. a stopping of movement by a means intentionally applied). Roadblocks, tire deflation devices and any other tactic utilized to stop a vehicle constitute a use of force. In using these tactics officers should consider situational safety and training factors which include:
 - i. The seriousness of the offense at the time the tactic is used;
 - ii. Whether a physical threat to the officer or any other person is present and how significant is the threat;
 - iii. Whether the suspect is actively resisting or attempting to evade arrest by flight;
 - iv. Whether any officers performing such tactics are appropriately trained in the applicable maneuver and if any lack of training outweighs safety risks to the officer, driver or occupants of the suspect vehicle, or the public.

2. In using any tactic, officers should consider environmental factors such as the type of area (i.e. residential or highway; weather; pedestrian or vehicular traffic etc.) that may be impacted by the tactic or may make the tactic more dangerous for the officer, other pedestrians or vehicles on the roadway, and the offender and any occupants as applicable.

3. Use of firearms:
 - i. The use of firearms to affect the apprehension of a fleeing suspect is a use of deadly force.
 - ii. Officers shall not shoot at or from a moving vehicle unless:
 - (i) The officer has a reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious physical injury to the officer or another person, or;
 - (ii) The officer has a reasonable belief that an occupant is using the vehicle in a manner that poses an imminent threat of death or serious physical injury to the officer or another person, and there is no reasonable avenue of escape.
 - (iii) The officer shall take reasonable steps to minimize the risk of safety to others who may be within the line of fire of whom the deadly force is being directed towards or within the suspect's vehicle. Officers should also consider the path of travel of the suspect's vehicle when making the decision as to any use of deadly force.

4. Roadblocks and Boxing In: Only in the case of suspected fleeing violent felons whose escape poses a danger to life, may an officer set up a stationary, rolling roadblock, or boxing in technique. The decision to perform these maneuvers shall be approved by a supervisor, and considering factors shall include, but are not limited to:
 - i. The safety of the officers;
 - ii. The risk of physical injury to the occupant(s) of the pursued vehicle;
 - iii. The protection of citizens and their property;

- iv. That all stationary roadblocks must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify communications of the exact location.

5. Stop Sticks/spike strips:

- i. Only officers trained in the use of Stop Sticks/spike strips shall deploy them. Officers are responsible for making sure that their use is contained in the pursuit report. The deploying officer shall advise pursuing units and all other units that they should distance themselves from the pursued vehicle and be prepared to slow down before entering the deployment site. Other traffic shall be diverted from the site if possible.
- ii. Stop Sticks/spike strips may only be used on pursuits entering this jurisdiction where an outside pursuing agency is actively engaged in the pursuit of a violent felony subject and upon confirmation from the outside unit. The on-duty supervisor shall evaluate any such requests and may authorize the officers to deploy Stop Sticks/spike strips. Montpelier Police Officers will not employ roadblocks or deploy Stop Sticks/spike strips unless the outside pursuing agency has requested such assistance and it has been approved by the shift supervisor.
- iii. Officers deploying spike strips should be mindful of their own safety during deployment and not take unnecessary risks in their attempt to lay out the spike strip.
- iv. Restrictions:
 - (i) Stop sticks shall not be used on motorcycles or ATVs;
 - (ii) Stop sticks shall not be used on fleeing vehicles which are carrying hazardous waste;
 - (iii) Stop sticks shall not be used on buses.

- I. In all cases, officers shall employ felony/high risk traffic stop techniques at the end of pursuits.

J. Reasons for Discontinuation of Pursuit: Any officer involved in a pursuit or supervisor monitoring a pursuit shall terminate the pursuit, and immediately notify Dispatch of the point of discontinuation under any of the following conditions:

- 1. When ordered by a supervisor, or any other higher-ranking officer of the department;
- 2. When the officer believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension and/or the pursuit no longer conforms to a balancing test;
- 3. When the risk conditions have increased, and the subject's identity has been established to the point where later apprehension can be accomplished and there is no longer any need for immediate apprehension;
- 4. When the location of the pursued vehicle is no longer known;
- 5. When motorists/pedestrians are involved in an accident as a result of the pursuit, in which case immediate assistance shall be given.

K. Inter-jurisdictional Pursuits:

1. Pursuits from this jurisdiction into another jurisdiction, or other law enforcement agency units into Montpelier constitute an inter-jurisdictional pursuit.
2. When entering into another jurisdiction, officers shall notify the applicable agency as soon as possible of the reasons for the pursuit, the vehicle description and if assistance is requested.
3. When another agency enters Montpelier in a pursuit, Dispatch should determine the number of police vehicles from other jurisdictions that are involved, find out the circumstances of the pursuit to include the offense, a vehicle description, and if assistance is requested/needed.
 - i. Supervisors will only approve assistance from this jurisdiction if the offense is in keeping with our justification for a pursuit, (i.e. violent felony or reckless driving and the number is limited to only one vehicle from the outside jurisdiction). If the pursuit does not conform to this policy, Dispatch and/or the supervisor shall notify the applicable agency that MPD shall not assist. Officers shall not engage in the pursuit but may attempt to control intersections to promote the safety of innocent persons in the vicinity if possible.
 - ii. If the pursuit ends in Montpelier, a supervisor will proceed to the point of completion of the pursuit as quickly as possible.
 - iii. The initiating agency will remain in control of any pursuit that crosses into Montpelier and shall remain responsible for the pursuit.
 - iv. Generally, officers will not continue with a pursuit that has passed through this jurisdiction, once the pursuit has left this jurisdiction.

L. Report and Review Process: The on-duty supervisor shall conduct an immediate investigation of the circumstances of the pursuit and shall submit a written report regardless of whether the pursuit was discontinued or terminated, or the subject was apprehended. The departmental Pursuit Report Form (or State designated pursuit form) shall be completed after any pursuit. This form may be electronically housed in Valcour or Benchmark as applicable. In addition to providing the required information, the supervisor will indicate in the narrative section the following:

1. The reason or probable cause for engaging in the pursuit;
2. An account of all violations committed during the course of the pursuit;
3. A summary of tactics employed to apprehend the subject;
4. The exact point of the discontinuation, apprehension, or termination of any pursuit.
5. If the subject is apprehended, there should be an account of the officer's involvement in that arrest.
6. The supervisor's report additionally will include the following:
 - i. Officers assigned to the pursuit and the assignment of all those involved in the pursuit in various roles;
 - ii. A summary of any accidents or other incidents arising from or related to the pursuit;
 - iii. A complete evaluation on the adherence of the pursuit's conduct to the department's pursuit policy;
 - iv. If the supervisor discontinued the pursuit, the time and location that the pursuit was ordered terminated.

- v. Collect copies of reports and police vehicle video from all officers involved in the pursuit;
- vi. Order and include a copy of the communications/dispatch tapes;
- vii. Review each report to ensure that all required information is present;
- viii. Conduct an analysis of the pursuit and complete the appropriate section of the Pursuit Report;
- ix. Attach copies of the officers' reports, including his report and forward the packet to the chief of police for policy adherence, training needs or personnel issues.

M. Mobile Video Recordings: In emergency vehicles equipped with mobile video recorders officers shall record pursuits utilizing mobile video recordings.

N. Training:

1. Officers should not participate in a pursuit unless they have received specialized pursuit driving training (i.e; Sandy Stevens' driving school, EVOG, or other recognized vehicle operation course approved by the Montpelier Police Department), or unless extenuating circumstances are present.
2. Officers shall not be authorized to utilize any equipment or tactic during a pursuit unless the officer has received proper training and/or certification with respect to that equipment or tactic, or unless extenuating circumstances are present.

VI. The Department shall prepare an annual report evaluating pursuit history and frequency during the applicable year. This report shall assess the adequacy of the written policy, training, and field implementation of the Department's pursuit policy.