

**DEPARTMENTAL GENERAL ORDER**

**OLIVETTE POLICE DEPARTMENT  
OFFICE OF THE CHIEF OF POLICE**

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**PURSUIT DRIVING**

**I. PURPOSE:**

A. The use of pursuits in the apprehension of fleeing violators of the law presents a clear and present danger to commissioned officers involved, to private citizens and to property. The purpose of this General Order is to establish policies and procedures for the Olivette Police Department concerning pursuits and emergency response.

B. This Order is for Department use only and does not apply in any criminal or civil proceedings. The Order should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. This Order will only form the basis for Departmental administrative review and possible corrective action concerning conduct allegedly performed without regard for these guidelines and policy, although that conduct may conform to all legal norms of care and safety.

**II. DEFINITIONS:**

A. Pursuit Driving: Pursuit driving occurs when there is an active attempt by a law enforcement officer operating a motor vehicle, utilizing emergency warning lights and siren, to apprehend one or more occupants of another moving vehicle when the officer reasonably believes that the driver of the fleeing vehicle is aware of the officer's attempt to stop the vehicle and is resisting apprehension by increasing vehicle speed, ignoring the officer, or otherwise attempting to elude the officer.

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B. Initiating Unit: The police vehicle responsible for initiating the pursuit.

C. Primary Unit: The police unit in closest proximity to the fleeing vehicle with primary responsibility for conducting the pursuit. The primary unit may or may not be the initial unit.

D. Secondary Unit: The second police unit involved in the pursuit designated by the dispatcher to assist the primary unit.

E. Paralleling: The operation of a police unit, other than those involved in the pursuit, on streets or highways parallel to the pursuit route.

F. Caravanning: The operation of units in a group either in a line or alongside of each other in a pursuit situation.

G. Roadblock: Any method of restricting the passage of the pursued vehicle by obstructing the roadway with police vehicles or other physical obstacles that are placed perpendicular to a roadway or angled in such a way as to create a roadblock (**NOT AUTHORIZED**).

H. Authorized Emergency Vehicle: Any marked Olivette police vehicle equipped with a siren and roof mounted emergency lights or emergency lights mounted internally which are readily visible from the front and the rear of the vehicle.

I. Forcible Stopping- Bumping/Ramming/Pursuit Interruption Techniques: Any deliberate contact by the police vehicle with the pursued vehicle from the front, rear, or side (**NOT AUTHORIZED**).

J. Forcible Stopping- Tire-Deflation Device: A device, commonly referred to as a spike strip, with sharp, hollow spikes, used to penetrate and release the air from the tire(s) of a fleeing vehicle in a predictable, controlled manner.

### III. GENERAL:

A. The authority for police vehicles to operate as an authorized emergency vehicle is found in State Law. The statute exempts emergency vehicles from obeying traffic laws when the following conditions exist:

1. Emergency lights and siren must be activated as set forth by RSMo 304.022.
2. Violation of the traffic laws by the officer does not endanger life or property.
3. The emergency vehicle is responding to an emergency call or is in pursuit of a law violator.

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B. Although authorized emergency vehicles are exempt from traffic regulations and entitled to right-of-way, a commissioned officer operating as an authorized emergency vehicle is required to exercise reasonable care, under the circumstances of the emergency situation, to prevent injury to him/her or others.

C. Upon approaching an intersection controlled by traffic signals, or any other location at which there is an increased likelihood of a collision, the driver of any authorized emergency vehicle shall, prior to entering the intersection, or upon approach to any other such location where there is an increased likelihood of a collision, reduce the vehicle's speed so as to avoid a collision with another vehicle or pedestrian.

D. Police officers are expected to maintain complete control of their vehicles at all times.

### IV. POLICY:

A. No task, call, incident, arrest, or pursuit justifies disregard for public safety. Before initiating a pursuit, officers must consider the seriousness of the offense involved and if the perpetrator presents a continuing danger to the public safety.

B. Officers shall not initiate a pursuit when the only known violation at the time of the pursuit is a traffic violation or misdemeanor.

C. Any commissioned officer in an authorized marked emergency vehicle may initiate a pursuit in order to affect the capture or prevent the escape of a law violator **when one of the following criteria are met:**

1. The suspect committed or attempted to commit a felony; AND  
The crime involved the use or threatened use of force; AND  
There is a substantial risk that the fleeing violator would present a danger to human life or could cause serious injury if apprehension is delayed.
2. The suspect stole a marked or unmarked emergency vehicle.
3. To affect the capture of a suspect vehicle that has met the requirements of Section IX-Forcible Stopping, below; AND  
There has been a deployment with positive contact of the Department tire deflation device with the suspect vehicle.

D. Officers will not initiate or must abandon the pursuit whenever conditions known to the officer lead a reasonable person to believe the level of danger to the community outweighs the necessity of immediate apprehension of the suspect. The officers should consider and evaluate the following circumstances:

1. The nature of the violation.
2. Time of day and lighting conditions.

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3. Condition and performance of the emergency vehicle and the abilities of the officer.
4. Familiarity with the area
5. Prevailing weather, road conditions and speed limits.
6. Non-police personnel in the police vehicle.
7. If the suspect can easily be identified.
8. Traffic: vehicle and pedestrian.
9. Location and neighborhoods.

If the pursuit is (or becomes) more dangerous than the pursued suspect, **DO NOT PURSUE.**

E. An officer who is following a driver that is not yielding to the officer's emergency lights and siren, but otherwise is not taking any overt action to avoid apprehension (i.e. excessive acceleration, high speeds, obvious attempts at evasion, etc.) **is not in pursuit** of the vehicle for the purposes of this policy. This may include an intoxicated driver who is unaware that an officer is trying to stop him/her.

F. Only commissioned police officers may operate a Department vehicle that is actively involved in a pursuit.

G. Officers shall not pursue violators the wrong way on any interstate or other controlled access highway or divided roadway unless specifically authorized by the Watch Commander.

H. Only Department authorized marked emergency vehicles may pursue or be used as a primary or secondary unit in a pursuit. The emergency equipment shall be operated until the pursuit is terminated.

I. Unmarked police vehicles shall not initiate a pursuit but may follow a violator at a reasonable speed and keep the vehicle under surveillance until an authorized marked emergency vehicle arrives to initiate the pursuit.

J. Officers transporting prisoners, witnesses, victims, or civilians will not participate in pursuits.

V. PROCEDURE:

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A. If the police officer reasonably believes that the criteria set forth in Section IV, Subsection C are met, they may pursue a fleeing vehicle.

B. When a decision is made to initiate a pursuit, the following responsibilities will apply:

1. Responsibilities: The primary responsibility of all officers involved in a pursuit is the safe operation of the police vehicles.

a. Initiating Unit/Primary Pursuing Officer

1. Notify the dispatcher of the pursuit, direction, location, reason for pursuit, and suspect and vehicle description.
2. Terminate the pursuit if continuation is not authorized by the Watch Commander. Lacking such authorization, the pursuit must be terminated.
3. Terminate the pursuit when conditions known to the officer, would lead a reasonable person to believe the level of danger to the community outweighs the necessity of immediate apprehension of the suspect. Notify the dispatcher when the pursuit is terminated.
4. Arrest suspect if pursuit ends voluntarily or in accident.
5. Complete reports as required.

b. Watch Commander/ Shift Supervisor

1. Monitor and supervise progress of the pursuit. The Watch Commander must specifically authorize, in a timely manner, the continuation of the pursuit. Lacking such authorization, the pursuit must be terminated.
2. Respond to the scene of arrest if the pursuit is successfully terminated within a reasonable distance of the city.
3. Require a pursuit to be terminated when the pursuit does not meet the requirements of this order. To include, but not be limited to: The pursuit is for a minor traffic violation, or the danger to the community outweighs the necessity of immediate apprehension.
4. Limit the number of vehicles in the pursuit to a primary and a secondary unit. The secondary unit shall be assigned by the Watch Commander. Additional support vehicles may be assigned at the discretion of the Watch Commander.

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5. Submit an email through the chain of command summarizing their and their subordinates' actions during the pursuit. This statement shall include his/her opinion on adherence to this General Order as well as their justification for authorizing the pursuit and/or forcible stopping technique, if applicable.

### **c. Secondary Officer**

1. Follow the primary officer at sufficient distance so as to maintain visual contact, but not so close as to create a hazard.
2. Provide on-going information to the dispatcher such as direction of travel or other conditions as required.
3. Assist in the arrest of the suspect when the pursuit is ended.
4. Terminate the pursuit when directed or when, in his opinion, the danger to the community outweighs the necessity of immediate apprehension of the suspect. Such action shall be transmitted to the dispatcher.

### **d. Dispatcher/Telecommunicator's Responsibilities**

1. Order the radio cleared of all but emergency traffic.
2. Immediately notify the Watch Commander of the pursuit.
3. Relay direction and location information.
4. Assist, as indicated by the Watch Commander, in directing the secondary unit to the pursuit.
5. Alert all nearby police agencies of the pursuit.

C. As the majority of pursuits are of short duration, the pursuit will be handled on Channel 1 - ECDC N, unless one of the following exists:

1. The pursuit has or may extend into other jurisdictions.
2. The Watch Commander directs a switch to another channel.

When any of the above conditions exists, the dispatcher will immediately advise all units involved, including municipalities and county police, that a pursuit is in progress and that all units should switch to a designated channel until the pursuit is terminated.

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D. All units in a pursuit, whether primary or secondary unit, should be spaced sufficiently to allow adequate distance to successfully execute evasive maneuvers in the event that other vehicles may slow, stop, turn or otherwise create a collision hazard.

E. When operationally feasible, the St. Louis County Police helicopter shall be requested to assist. Once the police helicopter arrives and has the suspect vehicle identified, the helicopter will assume the responsibilities of the primary unit and ground units will discontinue the pursuit. The helicopter will follow the suspect vehicle and inform ground units of the vehicle's actions. All ground units will stand by unless specifically requested to assist. Other units in the area may take up strategic positions along the pursuit route and activate emergency lights in an attempt to slow down the fleeing vehicle or alert other traffic at intersections of emergency conditions.

F. The pursuit of a vehicle outside Olivette will continue only if approved by the Watch Commander.

G. When felony pursuits enter Illinois, the police officer involved will request that any arrested violators be held pending extradition proceedings. The St. Louis County Bureau of Fugitive Affairs will be notified as soon as possible and provide necessary assistance. B.P.: 314-615-8899.

H. Fugitives from Illinois arrested in Olivette on felony charges will be held at St. Louis County Jail while awaiting extradition. Fugitives stopped on Illinois misdemeanor charges with no local charges pending will not be arrested but allowed to proceed after the pursuing authorities have all the information needed and issued necessary summons.

I. When the operator of a motor vehicle escapes or eludes an Olivette police officer and is later apprehended, the operator will be physically arrested and, in addition to the felony offenses, charged under RSMo 575.150, Resisting Arrest.

### **VI. TACTICS AND RULES:**

A. Pursuits for minor traffic violations are prohibited.

B. All vehicles involved in a pursuit will have their emergency lights and siren activated.

C. Paralleling the pursuit route by other police units is not allowed.

D. Units involved in a pursuit shall not attempt to pass any other police units, unless requested to do so by the primary unit.

E. On divided highways the pursuing officers shall not operate their vehicles against the flow of traffic.

F. Pursuits should be limited to two marked police vehicles, a primary and secondary. Other police vehicles shall not leave their assignments to join the pursuit. Additional

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units may participate, but only at the direction of the Watch Commander. The Watch Commander must justify any other units allowed and at least one unit must remain available for other assignments within the city.

G. Officers with non-police personnel in their vehicles will not engage in pursuits.

H. All occupants of the police vehicles will wear seat belts.

I. Unmarked police vehicles shall not initiate or engage in a pursuit.

J. Vehicle performance capabilities can be a factor.

I. Successfully terminated high speed pursuits will be treated as felony car stops.

### **VII. TERMINATION OF PURSUIT:**

A. Pursuing police officer(s) should terminate pursuits when:

1. The danger to the public or the pursuing officer outweighs the necessity for the immediate apprehension of the violator. Consideration should be given to the following conditions:

- a) Speed of the pursuit
- b) Area of the pursuit
- c) Weather and road condition
- d) The presence of pedestrians and other traffic
- e) The presence or absences of audible or visible warnings
- f) Reason for the pursuit of the fleeing vehicle, or;

2. The distance between the pursuing police officer and the violator is so great that further pursuit is futile, or

3. The police officer loses visual contact with the violator for an extended period of time, or

4. There are malfunctions with the police equipment or the police vehicle (i.e. emergency lighting, siren) which make continued operation of the vehicle in a pursuit hazardous, or

5. There are no signs of tire debris and/or slowing of the suspect vehicle after deployment of a Department tire deflation device.



**B. Pursuing police officer(s) shall immediately terminate pursuits when ordered to do so by the Watch Commander.**

C. Terminating a pursuit does not prohibit an officer from following the vehicle at the posted speed limit and obeying other traffic laws or remaining in the area ready to resume the pursuit if the opportunity presents itself and circumstances warrant.

## VIII. INTER-JURISDICTIONAL PURSUITS

### A. Pursuits by officers from other jurisdictions

1. When a pursuit initiated by an outside agency enters our jurisdiction, the initiating unit and jurisdiction remain responsible for the progress and conduct of the pursuit.

2. The dispatcher should make an immediate inquiry to determine the reason for the pursuit and whether assistance is required. The dispatcher will then remain in constant contact with the controlling agency, relaying information to Olivette police units.

**3. This Department's personnel shall not become involved in another agency's pursuit unless:**

a. The criteria under Section IV, Subsection C of this policy are met and there is only one unit from the other jurisdiction actively pursuing the vehicle.

b. The nearest available unit from this Command will become a secondary unit and will immediately report this action to the dispatcher.

c. Once another unit from the originating agency joins the pursuit, officers of this Command will terminate pursuit.

d. If another agency's pursuit ends in Olivette and suspect(s) are apprehended, the detained subject shall be issued the appropriate traffic citations or arrested for any violations observed in this jurisdiction. If no violations are witnessed by any of the involved officers, a wanted check shall be made on the vehicle and all occupants. If the computer check returns with no active "Wanted" entries, the agency that initiated the pursuit shall be contacted. The Watch Commander shall decide whether the suspect shall be arrested on Olivette charges and held as a fugitive of the originating agency or released at the location where the pursuit ended to the custody of the originating agency.

### B. Pursuit of a vehicle into another jurisdiction

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1. Pursuit of a vehicle by officers of this Command into another jurisdiction will only be made when the criteria under Section IV, Subsection C of this policy are met. This restriction does not prohibit officers from entering another jurisdiction to affect routine traffic stops for car checks or traffic violations that originate within the City of Olivette.

2. When it appears that a pursuit may enter another jurisdiction, that police agency will immediately be advised of the pursuit and all pertinent information, including the charge(s) for which the vehicle is being pursued.

### **IX. FORCIBLE STOPPING**

A. Tire-Deflation Devices – A tire-deflation device is a tool used to assist in stopping or preventing pursuits. Tire-deflation devices may be used under the following circumstances:

1. To assist in stopping a pursuit which meets the requirements listed above in Section IV, Subsection C.
2. To prevent the movement of a stationary vehicle which may flee, and the vehicle meets the requirements of Subsection C, below.
3. At the discretion of a Watch Commander to aid in stopping a vehicle which, if allowed to flee, would present a danger to human life, or could cause serious injury.

B. The Watch Commander's permission shall be obtained prior to the use of a tire-deflation device on any vehicle. Only Department approved tire-deflation devices shall be used. Prior to use, Officers shall be properly trained in the use of the Department's approved tire-deflation device and shall adhere to the guidelines set forth in this General Order and recommendations of the tire-deflation device's manufacturer. The following procedures shall be followed:

1. Safety is always the most important factor. Suspects can abruptly swerve, stop, or otherwise maneuver their vehicle in an unexpected manner while attempting to avoid a tire-deflation device. The Police vehicle's emergency lights shall be activated when deploying a tire-deflation device and the Police vehicle is stopped on the roadway or shoulder of the Interstate.
2. Officers shall determine the most suitable, safe location for deployment and shall only deploy the tire-deflation device within the city limits of Olivette. Officers shall find and utilize substantial cover in the deployment location such as a large tree, guard rail, or other object capable of stopping an approaching vehicle. Officers shall be able to observe the target vehicles approach, as well as other traffic, from a safe location.

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3. Police vehicles by themselves are not adequate cover but may be used in conjunction with other substantial cover based upon the location.
4. Do not deploy a tire-deflation device in locations or situations that limit the ability of the fleeing suspect to safely maneuver their vehicle. For example, wet surfaces, rain, snow, fog, and ice increase the chance of a driver losing control of their vehicle and may reduce visibility below safe levels.
5. An Officer shall not deploy a tire-deflation device if they believe the location or circumstances of the pursuit make it unsafe to do so, such as but not limited to, areas of heavy traffic, nearby pedestrians, proximity of steep embankments or curves.
6. The Officer shall not wrap a tire-deflation device's cord, rope, etc. around their hand, arm, or any portion of her/his body.
7. The tire-deflation device shall not be used on any moving vehicle with fewer than four tires.
8. An Officer shall give ample warning to the Dispatch Center and other Officers regarding the location and deployment of a tire-deflation device.
9. Tire-deflation devices shall be deployed as prescribed in the manufacturer's operating manual, training, and this General Order.
10. Prior to deployment of the tire-deflation device, the deploying Officer shall make positive visual identification of the fleeing vehicle to be spiked.
11. Tire-deflation devices shall be deployed just prior to the fleeing vehicle passing the chosen location but never rush a deployment; allow enough time for correctly and safely deploying the device.
12. Immediately remove the device after the fleeing vehicle drives over it to avoid the following Police vehicles or other vehicles from becoming disabled due to the device being in the roadway.
13. Unless prevented by exigent circumstances, Officer's should have body cameras and car cameras actively recording when deploying tire-deflation devices.

**C. Tire-deflation devices may be used in stationary situations to:**

1. Prevent movement of a vehicle by a suspect attempting to flee the scene of a dangerous felony crime.
2. Prevent movement of a vehicle which may be used as evidence of a dangerous felony crime.

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3. Prevent movement of a vehicle which if allowed to flee, would present a danger to human life, or could cause serious injury.

D. Tire-deflation devices may be used on pursued vehicles initiated by another agency when the pursued vehicle has entered our jurisdiction, the vehicle being pursued meets the circumstances stated above authorizing use, and the initiating agency has made the specific request for our agency's assistance in stopping the pursuit with the use of a tire-deflation device. The Watch Commander's permission shall be obtained prior to use.

E. Roadblocks and other forcible stopping techniques - This Department does not provide training in the use of roadblocks or other forcible stopping techniques such as: moving roadblocks, fixed/stationary roadblocks, rolling roadblocks, roadway barriers or similar forcible stopping techniques, and their use is not authorized. Officers of this Department are prohibited from requesting assistance from another agency to engage in utilizing roadblocks.

### **X. RESPONSE TO RESISTANCE OR AGGRESSION**

A. Officers shall not ram, bump, or collide with a fleeing vehicle, nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle.

B. Officers shall not discharge a firearm at or from a moving vehicle except when the occupant of the other vehicle is using, or threatening to use, deadly force by means other than the vehicle.

### **XI. REPORTS AND REVIEW PROCESS**

A. All officers involved in a pursuit and/or use of a forcible stopping technique will complete a detailed and concise written report, or supplemental report, of their involvement in the incident. This report shall be written and turned into the Watch Commander before the end of the shift, unless otherwise approved.

B. If any physical response or forcible stopping technique was used, the officer involved will complete a Response to Resistance or Aggression Notification form and submit it to their Watch Commander for review and approval. If the officer involved was acting as the Watch Commander, they shall submit the form to the next supervisor in their chain of command for review and approval. The Response to Resistance or Aggression Notification form will be entered into Guardian Tracking by the reviewing Commander with the original copy of the form forwarded through the chain of command.

C. In addition to any other required police reports, prior to the end of the shift, the Watch Commander shall submit an email through the chain of command summarizing their and their subordinates' actions during the pursuit and/or use of forcible stopping technique. This email shall include his/her opinion on adherence to this General Order as well as

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their justification for authorizing the pursuit and/or forcible stopping technique, if applicable.

### XII. PURSUIT REVIEW BOARD

A. The pursuit review board shall consist of the Detective, Detective Supervisor, and Support Services Commander. In the absence of a member of the board, a supervisor will be selected to serve on the board by the Chief of Police. The pursuit review board shall be tasked with completing an administrative review of all pursuits and/or deployments of tire-deflation devices within 15 days of the incident.

B. The pursuit review board shall review all relevant reports and view all relevant audio/video recordings to determine conformity with Departmental policy and procedures. If it becomes apparent during the review that an administrative violation of Department policy has occurred, the pursuit review board shall act as the investigatory authority adhering to procedures established in General Order 30.1 – Internal Affairs.

C. The findings of the pursuit review board, and disciplinary recommendation if applicable, shall be submitted in writing through the chain of command to the Chief of Police. The Chief of Police shall take any action he/she considers appropriate in accordance with City and Departmental policy.

D. The Support Services Commander will conduct a documented annual analysis of all pursuit reports, to include a review of policy and reporting procedures, and submit their findings to the Chief of Police for approval. The annual analysis will assist in determining any trends or patterns that may indicate a need for additional training and/or policy modifications. The report will contain the following information:

1. Total number of pursuits or use of forcible stopping techniques,
2. Total number of pursuits or use of forcible stopping techniques per officer,
3. Reasons for initiating pursuit or use of forcible stopping techniques,
4. Outcome of pursuit: Apprehension or Termination.

### XIII. PURSUIT POLICY TRAINING

Pursuit policy training will consist of:

- A. Documented initial training on the agency's pursuit policy.
- B. Documented annual review of the pursuit policy by all sworn personnel.

*This General Order supersedes all prior directives and orders inconsistent therewith.*

BY ORDER OF:

Signature on File

Beth M. Andreski

Chief of Police

Effective Date: 02/06/2009

Revised: 4/7/2014

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