



## VSP-DIR-414

### Vehicle Pursuits

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#### 1.0 Purpose

- 1.1 To define and establish guidelines which will be followed by all members in situations in which apprehension of an individual will require a vehicle pursuit. "Vehicle pursuit" means an active attempt by a law enforcement officer on duty in a car to apprehend one or more occupants of a moving motor vehicle, providing the driver of such vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing their speed or by ignoring the law enforcement officer's attempt to stop them.
- 1.2 The Vermont State Police recognize the risk that vehicle pursuits pose to members and the public. This policy intends to recognize and mitigate that risk by limiting vehicle pursuits to circumstances that, by their nature, pose a substantial risk to the safety of members and/or the public.
- 1.3 Due to each member's dual responsibility to promote public safety and enforce the law, each member carries a tremendous burden in making decisions regarding vehicle pursuits. This policy is not intended to divest each member of his/her own responsibility to make such judgments but rather to recognize the principle that despite the urgency of the pursuit, it is each member's responsibility to weigh the dangers to innocent parties and themselves, and will at all times drive with due regard for the safety of others.

#### 2.0 Policy

- 2.1 It is the policy of the Vermont State Police that all department members will be trained in proper vehicle pursuit procedures to effectively bring a vehicle pursuit to an end, in the safest and most efficient manner.
- 2.2 All members must take into consideration, the risk factors involved in a vehicular pursuit, versus the need to initiate a vehicular pursuit. When it becomes apparent to the operator of the primary vehicle that the danger of crash or injury outweighs the necessity to apprehend the violator, the pursuit shall be discontinued.

- 2.3 Supervisory authorization to terminate the pursuit is not required. The operator of the primary vehicle shall have the option and the authority to terminate the pursuit when the risk factors outweigh the need to pursue. The department recognizes that the members involved in the pursuit are in the best position to assess the decision to terminate a pursuit, if not ordered to do so by a supervisor.
- 2.4 Termination of a pursuit shall consist of de-activation of all emergency equipment. Members may continue to follow the suspect vehicle, but they shall operate at normal speeds and in accordance with all traffic rules.
- 2.5 Apprehension of a vehicle for civil motor vehicle infractions or criminal offenses shall not continue beyond the initial attempt to stop the motor vehicle and shall cease once the member reasonably believes the operator is refusing to yield or stop, except as authorized under section 2.6 of this policy.
- 2.6 The initiation or continuation of a pursuit is authorized when a member has probable cause for one or more of the following:
- A. Arson causing death as defined in 13 V.S.A. § 501;
  - B. Assault and robbery causing bodily injury as defined in 13 V.S.A. § 608(c);
  - C. Aggravated domestic assault as defined by 13 V.S.A. § 1043 or 1044;
  - D. Aggravated assault as defined in 13 V.S.A. § 1024;
  - E. Murder as defined in 13 V.S.A. § 2301;
  - F. Manslaughter as defined in 13 V.S.A. § 2304;
  - G. Kidnapping as defined in 13 V.S.A. § 2405;
  - H. Unlawful restraint as defined in 13 V.S.A. § 2406 or 2407;
  - I. Maiming as defined in 13 V.S.A. § 2701;
  - J. Sexual assault as defined in 13 V.S.A. § 3252(a)(1) or (a)(2);
  - K. Aggravated sexual assault as defined in 13 V.S.A. § 3253; or
  - L. Domestic Terrorism as defined in 13 VSA § 1703

- 2.7 Approval for the continuance of a pursuit shall be made by an uninvolved supervisor. Should the member involved in the pursuit be a supervisor, then approval will be made by a superior officer.
- 2.8 The supervisor approving a pursuit will maintain supervisory oversight of the pursuit, to include being apprised of any critical events which transpire during the course of a pursuit as well as the outcome. If not already done, upon the conclusion of a pursuit, the Station Commander or Watch Commander will be notified of the pertinent details.
- A. The Station Commander or Watch Commander will be responsible for ensuring notice of involvement is made to the chain of command of all members involved in the pursuit. This notice does not need to be delivered immediately but should be of sufficient timeliness to perform supervisor responsibilities.

### 3.0 Procedure

- 3.1 A member may initiate a vehicle pursuit only in accordance with the provisions of section 2.6. All members must recognize that despite the urgency of the pursuit, it is each member's responsibility to weigh the dangers to both innocent parties and themselves and will operate their vehicles with due regard for the safety of others. A member may discontinue a pursuit at any time if the member believes safety factors outweigh the need to immediately apprehend the fleeing violator. The process of catching up to a motor vehicle violator is not considered a pursuit.
- 3.2 Prohibited Pursuits
- A. No member shall engage in a vehicle pursuit with the following vehicle types:
1. Motorcycles.
  2. Three-wheel Vehicles
  3. All-Terrain Vehicles
  4. Any bus carrying nonculpable passengers.
  5. Any vehicle reasonably believed to be transporting hazardous material.

### 3.3 Wrong-Way Pursuits

- A. Operating against the flow of traffic is strictly prohibited. Members shall not pursue a violator operating against the flow of traffic on any limited access highway, divided highway, access ramp, or one-way street.

### 3.4 At all times during a pursuit the blue lights and siren will be activated on the primary and any participating secondary vehicles.

### 3.5 Member's Notification to Supervisor/Commander

- A. A member will notify a sergeant or a commander, or the watch commander if no sergeant or commander is available, as soon as possible when a vehicle pursuit/highway blockade or roadblock has been initiated. Notification shall include:

1. The reason for the pursuit/highway blockade or roadblock;
2. The offense;
3. Road, weather and traffic conditions;
4. Other conditions that may impact the safety of the public and members involved;
5. Location, direction and approximately speed of the vehicle being pursued;
6. Description of the vehicle and its occupants, if possible; and
7. If identity of the suspect is known and the suspect can be located/dealt with at a later time/location.

### 3.6 Role of Sergeant or Commander

- A. After being notified, the sergeant, commander, or watch commander shall be responsible for deciding whether a vehicle pursuit/highway blockade or roadblock will continue.
- B. In reaching his/her decision, the sergeant, commander, or watch commander will take into account the following factors:
  1. Offense committed;

2. Whether the operator has been identified;
  3. Traffic conditions;
  4. Weather conditions;
  5. Capabilities of member;
  6. Alternatives other than pursuit;
  7. Whether reckless operation by the suspect is putting others at unacceptable risk; and
  8. Whether there is a loss of radio communication.
- C. The sergeant, commander or watch commander will order that a pursuit be discontinued whenever the hazard of its continuance exceeds the relative value of an apprehension or does not meet the requirements of this policy.
- D. The sergeant, commander or watch commander will have the dispatcher do the following:
1. Notify other units of the pursuit and request air priority.
  2. Advise the other stations that may become involved in the pursuit.
  3. Direct other patrol units to communicate car to car when necessary.
  4. Notify neighboring jurisdictions of a pursuit approaching their boundaries.

### 3.7 Pursuit Vehicle Duties

- A. At no time during a pursuit will there be more than one primary vehicle involved.
- B. The closest vehicle in a pursuit shall normally become the primary vehicle and shall remain as the primary vehicle until told otherwise by the supervisor or a situation arises which forces a change.

- C. At no time during a pursuit will there be more than two secondary vehicles involved. Secondary vehicles shall remain not closer than an approximate distance of 25 car lengths behind the primary vehicle until the time of apprehension.
  - D. The functions of the secondary vehicles are to assist the primary vehicle in the apprehension of the violator and to continue the pursuit should the primary vehicle be disabled.
  - E. The secondary vehicles shall not pass the primary vehicle unless requested to do so.
  - F. If the operator of an unmarked vehicle initiates the pursuit, the operator shall turn over the responsibility of the primary vehicle to a marked unit when one becomes involved in the pursuit. The unmarked vehicle may continue as a secondary vehicle.
  - G. If a sergeant, commander, or watch commander initiates a pursuit, s/he should turn over the responsibility of the primary vehicle when another member of sufficient experience (who is not a sergeant, commander, or watch commander) in a marked unit becomes involved in the pursuit.
  - H. If a suspect flees on foot following a pursuit, members must follow the provisions of [VSP DIR 407 Foot Pursuits](#).
- 3.8 If radio communications are lost, the member must assess the situation based on the totality of the circumstances and decide whether to continue or terminate the pursuit.
- 3.9 Upon approaching intersections, stop or yield signs, traffic lights, and other traffic control devices, primary and secondary vehicles will proceed cautiously and yield the right of way to traffic either unaware of or unresponsive to the siren or blue lights.
- 3.10 Stopped School Bus
- A. All members will also comply with 23 V.S.A. Sec. §1075(a), which states: The operator of a motor vehicle, including authorized emergency vehicles under Section 1015, upon meeting or overtaking a vehicle (school bus) marked and equipped as provided in Section 1283 which has stopped on the highway for the purpose of receiving or discharging public or private school children shall stop their vehicle immediately and shall keep it stationary while the flashing red signal lights are in operation.

- B. Stopped school buses displaying flashing red lights may be passed only after the bus operator has signaled to proceed.

### 3.11 Out of State Fresh Pursuits

- A. Members shall not pursue a vehicle into another state unless the continuation of the pursuit is authorized by this policy and only until such time as authorities in the other state have taken over the pursuit. Members may maintain a role as a secondary pursuit vehicle until such time as the authorities in the other state have sufficient manpower to safely apprehend the suspect(s).
- B. Vehicles shall not be pursued into Canada.
- C. As soon as practical, members shall notify a supervisor of any pursuit that travels outside of Vermont. Upon notification, a supervisor shall either grant permission to continue pursuit or to terminate based upon the existing circumstances known to them.
- D. Members must remember that if a pursuit is continued into another state, and terminates in that state, Vermont laws and your authority may have no jurisdiction. The state in which the violator was captured has total jurisdiction and all subsequent proceedings including arrest and extradition must be coordinated with the in-state authorities.

### 3.12 Assists to Other Agencies

- A. Members of the Vermont State Police will not provide assistance to other law enforcement agencies with an active pursuit unless:
  - 1. The other law enforcement agency has requested assistance.
  - 2. Prior to engaging in the pursuit, the member has established that the pursuit meets the criteria established by this policy for initiation or continuation of a pursuit.

### 3.13 Vehicle Crashes

- A. Should a collision result from any pursuit, the sergeant, commander or watch commander shall notify the director or state duty officer as soon as it is practical.

### 3.14 Pursuit Reporting and Critique

- A. When a member, or members, participates in a vehicle pursuit, regardless of the agency initiating the action, a Pursuit entry shall be completed within Guardian Tracking. The pursuit entry shall be completed by one involved member. Other involved members shall complete a supplemental report and file it with the case. The supplemental reports shall be attached to the Pursuit entry in Guardian Tracking by the entering member, along with all necessary supporting documentation.
  - 1. For purposes of reporting, a member is considered to have participated if, at any time during the vehicle pursuit, the member served as the operator of a primary or secondary pursuit vehicle as defined within this policy.
  - 2. A member attempting to intercept an on-going vehicle pursuit is not considered to have participated until such time as they serve as the operator of a primary or secondary pursuit vehicle as defined within this policy.
- B. A critique of all pursuits shall be completed by the members involved with a summary being made by the supervisor which shall include but not be limited to equipment, communications, driving techniques, and any problems encountered. The pursuit and supervisor feedback will be documented on the pursuit form in Guardian Tracking.
- C. All supervisor reviews will include the viewing of the video captured during the pursuit. The pursuit form in Guardian Tracking, video, and supporting documents shall be completed and submitted within 72 hours of the incident to the member's chain of command.
- D. In the event the pursuit results in the use of deadly force refer to the Use of Force policy (VSP-DIR-701) and Reporting Use of Lethal Force (VSP-DIR-702).
- E. If the pursuit results in a crash with death or it appears that serious bodily injury has occurred, members will not complete the pursuit form in Guardian Tracking.
  - 1. An investigation specific to the circumstances of the crash will be conducted by the Crash Reconstruction Team.



2. The criminal investigation related to the pursuit will be conducted by a member designated by the supervisor or commander.
  3. The member's chain of command will conduct a review of the pursuit. To allow for compiling of tracked datapoints, it will be the responsibility of the member's commanding officer to complete the Pursuit entry in Guardian Tracking on behalf of the member. The narrative portion of the entry should only list the case number as a reference to the investigative report.
- F. A memorandum from the member to their commanding officer will document all instances when a video has not captured the event.
  - G. Review of Pursuit entries within Guardian Tracking by a member's front line supervisor and a member's commanding officer will be completed within 20 days of occurrence, and by the troop commander within 30 days of occurrence.
  - H. Each supervisor conducting a pursuit review shall complete a [DPS 297](#) form and include the review in the Guardian Tracking Pursuit entry.
  - I. Yearly, the Professional Standards Commander will provide Command Staff with a comprehensive analysis, recap, comparison and overall recommendations, based on the review of the pursuits, occurring during that previous calendar year.

#### 4.0 Training

- 4.1 All members will receive initial driver training at the Vermont Police Academy followed by a Department specific training during the Post-Basic Training Course, to include Emergency Vehicle Operations Course (EVOC) and pursuit driving.

#### 5.0 Review

- 5.1 This policy will be reviewed annually by the Professional Standards Commander to ensure it is meeting department needs.
- 5.2 All sworn members will review this policy on an annual basis.

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