

MUNICIPAL ORDER NO:__:2020

WHEREAS, the City of Morehead Board of City Council voted to enact policies and procedures of the Morehead Police Department by Municipal Order; and

WHEREAS, the Morehead Police Department desires to replace the current policy 14a -Vehicle Pursuit and Emergency Vehicle Operation;

NOW, THEREFORE, BE IT ORDERED by the City of Morehead, Board of City Council that the Morehead Police Department's Standard Operating Policy #14a, Vehicle Pursuit and Emergency Vehicle Operation, a copy of which is attached hereto, is hereby approved. A complete copy of the policy shall be added to the Morehead Police Department's Standard Operating Procedures Manual retained on file in the City Clerk's office.

Adopted this ____ day of _____ 2020.

CITY OF MOREHEAD

Laura White-Brown, Mayor

Attested: _____
Crissy Cunningham, City Clerk

Morehead Police Department Standard Operating Procedures

Policy # 14a	Related Policies:
Vehicle Pursuit & Emergency Vehicle Operation	Vehicle Operations
<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 State Statutes: K.R.S. 189.940; K.R.S. 431.045; K.R.S. 189A.100	
KACP 21.1, 21.2	
Date Implemented: 01/2020	Review Date: 01/2021

1. Purpose:

The purpose of this policy is to provide guidelines and directions for the establishment of responsibility for the operation of police vehicles during a pursuit; for the initiation or discontinuation of pursuits; for the responsibility of participating officers and supervisor; and to provide the essential balancing of the necessity for the pursuit and more immediate apprehension of the fleeing subject against the risks involved.

In fulfilling departmental objectives, officers will occasionally encounter dangerous subjects who will attempt to avoid capture by fleeing in motor vehicles. In these cases, officers should attempt to anticipate flight and utilize tactics to prevent a pursuit. If tactics to prevent a vehicle pursuit fail, tactics should be utilized to minimize the duration of the pursuit, and if possible, to influence the subject vehicle's direction in ways that reduce the risk of harm to others.

2. Policy:

The department recognizes its responsibility to apprehend criminals and lawbreakers, but it also recognizes a responsibility to operate police vehicles with due regard for persons. Officers, operating under pursuit conditions, shall consider the need to pursue and periodically reevaluate the initial decision to pursue throughout its course. In initiating any pursuit, the officer shall consider the facts, driving environment, seriousness of the offense, need for apprehension, consequences, and due regard for persons. An officer operating an authorized law

enforcement vehicle to overtake a motorist that is not yet aware that he or she is being overtaken is not a vehicle pursuit.

3. Definitions:

- A.** Terminate the pursuit: the law enforcement officer ends his or her involvement in the pursuit by slowing down to the posted speed limit and turning off his or her emergency lights and siren.
- B.** Aerial support: the use of aerial surveillance to monitor a pursuit or take over the pursuit allowing vehicles to back off to a supportive role.
- C.** 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.
- D.** Channelization: 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.
- E.** Caravan: operating emergency vehicles in a line or alongside each other in a pursuit.
- F.** Deadly physical force: means force which is used with the purpose of causing death or serious physical injury or which the defendant knows to create a substantial risk of causing death or serious physical injury.
- G.** Interjurisdictional pursuit: Any pursuit that crosses into a neighboring jurisdiction, such as across municipal, county, or state line.
- H.** Paralleling: operating an emergency vehicle on streets or a route parallel to the pursuit route.
- I.** Primary unit: The authorized law enforcement vehicle that initiates a pursuit or any other unit, which assumes control of the pursuit.
- J.** 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.
- K.** Precision immobilization technique (PIT) maneuver: a controlled deliberate contact with the rear of a fleeing vehicle by a marked law enforcement vehicle with the intention of spinning the vehicle in a predetermined direction to bring it to a stop.
- L.** Ramming: deliberate contact with a violator's vehicle by a marked law enforcement vehicle to force the violator's vehicle off the roadway.
- M.** Roadblock: a barricade or other physical obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.
- N.** 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.

- O. 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.
- P. Video recording (MVR):** a recording device that records video and/or audio of a police event from a camera.

4. Procedure:

A. Initiating the Pursuit: Officers may only initiate a pursuit when there is reasonable suspicion that the driver or an occupant of the vehicle is fleeing from having committed a serious felony which includes:

1. Offenses where a suspect has killed a person
2. Assault in the first, second, or third degree
3. Kidnapping
4. Wanton endangerment in the first degree
5. Unlawful imprisonment in the first degree
6. Rape in the first degree
7. Sodomy in the first degree
8. Burglary in the first or second degree
9. Sexual abuse in the first degree
10. Robbery in the first or second degree
11. Escape in the first degree
12. Arson in the first degree
13. Or the attempt of any of the above offenses

Or

Prior to initiating the pursuit, the officer has reasonable suspicion that the driver is engaged in outrageous, reckless driving such that the necessity of immediate apprehension outweighs the level of danger created by the pursuit, excluding serious traffic offenses such as DUI, unless there are extenuating circumstances.

B. Pursuit Restrictions:

1. Only two properly equipped [emergency lights and siren] vehicles, a primary vehicle and a secondary vehicle, shall engage in a pursuit, unless additional vehicles are authorized specifically by the managing supervisor.

2. Officers shall not continue a pursuit or assist in a pursuit unless immediate authorization for the pursuit is received from the managing supervisor – if one is on duty.
3. Officers shall not set up roadblocks or deploy tire deflation devices without the approval of the supervisor.
4. Officers shall not box-in a vehicle without supervisory authorization.
 - a) Low-speed box-in is a seizure and therefore may only be utilized in accordance with the department's response to active resistance policy.
 - b) High-speed box-in is a seizure by means of force which may cause serious bodily harm or death and thus constitutes a use of deadly force. Before a supervisor may authorize the use of a "high-speed box-in" deadly force must be justified.
5. Pursuits shall not be undertaken where the officer is operating a two- or three-wheeled police motorcycle.
6. If a pursuit is terminated by the primary vehicle, (unless for mechanical reasons), or the supervisor, then all officers shall terminate the pursuit.
7. Only properly equipped vehicles with emergency lights and siren shall initiate a pursuit.
8. In the event that an unmarked vehicle with emergency lights and siren initiates a pursuit, the unmarked vehicle shall give way and terminate the pursuit as soon as a primary and secondary marked vehicle is available to take over the pursuit unless otherwise authorized to remain in the pursuit by a supervisor.
9. Officers engaged in a pursuit shall not drive 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.
10. When a fleeing vehicle goes the wrong way against traffic, the primary officer may, whenever practical:
 - a) parallel the vehicle in the correct lane of traffic;
 - b) notify dispatch of a wrong-way driver;
 - c) request assistance from outside agencies to shut down vehicular traffic on the highway coming in the fleeing subject's direction; and
 - d) have communications notify department of transportation to activate reader boards to advise motorists of a wrong way driver.
11. Officers shall not engage in a pursuit when they are transporting prisoners, witnesses, suspects, complainants or any person who is not a member of this department.

C. Considerations: Officers, operating under pursuit conditions, may consider:

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
9. Speeds of the emergency vehicle and the fleeing vehicle.

D. Responsibilities of the Primary Unit:

1. Immediately and continuously activate emergency lights and siren.
2. Immediately notify communications of:
 - a) his or her unit number;
 - b) the location, speed, and direction of travel;
 - c) reasons for the pursuit;
 - d) the description of the vehicle being pursued;
 - e) the number of occupants;
 - f) other agencies involved; and
 - g) location at the time the pursuit is terminated.
3. Provide updated information regarding direction of travel, speed, and other pertinent details until the secondary vehicle is available to take over the radio broadcast.
4. Allow the secondary unit to assume all communications.
5. Abandon the pursuit if any mechanical problems develop in the primary unit's vehicle.
6. Terminate the pursuit if the hazardous circumstances or environmental factors present an unreasonable risk to public safety.

E. Responsibilities of the Secondary Unit:

1. The first officer arriving to assist the primary vehicle driver shall notify communications and becomes the secondary vehicle driver.
2. This officer 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. This officer shall activate and operate continuous emergency lights and siren from the point of entry into the pursuit until it is ended while following the primary vehicle at a safe distance and assume the radio communications for the primary vehicle driver.
4. If the primary unit vehicle becomes disabled, the secondary unit shall take over as the primary unit.

F. Responsibilities of the Supervisor:

1. Immediately assert control over the pursuit.
2. Control the number of authorized vehicles in the pursuit.
3. Immediately authorize continuation of the pursuit or order discontinuation depending on the hazardous circumstances and environmental factors present as communicated by the officer.
4. Order units to clear intersections in the likely path of the pursuit where appropriate.
5. Ensure that not more than two (2) vehicles engage in the pursuit unless additional vehicles are required based on the following circumstances:
 - a) the severity of the offense;
 - b) the number of occupants in the suspect vehicle; and
 - c) the likelihood of the suspects being armed.
6. Direct and approve necessary tactics in the pursuit including authorizing termination of the pursuit through approved use of force tactics.
7. Continuously evaluate the pursuit.
8. Assign additional officers to traffic control, accident investigation, foot pursuit, and/or perimeter security.
9. Notify affected allied agencies, if necessary.
10. Order the discontinuation of the pursuit at any time hazardous circumstances or environmental factors present an unreasonable risk to public safety.
11. Respond to the scene of the termination of the pursuit.

G. Responsibilities of the Communications Center:

1. Assure that the supervisor of the pursuit is clearly identified and that the approval to initiate or continue the pursuit is broadcast.
2. Assure that pursuing officers (primary and secondary vehicle drivers) request supervisory approval and that all critical information is received from the officers involved and relayed to other units.
3. Keep the supervisor apprised of all relevant traffic problems and other actions that might impact upon the conduct of the pursuit.

4. Record all information received from the pursuing officer.
5. Clear the radio channel.
6. Conduct an inquiry of the license plate through NCIC.
7. Notify adjacent jurisdictions of the pursuit and the potential that it may enter their jurisdiction.
8. Continue monitoring the pursuit.

H. Uses of Force/Termination of Pursuit:

1. Roadblocks, the PIT maneuver, and tire deflation devices as well as the firearm, constitute seizures, i.e. a stopping of movement by a means intentionally applied. Officers should recognize that the use of a tactic that is likely to result in a serious crash constitutes deadly force and shall not be used unless deadly force is justified.
2. Use of firearms:
 - a) The use of firearms to affect the apprehension of a fleeing suspect is a use of deadly force.
 - b) Officers shall not shoot at or from a moving vehicle unless:
 - 1) 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
 - 2) 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 avenue of escape.
3. Roadblocks: Only as a case of last resort where there is an imminent threat to public safety, and where authorized by a supervisor, may a roadblock be established. This decision to establish a roadblock shall consider:
 - a) The safety of the officers.
 - b) The risk of physical injury to the occupants of the pursued vehicle.
 - c) The protection of citizens and their property.
 - d) 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.
4. PIT maneuver: Only officers trained in this particular maneuver will attempt to employ this procedure and shall not use this maneuver in speeds over 40 mph, unless deadly force would be justified.
5. Stop sticks/spike strips:
 - a) 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 at all possible.

- b) Stop sticks/spike strips may be used with the on-duty supervisor's authorization on pursuits entering this jurisdiction where an outside pursuing agency is actively engaged to promote the safety of innocent persons in the vicinity.
 - c) Stop sticks/spike strips/tire deflation devices could, under certain circumstances, constitute the use of deadly force. As with any use of force tactic, prior to the deployment of such a tactic, officers must be trained with respect to the tactic.
 - d) Officers shall not use tire deflation devices on motorcycles or ATVs unless deadly force would be justified.
6. In all cases, officers should employ high-risk traffic stop techniques at the end of pursuits.

I. Reasons for Discontinuation of Pursuit: Any officer involved in a pursuit shall terminate the pursuit, and immediately notify communications of his or her point of discontinuation under any of the following conditions:

- 1. An officer whose emergency lights/siren malfunction during a pursuit shall terminate his or her involvement in the pursuit.
- 2. When ordered by a supervisor, or any other higher-ranking member of the department.
- 3. When any officer involved in the pursuit believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension.
- 4. 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.
- 5. When the location of the pursued vehicle is no longer known.
- 6. When motorists/pedestrians are involved in an accident as a result of the pursuit, immediate assistance shall be given. If there is only the marked primary police vehicle, then this vehicle must stop to provide assistance.

Discontinuation of a pursuit requires the officer(s)/deputy(s) to abandon all active attempts to stop and/or follow the suspected vehicles and officer(s)/deputy(s) shall turn off all emergency equipment.

An officer will not be disciplined when, in the officer's opinion, circumstances warrant terminating the pursuit.

J. Interjurisdictional Pursuits:

- 1. Pursuits from this jurisdiction into another jurisdiction:

- a) Notify, through communications, the other jurisdiction as soon as possible of the reasons for the pursuit, the vehicle description and if assistance is requested.
 - b) Under Kentucky law, a peace officer in actual pursuit may continue a pursuit across corporate or county lines for the purpose of making an arrest.
 - c) When pursuits enter an adjoining state, officers are required to follow that state's laws.
2. Pursuits from another jurisdiction into this jurisdiction:
- a) The communications staff should determine the number of police vehicles from the other jurisdiction that are involved in the pursuit, find out the circumstances of the pursuit to include the offense, vehicle description and if assistance is requested.
 - b) Supervisors will only approve assistance from this jurisdiction if the pursuit is justified under department policy, and the number is limited to only one vehicle from the outside jurisdiction. In the event that the pursuit is not justified under department policy, an officer may assist in a support capacity alone.
 - c) If the pursuit does not conform to this policy, officers shall not engage in the pursuit but may attempt to control intersections to promote the safety of innocent persons in the vicinity.
 - d) Stop sticks/spike strips may be used with the on-duty supervisor's authorization on pursuits entering this jurisdiction where an outside pursuing agency is actively engaged to promote the safety of innocent persons in the vicinity.
 - e) A supervisor from this jurisdiction may proceed to the point of completion of the pursuit as quickly as possible.
 - f) The initiating agency will remain in control of any pursuit that crosses into this jurisdiction and will remain responsible for the pursuit, unless requested otherwise. This provision only applies when the initiating agency has jurisdiction within the Commonwealth of Kentucky to pursue within this state.
 - g) Generally, officers will not continue with a pursuit that has passed through this jurisdiction, once the pursuit has left this jurisdiction.

K. Report and Review Process:

The on-duty supervisor conducts an immediate investigation of the circumstances of the pursuit and shall submit a written report regardless of whether the pursuit was terminated, or the subject was apprehended. The departmental Pursuit Report Form (or state-designated pursuit) shall be completed after a pursuit. In addition to providing the required information on the form, the supervisor will indicate in the narrative section the following:

1. The reasonable suspicion articulated 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 apprehension or termination of any pursuit.
5. If the subject is apprehended, there should be an account of the officer's/deputy's involvement in that arrest.
6. The supervisor's report will include the following:
 - a) Officers assigned to the pursuit and the assignment of all those involved in the pursuit in various roles;
 - b) A summary of any collisions or other incidents arising from or related to the pursuit;
 - c) A complete evaluation on the adherence of the pursuit's conduct to the department's pursuit policy; and
 - d) If the supervisor terminated the pursuit, the time and location that the pursuit was ordered terminated.
7. Collect copies of reports and police vehicle video from all officers involved in the pursuit;
 - a) Order and include a copy of the communications/dispatch tapes;
 - b) Review each report to ensure that all required information is present;
 - c) Conduct an analysis of the pursuit and complete the appropriate section of the pursuit report; and
 - d) Attach copies of the officers'/deputy's reports, including his or her report and forward the packet to patrol commander/chief of police/sheriff.
8. The patrol commander or designee of the chief of police/sheriff will either submit the report to any Accident/Safety Review Board or determine compliance with the statutes and policies and make a recommendation for further action (various forms of commendation, discipline, suspension, letter, verbal reprimand, and/or retraining).

L. Video Recordings:

Officers may record pursuits utilizing video recordings. These recordings are for law enforcement purposes only and must be held and disseminated in accordance with K.R.S. 189A.100.

M. Training:

Officers should be trained to utilize any equipment or tactic used during a pursuit.

N. Annual Report:

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