



ERIE POLICE DEPARTMENT



Written Directives

Number: **090.000**

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| Title: Routine and Emergency Vehicle Operations | | Pages: 8 |
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POLICY:

CACP STANDARD 60.14 & 90.12

It is the policy of the Erie Police Department to regulate the circumstances and manner in which officers of this department may engage in emergency operations and pursuits, keeping in mind officers must respond to emergency situations in a timely fashion, while driving with due regard for the safety of all citizens. Officers will receive training on this written directive on an annual basis, or more, as necessary.

DEFINITIONS:

AUTHORIZED EMERGENCY VEHICLE: A department vehicle equipped with an audible signal and a visual signal as defined in CRS 42-4-213. Vehicles not so equipped, or vehicles with inoperable equipment, shall not be used as an emergency vehicle.

EMERGENCY CALL: A situation which reasonably requires an immediate response by the officer and involves a reasonable belief by the officer there is:

1. A traffic accident involving known serious bodily injury and medical personnel are likely to have a longer response.
2. A call where there is imminent danger of serious bodily injury or death to anyone or involves a deadly weapon.
3. A kidnapping, sexual assault, burglary to an occupied or unknown if occupied home or business, robbery, or arson in progress.
4. Other circumstances which the officer reasonably believes require an immediate response, or circumstances in which the officer has been directed by a supervisor to respond emergency.
5. This list is not all inclusive and officers are expected to exercise sound judgment and discretion when responding emergency.

EMERGENCY OPERATION: The act of driving a law enforcement vehicle, regardless of the vehicle's appearance or markings, with emergency lights and/or siren operating in compliance with C.R.S. 42-4-108 and 42-4-213.

COMMUNICATIONS SECTION: Dispatchers who are broadcasting, receiving and monitoring messages for law enforcement and other emergency services.

MOBILE DATA COMPUTER (MDC): A laptop computer designed to be used by officers as a transceiver of data with a main server (Dispatch), or another mobile data computer, in compliance with applicable

regulating authorities. This includes, but is not limited to, the Town of Erie Employee Policies, the Erie Police Department Directive Manual, and CCIC rules and regulations.

OFFICER: A commissioned peace officer.

ORIGINATING JURISDICTION: The jurisdiction of the officer who initiated the pursuit or the jurisdiction of the officer driving the primary vehicle in the pursuit.

RECEIVING JURISDICTION: A jurisdiction which is entered during a pursuit which is not the originating jurisdiction.

ROUTINE PATROL: The daily job actions taken while driving a law enforcement vehicle, moving or stationary, absent emergency calls for service.

SUPERVISOR: A commissioned peace officer, the rank of sergeant or higher, or, in the absence of a supervisor, the most senior officer available. The supervisor of the originating jurisdiction is responsible for the conduct of the pursuit pursuant to the policies, procedures and directives of the originating jurisdiction.

VEHICULAR PURSUIT: An officer's active attempt, while operating an authorized emergency vehicle, to apprehend a fleeing suspect who is operating a motor vehicle without due regard for the safety of others.

BOULDER COUNTY INTER-AGENCY PURSUIT AGREEMENT: See Attached

METRO PURSUIT POLICY: See Attached

WELD COUNTY INTER-AGENCY PURSUIT AGREEMENT: See Attached

PROCEDURES:

I. STANDARD PATROL VEHICLE OPERATIONS

- A. In any circumstance other than an emergency operation, the officer shall operate his/her vehicle in full compliance with all applicable traffic laws.
- B. When receiving information regarding calls from Communications via the vehicle's MDC, whenever practical, officers should pull over and stop the vehicle prior to attempting to read the updates.
- C. Any initial calls which are dispatched directly via text on MDC's (i.e. silent dispatching) shall not be read while the vehicle is in motion. Calls dispatched in this manner are considered non-emergency or low-priority calls and the officer shall pull over at a safe location prior to reading the incoming call.

CACP STANDARD 90.11

II. EMERGENCY OPERATIONS

- A. Officers may engage in an emergency operation only in accordance with applicable laws, including Colorado Revised Statutes Section 42-4-108, as from time to time amended. Officers are expected to exercise care while performing an emergency operation consistent with C.R.S.

- 42-4-108, and in particular, subsection (4): "The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others."
- B. When engaged in emergency operations, and/or in the performance of official duties, drivers of authorized emergency vehicles are granted exemptions from certain traffic laws by statute. These exemptions shall not be used in any circumstance other than while responding to an emergency call or when in pursuit as outlined in this policy. Any other use of the exemptions is a violation of law and of this directive.
 - C. Nothing in this policy is meant to prevent an officer from using his/her lights and/or siren in other appropriate manners, such as a necessary warning for public safety at the scene of an accident, fire or other disaster, etc.
 - D. Officers responding in Emergency Operation mode (emergency) shall air their response to Dispatch.
 - E. Officers' Body Worn Cameras shall be activated while officers are driving in Emergency Operation mode.
 - F. Lights and siren shall be used whenever an officer is engaged in emergency operation subject to the following exceptions:
 - 1. Driving with neither lights nor siren is allowed only when the officer is attempting to confirm suspicions a driver has violated the law. As soon as practical after reasonable suspicion or probable cause is determined to be present to contact the driver of a vehicle, the officer will activate their emergency lights. If the vehicle does not pull over in a reasonable amount of time, the officer may activate their siren to get the driver's attention and notify the driver of the officer's presence. If the driver takes any action during an attempted traffic stop, such as increasing speed, disobeying traffic laws, quick turns, etc., which seems to be made in an attempt to evade, the officer will activate his/her siren if the situation calls for a pursuit in accordance with this directive.
 - 2. Driving with lights on, but siren off is permitted in circumstances when an emergency operation requires an element of stealth which would be lost by the use of the siren.

III. PURSUITS

CACP STANDARD 90.11

- A. The initial decision to pursue a vehicle shall rest primarily with the officer who has attempted a vehicular stop. This decision shall be made based on this directive. Officers involved in pursuits must keep in mind the severity of the crime and whether the circumstances of the crime create a need to immediately apprehend a suspect versus the risk the pursuit poses to the community. The officer shall continually consider the risks created by the pursuit and weigh those risks during the pursuit.

CACP STANDARD 90.3 & 90.6

- B. An officer may initiate a vehicle pursuit when:

1. The officer has a reasonable belief the driver or passenger of the pursued vehicle has committed a felony involving the risk of serious bodily injury or death;

AND

2. The officer reasonably weighs the necessity for apprehension against the risk of pursuit. A pursuit shall be terminated any time the danger of the pursuit outweighs the danger to the community if the suspect escapes. Factors considered include:

- The seriousness of the offense;
- Driving and adverse weather conditions;
- Pedestrian and vehicular traffic conditions;
- Speed of the pursuit;
- Use of force in terminating the pursuit; and
- Other relevant information (location, time of day, etc.)

C. Supervisors are responsible for ensuring any pursuit they authorize to begin or continue is necessary in accordance with these guidelines. The supervisor's first responsibility is to determine if the pursuit meets these guidelines. The supervisor may terminate or redirect the pursuit as deemed appropriate. This may include, but is not limited to, determining the number of police vehicles involved in the pursuit and the involvement of other law enforcement agencies.

1. Officers are responsible for ensuring any pursuit they initiate is in compliance with these guidelines.

2. The fact a supervisor allows a pursuit to continue does not relieve the officer of the responsibility for continually evaluating the pursuit and terminating if necessary.

CACP STANDARD 90.3 & 90.4

D. Only two vehicles should be involved in a pursuit at a time, unless circumstances dictate otherwise. Initially the primary vehicle shall provide Dispatch with the location, direction of travel, speed, hazardous moving violations committed by the suspect, suspect vehicle description, number of suspects in the car and justification for the pursuit. The secondary vehicle may assume the communications function by continuing to provide the location, direction of travel, speed and hazardous moving violations committed by the suspect. The secondary vehicle shall also stay in close proximity to the fleeing vehicle and primary vehicle in order to assist the primary vehicle in the course of or upon the termination of the pursuit, or to take the primary position if the primary vehicle relinquishes its position.

E. The on duty Erie Police command officer or sergeant will be designated as the pursuit manager. The pursuit manager should not be involved directly in the pursuit. In absence of an on duty sergeant, the designated officer in charge will act as the pursuit manager.

F. The primary vehicle shall terminate the pursuit if the risk to life becomes greater than the need to apprehend the suspect or a supervisor has ordered the pursuit discontinued.

- G. While being aware for the duty to drive with due regard for the safety of all persons, officers engaged in a pursuit may exercise the privileges set forth in section 42-4-108 of the C.R.S. but subject to the conditions stated in this section.
- Emergency lights and siren shall be activated while engaged in a pursuit.
 - Unmarked cars are prohibited from engaging in pursuits unless the car is equipped with emergency lighting and siren in compliance with C.R.S. 42-4-212, and then only in the most extreme of circumstances. Unmarked units shall relinquish their position in a pursuit to a fully marked patrol vehicle as soon as practical.

CACP STANDARD 90.8 & 90.6

- H. The decision to pursue is reversible and officers must continually evaluate whether the seriousness of the offense justifies continuing the pursuit. A pursuit may be, and should be, terminated if at any point the primary officer, (the officer driving the vehicle directly behind the suspect vehicle), or a supervisor, feels it is too dangerous to continue.
- I. Any time the primary or secondary officer involved in the pursuit loses the ability to successfully communicate with Dispatch, the pursuit must be terminated.
- J. A decision to discontinue a pursuit, based on reasonable grounds, is not open to question.
- K. The supervisor in charge during a pursuit has the authority and responsibility to constantly monitor the progress of the pursuit, evaluate the known facts at the time and make a decision to continue or terminate. The supervisor need not be involved directly in the pursuit and can make a decision from a remote location.
- L. A pursuit will be considered terminated when the following occurs:
1. The pursuit manager and/or the primary officer broadcasts the pursuit is terminated to Dispatch; and
 2. The pursuing officer(s) turns off his/her emergency lights and siren. The officer(s) shall stop and pull to the curb, pull off the road, or turn around to indicate to the driver of the pursued vehicle the pursuit has ended; or
 3. When the vehicle being pursued stops.

IV. STOPPING PURSUED VEHICLES

The method used to stop a fleeing vehicle shall be predicated, to the extent possible, by an evaluation of all known factors. In selecting the method used, officers shall give consideration to the probability of success and the likelihood of injury to the public, the officers involved and the suspect or occupants of the fleeing vehicle.

V. STOPPING VEHICLES - PROHIBITED

CACP STANDARD 90.7

- A. Tire Deflation Devices: Tire Deflation Devices or “Stop Sticks” should not be used to attempt to deflate the tires on a suspect vehicle involved in a pursuit. Rather, they may be placed under the tires of a suspect vehicle in circumstances where a pursuit is likely and the vehicle is not moving or parked, provided it is safe to take this preventative measure to try and prevent a pursuit.
- B. Barricading/Roadblock: The intentional blocking of a roadway, by any means, to prevent passage of the pursued vehicle. Barricading or Roadblocks will not be utilized by the Erie Police Department as a means of stopping a vehicle.
- C. Shooting: Discharging a firearm at or from a moving vehicle is prohibited unless deadly force is being used against the police officer or another person present by means other than the moving vehicle.

VI. PURSUITS LEAVING OUR JURISDICTION

CACP STANDARD 90.5

- A. When it becomes apparent a pursuit will leave our jurisdiction, the primary officer will notify the dispatcher, who will follow Boulder County Communications Policy regarding pursuits.
- B. An Erie Police Department supervisor may request Boulder County Communications patch radio channels being used for the pursuit to other mutual aid channels or talk groups for interoperability with other agencies.

CACP STANDARD 90.6

- C. At the end of a pursuit which began in the Town limits of Erie and ended in another jurisdiction, a supervisor from the Erie Police Department should attempt to contact appropriate representatives from the other jurisdictions involved.
- D. In general, officers of the Erie Police Department should not become involved in a pursuit originating in another jurisdiction. Officers may be assigned to traffic control or assistance at the termination point, but will not be considered part of the pursuit. Upon request of the primary jurisdiction and the approval of a supervisor from the Erie Police Department, a vehicle from the Erie Police Department may be assigned as the primary or secondary pursuit vehicle if the reason for the pursuit is in compliance with this directive.
- E. The overall command of a pursuit rests with the originating jurisdiction. Supervisory input from the Erie Police Department should be communicated to the primary jurisdiction supervisor if requested and if possible to do so.
- F. When an Erie Police Department pursuit enters another jurisdiction, and Erie Police Officers intend to employ a method to stop the pursued vehicle, Erie officers will make all reasonable efforts to notify the receiving jurisdiction of such intent. Supervisory input from the receiving jurisdiction should be taken into consideration, if possible, when a decision is made to employ a method to try and stop a pursued vehicle.

CACP STANDARD 90.6 & 90.7

- G. Erie Police Officers shall not attempt to deliberately collide with, or pull in front of a pursued vehicle while it is in motion. Officers shall not use their vehicle to force the pursued vehicle

off the road, into parked cars, ditches, structures or other fixed objects or engage in heading off, ramming or driving alongside the pursued vehicle while in motion, except to apprehend a confirmed extremely dangerous felon or felons, who if allowed to escape, could create a substantial risk of another person being killed or seriously injured. In these extreme circumstances, deliberate contact with or forcing the pursued vehicle into fixed objects while it is in motion by an Erie Police Officer must be authorized by an Erie Police Department supervisor and communicated to all officers involved in the pursuit. This shall be considered use of deadly force. If at all possible, Command approval should be obtained prior to use of these tactics.

- H. The on-scene supervisor from the originating jurisdiction will typically be responsible for coordinating the investigation and processing arrests at the end of a pursuit. This will not preclude the investigation of any accident, criminal act or other incident, which occurred during the pursuit by any jurisdiction where the act occurred.

VII. MULTI-JURISDICTIONAL PURSUITS

CACP STANDARD 90.9

- A. Department members shall adhere to this written directive whether the pursuit is in or out of the Town of Erie's jurisdiction. When conflict between outside agency and department directive exists, this directive supersedes the inter-agency or other agency procedures.
- B. If the circumstances of a pursuit conducted in the Town of Erie by an outside agency prohibit an Erie Police Officer from participating, he/she shall not participate.
- C. If the outside pursuit is a permissible pursuit under this directive, officers may assist as appropriate, including providing radio communication of the progress and nature of the pursuit to Dispatch.
- D. Pursuits within Weld County jurisdictions will be subject to the Weld County Inter-Agency Procedures for Multi-Jurisdictional Vehicular Pursuit.(Appendix A)
- E. Pursuits within Boulder County jurisdictions will be subject to the Boulder County Inter-Agency Procedures for Multi-Jurisdictional Vehicular Pursuits.(Appendix B)

VIII. POST PURSUIT

- A. A written report shall be completed by each officer from the Erie Police Department who participates in a pursuit.

CACP STANDARD 90.6

- B. A supervisor or supervisor's designee will prepare a report which includes:
 - 1. The name(s) of participating officers;
 - 2. A brief narrative of where the pursuit began and under what circumstances;
 - 3. Where the pursuit ended and under what circumstances;

4. A description of the tactics used to stop the suspect's vehicle, if any, and an evaluation of the effectiveness of the tactics;
5. A description of any injuries sustained during the pursuit or any property damage that occurred as a result of the pursuit; and
6. The offenses for which the suspect or suspects were charged.

CACP STANDARD 90.10

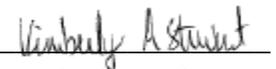
- C. Every pursuit, regardless of duration or speed, will be reviewed by a Commander or Deputy Chief. This review ensures the pursuit was initiated and conducted in compliance with established department guidelines. Officers and supervisors found to have initiated or continued a pursuit which does not conform to this directive are subject to disciplinary action.

RULES:

NONE

REFERENCES:

Erie Police Department Policy, CIRSA model policy-2004
Boulder Police Department General Order 218, Vehicle Pursuits
Denver Police Department Operations Manual 204.01 Police Pursuits



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Chief of Police