

WELD COUNTY INTER-AGENCY PROCEDURES
FOR MULTI-JURISDICTIONAL VEHICULAR PURSUIT
2017

I. Operational Considerations

The operational considerations of inter-agency vehicular pursuit shall be:

- A. Warning other motorists a pursuit is in progress by using emergency lights and sirens on authorized emergency vehicles involved in the pursuit.
- B. The severity of the offense which gives cause to initiate the pursuit by weighing the nature of the offense such as a serious felony versus a misdemeanor, when opting to participate in a pursuit.
- C. Alternative methods of apprehending the suspect(s).
- D. The danger to the public if the suspect(s) is/are not immediately apprehended.
- E. The risk to the public and others from agencies involved in the pursuit if the pursuit is continued. For example, the speed of a pursuit should be reasonable under the circumstances.
- F. Existing driving conditions including, but not limited to, road conditions, traffic congestion, weather conditions, and vehicle performance limitations if known at the time.

II. Scope

The Inter-Agency Vehicular Pursuit Procedure is intended to provide common operational procedures when the officer originating a pursuit, still in pursuit, leaves his/her jurisdiction and enters another jurisdiction within Weld County. The statutory authority to pursue an offender is as follows:

- A. C.R.S. 16-3-104(1)(c). **Arrest by peace officer from another jurisdiction.** “Fresh pursuit” means the pursuit, without unnecessary delay, of a person who has committed a crime, or who is reasonably believed to have committed a crime.
- B. C.R.S. 16-3-106. **Peace officer may pursue offender.** When any peace officer is in fresh pursuit of an alleged offender, having a warrant for his arrest or having knowledge that such warrant has been issued, or, in the absence of an arrest warrant, when the offense was committed in the officer’s presence or the officer has reasonable grounds to believe that the alleged offender has committed a criminal offense, and the alleged offender crosses a boundary line marking the territorial limit of his authority, such peace officer may pursue him beyond such

boundary line and make the arrest, issue a summons and complaint, or issue a notice of penalty assessment.

- C. Neither the provisions of this Inter-agency Procedures for Multi-jurisdictional Vehicular Pursuit nor individual departmental policies shall relieve an officer or deputy from the civil or legal consequences of such driver's reckless disregard for the safety of others. See *C.R.S. 42-4-108(4)*. Injury or threat of injury to innocent third persons during a pursuit, regardless of compliance with this or departmental policy, is not justified if the pursuit is conducted in a reckless or criminally negligent fashion. See *C.R.S. 18-1-707(3)*.

No Weld County law enforcement agency is obligated under this procedure to participate or continue to participate in any vehicular pursuit initiated by any other law enforcement agency. If any conflict occurs with respect to an individual agency's pursuit policy, that agency's policy will prevail.

III. Responsibility

Information from **the agency initiating a pursuit**, or any other agency obtaining information, which may reasonably affect the decision to continue a pursuit shall be provided to other agencies involved in an expedient manner.

Each agency is responsible for training its personnel in the application of this agreement.

Each agency participating in a multi-jurisdictional pursuit is encouraged to participate in an "after action" pursuit critique.

Each agency participating in a multi-jurisdictional pursuit is responsible to notify communications when they discontinue or will not be directly engaged in a pursuit.

The dispatch center for the primary pursuit vehicle is responsible, when possible, to inform other law enforcement agencies when a pursuit in progress may enter that agency's jurisdiction. This dispatch center is responsible when possible, depending on the radio system used by each agency, to initiate and maintain continuous contact with other agencies whose jurisdiction the pursuit traverses.

IV. Definitions

Pursuit-- an attempt to apprehend a violator who is trying to avoid apprehension by one or more peace officers. Avoidance may include high speed driving, unexpected turning movements, failing to comply with a peace officer's signal to stop, or other evasive tactics.

Emergency

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

Primary Vehicle-- the lead law enforcement vehicle following the violator.

Secondary Vehicle(s)-- additional law enforcement vehicle(s) assigned to assist the primary law enforcement vehicle during the course of the pursuit.

Vehicle Disabling Device-- an agency approved, less-lethal, tire deflating device which may be deployed to disable a fleeing vehicle.

Tactical Vehicle Intervention-- (TVI) is an agency approved method of forcing a suspect vehicle off the road.

V. Assignments

Primary Vehicle:

The primary vehicle should provide the appropriate dispatch center with all information pertinent to the pursuit such as location, direction of travel, speed, vehicle description, occupant(s) description(s) and reason for the pursuit, unless such information is provided by the secondary vehicle.

The primary officer may attempt to apprehend the fleeing violator until such time as--

- A. The officer determines the risk to life and property from the pursuit is greater than the need to apprehend the violator, or
- B. The pursuit is terminated by a supervisor or command level officer from the agency employing the officer operating the primary pursuit vehicle, or
- C. The primary vehicle position is relinquished to another law enforcement vehicle due to lack of knowledge of terrain, inoperable pursuit vehicle, or other reason which will improve the chances of successful resolution of the pursuit, or
- D. The identity of the violator is known or can be reasonably determined at a later time and the violator poses no serious threat to the public if not immediately apprehended, or

- E. The primary pursuit vehicle is no longer able to maintain radio communications with the appropriate dispatch center, or
- F. The road, vehicle, traffic, or weather conditions or excessive speed make continued pursuit unreasonable.

Secondary Vehicle:

The purpose of the secondary vehicle is to provide assistance to the primary vehicle upon termination of the pursuit or assuming the primary position if required. The secondary vehicle shall maintain a safe distance from the fleeing vehicle and primary pursuit vehicle.

The secondary vehicle should attempt to serve as the primary communication point of the pursuit if both the secondary and primary vehicles are from the same agency or able to communicate on the same radio frequency.

The secondary vehicle shall use its emergency equipment in compliance with C.R.S. 42-4-108.

Other Participating Vehicles:

Inter-county, multi-jurisdictional pursuits should be limited, if practical, to one primary pursuing law enforcement vehicle and one secondary pursuing law enforcement vehicle.

A supervisor from the agency employing the officer operating the primary pursuit vehicle may follow the pursuit while operating emergency lights and siren on an emergency vehicle to provide supervision during the pursuit and at the point of termination.

Self-assignment of additional vehicles beyond the primary and secondary is prohibited unless additional vehicles have been requested by the primary or secondary vehicle, or a supervisor of the jurisdiction of the primary vehicle. All units in the pursuit must coordinate through dispatch. In the event it is deemed necessary to have more than two pursuit vehicles, additional law enforcement vehicles must maintain sufficient distance between each other and other pursuing or fleeing vehicles to reduce the possibility of a multiple vehicle collision. Additional law enforcement vehicles shall be operated at reduced speeds and with a high awareness of the potential for collision with vehicles in the pursuit or with members of the public.

Additional law enforcement vehicles may provide support by blocking traffic at major intersections and/or notifying pursuing agencies of special hazards, unusual terrain, other emergency traffic, etc.

Types of Vehicles:

If a pursuit is initiated by a peace officer operating an unmarked law enforcement vehicle, motorcycle, or other vehicle not normally used for patrol use, that vehicle should withdraw from a pursuit as soon as possible, and a marked patrol unit should assume the primary vehicle pursuit function. Vehicles other than a marked patrol unit are discouraged from participating in a pursuit in any capacity due to the extreme danger to officers and others.

Agency Communication Centers:

With the exception of UNC Police, CSP, Erie and Longmont, all Weld County Agencies are dispatched by Weld County Regional Communications Center (WCRCC) – For all agencies within WCRCC jurisdiction, the dispatch center for the primary pursuit vehicle will facilitate interagency radio communication by patching the appropriate law primary channel to the talk group being utilized by the pursuit vehicle.

- If the agency where pursuit initiates is outside WCRCC jurisdiction and that agency's Dispatch Center calls WCRCC, WCRCC will inform the Weld County affected agencies and give them the radio channel supplied by their Dispatch Center i.e. DTRS MAC 7 or FRCC NMAT/SMAT channel.
 - If the channel given is from DTRS MAC – Agencies should be aware that WCRCC cannot patch to these channels – we can monitor but not patch.
 - If the channel given is from FRCC mutual aid (NMAT/SMAT), WCRCC can patch this channel to a primary law or tactical channel.
- Dispatchers should evaluate the benefit of patching primary talk groups together to facilitate communication.
- All agencies joining or assisting the pursuit will be directed to turn to the assigned mutual aid channel.
- Units not involved in the pursuit will remain on their designated primary talk groups. They may be directed to migrate to their designated secondary or clearance talk groups to conduct routine business.
- Dispatchers are to obtain clear, concise and specific information regarding the facts about the pursuit and the driver, and shall provide timely updates.
- In the event of a fast moving, highly dynamic pursuit, agencies should be aware that it may not be possible for the primary dispatch center to patch various primary talk groups together to facilitate interagency communication.
- Communication may only consist of updates from Communications Center to Communications Center.

Command/Supervisory:

The overall command of a pursuit shall rest with the jurisdiction of the primary pursuit vehicle. If the primary vehicle relinquishes the pursuit and another agency assumes the pursuit, the command authority will shift to the jurisdiction of the vehicle assuming the primary pursuit vehicle position. Transfer of primary command of the pursuit from one agency to another will be clearly announced by the agency passing it and clearly acknowledged by the accepting agency.

Any involved agency with an on-duty supervisor shall be required to monitor in-progress pursuits involving their officers. Supervisors of involved agencies are expected to monitor the tactics deployed and use of force issues associated with a given situation. Supervisors are expected to assess the known facts in each episode and weigh the safety of the public and officers involved to determine whether or not a pursuit should be allowed to continue. This assessment will be determined within a reasonable amount of time and may vary based on the informational gathering ability and the factors surrounding the pursuit. This requires supervisors to exercise greater affirmative command and control of a pursuit.

Nothing in this procedure limits the ability of each agency to conduct an internal review of their agency's action at their own discretion.

Tactics:

Tactics employed to stop a fleeing vehicle will be based on the greatest probability of success with the least likelihood of injury to the general public and peace officers. Tactics which could reasonably result in injury or death to occupants of the fleeing vehicle will be applied in accordance with constitutional and statutory provisions for use of less-lethal and lethal physical force. Individual agency policy and procedure for use of less-lethal and lethal physical force is considered incorporated herein by reference. The implementation of any tactic should be directed by either the primary or secondary unit through dispatch.

Tactics may include an attempt to alter the fleeing vehicle's direction of travel through the use of cones, pylons, or other traffic control devices. Use of this technique may divert the fleeing vehicle to an area where greater control and higher probability of pursuit termination exists.

An example of a disabling device is a mechanical tire deflator. Examples of vehicle use to disable or stop a fleeing vehicle include boxing or ramming the vehicle, and/or deploying a roadblock. In the event a roadblock is deployed, it should be staged away from uninvolved motorists, allowing for advance warnings, i.e. flares, traffic control devices, etc., and ample room to stop. Roadblocks require command or supervisory authority to stage.

UPON TERMINATION OF ANY PURSUIT, IT IS RECOMMENDED THAT THE INVOLVED OFFICERS EMPLOY FELONY OR HIGH RISK STOP PROCEDURES FOR THEIR SAFETY AS WELL AS THE SAFETY OF THE PUBLIC. IT IS ALSO RECOMMENDED THAT, IF PRACTICAL, ALL AGENCIES PARTICIPATING IN THIS SHARED PURSUIT PROCEDURE TRAIN TOGETHER ANNUALLY ON A COMMON HIGH RISK STOP PROCEDURE.

Requests for Mutual Aid:

All requests for mutual aid assistance should be made by command or supervisory personnel when possible.

Requests for mutual aid assistance should specify the actions desired:

- A. Traffic control only
- B. Participation in the pursuit
- C. Deployment of a non-lethal tire deflating device
- D. Use of force required and method requested

Peace officers assigned to provide mutual aid to an agency requesting assistance are under the direction of the primary vehicle, unless such direction is in conflict with such officers' home agency policy.

Investigation at Termination:

In the event the initiating agency is not present at the termination point of a pursuit, a representative should be sent as soon as possible. The primary agency at the termination point will be responsible for making the arrest.

The arrestee will be released to the initiating agency or the agency where the most serious violation transpired, acknowledging the need for expedient processing of evidence. The command officer for the initiating agency or jurisdiction wherein the most serious offense was committed will assume responsibility for coordinating the investigation.

The appropriate charges or felony filing will be presented to the Weld County District Attorney's Office or Boulder County District Attorney's Office by the initiating agency or jurisdiction wherein the most serious offense was committed.

Media/Public Information:

Media/public information requests will be directed to the command or supervisory officer of the initiating agency or jurisdiction wherein the most serious offense was committed.

VI. Maintenance

This procedure will be administered by the Weld County Chiefs' of Police organization. This procedure will be reviewed annually in January by the Weld County Chiefs' of Police and revisions may be made at any time with 30 days advance written notice to each agency.

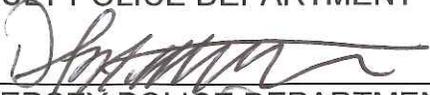
This procedure will be reviewed for signature by all participating agencies each year.

By signing this document, the Chief of Police or Sheriff is indicating that the individual officers and or deputies of his or her law enforcement agency will operate under the guidelines of this Weld County Inter-Agency Procedures for Multi-Jurisdictional Vehicular Pursuit as contained in this document, unless or until such time as the document is modified or the agency head opts out of these established procedures.

See Appendix A (Attached)

APPENDIX A


AULT POLICE DEPARTMENT


KERSEY POLICE DEPARTMENT


LASALLE POLICE DEPARTMENT


LOCHBUIE POLICE DEPARTMENT

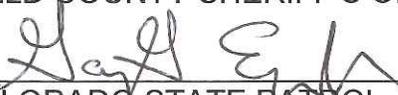

MILLIKEN POLICE DEPARTMENT

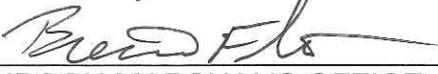
PLATTEVILLE POLICE DEPARTMENT

UNC POLICE DEPARTMENT


WINDSOR POLICE DEPARTMENT


WELD COUNTY SHERIFF'S OFFICE


COLORADO STATE PATROL


HUDSON MARSHAL'S OFFICE


MEAD POLICE DEPARTMENT


JOHNSTOWN POLICE DEPARTMENT


DACONO POLICE DEPARTMENT

EATON POLICE DEPARTMENT


ERIE POLICE DEPARTMENT

EVANS POLICE DEPARTMENT

FIRESTONE POLICE DEPARTMENT


FREDERICK POLICE DEPARTMENT


FT LUYTON POLICE DEPARTMENT


GREELEY POLICE DEPARTMENT

GILCREST POLICE DEPARTMENT