

BOULDER COUNTY INTER-AGENCY PROCEDURES FOR MULTI-JURISDICTIONAL VEHICULAR PURSUITS

I. Scope

The Inter-Agency Vehicular Pursuit Procedure is intended to provide common operational procedures when the officer originating a pursuit, still in pursuit, leaves their jurisdiction and enters another jurisdiction within Boulder 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.

No Boulder 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.

II. Operational Considerations

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

- A. Warning other motorists that a pursuit is in progress by using emergency lights and sirens on authorized emergency vehicles involved in the pursuit.

- B. The severity of offense which gave cause to initiate the pursuit, by weighing the nature of offense, such as a felony crime of violence when deciding 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.
- F. Existing driving conditions including, but not limited to, road conditions, traffic congestion, weather conditions, and vehicle performance limitations if known at the time.

III. Responsibility

The agency initiating the pursuit, or any other involved agency, shall provide any known information which may reasonably affect the decision to continue the pursuit to other affected agencies in an expedient manner.

Each agency is responsible for the training of 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 for notifying 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, for informing other law enforcement agencies when a pursuit in progress may enter that agency's jurisdiction. This dispatch center is responsible to initiate and maintain continuous contact with any other agency's communication center 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	C.R.S. 42-4-108 (1) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section.
Primary Vehicle	Either the law enforcement vehicle initiating a pursuit or another unit which takes the lead position during the pursuit.
Secondary Vehicle(s)	Any additional law enforcement vehicle(s) that become involved in a pursuit to assist the primary vehicle.

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

Tactical Intervention (TVI) is a pursuit tactic by which a pursuing vehicle can force a fleeing vehicle to abruptly turn sideways, causing the driver to temporarily lose control and stop.

Rolling Roadblock The surrounding of a moving vehicle with moving pursuit vehicles which are then slowed to a stop along with the violator's vehicle.

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.

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

- A. The officer determines the risk to life and property 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 does not pose a significant 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 or exceptionally dangerous.
- G. The primary pursuit vehicle shall use its emergency equipment in accordance with C.R.S. 42-4-108.

Secondary Vehicle:

The secondary vehicle will assist the primary vehicle upon termination of the pursuit or assume 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.

Self-assignment of additional vehicles beyond the primary and secondary vehicle is strongly discouraged unless additional vehicles have been requested by the primary or secondary 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. Supporting vehicles shall notify the designated communications center of any activity that may affect the conditions of the pursuit.

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 the pursuit as soon as possible, and a marked patrol vehicle 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.

Supervision:

The overall supervision 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 supervisory authority will shift to the jurisdiction assuming the primary pursuit vehicle position. Transfer of primary supervision of the pursuit from one agency to another will be clearly announced by the agency passing it and clearly acknowledged by the agency accepting supervision of the pursuit.

Any involved agency with an on-duty supervisor shall be required to monitor in progress pursuits involving their officers or occurring within their jurisdiction. Supervisors of involved agencies are expected to monitor the tactics deployed and use of force associated with any given situation. Supervisors are expected to assess the known facts 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 awareness and oversight 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 force. Individual agency policy and procedure for use of 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 Tactical Vehicle Intervention, Boxing and/or deploying a roadblock. The use of roadblocks to terminate a pursuit is discouraged due to the risk of being disregarded and becoming a source of serious injury. Roadblocks will be used only upon instruction from the primary pursuit vehicle agency supervisor and only when the risk of continuing the pursuit is greater than using 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 provide ample room for all involved vehicles to stop.

AT THE CONCLUSION OF ANY PURSUIT, IT IS RECOMMENDED THAT INVOLVED OFFICERS EMPLOY FELONY OR HIGH RISK VEHICLE 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 PURSUIT PROCEDURE TRAIN TOGETHER REGULARLY ON HIGH RISK VEHICLE STOP PROCEDURES.

Requests for Mutual Aid:

All requests for mutual aid assistance should be made by supervisory personnel of the primary pursuit vehicle whenever possible.

Requests for mutual aid assistance should specify the actions desired:

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

Unless conflicting with agency policies or procedures, peace officers providing mutual aid to an agency requesting assistance are under the direction of the primary pursuit vehicle.

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 will be responsible for processing the arrest whenever practical.

The arrestee will be released to the initiating agency or the agency where the most serious violation occurred, acknowledging the need for expedient processing of evidence. The ranking 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 Boulder County District Attorney's Office by the initiating agency or jurisdiction wherein the most serious offense was committed.

Agency Communication Centers:

The dispatch center for the primary pursuit vehicle will manage the pursuit through the duration or until a pass off to another dispatch center is appropriate. In the event of a fast moving highly dynamic pursuit it may be necessary for the primary dispatch center to patch various channels and primary talk groups together to facilitate interagency communication. In this event, all units **not** assigned to the pursuit will be directed to

migrate to their designated secondary channels or talk groups to conduct routine business.

Media/Public Information:

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

VI. Maintenance

This procedure will be administered by the Boulder County Chiefs' of Police Organization. This procedure will be reviewed every five years or as requested by any member of the Boulder County Chiefs' of Police Organization. Any revisions made will be disseminated to all participating agencies within 30 days.


This procedure will be reviewed for renewal signature by all participating agencies annually.

VII. Training

All participating agencies are expected to provide regularly scheduled training to its members on this procedure. Members of participating agencies are encouraged to train together as practical on this procedure, procedures to end pursuits, high risk vehicle stops and the laws associated with vehicular pursuits.

Boulder County Inter-Agency Procedure for Multi-Jurisdictional Vehicular Pursuits
Adopted July 29, 2015

For the Boulder County Sheriff's Department:

 07/29/15
Joseph K. Pelle, Sheriff Date

For the Boulder Police Department:

 07-29-15
Greg Testa, Chief Date

For the Colorado State Patrol:

Not signing on at this time. CSP will participate w/ training module. RD 8/6/15
Rocco Domenico, Captain Date

For the Erie Police Department:

 7/29/15
Marc Vasquez, Chief Date

LA Louisville Police Dept
For the Lafayette Police Department:

 7-29-15
David Hayes, Chief Date


For the Longmont Police Department:

 7-29-15
Mike Butler, Chief Date

Lafayette
For the Louisville Police Department:

 7/29/2015
Rick Bashor, Chief Date

For the Nederland Police Department:


Paul Carrill, Chief

8/5/15
Date

For the University of Colorado Police Department:


Melissa Zak, Chief

7/29/15
Date

For the Ward Marshals Office:


Peter Lawrence, Chief

7/29/15
Date