

NEW JERSEY POLICE VEHICULAR PURSUIT POLICY

PURPOSE OF POLICY

The primary purpose of this policy is to secure a balance between the protection of the lives and safety of the public and police officers, and law enforcement's duty to enforce the law and apprehend violators. Since there are numerous situations which arise in law enforcement that are unique, it is impossible for this policy or any standard operating procedure to anticipate all possible circumstances. Therefore, this policy is intended to guide a police officer's discretion in matters of vehicular pursuit.

This policy has been formulated to provide minimum statewide requirements to direct law enforcement activities in this very critical area of police practice. However, police department size, population density and other characteristics vary among communities in this state. Therefore, county and local law enforcement agencies are expected to develop individual standard operating procedures which account for departmental variations, yet are consistent with this policy.

Deciding whether to pursue a motor vehicle is among the most critical decisions made by law enforcement officers. It is a decision which must be made quickly and under difficult, often unpredictable circumstances. In recognition of the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for a decision not to engage in a vehicular pursuit or to terminate an ongoing vehicular pursuit based on the risk involved, even in circumstances where this policy would permit the commencement or continuation of the pursuit. Likewise, police officers who conduct pursuits consistent with this policy will be strongly supported by the law enforcement community in any subsequent review of such actions.

DEFINITIONS

- A. Authorized Tire Deflation Device: A device designed and intended to produce a controlled deflation of one or more tires of a pursued vehicle, and capable of operation consistent with criteria established in this policy.
- B. Boxing In: The surrounding of a violator's moving vehicle with moving pursuit vehicles which are then slowed to a stop along with the violator's vehicle.
- C. Divided Highway: A road which includes a physical barrier between traffic traveling in opposite directions.
- D. Heading Off: An attempt to terminate a pursuit by pulling ahead of, behind or toward a violator's moving vehicle to force it to the side of the road or to otherwise come to a stop.
- E. Law Enforcement Officer: Any person sworn to uphold the laws of the State of

New Jersey Police Vehicular Pursuit Policy New Jersey, and who is certified by the Police Training Commission or whose training has included Pursuit/Emergency Driving, and who is currently employed by a public safety agency.

F. Paralleling:

1. Street Paralleling: Driving a police vehicle on a street parallel to a street on which a pursuit is occurring.
2. Vehicle Paralleling: A deliberate offensive tactic by one or more patrol vehicles to drive alongside the pursued vehicle while it is in motion.

G. Pursuit Driving: Pursuit driving is an active attempt by a law enforcement officer operating a motor vehicle and utilizing emergency warning lights and an audible device to apprehend one or more occupants of another moving vehicle when the officer reasonably believes that the driver of the fleeing vehicle is aware of the officer's attempt to stop the vehicle and is resisting apprehension by increasing vehicle speed, ignoring the officer or otherwise attempting to elude the officer.

H. Pursuit Vehicles:

1. Primary Unit: The police vehicle that initiates a pursuit or any unit that assumes control of the pursuit as the lead vehicle (the first police vehicle immediately behind the fleeing suspect).
2. Secondary Unit: Any police vehicle which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

I. Roadblock: A restriction or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to effect the apprehension of a violator.

1. Avenue of Escape: A gap in a roadblock which requires the violator to decrease the vehicle's speed to permit the violator to bypass the roadblock.
2. Blocking Vehicle: A motor vehicle, often a law enforcement vehicle, which is placed perpendicular to a roadway or angled in such a way as to create a roadblock.

J. Supervisor: A police officer who, by virtue of rank or assignment, is responsible for the direction or supervision of the activities of other police officers.

K. Vehicle Contact Action: Any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued

vehicle.

- L. Violator: Any person who a police officer reasonably believes: (1) has committed an offense of the first or second degree or an offense enumerated in Appendix A of this policy, or (2) poses an immediate threat to the safety of the public or other police officers.

I. DECIDING WHETHER TO PURSUE

A police officer has the authority, at all times, to attempt the stop of any person suspected of having committed any criminal offense or traffic violation. It is clear that while it is the officer who initiates the stop, it is the violator who initiates the pursuit. The officer's decision to pursue should always be undertaken with an awareness of the degree of risk to which the law enforcement officer exposes himself and others. The officer must weigh the need for immediate apprehension against the risk created by the pursuit.

A. Authorization to Pursue

- 1. A police officer may only pursue
 - a. When the officer reasonably believes that the violator has committed an offense of the first or second degree, or an offense enumerated in Appendix A of this policy, or
 - b. When a police officer reasonably believes that the violator poses an immediate threat to the safety of the public or other police officers.
- 2. Pursuit for motor vehicle offenses is not authorized under the above criteria unless the violator's vehicle is being operated so as to pose an immediate threat to the safety of another person.

B. In the event that one of the authorization requirements is satisfied, a pursuit should not be automatically undertaken. An officer must still consider the following factors:

- 1. Likelihood of successful apprehension.
- 2. Whether the identity of the violator is known to the point where later apprehension is possible.
- 3. Degree of risk created by pursuit
 - a. Volume, type, speed and direction of vehicular traffic.
 - b. Nature of the area: residential, commercial, school zone, open highway,

etc.

- c. Population density and volume of pedestrian traffic
- d. Environmental factors such as weather and darkness
- e. Road conditions: construction, poor repair, extreme curves, intersections controlled by traffic signals or signs, ice, etc.

4. Police Officer characteristics

- a. Driving skills
- b. Familiarity with roads
- c. Condition of police vehicle

C. Terminating the pursuit

1. The pursuing officer shall terminate the pursuit

- a. If instructed to do so by a supervisor, or
- b. If the officer believes that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the violator, or
- c. If the violator's identity is established to the point where later apprehension may be accomplished and where there is no immediate threat to the safety of the public or police officers, or
- d. If the pursued vehicle's location is no longer known or the distance between the pursuing vehicles and the violator's vehicle becomes so great that further pursuit is futile, or
- e. If there is a person injured during the pursuit and there are no police or medical personnel able to render assistance, or
- f. If there is a clear and unreasonable danger to the police officer or the public. A clear and unreasonable danger exists when the pursuit requires that the vehicle be driven at excessive speeds or in any other manner which exceeds the performance capabilities of the pursuing vehicles or police officers involved in a pursuit, or
- g. If advised of any unanticipated condition, event or circumstance which substantially increases the risk to public safety inherent in

the pursuit.

II. ROLE OF THE PURSUING OFFICER

- A. The decision to initiate and/or continue a pursuit requires weighing the need to immediately apprehend the violator against the degree of risk to which the officer and others are exposed as a result of the pursuit.
- B. Upon the commencement of a pursuit, the pursuing officer will immediately activate emergency lights, audible device and headlights.
- C. Once the pursuit has been initiated, the primary unit must notify communications and a superior officer providing as much of the following information as is known:
 - 1. Reason for the pursuit.
 - 2. Direction of travel, designation and location of roadway.
 - 3. Identification of the violator's vehicle: year, make, model, color, vehicle registration number and other identifying characteristics.
 - 4. Number of occupants.
 - 5. The speed of the pursued vehicle.
 - 6. Other information that may be helpful in terminating the pursuit or resolving the incident.

III. VEHICULAR PURSUIT RESTRICTIONS

- A. No pursuits will be conducted
 - 1. In a direction opposite to the flow of traffic on a divided highway.
 - 2. In a police vehicle in which an individual who is not a law enforcement officer is either the driver or passenger.
- B. No more than two police vehicles (primary unit and secondary unit) shall become actively involved in a pursuit unless otherwise specifically directed by a supervisor.
- C. A motorcycle officer may initiate a pursuit, but will relinquish primary unit status immediately upon the participation of a marked police vehicle.
- D. An unmarked police vehicle will not participate in a vehicular pursuit unless it is equipped with an emergency light and an audible device. The unmarked car

shall relinquish primary unit status immediately upon the participation of a marked vehicle.

- E. To diminish the likelihood of a pursuit, a police officer intending to stop a vehicle for any violation of the law shall, when possible and without creating a threat to public safety, close the distance between the two vehicles prior to activating emergency lights and an audible device. Police officers shall recognize that while attempting to close the distance and prior to the initiation of a pursuit and the activation of emergency lights and an audible device, they are subject to all motor vehicle laws governing the right of way (e.g. N.J.S.A. 39:4-91 and -92).
- F. Throughout the course of a vehicular pursuit, pursuing officers shall not attempt to overtake or pass the violator's moving vehicle.
- G. During the course of a pursuit and when approaching an intersection controlled by traffic signals or signs, or any other location at which there is a substantially increased likelihood of collision, the operator of any pursuit vehicle shall, prior to entering the intersection, reduce the vehicle's speed and control the vehicle so as to avoid collision with another vehicle or a pedestrian. The officer shall observe that the way is clear before cautiously proceeding through the intersection. At all other times including an attempt to close the distance prior to the initiation of a pursuit, police officers shall observe the applicable laws governing the right of way at intersections and other locations.
- H. Officers involved in a pursuit will not engage in vehicle paralleling.
- I. There shall be no street paralleling along the route unless the pursuit passes through a patrol's assigned area. A patrol that is parallel-street-pursuing shall not join or interfere with a pursuit, and shall stop all pursuit-related activity at the boundary of its assigned area.
- J. Boxing in or heading off a violator's moving vehicle is permitted only under extraordinary circumstances. These tactics substantially increase the risk inherent in the pursuit and shall only be employed:
 - 1. At low speeds, and
 - 2. With the approval of a supervisor, or
 - 3. In response to an imminent threat to the safety of the public or a police officer.
- K. Roadblocks must only be employed as a last resort in circumstances where deadly force would otherwise be justified.
 - 1. The use of a roadblock must be authorized by a supervisor.
 - 2. At no time will a roadblock be established until all pursuing police vehicles

are made aware of the roadblock and its location and have acknowledged this awareness.

3. Once a roadblock has been established and a vehicle or barricade has been positioned in the roadway, there shall be:

- a. adequate distance to see the roadblock
- b. an avenue of escape
- c. no one in the blocking vehicle(s).

L. Officers involved in a pursuit shall not fire any weapon from or at a moving vehicle nor engage in any vehicle contact action except as a last resort to prevent imminent death or serious injury to the officer or another person where deadly force would otherwise be justified.

IV. AUTHORIZED TIRE DEFLATION DEVICES

A. Law enforcement agencies may choose to utilize authorized tire deflation devices during the course of a vehicular pursuit. Agencies which choose to employ this strategy may only utilize devices authorized by this policy. As with all operational decisions made during the conduct of a vehicular pursuit, the use of such devices is subject to the assessment of inherent risk balanced against the need to apprehend a fleeing offender.

B. To be authorized for deployment and use under the vehicular pursuit policy, the tire deflation device must:

1. Be capable of producing a controlled deflation of one or more tires of a pursued vehicle;
2. Be capable of being deployed or activated immediately before the pursued vehicle drives over it, and removed or deactivated immediately after the pursued vehicle drives over it; and
3. Allow the officer to remain a safe distance from the roadway at the time of deployment or activation.

C. Prior to the deployment and use of an authorized tire deflation device, the law enforcement agency shall

1. Modify its vehicular pursuit policy to provide for the proper use of the authorized tire deflation device; and
2. Train all officers in the use of the authorized tire deflation device.

- a. Training must include practical, hands-on operation of the authorized tire deflation device.

D. Use of an authorized tire deflation device

1. An authorized tire deflation device may be utilized only after supervisory approval.
2. An authorized tire deflation device shall not be used to stop motorcycles, mopeds, or similar vehicles.
3. The authorized tire deflation device should not be used in locations where specific geographic features (e.g., sharp curves, alongside of rivers, steep embankments, etc.) increase the risk of serious injury to the officer, violator or public.
4. Deployment locations should have reasonably good sight distances to enable the officer to observe the pursuit and other traffic as it approaches.
5. The officer deploying the authorized tire deflation device should not attempt to overtake and pass a high speed pursuit in order to position the device.

E. Deployment

1. The officer deploying the authorized tire deflation device should do so from a position of safety.
2. The officer deploying the authorized tire deflation device should be in position to allow sufficient time for deployment.
3. The supervisor must coordinate the efforts of all law enforcement units involved in the pursuit.
4. The communications operator shall notify all units of the location of the authorized tire deflation device deployment.

F. Use of the authorized tire deflation device

1. The officer operating the authorized tire deflation device should take a position of safety as the pursued vehicle approaches.
2. The officer shall deploy or activate the authorized tire deflation device immediately before the pursued vehicle arrives at the point where it would impact the device.
3. The officer shall remove or deactivate the device immediately

after the pursued vehicle goes over the authorized tire deflation device.

4. The officer should immediately notify communications if the pursued vehicle impacted the authorized tire deflation device, if the officer observed any signs of deflation, and the direction and operation of the pursued vehicle after the impact.

G. Reporting

1. After deployment or use of the authorized tire deflation device, the law enforcement agency shall include at least the following information in the narrative of the vehicle pursuit report:
 - a. Date, time and location of deployment and activation
 - b. Officer who deployed and activated the authorized tire deflation device
 - c. Results of the use of authorized tire deflation device:
 - (1) on the pursued vehicle;
 - (2) on other vehicles, property or people; and
 - (3) on the authorized tire deflation device itself.

V. ROLE OF THE SUPERVISOR

Upon being notified or becoming aware of the pursuit, the supervisor shall decide as quickly as possible whether or not the pursuit should continue.

- A. The supervisor shall permit a pursuit to continue only if
 1. There is a reasonable belief that the violator has committed an offense of the first or second degree, or an offense enumerated in Appendix A of this policy, or
 2. There is a reasonable belief that violator poses an immediate threat to safety of the public or other police officers.
- B. The supervisor shall order a pursuit terminated at any time if he or she concludes that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the violator.
- C. The supervisor shall order the pursuit terminated if the suspect's identity is established to the point where later apprehension may be accomplished and where there is no immediate threat to public safety.

- D. In recognition of the overall population density and volume of vehicular traffic in this State, and the increased risk attendant to prolonged vehicular pursuits, a supervisor shall order the termination of any pursuit of protracted duration unless the supervisor determines that further pursuit is justified to respond to an immediate threat to public safety.
- E. The supervisor shall ensure, for the duration of the pursuit, that this policy and agency procedures are followed by all officers.

VI. ROLE OF POLICE COMMUNICATIONS

- A. The communications operator shall:
 - 1. Immediately notify a police supervisor of a pursuit in progress if a supervisor has not already been otherwise notified;
 - 2. Keep the supervisor apprised of the duration and progress of the pursuit.
- B. When possible, a police supervisor shall determine whether there is a need to assume control over and coordinate pursuit related communications.
- C. All law enforcement agencies shall establish procedures to ensure that radio channels remain open for pursuit related transmissions and that all necessary information is made available to officers involved in the pursuit.

VII. REINSTATING PURSUITS

- A. Reinstatement of any previously terminated pursuit shall be undertaken consistent with the authorization criteria for originally initiating a pursuit.

VIII. INTERJURISDICTIONAL PURSUITS

- A. The original pursuing jurisdiction shall provide timely notification of a pursuit in progress to any other jurisdiction into which the pursuit enters.
 - 1. Notifying another jurisdiction that a pursuit is in progress is not a request to join the pursuit. The pursuing agency shall advise if assistance is necessary. Whenever the pursuing officers are unfamiliar with the roadways and terrain of the jurisdiction into which the pursuit has entered, the pursuing agency shall, when possible, seek the assistance of, and be prepared to relinquish the pursuit to, the other agency.

IX. PURSUIT REPORTING

- A. All law enforcement officers who operate law enforcement vehicles in vehicular pursuit situations shall be required to file a pursuit incident report. Pursuit incident reports are to be filed in a manner established by agency operating

procedures and should contain, at a minimum, the following information:

1. Location, date and time of pursuit initiation.
2. Location, date and time of pursuit termination.
3. Highest speed achieved, weather conditions, road surface and description of pursuit area.
4. Reasons for initiating and terminating the pursuit.
5. Consequences of the pursuit, such as accidents, injuries or fatalities.
6. Whether or not the violator was apprehended.
7. The offenses with which the violator was charged.

B. All law enforcement agencies shall prepare an annual agency Vehicular Pursuit Summary Report for submission to the county prosecutor. The annual report shall be submitted on the Police Vehicular Summary Report Form and shall contain the following information:

1. Total number of pursuits.
2. Number of pursuits resulting in accident, injury, death and arrest.
3. The number and type of vehicles involved in accidents (police, violator, third party).
4. A description of individuals injured or killed (police, violator, third party).
5. The number of violators involved and arrested in pursuit incidents, including passengers.
6. The number of pursuits in which an authorized tire deflation device was used.

X. VEHICULAR PURSUIT REVIEW

- A. All law enforcement agencies shall establish procedures for the formal review of all pursuit incident reports.
- B. Pursuit incidents should be reviewed for compliance with applicable policy and department operating procedures.
- C. Pursuit incidents should also be reviewed to identify the need for remedial training of individual officers or specific areas of emphasis in agency-wide

training regarding pursuit situations and the application of pursuit policies and procedures.

- D. Periodic review of pursuit incidents and summary pursuit information should be conducted in order to identify any additions, deletions or modifications warranted in departmental pursuit procedures.
- E. Every law enforcement agency shall conduct an investigation when one of its vehicles collides with another vehicle or any other object during the course of a pursuit. The investigation shall determine whether the collision could have been prevented. A copy of the report shall be made available to the county prosecutor. In every case where the collision could have been prevented, the report shall set forth the actions taken by the agency to address the cause or causes of the collision (e.g. remedial training, revision of department policy, disciplinary action, etc.).

XI. TRAINING

- A. All officers shall attend in-service vehicular pursuit training twice annually.
- B. Vehicular pursuit training shall consist of knowledge of applicable statutes, familiarization with statewide police pursuit policy and departmental procedures, decision making skills, and the use of an authorized tire deflation device if employed by the agency.
- C. An annual report shall be filed with the county prosecutor or, in the case of certain state law enforcement agencies, with the Director of the Division of Criminal Justice. The report will confirm in-service pursuit training of all police officers in conjunction with semi-annual firearm requalification and the use of force training.

INDIVIDUAL AGENCY POLICIES

Law enforcement agencies may adopt more restrictive policies as to pursuit procedures or more extensive training and reporting requirements. In the event an agency chooses to do so, the agency policies and procedures will prevail with respect to applicability to that agency's personnel.

APPENDIX A TO NEW JERSEY POLICE VEHICULAR PURSUIT POLICY
OFFENSES IN ADDITION TO THOSE OF THE FIRST AND SECOND DEGREE
FOR WHICH VEHICULAR PURSUIT MAY BE AUTHORIZED
UNDER SUBSECTION 1A(1)(a)

Vehicular Homicide 2C:11-5

Aggravated Assault 2C:12-1b

Criminal Restraint 2C:13-2

Aggravated Criminal Sexual Contact 2C:14-3a

Arson 2C:17-1b

Burglary 2C:18-2

Automobile Theft 2C:20-2

Theft by Extortion 2C:20-5

Escape 2C:29-5

Manufacturing, Distributing or Dispensing of CDS 2C:35-5b

POLICE PURSUIT INCIDENT REPORT

1. Department		2. Incident No.		3. Pursuit date	
4. Officer		5. Badge No.		6. Car No.	
7. Supervisor notified		8. Badge No.		9.	
10. Initiating agency		11. Initiating officer			
12. Location officer became involved		13. Time officer became involved		14. Highest speed	
15. Location officer terminated		16. Time officer terminated		17. Approx. distance in pursuit (miles)	
18. Weather ☐ Clear ☐ Rain ☐ Snow ☐ Other _____					
19. Road surface ☐ Dry ☐ Wet ☐ Ice or snow ☐ Other _____					
20. Area ☐ Residential ☐ Commercial ☐ Highway ☐ Rural					
21. Reason pursuit initiated ☐ Traffic violation (describe) _____ ☐ Warrant (describe) _____ ☐ Assisting other agency (name) _____ ☐ Suspected criminal involvement (describe) _____ ☐ Other _____ ☐ DWI ☐ Stolen Car					
22. Tire Deflation Device ☐ Tire deflation device used Type _____ Effect _____					
23. Reason pursuit terminated ☐ Pursued voluntarily stopped/surrendered ☐ Pursued voluntarily stopped/attempted flight on foot ☐ Apprehended ☐ Escaped ☐ Pursued forced to stop/vehicle disabled ☐ Other (describe) _____ ☐ Pursued stopped in accident ☐ Pursued escaped in vehicle ☐ Officer decision ☐ Officer vehicle in accident ☐ Supervisor decision					
24. Number of people injured _____ # Pursued vehicle _____ # Police vehicles _____ # Third party vehicles _____ # Pedestrians			25. Number of people killed _____ # Pursued vehicle _____ # Police vehicles _____ # Third party vehicles _____ # Pedestrians		
26. Number of vehicles in accidents _____ Pursued vehicle _____ # Police vehicles _____ # Third party vehicles			27. No. of people in pursued vehicle		28. Number of people arrested
29. List charges for driver					
30. Signature			31. Date		32. Reviewed by

(DCJ 7/2009)

POLICE PURSUIT INCIDENT REPORT
Instructions

1. **Department:** Enter the name of the agency involved in the pursuit and completing the report.
2. **Incident No.:** Enter the agency's unique number for the incident involving the pursuit.
3. **Pursuit date:** Enter the date on which the pursuit occurred (or began if it went past midnight).
4. **Officer:** Enter the name of the officer involved in the pursuit and completing the report.
5. **Badge No.:** Enter the badge number or other identifier of the officer in Block #4.
6. **Car No.:** Enter the car or unit number of the vehicle that the officer in Block #4 used in the pursuit.
7. **Supervisor Notified:** Enter the name of the first supervisor who was notified that a pursuit had been initiated.
8. **Badge No.:** Enter the badge number or other identifier of the supervisor in Block #7.
- 9.: *This block reserved for use by the agency.*
10. **Initiating agency:** Enter the name of the law enforcement agency that *originally* began the pursuit.
11. **Initiating officer:** Enter the name of the law enforcement officer who *originally* began the pursuit.
12. **Location officer became involved:** Enter the location that the officer in Block #4 became involved in the pursuit.
13. **Time officer became involved:** Enter the time that the officer in Block #4 became involved in the pursuit (use military time).
14. **Highest speed:** Enter the highest speed reached during the pursuit by the officer in Block #4.
15. **Location officer terminated:** Enter the location that the officer in Block #4 terminated involvement in the pursuit.
16. **Time officer terminated:** Enter the time that the officer in Block #4 terminated involvement in the pursuit (use military time).
17. **Approx. distance in pursuit (miles):** Enter the approximate distance that the officer in Block #4 was involved in the pursuit. Use miles and tenths of miles.
18. **Weather:** Check the box(es) that apply to the weather at the time the officer in Block #4 became involved in the pursuit.
19. **Road surface:** Check the box(es) that apply to the road conditions at the time the officer in Block #4 became involved in the pursuit.
20. **Area:** Check the box(es) that apply to the type(s) of area that the pursuit went through during the involvement of the officer in Block #4.
21. **Reason pursuit initiated:** Check the box(es) that apply to the reason that the pursuit was initiated. If the officer in Block #4 is different than the officer in Block #11, indicate the reason(s) for which the pursuit *originally* began.
22. **Tire deflation device:** Check if a tire deflation device was used. If a tire deflation device was used, enter the type of device used (manufacturer and model) and the effect (for example, "2 tires punctured" or "pursued driver evaded device").
23. **Reason pursuit terminated:** Check the box(es) that apply to the reason that the officer in Block #4 terminated involvement in the pursuit.
24. **Number of people injured:** Enter the total number of people injured as a result of the pursuit in each of the categories.
25. **Number of people killed:** Enter the total number of people killed as a result of the pursuit in each of the categories.
26. **Number of vehicles in accidents:** Enter the total number of vehicles involved in accidents as a result of the pursuit in each of the categories.
27. **No. of people in pursued vehicle:** Enter the total number of people in the pursued vehicle at the time that the officer in Block #4 became involved in the pursuit.
28. **Number of people arrested:** Enter the total number of people arrested as a result of the pursuit, even if the charges were not directly related to the pursuit (e.g., a passenger in the vehicle had an outstanding warrant which was discovered after

the pursuit).

29. List charges for driver: List all of the offenses with which the driver was charged.

30. Signature: Signature of the officer in Block #4.

31. Date: Enter the date that the report was completed.

32. Reviewed by: This block can be initialed or signed by a supervisor after reviewing the report.