

CLIFTON POLICE DEPARTMENT POLICY & PROCEDURES			
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SUBJECT: PURSUIT & FORCIBLE STOPPING GUIDELINES			
BY THE ORDER OF: Chief John E. Link		ACCREDITATION STANDARDS: 3.5.2, 3.5.3	
Effective Date: March 25, 2015		SUPERSEDES ORDER #:	

PURPOSE The purpose of this policy and procedures is to establish this department's guidelines concerning vehicle pursuits.

POLICY It is the policy of the Clifton Police Department to utilize procedures that are consistent with those provided by the New Jersey Attorney General's Guidelines and the Passaic County Prosecutor's Directives. Citizen and officer safety is the paramount consideration.

Because it is impossible for these procedures to anticipate every possible circumstance, these procedures are intended to serve as a guide for police officers in the use of discretion regarding matters relating to vehicular pursuit.

Rigorous compliance with these procedures should help to mitigate life-threatening situations for members of this department and the citizenry at large, and should help sustain the general health, safety and welfare of the community. It will further help promote public confidence in the police department.

Deciding whether or not to pursue a motor vehicle is one of the most critical decisions made by law enforcement officers. It is a decision that must be made quickly and under difficult and often unpredictable circumstances. In recognition of the potential risk to the public safety created by vehicular pursuits, no officer or road sergeant shall be criticized or disciplined for a decision not to engage in a vehicle 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.

The Passaic County Prosecutor's Office shall be immediately notified if a collision resulting in any injury occurs during the course of a police pursuit.

PROCEDURES

I. DEFINITIONS

- A. **Administrative review** is a formal documented process to determine whether policy, training, equipment or disciplinary issues need to be addressed. Synonymous terms include meaningful review and command review.
- B. **Attempt to close distance** is an action by law enforcement officers to close the distance gap between the law enforcement vehicle and the violator vehicle. The use of audio and visual emergency equipment has not yet been employed at this phase.
- C. **Authorized tire deflation device** is a device designed and intended to produce a controlled deflation of one or more tires of a pursued vehicle.
- D. **Avenue(s) of escape** is a gap in a roadblock that requires the violator to decrease the vehicle's speed to permit them to bypass the roadblock.
- E. **Baiting** is a willful attempt to entice or lure a police officer to engage in a pursuit.
- F. **Blocking vehicle** is 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.
- G. **Boxing in** is the surrounding of a violator's moving vehicle with moving pursuit vehicles that are then slowed to a stop along with the violator's vehicle.
- H. **Divided highway** is a road that includes a physical median between traffic traveling in opposite directions.
- I. **Heading off** is an attempt to terminate a pursuit by pulling ahead of or towards a violator's moving vehicle to force it to the side of the road or to otherwise come to a stop.
- J. **Street paralleling** is driving a police vehicle on a street parallel to a street on which the pursuit is occurring.
- K. **Vehicle paralleling** is a deliberate offensive tactic by one or more patrol vehicles to drive alongside the pursued vehicle while it is in motion.
- L. **Pursuit driving** is an active attempt by law enforcement officers, operating a motor vehicle and utilizing simultaneously all emergency equipment, to apprehend one or more occupants of another moving vehicle when the driver of the fleeing vehicle is aware, or should be aware of that attempt, and is purposely, knowingly or recklessly resisting apprehension by maintaining or increasing their speed, ignoring the officer, or attempting to elude the officer, while driving at speeds in excess of the legal speed limit.
- M. **Primary unit** is 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).

- N. **Secondary unit** is any police vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- O. **Roadblock** is a restriction or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to affect the apprehension of a violator.
- P. **Standard of care**: N.J.S.A. 39:4-91 sets forth the standards of right of way for emergency vehicles that reads in part:

"...This section shall not relieve the driver of any authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall it protect the driver from the consequences of his reckless disregard for the safety of others."

- Q. **Vehicle contact action (ramming)** is any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.
- R. **Violator** is any person who a law enforcement officer reasonably believes:
 - 1. Has committed a crime of the first or second degree or a crime enumerated in § III.A.2 of this policy, or
 - 2. Poses an immediate threat to the safety of the public or other police officers.

II. DECIDING WHETHER TO PURSUE

- A. A police officer has the statutory authority to stop any person suspected of having committed any criminal offense or traffic violation. It must be clear that while it is the officer who initiates the stop, it is the violator who initiates the pursuit. The officers' decision to pursue should always be undertaken with an awareness of the degree of risk of death or serious injury to which the law enforcement officer may subject them and/or others. The officer must weigh the need for immediate apprehension against the risk created by the pursuit.

III. AUTHORIZATION TO PURSUE

- A. A police officer may only pursue:
 - 1. When the officer reasonably believes that the violator has committed an offense of the first or second degree; or
 - 2. Has committed any crime/offense listed below:
 - a. Death by Auto 2C: 11-5
 - b. Aggravated Assault 2C: 12-1b
 - c. Criminal Restraint 2C: 13-2
 - d. Aggravated Criminal Sexual Contact 2C: 14-3a
 - e. Arson 2C: 17-1b

- f. Burglary 2C: 18-2
 - g. Vehicle theft 2C: 20-2
 - h. Theft by Extortion 2C: 20-5
 - i. Escape 2C: 29-5
 - j. Manufacturing, Distributing or Dispensing CDS 2C: 35-5b; or
- 3. When a police officer reasonably believes that the violator poses an immediate threat to the safety of the public or other police officers.
 - a. Eluding the police where the actor creates a risk of death or injury to another generally constitutes a 2nd degree crime, but the fact that an actor is eluding the police does not provide personnel with the automatic authority to pursue. Therefore, a pursuit based solely on a 2nd degree eluding, without any other authorizing criteria, should not be undertaken.
 - b. 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. Just because one of the authorization requirements is satisfied, a pursuit should not be automatically undertaken. Officers and supervisors must still consider the following factors:
 - 1. Likelihood of successful apprehension.
 - 2. Whether the identity of the violator is known where later apprehension is possible.
 - 3. Degree of risk created by the pursuit in relation to:
 - a. Volume, type, speed and direction of vehicular traffic; or
 - b. Nature of the area: residential, commercial, school zone, open highway, etc.; or
 - c. Population density and volume of pedestrian traffic; or
 - d. Environmental factors such as weather and darkness; or
 - e. Road conditions: construction, poor repair, extreme curves, snow, ice, etc.
 - 4. Police officer characteristics relative to:
 - a. Driving Skills;
 - b. Familiarity with roads;
 - c. Condition of the police vehicle.

IV. TERMINATING THE PURSUIT

- A. Pursuing officers shall terminate the pursuit when:
1. Instructed to do so by the road supervisor or watch commander; or
 2. The officer believes that the danger to the pursuing officer or general public outweighs the necessity for immediate apprehension of the violator; or
 3. The violator's identity has been, or can be, established to the point where later apprehension may be accomplished, and where there is no serious immediate threat to the safety of the public or other police officers; or
 4. 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
 5. There is any person injured during the pursuit requiring medical care and there are no police or medical personnel able to render immediate assistance; or
 6. There is a clear, present and unreasonable danger to the police officer or the public. ***(A clear, present and unreasonable danger exists when the pursuit requires that the vehicle be driven at excessive speeds, against the flow of traffic for a sustained period, or in a manner that exceeds the performance capabilities of the pursuing vehicle or the capabilities of the police officers involved in the pursuit.)***
 7. Advised of any unanticipated condition, event or circumstance that substantially increases the risk to public safety inherent in the pursuit, or
 8. Pursuing officers lose the ability to communicate via two-way radio.

V. ROLE OF THE PURSUING OFFICER(S)

- A. The decision to participate in 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. To diminish the likelihood of a pursuit, police officers intending to stop a vehicle for any violation of the law shall, when possible and without creating a substantial threat to the public safety, attempt to close the distance between the two vehicles prior to activating the emergency lights and audible device. Officers shall recognize that while attempting to close the distance and prior to the initiation of a the pursuit and the activation of emergency lighting/audible equipment, they are subject to all motor vehicle laws governing the right of way (e.g. NJSA 39:4-91 and 92).
- C. Upon commencement of a pursuit and regardless of the time of day, the pursuing officer shall immediately activate emergency lights, audible device and headlights.
- D. If equipped, auxiliary takedown lamps should not normally be used while the pursuing vehicle is in motion as they tend to washout the overhead emergency lights to other traffic.

- E. Pursuing officers should attempt to maintain a safe distance from the violator's vehicle in order to have adequate time to facilitate evasive maneuvers and reduce the potential of a collision that could possibly disable the police vehicle or deploy the air bag.
- F. Once the pursuit has begun, the primary unit must notify communications, identify themselves, and provide as much of the following information as is known:
 - 1. Reason for the pursuit; **and**
 - 2. Direction of travel, designation and location of roadway; **and**
 - 3. Identification of the violator's vehicle; **and**
 - 4. Year, make, model, color, registration and other identifying characteristics of the violator's vehicle; **and**
 - 5. Number and description of occupants; **and**
 - 6. The speed of the violator's vehicle; **and**
 - 7. Other information that may be helpful in resolving or terminating the pursuit. Examples include road conditions, traffic density, weather conditions, etc.
- G. Failing to adequately provide any of the above information shall cause the supervisor(s) to consider terminating of the pursuit.
- H. The primary unit shall be responsible for the immediate radio transmission at the initiation of the pursuit and for the determination of their pursuit actions and the decision to abandon or terminate the pursuit until relieved of this responsibility by the road supervisor.
- I. The secondary unit shall report by radio as soon as possible that it has joined the pursuit.
 - 1. Secondary units must exercise maximum radio discipline and refrain from making unnecessary transmissions.
 - 2. Additional units are generally prohibited from joining the pursuit without the expressed permission of the supervisor(s), but these units shall remain alert to the progress and location of the pursuit.
 - 3. Any decision to permit additional units to participate in a pursuit should be based upon the number of persons in the pursued vehicle, the crime for which the vehicle is wanted, or whether the actor(s) are armed or considered dangerous.
- J. In the event that the primary unit is unable to proceed with the pursuit or provide radio communications, the secondary unit may assume the role of primary unit and request that another secondary unit is assigned to the pursuit.

- K. Depending on the nature and the duration of the pursuit, it may be desirable for the secondary unit(s) in the pursuit to control any radio communications with police headquarters. This would permit the primary unit to concentrate on the task of pursuit driving. Further, the primary unit may not be familiar with the exact geographic location when out of the City of Clifton, while the secondary unit may be familiar with the area. Although not mandatory, consideration should be given by the road supervisor and the pursuing units.
- L. Losing sight of the fleeing vehicle is cause for terminating the pursuit. A re-broadcast of the pursuit information to Clifton Police Department units and surrounding law enforcement agencies and the coordination of other search efforts shall normally be the responsibility of police headquarters.
- M. If it becomes necessary for pursuit officer(s) to leave their patrol vehicles to continue the pursuit on foot, they shall:
 - 1. Immediately notify communications of their location and announce that a foot pursuit has commenced, including the general direction of flight;
 - 2. Consider taking a flashlight, even during daylight hours;
 - 3. Consider turning off the patrol unit, remove the keys and, if possible, lock the car (weapons may be stored inside of the vehicle).
 - 4. Keep police headquarters current on their status and location during the foot pursuit;
 - 5. Be wary of the possibility that officers may be lured into a trap or ambush;
 - 6. Approach all darkened areas and blind corners with utmost caution;
 - 7. If radio contact is lost or the portable radio unit becomes disabled, consider returning to the closest police vehicle.
- N. Seat belts must be utilized at all times.

VI. VEHICULAR PURSUIT RESTRICTIONS

- A. Unmarked vehicles and motorcycles shall not participate in a motor vehicle pursuit unless it is equipped with emergency lights and an audible device other than the standard horn. The unmarked vehicle and/or motorcycle shall immediately relinquish primary unit status upon participation of a marked vehicle.
- B. Due to its high rollover potential, non-pursuit rated SUV type vehicles may participate in a pursuit, but shall exercise extreme care when cornering or when reacting to the pursued vehicle's evasive maneuvers. Non-pursuit rated SUV's shall immediately relinquish primary unit status upon participation of a marked patrol automobile.
- C. Bicycles, truck chassis vehicles, vans, and vehicles towing trailers shall not participate in a motor vehicle pursuit. Instead, personnel operating these vehicles shall notify the closest patrol unit.

- D. No pursuit shall be conducted:
 - 1. In a direction opposite to the flow of traffic on a divided highway.
 - 2. When an individual is present in the police vehicle who is not a law enforcement officer.
- E. No more than two police vehicles shall be actively involved in a pursuit unless otherwise specifically directed by a supervisor(s).
- F. Except where otherwise authorized (e.g., boxing in or heading off), pursuing officers shall not attempt to overtake or pass the violator's moving vehicle.
- G. Upon approaching an intersection controlled by traffic signals or signs, or at any other location where there may be a substantial increased likelihood of a collision, the operator of any pursuing vehicle shall, prior to entering the intersection, reduce their speed and control the vehicle so as to avoid collision with another vehicle, pedestrian or fixed object. Officers 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 the pursuit, personnel shall observe the applicable laws governing the right of way at intersections and other locations.
- H. Except where otherwise authorized (e.g., boxing in or heading off), officers involved in a pursuit shall 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 unit that is parallel street following shall not join or interfere with a pursuit and shall stop all pursuit related activity at the boundary of its assigned area.
- J. 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 bodily injury to any person where deadly force would otherwise be justified.
- K. Under no circumstances shall officers commandeer a civilian vehicle to engage in or continue a pursuit.

VII. FORCIBLE STOPPING AND ROADBLOCKS

- A. The use of tire deflation devices is currently not authorized.
- B. 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 the supervisor(s); or
 - 3. In response to an imminent serious threat to the safety of the public or a police officer.

- C. Prior to boxing in or heading off a pursued vehicle, the officer wishing to initiate such action shall notify all other units involved in the pursuit.
- D. Involved officers shall maneuver their vehicles in such a manner as to minimize vehicle contact action and danger to other vehicles or pedestrians.
- E. Upon coming to a halt and approaching the suspect vehicle, officers should not stand in front of or behind the suspect vehicle. Further, officers should:
 - 1. Avoid standing between the stopped vehicle and any fixed objects;
 - 2. Avoid standing in any other officers line of fire;
 - 3. Order the driver (and passengers, if any) to show their hands, preferably face up on the windshield;
 - 4. Order the driver to turn off the vehicle and toss the keys from the driver's side window (if able);
 - 5. Approach the vehicle with extreme caution being aware of sudden movement by either the driver or passenger(s);
 - 6. Maintain weapons discipline;
 - 7. Order the driver and passenger(s) to exit the vehicle one at a time and lie face down on the ground with arms extended, palms up;
 - 8. If handcuffed and as soon as practicable, sit the subjects upright to minimize the potential for positional asphyxia.
- F. Roadblocks may only be employed as a last resort in circumstances where deadly force would otherwise be justified and there is definite knowledge that a person or persons in the fleeing vehicle is or are suspected of being wanted for a first or second degree crime and:
 - 1. The roadblock will likely result in the apprehension of a suspect who poses an immediate risk to life and property; and
 - 2. A less obtrusive means is not feasible or appropriate.
- G. After carefully considering all of the relevant criteria, the decision to establish a roadblock must come from the supervisor(s). Supervisor(s) must continue to monitor the circumstances that led to the deployment of a roadblock to ensure the criteria for deployment is timely and relevant. If the attendant circumstances change and the use of a roadblock is no longer justified or prudent, the order to establish the roadblock shall be immediately rescinded.
- H. At no time will a roadblock be established until all pursuing law enforcement vehicles are made aware of the roadblock, its location, and have acknowledged this awareness. This includes any non-Clifton PD units that may be involved. Once a roadblock has been established and a vehicle or barricade has been positioned in the roadway, the following must apply:

1. Roadblocks should be established on streets or highways most likely to be used as an avenue of escape.
 2. The safety of others must remain a paramount consideration.
 3. At least two officers must be present at the roadblock location.
 4. All available emergency warning lights must be utilized.
 5. There must be adequate distance to see the roadblock.
 6. There must be an avenue of escape.
 7. There must be no one in or near the blocking vehicle(s).
- I. When deploying a roadblock, the road supervisor shall ensure that EMS and the fire department are notified as soon as practicable. Have these units stage off road nearby to render assistance when the scene is deemed secure. When practicable, further considerations include, but are not limited to:
1. Detour routine traffic and pedestrians from the area;
 2. Avoid standing between the roadblock vehicles and any fixed objects;
 3. Avoid standing in any other officers line of fire;
- J. After the suspect vehicle has been or has stopped, follow the same guidelines in § VII D.
- K. Road supervisors are responsible for minimizing hazards to police and other emergency personnel in any forcible stopping or roadblock scenario in addition to ensuring the safety of citizens to the extent possible.

VIII. ADDITIONAL RESPONSIBILITIES

- A. Road supervisors
1. Upon being notified or becoming aware of a vehicular pursuit, the road supervisor shall take immediate control and provide directions to the pursuing unit(s). The primary consideration of the road supervisor is to acknowledge and authorize a pursuit to continue. The road supervisor shall decide as quickly as possible whether or not the pursuit should continue.
 2. The road supervisor shall permit a pursuit to continue only if:
 - a. There is reasonable belief that the violator has committed an offense of the first or second degree, or a crime/offense listed in § III.A.2 of this policy; or
 - b. There is reasonable belief that the violator poses an immediate serious threat to the safety of any person.

3. The road supervisor shall order a pursuit terminated at any time they conclude:
 - a. That the danger to the pursuing officers or the public outweighs the necessity for the immediate apprehension of the violator.
 - b. The actor's identity is established to the point where later apprehension may be accomplished, **and** there is no immediate continuing threat to public safety.
 - c. That a pursuit is of a protracted duration, recognizing the overall population density and volume of vehicular traffic and the increased risk attached to prolonged vehicular pursuits, unless the road supervisor determines that a furtherance of the pursuit is justified to respond to an immediate continuing threat to the public safety. No precise formula can be used to determine when a pursuit has become of a protracted duration. This decision must be left to the common sense and sound judgment of the road supervisor in light of all of the attendant circumstances.
4. All pursuing units are required to acknowledge that they have received the order to terminate the pursuit. Continuing a pursuit after acknowledging an order of termination is considered a gross deviation from this policy.
5. Road supervisor are responsible for ensuring that personnel adhere to this policy at all times. Additionally, road supervisors shall ensure that communications personnel:
 - a. Verify that the registration number of the vehicle being pursued, when provided, is immediately checked through NCIC for any wants or holds.
 - b. Contact the jurisdiction where the vehicle is registered to determine if the vehicle had recently been reported stolen or has any wants or holds.

B. Police dispatch personnel:

1. Upon notification that a pursuit is in progress, dispatch personnel shall immediately advise the road supervisor and watch commander of essential information regarding the pursuit if a supervisor has not already been otherwise notified. Dispatch personnel will keep the road supervisor apprised of the duration and progress of the pursuit.
2. The primary radio channel (channel one) shall remain open for pursuit related transmissions and all necessary information shall be made available to officers involved in the pursuit. All other units not involved in the pursuit shall be directed to change to the secondary radio channel (channel two).
3. Dispatch personnel shall carry out the following activities and responsibilities during the pursuit:

- a. Receive and record all incoming information on the pursuit and the pursued vehicle;
 - b. Control all radio communications and clear the radio channels of all non-emergency calls;
 - c. Obtain criminal record and vehicle checks of the pursued vehicle and any suspects;
 - d. Coordinate and dispatch backup assistance and air support units under the direction of the road supervisor;
 - e. Notify neighboring jurisdictions, where practicable, when pursuit may extend into their locality;
 - f. Ensure that the necessary data entries are made;
 - g. Acknowledge all radio transmissions from field units;
 - h. Rebroadcast pertinent radio transmissions to field units, if necessary;
 - i. Perform other duties as directed or required.
- C. Other police units:
 - 1. Police units not participating in the pursuit shall:
 - a. Maintain radio discipline at all times, keeping their transmissions to the barest minimum;
 - b. When directed to by police headquarters, switch to an alternate channel/talk;
 - c. Not involve themselves in the pursuit, but remain reasonably close to the pursuit route to be in a position to render assistance when necessary.

IX. REINSTATING PURSUITS

- A. Reinstating a previously terminated pursuit shall only be undertaken consistent with the authorization criteria for originally initiating a pursuit. An order by the road supervisor/watch commander to terminate a pursuit is normally considered final. However, a pursuit may be reinstated if the situation changes drastically. Examples include, but are not limited to shots fired, serious injury sustained, etc.
- B. A unit wanting to reinstate a pursuit must request and receive specific authorization from the supervisor(s) to reinstate the pursuit based on any acceptable changes.

X. INTER/INTRA JURISDICTIONAL PURSUITS

- A. Dispatch personnel shall provide timely notification of a pursuit to any other jurisdiction, into which the pursuit enters or may soon enter. Dispatch personnel will normally make the determination based upon the information provided by the pursuing units or the road supervisor.
- B. At a minimum, a description of the violator's vehicle, number of units involved in the pursuit, location and direction of the pursuit and the reason for the pursuit must be provided.
- C. ***Notifying the other jurisdiction that a pursuit is in progress is not a request for it to join the pursuit.*** A request for assistance from that other agency must be specifically made. Whenever the pursuing officers are unfamiliar with the roadways and terrain of the other jurisdiction into which the pursuit has entered, the pursuing officers must be prepared to seek the assistance of and be prepared to relinquish the pursuit to the other agency.
- D. Upon approaching or crossing any jurisdictional boundaries, the primary unit shall notify police dispatch, who will immediately notify each jurisdiction the pursuit enters or may enter.
- E. The supervisor(s) shall maintain control of any pursuing units following their entry into another jurisdiction and shall not relinquish control of Clifton PD units to the other agency.
- F. Supervisor(s) should be aware that other jurisdictions could have a stricter pursuit policy. Backup support may not be authorized by another agency. Backup support may not be available from another agency due to their workload. The supervisor(s) must consider these factors in deciding whether to continue or terminate the pursuit when it leaves the City of Clifton.
- G. If an outside agency announces that it intends to deploy a tire deflation device along the pursuit route, the supervisor(s) should reassess this agency's role in the pursuit as tire deflation devices increase the risk of collisions. The supervisor(s) may:
 - 1. Permit the continuation of the pursuit only under extreme circumstances; or
 - 2. Relinquish control of the pursuit to the other agency; or
 - 3. Order the termination of the pursuit.
- H. Being notified by that other agency that a pursuit is entering Clifton is not a request to join the pursuit. Police dispatch shall broadcast this information to patrol units. The supervisor(s) shall direct patrol units to position themselves close by the pursuit route in order to be quickly available to render assistance, when needed.
- I. Clifton PD units will typically be the secondary unit in any intra-jurisdictional pursuit. The outside agency may opt to relinquish control of the pursuit to members of this agency. The supervisor(s) shall determine if the pursuit falls within the parameters set forth in this policy and order a continuation of the pursuit or a termination of the pursuit.

- J. Assisting another agency in a foot pursuit following any crash or abandonment by the violator(s) is authorized at the discretion of the supervisor(s).
- K. Pursuits into other states require the expressed permission of the supervisor(s).

XI. REPORTING REQUIREMENTS

- A. Pursuing Officer(s)
 - 1. All officers who operate agency vehicles in vehicular pursuit, forcible stopping or roadblock situations are required to file a *Pursuit Incident Report*. These reports are required in all cases when a pursuit takes place, regardless of the duration or whether it results in an apprehension or not. The report form is self-explanatory and is mandated by the Attorney General.
 - 2. Additionally, in all cases, a standard incident report is also required. This is especially helpful in instances when a pursuit is not already a part of an existing investigation. The Attorney General's *Pursuit Incident Report* lacks the necessary information to conduct follow-up investigations into what may be a 2nd degree crime and to provide intelligence for other agency members.
 - 3. Whenever officers pursue a vehicle into another jurisdiction and results in an arrest on a Clifton complaint, it must be indicated in the incident report if charges are also being made by an agency in the other jurisdiction for the same violation. This must be done to determine what, if any, charges are made by the other agency, as all charges related to the same incident must be heard together in one jurisdiction.
 - 4. Supervisor(s) shall ensure that these reports are completed prior to the pursuing officer(s) reporting off duty. Road supervisor's approval is necessary to authorize any delay.
 - 5. The road supervisor shall review these pursuit reports for accuracy and completeness and shall promptly address any issues as they may pertain to policy changes, training, weapons or equipment, or discipline. Recommendations to modify policy; apply remedial training beyond what can be performed by the supervisor; change weapons, equipment, or tactics; or apply discipline shall be thoroughly documented and forwarded through the chain of command.
- B. The Office of the Chief shall prepare the annual *Vehicular Pursuit Summary Report* for submission to the Passaic County Prosecutor's Office. The annual *Vehicular Pursuit Summary Report* shall contain the following information:
 - 1. Total number of pursuits;
 - 2. Number of pursuits resulting in collision, injury, death and arrest;
 - 3. The number and type of vehicles involved in collisions (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.

XII. PURSUIT REVIEW

- A. All pursuits, forcible stopping and roadblock incidents shall be subjected to a multi-tiered administrative review. The applicable division commander shall normally conduct the first tier of the administrative review. The administrative review shall ordinarily involve a review of all documents, available evidence and an interview of any available persons who may have information regarding the incident. The applicable bureau commander shall conduct the second tier administrative review.
- B. The purpose of these administrative reviews is to determine if the actions taken during the pursuit comply with statutory law, current criminal procedure, Attorney General's Guidelines, Prosecutor's Guidelines and this policy regardless of the outcome. Further purposes are to identify equipment needs, training needs, determine if modifications to this policy are necessary, or to recommend disciplinary action.
- C. The reviewing bureau commander shall submit their review and subsequent recommendations to the Chief of Police for inclusion in the quarterly review by the Review Committee. The Chief of Police may cause further review of the incident.
- D. If an agency vehicle collides with another vehicle or any other object during the course of a pursuit, the Special Investigations Division shall review the investigation.
 1. The investigation shall determine whether the collision could have been prevented.
 2. A copy of the investigation shall be forwarded to the Chief of Police.
 3. In every case where the collision could have been prevented, the investigation shall set forth the actions taken by the agency to address the cause or causes of the collision including, but not limited to:
 - a. Revision of agency policy or policies;
 - b. Remedial training;
 - c. Equipment needs;
 - d. Discipline.
- E. The Vehicular Pursuit Review Committee shall generate the required annual documented analysis of all pursuit incidents in the prior calendar year.
 1. This analysis is a structured process for dissecting pursuit events into their basic parts to identify any patterns or trends that could be predictive or could indicate program effectiveness, training needs, equipment upgrade needs, and/or policy modification needs. Examples of some summary categories to analyze include, but are not limited to:

- a. Pursuits by time of day
 - b. Pursuits by shift
 - c. Pursuits by officer(s) involved
 - d. Pursuits by reason
 - e. Location of pursuit initiation (business, residential, or industrial)
 - f. Location of pursuit termination
 - g. Pursuits resulting in injury to police personnel
 - h. Pursuits resulting in crashes
 - i. Pursuits resulting in crashes to police vehicles
 - j. Pursuits from other jurisdictions
2. Unless otherwise authorized by the Chief of Police, this analysis is due by February 15th of the prevailing year.

XIII. TRAINING

- A. Training in the application of this policy shall be conducted semiannually and may be accomplished electronically.
- B. At a minimum, pursuit training shall consist of the following:
 1. A review of applicable statutes;
 2. A familiarization with Attorney General and Prosecutor Guidelines;
 3. Forcible stopping options;
 4. A review of this policy;
 5. Decision making skills (if available)
- C. All sworn police personnel, prior to operating any police vehicles on patrol or participating in any forcible stopping or roadblocks, must be provided with this mandatory training.
- D. Nothing contained within this policy shall preclude road supervisors and/or watch commanders from conducting additional training in the responsibilities and procedures set forth in this policy. Supervisor(s) are encouraged to openly discuss the provisions of this policy with their staffs to gain their commitment.