



Use of Force



Attorney General Use of Force Policy 2020-13

New Jersey Office of the Attorney General
Office of Public Integrity & Accountability

Pursuits (Addendum B)

- 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. This Policy is intended to guide the circumstances under which officers may engage in vehicular pursuits. High-speed vehicular pursuits create a substantial risk of injury and fatalities. Over 10% of vehicular pursuits end up in accidents resulting in injuries or fatalities, including to officers, innocent third parties in vehicles unrelated to the pursuit, and pedestrians.



Pursuits (Addendum B)

- 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 and officer 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, officers who conduct pursuits consistent with this Policy will be strongly supported by the law enforcement community in any subsequent review of such actions.



Pursuits (Addendum B)

- The officer's decision to pursue should always be undertaken with an awareness of the degree of risk to which the officer exposes law enforcement and the community by engaging in a vehicular pursuit. The officer must always weigh the need for immediate apprehension against the risk created by the pursuit



Pursuits (Addendum B)

- May only pursue for first degree crimes or enumerated second degree crimes



Pursuits (Addendum B)

- (1) Manslaughter, N.J.S.A. 2C:11-4;
- (2) Vehicular Homicide, N.J.S.A. 2C:11-5;
- (3) Aggravated Assault, N.J.S.A. 2C:12-1(b);
- (4) Disarming a Law Enforcement Officer, N.J.S.A. 2C:12-11;
- (5) Kidnapping, N.J.S.A. 2C:13-1;
- (6) Luring/Enticing a Child, N.J.S.A. 2C:13-6;
- (7) Human Trafficking, N.J.S.A. 2C:13-8;
- (8) Sexual Assault, N.J.S.A. 2C:14-2;
- (9) Robbery, N.J.S.A. 2C:15-1;
- (10) Arson, N.J.S.A. 2C:17-1;
- (11) Burglary, N.J.S.A. 2C:18-2;
- (12) Escape, N.J.S.A. 2C:29-5. or;



Pursuits (Addendum B)

- when an officer reasonably believes that the violator poses an imminent threat to the safety of the public or other officers. This determination shall be made based upon the violator's actions or operation of the vehicle **prior to the initiation of the attempted motor vehicle stop.**



Pursuits (Addendum B)

- **Officers Must Consider:**
 - Likelihood of apprehension
 - Is the identity of the offender known
 - Degree of risk
 - Traffic
 - Nature of area
 - Population density
 - Environmental factors
 - Road conditions



Pursuits (Addendum B)

Officers Must Consider:

- Officer Characteristics
 - Driving skills
 - Familiarity with roads
 - Condition of vehicle



Pursuits (Addendum B)

- **Officers Must Terminate:**
- if instructed to do so by a supervisor;
- (b) if a supervisor has not affirmatively authorized the continuation of the pursuit after being notified and given an opportunity to assess the situation;
- (c) if the officer believes that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the violator;
- (d) if the violator's identity is established to the point where later apprehension may be accomplished and where there is no imminent threat to the safety of the public or police officers;
- (e) 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;
- (f) if there is a person injured during the pursuit and there are no police or medical personnel able to render assistance;
- (g) 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
- if advised of any unanticipated condition, event, or circumstance that substantially increases the risk to public safety inherent in the pursuit.



Pursuits (Addendum B)

- When a vehicular pursuit is terminated, officers shall **immediately** cease all emergency vehicle operations, including turning off all emergency warning lights and audible devices (sirens), and **disengaging** from the violator's vehicle.



Pursuits (Addendum B)

- **Role of the Pursuing Officer**
 - Weigh need to apprehend against risk
 - **Must activate lights, siren, and MVR/BWC**
 - Must notify supervisor



Pursuits (Addendum B)

- (a) reason for the pursuit;
- (b) direction of travel and designation and location of the roadway;
- (c) traffic conditions;
- (d) presence of pedestrians;
- (e) identification of the violator's vehicle (year, make, model, color, vehicle registration number, and other identifying characteristics);
- (f) information on the identity of the driver, if known;
- (g) number of occupants;
- (h) the speed of the pursued vehicle; and
- (i) other information that may be helpful in deciding whether to terminate the pursuit or in resolving the incident.



Pursuits (Addendum B)

- **Officers have a continuing duty to notify supervisor**



Pursuits (Addendum B)

- **Pursuit Restrictions**

- Not in the opposite direction
- Not if non-law enforcement in vehicle
- Not in high density areas
- Only 2 police vehicles actively involved
- Motorcycle may but must relinquish
- No unmarked unless properly equipped and must relinquish
- Should close gap



Pursuits (Addendum B)

- **Pursuit Restrictions**

- Do not overtake or pass
- At intersections, slow down and be sure road is clear
- No vehicle paralleling
- No street paralleling
- Boxing in or heading off only in extraordinary situations
- Roadblocks as a last resort
- No vehicle contact action except as last resort
- See Section 6 for tire deflation devices



Pursuits (Addendum B)

- **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 shall be permitted to continue and shall broadcast that decision over the police radio channel by declaring **“pursuit authorized”** or **“terminate pursuit.”** In addition, if the supervisor decides to authorize the pursuit, the **supervisor shall broadcast the underlying reason for authorizing the pursuit** (e.g., “Pursuit authorized for armed robbery suspect.”).



Pursuits (Addendum B)

- **Supervisor may only allow pursuit:**
 - Reasonable belief first degree crime or enumerated second degree crime
 - Reasonable belief imminent threat to the safety of the public or officers



Pursuits (Addendum B)

- **Supervisor shall terminate when:**
 - Danger outweighs need to apprehend
 - Identity established
 - Conditions change
 - Must ensure policy is followed



Pursuits (Addendum B)

- **Reinstatement of Pursuit**
 - Reinstatement of any prior pursuit shall be undertaken consistent with the authorization criteria for originally initiating a pursuit



Pursuits (Addendum B)

- **Interjurisdictional Pursuits**

- The original pursuing jurisdiction shall provide timely notification of a pursuit in progress to any other jurisdiction into which the pursuit enters. 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.



Pursuits (Addendum B)

- **Reporting**

- Every officer involved must complete a vehicle pursuit report in the Use of Force Reporting Portal with 24 hours. If unable as soon as possible or by a supervisor with 48 hours.
- If the pursuit involves death or serious bodily injury, CP must be notified immediately.



Pursuits (Addendum B)

- **Review**

- Meaningful command level review by at least 2 levels of supervisors
- Review all sources of information
- Determine what action, if any, should be undertaken
- Law enforcement executive must review

