



VEHICULAR PURSUIT TRAINING MODULE

SPRING 2022

CHIEF JACK MCNIFF

NJ AG Directive 2021-14 Pursuit Revisions

The New Jersey Attorney General's Revision of the Use of Force Policy and Procedures 2021-14, dated December 28, 2021, became fully operational on December 31, 2021.

The AG's Guidelines on Vehicular Pursuit was revised as well and is contained with the AG's Use of Force Policy (Addendum B) and can be found here:

<https://www.nj.gov/oag/force/docs/Vehicular-Pursuit-Policy-Addendum-12.28.21.pdf>

OUR POLICY

It is our policy to utilize procedures that are consistent with those provided by the New Jersey Attorney General's Guidelines and the Passaic County Prosecutor.

CITIZEN AND OFFICER SAFETY IS THE
PARAMOUNT CONSIDERATION.

OUR POLICY

Because it is impossible for the Wayne Township Police Department Vehicular Pursuit Guidelines to anticipate every possible circumstance, it is intended to **serve as a guide** for police officers in the use of discretion regarding matters relating to vehicular pursuit.

OUR POLICY

Rigorous compliance with our directive 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 our police department.

DECISION NOT TO ENGAGE IN A PURSUIT

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.

THE STANDARD OF CARE

YOU NEED TO KNOW: THE STANDARD OF CARE



Under N.J.S.A. 39:4-91 sets forth the following; “...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 reckless disregard for the safety of others.”

CLOSING THE GAP AND RIGHT OF WAY

CLOSING THE GAP



Police officers are reminded that during the process of “closing the gap”, they are subject to the laws governing the right of way pursuant to N.J.S.A. 39:4-91, and 39:4-92.

FACTORING IN CONTROLLED INTERSECTIONS

CONTROLLED INTERSECTIONS



This is critical and the law

Police officers are reminded to factor in the existence of controlled intersections during a pursuit.



Chapter 1

VEHICULAR PURSUIT DEFINITIONS

DEFINITIONS

Attempt to close distance - 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.

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.

DEFINITIONS

Baiting - a willful attempt to entice or lure a police officer to engage in a pursuit.

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.

Divided Highway - A road which includes a physical barrier between traffic traveling in opposite directions.

DEFINITIONS

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.

Law Enforcement Officer - Any person who is employed as a sworn member of any State, county, or municipal law enforcement agency, department, or division of those governments who is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of this State.

DEFINITIONS

PARALLELING

Street Paralleling is driving a police vehicle on a street parallel to a street on which a pursuit is occurring.

Vehicle Paralleling is a deliberate offensive tactic by one or more patrol vehicles to drive alongside the pursued vehicle while it is in motion.

DEFINITIONS

PURSUIT VEHICLES

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).

Secondary Unit is any police vehicle which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

DEFINITIONS

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

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.

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.

DEFINITIONS

Meaningful review - a formal documented process to determine whether policy, training, equipment or disciplinary issues need to be addressed.

Supervisor - A sworn police officer, who by virtue of rank or assignment, is responsible for the direction or supervision of the activities of other sworn police officers. Supervisor also includes the OIC, where applicable.

Vehicle Contact Action (Ramming)- Any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.

DEFINITIONS

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, committing traffic violations or otherwise attempting to elude the officer.

DEFINITIONS

PURSUIT DRIVING

It shall not constitute pursuit driving if the fleeing vehicle follows all traffic regulations after the officer activates the emergency warning lights and audible device (siren).

DEFINITIONS

VIOLATOR - Any person who an officer reasonably believes:



has committed, or is engaged in a conspiracy or attempt to commit, any crime of the first degree or one of the violent or serious crimes of the second degree enumerated in Addendum B Section 3.2 of NJ AG Directive 2021-14 (**see slide 29**), or



poses an imminent threat to the safety of the public or other police officers, as that threat is defined in Addendum B Section 3.2 of NJ AG Directive 2021-14.



Chapter 2

DECIDING WHETHER TO PURSUE

SUBSTANTIAL RISK

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.

DECIDING WHETHER TO PURSUE

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 and often unpredictable circumstances.

It is critical for both officers and supervisors to utilize both sound judgment and decision making when considering to pursue.

DECIDING WHETHER TO PURSUE

A law enforcement officer has the statutory authority, at all times, to attempt the stop of any person suspected of having committed any criminal offense or traffic violation.

When the violator does not submit to the officer's lawful authority and bring the vehicle to a stop, the officer must determine whether to pursue that violator by continuing to attempt to stop the violator utilizing pursuit driving as defined in our policy.

DECIDING WHETHER TO PURSUE

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.

DECIDING WHETHER TO PURSUE

EACH PURSUIT HAS CERTAIN DIFFERENT AND UNIQUE ASPECTS.

It is impossible to describe exactly how a law enforcement officer should pursue a fleeing violator of the law except to state that it must be in accordance with existing law and with due regard for the safety of all persons.



Chapter 3

AUTHORIZATION TO PURSUE

AUTHORIZATION TO PURSUE

NEW LANGUAGE REGARDING THE INITIATION OF A PURSUIT

Pursuits are limited to only the most serious crimes. **Auto theft and most drug offenses** have been removed from the list of crimes authorizing the initiation of a pursuit.

The amended policy **now requires greater oversight by supervisors and creates a strong presumption against the initiation of pursuits** for traffic violations and prohibits continuation of a pursuit based on the risk.

The policy also mandates that a pursuit be terminated unless a **supervisor affirmatively authorizes it to be continued.**

AUTHORIZATION TO PURSUE

NEW LANGUAGE FOR PURSUIT AUTHORIZATION:

A law enforcement officer may pursue when the officer reasonably believes that the violator has committed, or is engaged in a conspiracy or attempt to commit, any crime of the first degree or one of the following violent or serious crimes of the second degree:

- | | |
|--|--|
| (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 L.E.O. 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 |

AUTHORIZATION TO PURSUE

NEW LANGUAGE FOR PURSUIT AUTHORIZATION:

A law enforcement officer may pursue 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.

AUTHORIZATION TO PURSUE

Pursuit for motor vehicle offenses is not authorized under Addendum B Section 3.2 of NJ AG Directive 2021-14 criteria (slide -29) unless the violator's vehicle is being operated so as to pose an **imminent threat** to the safety of the public or other officers and that threat is based on the violator's actions or operation of the vehicle **prior** to the initiation of the attempted motor vehicle stop.



There shall be a strong presumption against the initiation of vehicular pursuits based solely on motor vehicle violations.

AUTHORIZATION TO PURSUE

ELUDING WILL NOT CONSTITUTE AUTHORIZATION TO PURSUE

The violator's subsequent actions, including speeding or evasive driving during the pursuit itself, although often supporting the criminal charge of Eluding, N.J.S.A. 2C:29-2(b), shall not constitute an authorization to initiate or continue a pursuit.

AUTHORIZATION TO PURSUE

Both supervisors and officers shall ensure that only in rare cases will a vehicular pursuit be initiated or continued for motor vehicle violations.



Chapter 4

FACTOR TO CONSIDERS

FACTORS TO CONSIDER

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



Likelihood of successful apprehension.



Whether the identity of the violator is known so that later apprehension is possible.



Degree of risk created by pursuit.

FACTORS TO CONSIDER

**YOU MUST
CONSIDER THE
FOLLOWING:**

Volume, type,
speed and
direction of
vehicular traffic.

Nature of the
area: residential,
commercial,
school zone,
open highway,
etc.

Population density
and volume of
pedestrian traffic.

Environmental
factors such as
weather and
darkness.

Road conditions:
construction, poor
repair, extreme
curves, etc.

FACTORS TO CONSIDER

You must consider Police Officer Characteristics such as:



Driving skills



Familiarity with roads



Condition of police vehicle



Chapter 5

TERMINATING THE PURSUIT

TERMINATING THE PURSUIT

Officers and supervisors must continually question whether the seriousness of the crime or offense justifies continuing the pursuit.

An officer or supervisor will not be censured when, in the officer/supervisor's opinion, continued pursuit constitutes an unreasonable risk.

TERMINATING THE PURSUIT

The pursuing officer shall terminate the pursuit if:



Instructed to do so by a supervisor.



A supervisor has not affirmatively authorized the continuation of the pursuit after being notified and given an opportunity to assess the situation.



The officer believes that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the violator.

TERMINATING THE PURSUIT

The pursuing officer shall terminate the pursuit 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.



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.



There is a person injured during the pursuit and there are no police or medical personnel able to render assistance.

TERMINATING THE PURSUIT

The pursuing officer shall terminate the pursuit 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.

TERMINATING THE PURSUIT

The pursuing officer shall terminate the pursuit:



If advised of any unanticipated condition, event, or circumstance that substantially increases the risk to public safety inherent in the pursuit.



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.



If the pursuing officers lose the ability to communicate by radio.

TERMINATING THE PURSUIT

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 our policy.



Chapter 6

ROLE OF THE PURSUING OFFICERS

ROLE OF THE PURSUING OFFICER

DEGREE OF RISK

The decision to initiate and/or continue a vehicular 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.

ROLE OF THE PURSUING OFFICER

CLOSING THE DISTANCE

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:

“close the distance between the two vehicles prior to activating the emergency lights and audible device.”

ROLE OF THE PURSUING OFFICER

CLOSING THE DISTANCE

Remember that while attempting to close the distance you are still subject to all motor vehicle laws governing the right of way.

Mere operation of emergency equipment (i.e., emergency lights and siren) does not give officers the automatic right-of-way.

ROLE OF THE PURSUING OFFICER

CONTROLLED INTERSECTIONS

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 pedestrian.

ROLE OF THE PURSUING OFFICER

CONTROLLED INTERSECTIONS

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 a pursuit and upon the termination of a pursuit, officers shall observe the applicable laws governing the right of way at intersections and other locations.

ROLE OF THE PURSUING OFFICER

LIGHTS AND AUDIBLE DEVICE

Upon the initiation of a pursuit and regardless of the time of day, the pursuing officer shall immediately activate all emergency lights, siren, headlights, motor vehicle recorder (MVR), if equipped, and body worn camera (BWC), if equipped.

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.

ROLE OF THE PURSUING OFFICER

SAFE DISTANCE

Pursuing officers shall 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 rear end collision that could possibly disable their police vehicle or deploy their air bag.

Seatbelts should be worn at all times during a police pursuit.

ROLE OF THE PURSUING OFFICER

Once the pursuit has begun, the primary unit must notify communications, identify themselves, and provide as much of the following information as as is known:

1. Reason for the pursuit.
2. Direction of travel, designation and location of roadway.
3. Traffic conditions and presence of pedestrians.
4. Identification of the violator's vehicle: year, make, model, color, registration and other vehicle identifying characteristics.
5. Information on the identity of driver if known and number/description of occupants.
6. The speed of the pursued vehicle.
7. Other information that may be helpful in terminating the pursuit or resolving the incident.

ROLE OF THE PURSUING OFFICER

The primary officer shall have a continuing duty to update the supervisor and communications on the information listed on the previous slide as the incident develops.

Failure to adequately provide any of the information listed on the previous slide shall cause the supervisor monitoring the pursuit to consider ordering its termination.

ROLE OF THE PURSUING OFFICER

Losing sight of the fleeing vehicle is cause for terminating the pursuit.

A re-broadcast of the pursuit information to Wayne Township PD units and to surrounding law enforcement agencies and the coordination of other search efforts is the responsibility of communications personnel.



Chapter 7

SECONDARY UNIT RESPONSIBILITY

ROLE OF THE SECONDARY UNIT

- 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.**

ROLE OF THE SECONDARY UNIT

- ✓ 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.*

ROLE OF THE SECONDARY UNIT

- ✓ The secondary unit shall report by radio *as soon as possible* that it has joined the pursuit.
- ✓ Secondary units must exercise maximum radio discipline and refrain from making unnecessary transmissions.
- ✓ Additional units are generally prohibited from joining the pursuit without the expressed permission of the supervisor, but these units shall remain alert to the progress and location of the pursuit.

ROLE OF THE SECONDARY UNIT

- ✓ Depending on the nature and the magnitude of the pursuit, it may be desirable (but not mandatory) for the secondary unit(s) in the pursuit to control any radio communications.
- ✓ This would permit the primary unit to concentrate on the task of pursuit driving.

ROLE OF COMMUNICATIONS

Police units not participating in the pursuit shall:

- ✓ Maintain radio discipline at all times, keeping their transmissions to the barest minimum.
- ✓ Switch to an alternate channel/talk group when contacting Communications so as not to interfere with the pursuit;
- ✓ Not involve themselves in the pursuit, but remain reasonably close to the pursuit route to be in a position to render assistance when necessary.



Chapter 8

FOOT PURSUIT

FOOT PURSUIT

If it becomes necessary for pursuit officer(s) to leave their vehicles to continue the pursuit on foot, they shall:

- ✓ **Maintain weapons discipline.**
- ✓ **Immediately notify Communications of their location and announce that a foot pursuit has commenced, including the general direction of flight.**
- ✓ **Consider taking a flashlight, even during daylight hours.**
- ✓ **Turn off the vehicle, remove the keys and, if possible, lock the car.**

FOOT PURSUIT

If it becomes necessary for pursuit officer(s) to leave their patrol vehicles to continue the pursuit on foot, they shall:

- ✓ **Keep Communications current on their status and location during the dismounted pursuit.**
- ✓ **Be wary of the possibility that you may be lured into a trap or ambush.**
- ✓ **Approach all darkened areas and blind corners with utmost caution.**
- ✓ **If radio contact is lost or the portable radio unit becomes disabled, return to your police vehicle.**



Chapter 9

RESTRICTIONS

RESTRICTIONS

NO PURSUIT SHALL BE CONDUCTED:

In a direction opposite to the flow of traffic on a divided highway.

In a direction opposite to the flow of traffic on a one-way street.

In a police vehicle in which an individual who is not a law enforcement officer is either the driver or passenger.

RESTRICTIONS

There shall be a strong presumption against the initiation or continuation of vehicular pursuits **in areas where pedestrians are located** or in areas of high-density vehicular traffic.

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.

RESTRICTIONS

Unmarked police vehicles shall not participate in a motor vehicle pursuit unless equipped with emergency lights and an audible device other than the standard horn.

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

RESTRICTIONS

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 SUVs shall immediately relinquish primary unit status upon participation of a marked patrol automobile.

RESTRICTIONS

SPECIALTY VEHICLES

- ✓ Bicycles, motorcycles, non-law enforcement undercover and/or forfeiture vehicles and vehicles towing trailers **shall not participate** in a motor vehicle pursuit.

RESTRICTIONS

Throughout the course of a vehicular pursuit, pursuing officers shall not attempt to overtake or pass the violator's moving vehicle.

Under no circumstances shall officers commandeer a civilian vehicle to engage in or continue a pursuit.

Officers involved in a pursuit shall not engage in vehicle paralleling.

RESTRICTIONS

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.

RESTRICTIONS

Officers shall not discharge a firearm against the driver or passenger of a moving vehicle except in the limited situations permitted in this agency's policy on Use of Force.

Officers shall not discharge a firearm from a moving vehicle except in the limited situations permitted in this agency's policy on Use of Force.

Officers shall not engage in any vehicle contact action (ramming) except as a last resort to prevent imminent death or serious injury to the officer or another person when deadly force is justified.



Chapter 10

FORCIBLE STOPPING

FORCIBLE STOPPING

YOU ARE RESPONSIBLE TO MINIMIZE HAZARDS

Officers and 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.

FORCIBLE STOPPING

BOXING IN / HEADING OFF

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:

- ✓ **At low speeds, and**
- ✓ **With the approval of the supervisor, or**
- ✓ **In response to an imminent serious threat to the safety of the public or a police officer.**

FORCIBLE STOPPING

BOXING IN / HEADING OFF

- ✓ 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.**
- ✓ Involved officers shall maneuver their vehicles in such a manner as to minimize vehicle contact action and danger to other vehicles or pedestrians.

FORCIBLE STOPPING

Upon coming to a halt and approaching the suspect vehicle,

OFFICER SHOULD:

- ✓ Avoid standing between the stopped vehicle and any fixed objects.
- ✓ Not stand in front of or behind the suspect vehicle.
- ✓ Avoid standing in any other officers' line of fire.
- ✓ Order the driver (and passengers, if any) to show their hands, preferably palms up on the windshield.
- ✓ Order the driver to turn off the vehicle and toss the keys from the driver's side window (if able).

FORCIBLE STOPPING

FURTHER, OFFICERS SHOULD:

- ✓ Approach the vehicle with extreme caution being aware of sudden movement by either the driver or passenger(s).
- ✓ Maintain weapons discipline.
- ✓ 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.
- ✓ If handcuffed and as soon as practicable, sit the subject(s) upright to minimize the potential for positional asphyxia. Provide/supply medical aid when applicable.

FORCIBLE STOPPING

ROADBLOCKS

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 1st or 2nd degree crime and:

- ✓ **The roadblock will likely result in the apprehension of a suspect who poses an immediate risk to life and property; and**
- ✓ **A less obtrusive means is not feasible or appropriate.**

FORCIBLE STOPPING

ROADBLOCKS

- ✓ After carefully considering all of the relevant criteria, the decision to establish a roadblock **must come from a supervisor.**
- ✓ Supervisors 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.**

FORCIBLE STOPPING

ROADBLOCK AWARENESS

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.

FORCIBLE STOPPING

ROADBLOCKS

Once a roadblock has been established and a vehicle or barricade has been positioned in the roadway, the following must apply;

- ✓ Roadblocks should be established on streets or highways most likely to be used as an avenue of escape.
- ✓ The safety of others must remain a paramount consideration.
- ✓ At least two officers must be present at the roadblock location.
- ✓ All available emergency warning lights must be utilized.
- ✓ There must be adequate distance to see the roadblock.
- ✓ There must be an avenue of escape.
- ✓ There must be no one in or near the blocking vehicle(s).

FORCIBLE STOPPING

ROADBLOCKS

When deploying a roadblock, the officer or supervisor **shall ensure that EMS and the Fire Department are notified as soon as practicable.** Have them stage off road nearby to render assistance when the scene is deemed secure. When practicable, further considerations include, but are not limited to:

- ✓ **Detour routine traffic and pedestrians from the area.**
- ✓ **Avoid standing between the roadblock vehicles and any fixed objects.**
- ✓ **Avoid standing in any other officers' line of fire.**

FORCIBLE STOPPING

TIRE DEFLATION

- ✓ 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 the AG Guidelines on Vehicular Pursuit.
- ✓ However, the use of Authorized Tire Deflation Devices to stop a fleeing vehicle is **currently prohibited by the Wayne Township Police Department.**



Chapter 11

ROLE OF THE SUPERVISOR

ROLE OF THE SUPERVISOR

REMEMBER

The recently amended New Jersey Attorney General's Vehicular Pursuit Policy now requires greater oversight by supervisors and creates a strong presumption against the initiation of pursuits for traffic violations and prohibits continuation of a pursuit based on the risk.

ROLE OF THE SUPERVISOR

NEW SUPERVISORY REQUIREMENTS

Upon being notified or becoming aware of the pursuit, the road 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 road 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.”).**

ROLE OF THE SUPERVISOR

NEW SUPERVISORY MANDATE

The supervisor shall permit a pursuit to continue only under the following circumstances:



There is a reasonable belief that the violator has committed, or is engaged in a conspiracy or attempt to commit, any crime of the first degree or one of the violent or serious crimes of the second degree enumerated in Section 3.2 of NJ AG Directive 2021-14 Addendum B Section 3.2 (see slide 29), or



There is a reasonable belief that violator poses an imminent threat to safety of the public or other police 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. The violator's subsequent actions, although often supporting the criminal charge of Eluding, N.J.S.A. 2C:29-2(b), shall not constitute an authorization to initiate or continue a pursuit.

ROLE OF THE SUPERVISOR

The supervisor shall order a pursuit terminated:



If the suspect's identity is established to the point where later apprehension may be accomplished **and** where there is no imminent threat to public safety.



If the danger to the pursuing officers or the public outweighs the necessity for the immediate apprehension of the violator.

ROLE OF THE SUPERVISOR

PROTRACTED DURATION

In recognition of the overall population density and volume of vehicular traffic in this State, and the increased risk attached 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.”

ROLE OF THE SUPERVISOR

What is a protracted duration?

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 supervisor in light of all of the attendant circumstances.

ROLE OF THE SUPERVISOR

SUPERVISORS SHALL ENSURE THAT COMMUNICATIONS PERSONNEL:

- ✓ Verify that the registration number of the vehicle being pursued, when provided, is immediately checked through NCIC for any wants or holds.
- ✓ Contact the jurisdiction where the vehicle is registered to determine if the vehicle had recently been reported stolen or has any wants or holds.

SUPERVISORS ARE RESPONSIBLE

Supervisors are responsible for ensuring that all personnel adhere to this directive at all times.



Chapter 12

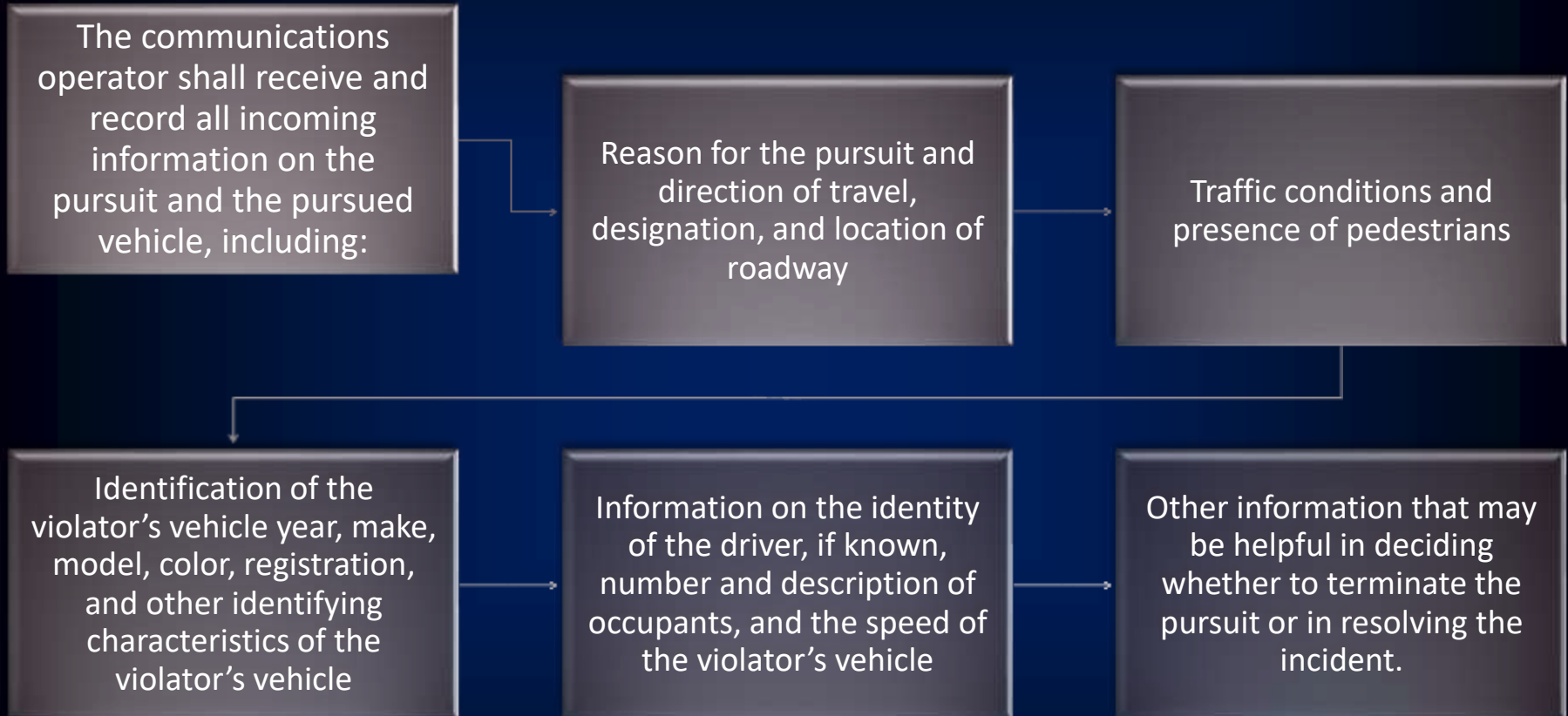
ROLE OF COMMUNICATIONS

ROLE OF COMMUNICATIONS

The communications operator shall do the following during a vehicular pursuit:

- Immediately notify a police supervisor of a pursuit in progress if a supervisor has not already been otherwise notified.
- Keep the supervisor apprised of the duration and progress of the pursuit.
- Obtain from the pursuing officer any information that was not initially provided by the pursuing officer.

ROLE OF COMMUNICATIONS



COMMUNICATIONS

The supervisor shall determine whether there is a need to assume control over and coordinate pursuit related communications.

COMMUNICATIONS

COMMUNICATIONS PERSONNEL SHALL:



Control the radio channels of all non-emergency calls.



Obtain criminal record and vehicle checks of the pursued vehicle and any suspects.



Coordinate and dispatch backup assistance and support units under the direction of a supervisor.

COMMUNICATIONS

COMMUNICATIONS PERSONNEL SHALL:



Notify neighboring jurisdictions where practicable when the pursuit may extend into its locality.



Ensure that the necessary data entries are made.



Acknowledge all radio transmissions from patrol units.



Rebroadcast pertinent radio transmissions to patrol units, if necessary.



Perform other duties as directed or required.



Chapter 13

REINSTATEMENT INTER/INTRAJURISDICTIONAL PURSUITS

REINSTATEMENT OF PURSUIT

Reinstating a previously terminated pursuit shall only be undertaken consistent with the authorization criteria for originally initiating a pursuit.



An order by a supervisor to terminate a pursuit is normally considered final.

REINSTATEMENT OF PURSUIT

However, a pursuit may be reinstated if the situation changes drastically.



Examples include, but are not limited to shots fired, serious injury sustained, etc.



A unit wanting to reinstate a pursuit must request and receive specific authorization from the supervisor to reinstate the pursuit based on any acceptable changes.

INTER/INTRAJURISDICTIONAL PURSUITS

The Wayne Township PD shall provide timely notification of a pursuit to any other jurisdiction into which the pursuit enters or may soon enter.



Communications will normally make the determination based upon the information provided by the pursuing units or the supervisor.



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.

INTER/INTRAJURISDICTIONAL PURSUITS

REQUEST FOR ASSISTANCE



Notifying the other jurisdiction that a pursuit is in progress is not a request for them to join the pursuit.



A request for assistance from that other agency must be specifically made.

INTER/INTRAJURISDICTIONAL PURSUITS

UNFAMILIAR ROADWAY OR TERRAIN



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.**

INTER/INTRAJURISDICTIONAL PURSUITS

Upon approaching or crossing any jurisdictional boundaries, the primary unit shall notify communications who will immediately notify each jurisdiction the pursuit enters or may enter.



The supervisor shall maintain control of any pursuing units following their entry into another jurisdiction and shall not relinquish control of Wayne Township PD units to the other agency.

INTER/INTRAJURISDICTIONAL PURSUITS

Supervisors should be aware that other jurisdictions might 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 **must consider these factors in deciding whether to continue or terminate the pursuit.**

INTER/INTRAJURISDICTIONAL PURSUITS

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

INTER/INTRAJURISDICTIONAL PURSUITS

- ✓ Pursuits initiated by another law enforcement agency might enter into the borders of this Town.
- ✓ Being notified by that other agency that a pursuit is entering our Township is **not a request to join the pursuit.**
- ✓ Communications personnel shall broadcast this information to patrol units and shall coordinate all communications between the outside agency and our patrol units.

INTER/INTRAJURISDICTIONAL PURSUITS

- ✓ The outside agency may opt to relinquish control of the pursuit to this department.
- ✓ **The supervisor shall determine** if the pursuit falls within the parameters set forth in this directive and order a continuation of the pursuit or a termination of the pursuit.

INTER/INTRAJURISDICTIONAL PURSUITS

If an outside agency announces that they intend to deploy a tire deflation device along the pursuit route, the officer and/or supervisor should reassess this department's role in the pursuit as tire deflation devices increase the risk of collisions. The supervisor may:

1. **Permit the continuation of the pursuit; or**
2. **Relinquish control of the pursuit to the other agency; or**
3. **Order termination of the pursuit.**



Chapter 14

PURSUITS RESULTING IN A CRASH OR CAUSING A CRASH

COLLISION INVESTIGATION

If an agency vehicle collides with another vehicle or any other object during a pursuit, the Traffic Bureau Commander or his/her designee shall conduct or oversee an administrative investigation.

- ✓ The investigation, in conjunction with the Crash Review Board, shall determine whether the collision could have been prevented.
- ✓ A copy of the investigation shall be forwarded to the Chief of Police.

COLLISION INVESTIGATION

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:

- Revision of agency policies**
- Remedial training**
- Equipment needs**
- Discipline**

SERIOUS BODILY INJURY

When **serious bodily injury** results to anyone involved in the pursuit or any bystander, operator, or occupant of any vehicle not involved in the pursuit, or in the event of a **death** occurring as a proximate result of the police pursuit incident, immediately notify the Chief of Police, Traffic Bureau Commander, and the Passaic County Prosecutor's Office.



Such notification must occur at the time of the incident while the scene remains under police control.

SERIOUS BODILY INJURY

The Investigation

- ✓ The Passaic County Prosecutor's Office or the New Jersey Division of Criminal Justice will conduct the investigation.
- ✓ The Passaic County Prosecutor's Office is responsible for the necessary notifications to the Division of Criminal Justice Office of Public Integrity and Accountability.
- ✓ The Passaic County Prosecutor's Office or the Division of Criminal Justice is responsible for all phases of the investigation including photography, evidence gathering.

SERIOUS BODILY INJURY

Investigation Participation

- ✓ Only officers working under the direct supervision of the Passaic County Prosecutor's Office, or the Division of Criminal Justice, can participate in the investigation or share or receive information about any aspect of the investigation, except as authorized and approved by the supervising assistant prosecutor or deputy attorney general.

SERIOUS BODILY INJURY

Prior to the Investigation

Prior to the arrival of investigative staff from the Passaic County Prosecutor's Office or the Division of Criminal Justice, the on-scene ranking supervisor, or his/her designees, shall complete the following tasks as soon as possible but, not necessarily in the order listed:

- ✓ Ensure that emergency medical services have been dispatched and appropriate medical aid is rendered to injured parties.
- ✓ Secure the scene pending the arrival of Passaic County Prosecutor's Office or the Division of Criminal Justice personnel. The scene will be relinquished to the Passaic County Prosecutor's Office or the Division of Criminal Justice, upon their arrival.
- ✓ Ensure that an inner perimeter is established to secure the scene(s). Direct that an outer perimeter be established to prevent all from entering except those who have a specific function to perform.
- ✓ Maintain a scene log documenting who enters and leaves. The scene log will be relinquished to Passaic County Prosecutor's Office or the Division of Criminal Justice personnel or their designees upon their arrival.

SERIOUS BODILY INJURY

Prior to the Investigation

Continued from the previous slide

- ✓ Secure any suspect(s) at the scene(s) unless the suspects are injured and require immediate medical care.
- ✓ Except when there is immediate danger to anyone, the vehicles shall not be moved or altered from their location at the time of the incident (e.g., emergency lights, headlights, MVRs, etc.) until directed to do so by the Passaic County Prosecutor's Office or the Division of Criminal Justice. No equipment and/or property shall be removed without authorization from the Passaic County Prosecutor's Office and/or the Division of Criminal Justice.
- ✓ Ensure that all potential witnesses have been identified and separated and ask that they remain on-scene to provide a statement. If witnesses wish to leave, obtain their contact information for future communications.
- ✓ All law enforcement officers involved in the incident shall be identified and kept separated at the scene, as circumstances warrant. Document their names and agencies.

SERIOUS BODILY INJURY

Upon Arrival of Investigative Personnel

Upon the arrival of investigative personnel from the Passaic County Prosecutor's Office or the Division of Criminal Justice, agency personnel will assist as directed with certain non-investigatory tasks including, but not limited to:

- ✓ Preserve the scene by closing roadways and conducting detours whenever feasible.
- ✓ As necessary, arrange and provide through the fire department and/or DPW sufficient nighttime illumination and/or other heavy machinery or equipment at the scene.
- ✓ Make death notifications only as directed by the Passaic County Prosecutor's Office or the Division of Criminal Justice in compliance with NJ Attorney General's Guidelines.

Continued on the next slide

SERIOUS BODILY INJURY

Upon Arrival of Investigative Personnel

Continued from the previous slide

- ✓ Arrange for the towing of vehicles with contracted towers as required. Only flatbed towing should be utilized. Towed vehicle(s) must be removed to a secure area.
- ✓ Towing operators **MUST** be advised **NOT** to place debris from the roadway into the passenger compartment of the vehicle(s) involved in the incident.
- ✓ Towing operators **MUST** be advised to wear gloves when touching any part of the vehicle(s) involved. All vehicles being towed will be escorted by a member of the Passaic County Prosecutor's Office or the Division of Criminal Justice to maintain the evidence chain-of-custody.
- ✓ If the agency's towing operator is involved in the crash, another towing agency must tow the vehicle.
- ✓ Complete and file the NJTR-1 Crash Investigation Report, unless otherwise directed by the Passaic County Prosecutor's Office or the Division of Criminal Justice.

SERIOUS BODILY INJURY

Confidentiality

- ✓ No employee of this agency shall directly or indirectly (i.e., through another person) share information learned during the crash investigation including but, not limited to police video recordings or information learned from reviewing such videos, with any principal(s) or other law enforcement or civilian witness without prior expressed authorization from the supervising assistant prosecutor or deputy attorney general.

SERIOUS BODILY INJURY

Confidentiality

- ✓ No officer who is a witness to the pursuit incident, including a principal(s), shall receive any such information from any sworn or civilian employee of a law enforcement agency without first obtaining authorization from the assistant prosecutor or assistant/deputy attorney general supervising the investigation, or his/her designee.
- ✓ Any dissemination or receipt of investigative information without prior authorization as required by this section shall be reported promptly to the assistant prosecutor or assistant/deputy attorney general supervising the investigation, or his/her designee, who shall investigate the circumstances.



Chapter 15

REPORTING REQUIREMENTS PURSUIT REVIEW

NEW REPORTING PROCEDURES

All officers who operate agency vehicles in vehicular pursuit, roadblock, or forcible stopping situations are required to file the **Attorney General's Pursuit Incident Report in the Attorney General's Use of Force Reporting Portal.**

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.

REPORTING REQUIREMENTS

The report shall be completed via the portal by the officer within **24 hours** of the vehicular pursuit and preferably before the end the shift in which the pursuit occurred.



If the officer involved in the pursuit is unable to complete the report within 24 hours, it should be completed as soon the officer is able to do so, or by a supervising officer within **48 hours**.

INCIDENT REPORT REQUIRED

Additionally, in all cases, a detailed 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.

REPORTING REQUIREMENTS

Officers should refrain from speculating in their reports about the violator's intent. Examples include but, are not limited to: "...violator attempted to elude me...", "...violator observed my vehicle and drove in a manner to elude me...", etc.

Such speculation is subjective. Officers need to document specific and objective observations.

REPORTING REQUIREMENTS

The authorizing shall ensure that these reports are completed prior to the pursuing officer(s) reporting off duty.



The supervisor's approval is necessary to authorize any delay.

REPORTING REQUIREMENTS

The 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.

MEANINGFUL REVIEW

The reviewing supervisor shall complete a Meaningful Review Report to document his/her review and assessment of the incident.



The review shall include an examination of all available sources of information about the incident, including any MVR, BWC, or other video of the incident, recordings of 9-1-1 calls and police radio transmissions, reports, officer or other witness statements, medical records, or records of injuries.

MEANINGFUL REVIEW

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 on the Meaningful Review Report and forwarded through the chain of command.

ANNUAL VEHICULAR PURSUIT SUMMARY REPORT

The Internal Affairs Office shall prepare the annual
Vehicular Pursuit Summary Report for submission to the
Passaic County Prosecutor.

MEANINGFUL COMMAND-LEVEL REVIEW

All pursuit, roadblock and forcible stopping incidents shall be subjected to a meaningful command review. The Internal Affairs Office shall normally conduct the meaningful command review.



The review shall include an examination of all available sources of information about the incident, including any MVR, BWC, or other video of the incident, recordings of 9-1-1 calls and police radio transmissions, reports, officer or other witness statements, medical records, or records of injuries.

MEANINGFUL COMMAND-LEVEL REVIEW

The purpose of the meaningful review 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 determine whether policies had been violated.

MEANINGFUL COMMAND-LEVEL REVIEW

The Internal Affairs Office shall make a recommendation of what action, if any, should be undertaken, including policy changes, remedial training, disciplinary action, administrative action, or, if appropriate, referral for criminal prosecution.



The Internal Affairs Office shall initiate an early warning record, as appropriate.

MEANINGFUL COMMAND-LEVEL REVIEW

The Internal Affairs Office shall submit its review and subsequent recommendations to the Chief of Police for final review.



The Chief of Police may cause further review of the incident.

MEANINGFUL COMMAND-LEVEL REVIEW

If the Chief of Police is involved in a pursuit, the internal affairs supervisor shall notify the Passaic County Prosecutor's Office, who will determine the process for the meaningful command level review of the incident, which may include staff from the prosecutor's office.

MEANINGFUL COMMAND REVIEW

- ✓ The Chief of Police or his/her designee shall review each vehicular pursuit investigation and approve or reject the recommendations of the supervisors who conducted the review. The Chief's/designee's decision shall be memorialized and retained in the vehicular pursuit investigative file as authoritative, deliberative, and consultative.
- ✓ The Chief of Police or his/her designee shall forward all vehicular pursuits that are determined to not comply with the Attorney General's Use of Force/Pursuit Policy, or this SOP, to the Passaic County Prosecutor's Office for review.

ANNUAL PURSUIT REVIEW

The Internal Affairs Office shall generate the annual documented summary, review, and analysis of all pursuit incidents in the prior calendar year.

This summary, review, and analysis dissects 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.

ANNUAL PURSUIT REVIEW

The annual pursuit review shall include, at a minimum, the following:

- ✓ analytical reports from the Attorney General's Use of Force Reporting Portal;
- ✓ an audit of BWCs, MVR, and other videos on a risk-based and randomly selected basis;
- ✓ any internal affairs complaints; and
- ✓ an analysis of vehicular pursuits to ensure that they are being conducted without discrimination based on race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic.
- ✓ an analysis of all pursuits determined to not be in compliance with the Attorney General's Use of Force Policy, or agency policy, and the steps taken to address the non-compliance.

ANNUAL PURSUIT REVIEW

Based on that thorough annual review, the Chief of Police shall determine whether changes in departmental structure, policy, training, or equipment are appropriate.

The Chief of Police shall then provide a written report documenting the annual review to the County Prosecutor for that department.

TRAINING REQUIREMENTS

- ✓ Training in the application of our policy shall be conducted semiannually.
- ✓ All 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.
- ✓ The training supervisor or his/her designee shall file an annual training report with the Passaic County Prosecutor to confirm that the in-service vehicular pursuit policy training was received by all police officers.