



VEHICULAR PURSUIT TRAINING MODULE

SPRING 2021

CHIEF JACK MCNIFF



OUR POLICY

WAYNE TOWNSHIP POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 3	CHAPTER: 16	# OF PAGES: 16	
SUBJECT: PURSUIT & FORCIBLE STOPPING GUIDELINES			
BY THE ORDER OF: Jack McNiff Chief of Police		ACCREDITATION STANDARDS: 3.5.2, 3.5.3	
Effective Date:		Date of Last Revision:	

PURPOSE The purpose of this policy is to establish this department's policy and practices concerning vehicle pursuits. It is important to secure a balance between protecting the lives and safety of the public and police officers and law enforcement's duty to enforce the law and apprehend violators.

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

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

Rigorous compliance with this policy 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, supervisor, or commander 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 death or serious injury occurs during the course of a police pursuit.

Wayne Township Police Department – Pursuit & Forcible Stopping Guidelines - Page 1 of 10



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

IMPORTANT: DECISION NOT TO ENGAGE IN A PURSUIT



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 our policy would permit its commencement or continuation.



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

OVERVIEW OF NJ AG DIRECTIVE 2020-13 to take effect by 12-31-2021



NJ AG Directive 2020-13 Pursuit Revisions

THE CHAPTER IS FOR YOUR AWARENESS ONLY

The changes listed within this chapter do not take place until 12-31-2021.

We want you to be aware of the new pursuit guidelines that the New Jersey Attorney General mandated through the issuance of Directive 2020-13.

Chapters 2 through 16 of this training module will be dedicated to our current policy.



NJ AG Directive 2020-13 Pursuit Revisions

This chapter is intended to highlight changes and requirements of the New Jersey Attorney General's Revision of the Use of Force Policy and Procedures 2020-13, dated December 21, 2020, which will become 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-12.15.20.pdf>



NJ AG Directive 2020-13 Pursuit Revisions

Although our internal policy has not been revised yet to reflect the changes to Use of Force or Vehicular Pursuit, this chapter will provide you an **overview of some of the important changes that the Directive mandates.** **These changes will take effect by December 31, 2021.**

Agencies may adopt policies that impose additional restrictions on vehicular pursuits or that impose more extensive training or reporting requirements.



NJ AG Directive 2020-13 Pursuit Revisions

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.



NJ AG Directive 2020-13 Pursuit Revisions

NEW LANGUAGE FOR PURSUIT AUTHORIZATION:

A law enforcement officer may only 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:2-11 |
| (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 |



NJ AG Directive 2020-13 Pursuit Revisions

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.



NJ AG Directive 2020-13 Pursuit Revisions

MOTOR VEHICLE VIOLATIONS

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

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



NJ AG Directive 2020-13 Pursuit Revisions

NEW REQUIREMENT FOR TERMINATION:

The pursuing officer shall terminate the pursuit if a supervisor has not affirmatively authorized the continuation of the pursuit after being notified and given an opportunity to assess the situation.

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.



NJ AG Directive 2020-13 Pursuit Revisions

ACTIVATION OF MVR AND BWC WILL BE REQUIRED

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



NJ AG Directive 2020-13 Pursuit Revisions

NEW NOTIFICATIONS TO COMMUNICATIONS REQUIREMENTS LISTED IN YELLOW BELOW:

Once the pursuit has been initiated, the primary unit must immediately notify communications and a supervisor, providing as much of the following information as is known (**additional requirements highlighted**):

- (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
- (f) information on the identity of the driver, if known**
- (g) number of occupants
- (h) the speed of the pursued vehicle
- (i) other information that may be helpful in deciding whether to terminate the pursuit or in resolving the incident.

The pursuing officer shall have a continuing duty to update the supervisor and communications on the above information as the incident develops.



NJ AG Directive 2020-13 Pursuit Revisions

SAFETY PROVISIONS – PEDESTRIAN AND HIGH-DENSITY VEHICULAR TRAFFIC

In addition to the previous Policy 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.



NJ AG Directive 2020-13 Pursuit Revisions

CONTACT ACTION AND USE OF FORCE REVISIONS

Officers involved in a pursuit shall not engage in any vehicle contact action except as a last resort to prevent imminent death or serious injury to the officer or another person where deadly force would otherwise be justified.

Officers shall not discharge a firearm against the driver or passenger of a moving vehicle except in the limited situations permitted under Section 4.6 of the Attorney General's Use of Force Policy.

Officers shall not discharge a firearm from a moving vehicle except in the limited situations permitted under Section 4.7 of the Attorney General's Use of Force Policy.



NJ AG Directive 2020-13 Pursuit Revisions

The use of an authorized tire deflation device shall be reported on a Vehicular Pursuit Report in the **Attorney General's Use of Force Reporting Portal**.



NJ AG Directive 2020-13 Pursuit Revisions

NEW SUPERVISORY REQUIREMENTS

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.”).



NJ AG Directive 2020-13 Pursuit Revisions

NEW SUPERVISORY MANDATE

The supervisor shall permit a pursuit to continue only under when 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 previously enumerated; **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.



NJ AG Directive 2020-13 Pursuit Revisions

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

- (a) immediately notify a police supervisor of a pursuit in progress if a supervisor has not already been otherwise notified;
- (b) keep the supervisor apprised of the duration and progress of the pursuit; and
- (c) obtain from the pursuing officer any required information that was not initially provided by the pursuing officer.**



NJ AG Directive 2020-13 Pursuit Revisions

ATTORNEY GENERAL'S USE OF FORCE PORTAL

All law enforcement officers involved in a vehicular pursuit shall complete a report in the Attorney General's Use of Force Reporting Portal within 24 hours of the pursuit and preferably by the end of the shift. When unable to complete the report, a supervisor shall complete the report within 48 hours.



NJ AG Directive 2020-13 Pursuit Revisions

NEW REQUIREMENT: NOTIFICATION OF THE ATTORNEY GENERAL'S OFFICE OF PUBLIC INTEGRITY AND ACCOUNTABILITY (OPIA)

Vehicular pursuits resulting in the death or serious bodily injury of any civilian shall be handled in accordance with Attorney General Law Enforcement Directive 2019-4 and immediate notification to the County Prosecutor is required.

The County Prosecutor shall immediately notify the Attorney General's Office of Public Integrity and Accountability (OPIA) Director or their designee.



NJ AG Directive 2020-13 Pursuit Revisions

MEANINGFUL REVIEW REQUIREMENT

Every vehicular pursuit must undergo procedures for a meaningful command-level review pursuant to a written policy established by the law enforcement executive.

The meaningful command-level review of the incident shall be undertaken by at least two levels of supervisors.

The review shall include an examination of all available sources of information about the incident.

The reviewing supervisors shall make a recommendation of what action.

The law enforcement executive, or a command level officer no more than one rank below the law enforcement executive for departments with more than 100 officers, shall review each vehicular pursuit investigation and approve or reject the recommendations of the supervisors who conducted the review.



NJ AG Directive 2020-13 Pursuit Revisions

EXECUTIVE ANNUAL REVIEW REQUIREMENT

The law enforcement executive shall conduct an annual review of all vehicular pursuit incidents in their department.

Based on the review, the law enforcement executive shall determine whether changes in departmental structure, policy, training, or equipment are appropriate. The law enforcement executive shall then provide a written report documenting the annual review to the County Prosecutor for that department.



NJ AG Directive 2020-13 Pursuit Revisions

The remainder of this training module will reflect our current policy and procedures.





Chapter 2

VEHICULAR PURSUIT DEFINITIONS



DEFINITIONS

ATTEMPTING TO CLOSE THE DISTANCE: is an action by officers to close the distance gap between the police 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: is a device designed and intended to produce a controlled deflation of one or more tires of a pursued vehicle.



DEFINITIONS

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: is a road that includes a physical median between traffic traveling in opposite directions.

BAITING: is a willful attempt to entice or lure a police officer to engage in a pursuit.



DEFINITIONS

PARALLELING

STREET PARALLELING: Driving a police vehicle on a street parallel to a street on which a pursuit is occurring.

VEHICLE PARALLELING: A deliberate offensive tactic by one or more patrol vehicles to drive alongside the pursued vehicle while it is in motion.



DEFINITIONS

PURSUIT DRIVING

is an active attempt by a law enforcement officer operating a motor vehicle and utilizing emergency warning lights and an audible device to apprehend one or more occupants of another moving vehicle;

- ✓ when the officer reasonably believes that the driver of the fleeing vehicle is aware of the officer's attempt to stop the vehicle and is resisting apprehension by increasing vehicle speed, ignoring the officer or otherwise attempting to elude the officer.



DEFINITIONS

PURSUIT VEHICLES

PRIMARY UNIT: The police vehicle that initiates a pursuit or any unit that assumes control of the pursuit as the lead vehicle (the first police vehicle immediately behind the fleeing suspect).

SECONDARY UNIT: 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 effect 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

VEHICLE CONTACT ACTION: Any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.

HEADING OFF: 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.



DEFINITIONS

VIOLATOR

Any person who a police officer reasonably believes:

- ✓ has committed an offense of the 1st or 2nd degree, or a crime/offense enumerated in Appendix A of the State Policy (See Slide 48),
or
- ✓ poses an immediate threat to the safety of the public or other police officers.





Chapter 3

DECIDING WHETHER TO PURSUE



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.



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 police 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.

It is clear that while it is the officer who initiates the stop, it is the violator who initiates the pursuit.



DECIDING WHETHER TO PURSUE

The officers' decision to pursue should always be undertaken with an awareness of the degree of risk to which the law enforcement officer exposes themselves and others.

The officer must weigh the need for immediate apprehension against the risk created by the pursuit.





Chapter 4

AUTHORIZATION TO PURSUE



AUTHORIZATION TO PURSUE

A POLICE OFFICER MAY ONLY PURSUE:

- ✓ When the officer reasonably believes that the violator has committed an offense of the first or second degree, or a crime/offense enumerated in Appendix A of the AG Guidelines (SLIDE 48),

or
- ✓ When a police officer reasonably believes that the violator poses an immediate threat to the safety of the public or other police officers.



AUTHORIZATION TO PURSUE

APPENDIX A CRIMES/OFFENSES

✓	Death By Auto	2C:11-5
✓	Aggravated Assault	2C:12-1b
✓	Criminal Restraint	2C:13-2
✓	Aggravated Criminal Sexual Contact	2C:14-3a
✓	Arson	2C:17-1b
✓	Burglary	2C:18-2
✓	Vehicle Theft	2C:20-2
✓	Theft by Extortion	2C:20-5
✓	Escape	2C:29-5
✓	Manufacturing, Distributing, Dispensing CDS	2C:35-5b



AUTHORIZATION TO PURSUE

- ✓ 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 2nd degree eluding, without any other authorizing criteria should not be undertaken.**
- ✓ 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 any other person.





Chapter 5

FACTOR TO CONSIDERS



FACTORS TO CONSIDER

Just because one of the authorization requirements is satisfied, a pursuit should not automatically be undertaken.

Officers and supervisors shall consider the following factors:

- ✓ Likelihood of successful apprehension.
- ✓ Whether the identity of the violator has been or can be established to the point where 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, snow, ice, etc.



FACTORS TO CONSIDER

YOU MUST CONSIDER THE FOLLOWING:

POLICE OFFICER CHARACTERISTICS

OFFICER'S DRIVING SKILLS

OFFICER'S FAMILIARITY WITH ROADS

THE CONDITION OF POLICE VEHICLE





Chapter 6

TERMINATING THE PURSUIT



TERMINATING THE PURSUIT

THE PURSUING OFFICER SHALL TERMINATE THE PURSUIT:

- ✓ If instructed to do so by a supervisor, *or*
- ✓ The officer believes that the danger to the pursuing officer or general public outweighs the necessity for immediate apprehension of the violator; or
- ✓ 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.



TERMINATING THE PURSUIT

THE PURSUING OFFICER SHALL TERMINATE THE PURSUIT:

- ✓ If the pursued vehicle's location is no longer known or the distance between the pursuing vehicles and the violator's vehicle becomes so great that further pursuit is futile, or
- ✓ If 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, 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.”



TERMINATING THE PURSUIT

THE PURSUING OFFICER SHALL TERMINATE THE PURSUIT:

- ✓ If advised of any unanticipated condition, event or circumstance which substantially increases the risk to public safety inherent in the pursuit.
- ✓ If they lose the ability to communicate via two-way radio with headquarters.



TERMINATING THE PURSUIT

UNITS MUST ACKNOWLEDGE TERMINATION ORDER

- ✓ 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 7

ROLE OF THE PURSUING OFFICERS



ROLE OF THE PURSUING OFFICER

The **decision** to initiate and/or continue a pursuit requires **weighing the need** to immediately *apprehend the violator*

against

the degree of risk to which the officer and others are exposed as a result of the pursuit.



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 siren.”



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.



ROLE OF THE PURSUING OFFICER

ACTIVATION OF LIGHTS AND AUDIBLE DEVICE

- ✓ Upon commencement of a pursuit and regardless of the time of day, the pursuing officer **shall immediately activate all emergency lights and audible device (siren).**
- ✓ 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

OFFICER SAFETY

- ✓ 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.
- ✓ Seat belts must be utilized at all times while the police vehicle is in pursuit.



ROLE OF THE PURSUING OFFICER

Once the pursuit has been initiated, the primary unit must notify Communications providing as much of the following information as is known:

- ✓ Reason for the pursuit, and
- ✓ Direction of travel, designation and location of roadway, and
- ✓ Identification of the violator's vehicle: year, make, model, color, vehicle registration and other identifying vehicle characteristics, and
- ✓ Number and description of occupants, and
- ✓ The speed of the pursued vehicle, and
- ✓ Other information that may be helpful in terminating the pursuit or resolving the incident and provide continuous updates of location, and other important information (e.g. objects thrown from the vehicle, etc.)



ROLE OF THE PURSUING OFFICER

- ✓ Failure to adequately provide any of the information on (Slide 66) shall cause the supervisor to consider ordering the termination of the pursuit.
- ✓ 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 supervisor.



ROLE OF THE PURSUING OFFICER

LOSING SIGHT OF THE FLEEING VEHICLE

- ✓ Losing sight of the fleeing vehicle is cause for terminating the pursuit.
- ✓ A re-broadcast of the pursuit information to Wayne Township Police Department units and to surrounding law enforcement agencies on SPEN 1 and the coordination of other search efforts shall normally be the responsibility of Communications.





Chapter 8

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 9

FOOT PURSUIT



FOOT PURSUIT

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

- ✓ **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 10

RESTRICTIONS



RESTRICTIONS

NO PURSUITS WILL BE CONDUCTED:

- ✓ In a direction opposite to the flow of traffic on a divided highway.
- ✓ In a police vehicle in which an individual who is not a law enforcement officer is either the driver or passenger.



RESTRICTIONS

- 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.
- **Pursuing officers shall not attempt to overtake or pass the violator's moving vehicle.**



RESTRICTIONS

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



RESTRICTIONS

INTERSECTIONS

Upon approaching an intersection controlled by traffic signals or signs, or any other location at which there is a substantially increased likelihood of a collision, the operator of any pursuit vehicle shall, prior to entering the intersection:

- 1. Reduce the vehicle's speed and control the vehicle so as to avoid collision with another vehicle or a pedestrian or fixed object.**
- 2. The officer shall observe that the way is clear before cautiously proceeding through the intersection.**



RESTRICTIONS

IMPORTANT

At all times including an attempt to close the distance prior to the initiation of the pursuit, **officers shall observe the applicable laws governing the right of way at intersections and other locations.**



RESTRICTIONS

UTILIZATION OF FIREARMS

- ✓ 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 the officer or another person where deadly force would otherwise be justified.
- ✓ Therefore, it is critical that our members have a strong working knowledge of the Use of Force Policy.



RESTRICTIONS

- ✓ Under no circumstances shall officers commandeer a civilian vehicle to engage in or continue a pursuit.
- ✓ Throughout the course of a vehicular pursuit, pursuing officers shall not attempt to overtake or pass the violator's moving vehicle.



RESTRICTIONS

SUV VEHICLES

- ✓ 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.**



RESTRICTIONS

UNMARKED VEHICLES

- ✓ Unmarked police vehicles shall not participate in a motor vehicle pursuit unless it is equipped with emergency lights and an audible device other than the standard horn.
- ✓ Unmarked vehicles shall immediately relinquish primary unit status upon participation of a marked vehicle.



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.





Chapter 11

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 12

ROLE OF THE SUPERVISOR



ROLE OF THE SUPERVISOR

**SUPERVISORS ARE
RESPONSIBLE**

**Supervisors are
responsible for
ensuring that all
personnel adhere to
our policy at all times.**



ROLE OF THE SUPERVISOR

- ✓ Upon being notified or becoming aware of a vehicular pursuit, **the supervisor shall take immediate control and provide directions to the pursuing unit(s).**
- ✓ The primary consideration of the supervisor is to acknowledge and authorize a pursuit to continue.
- ✓ ***The supervisor shall decide as quickly as possible whether or not the pursuit should continue.***



ROLE OF THE SUPERVISOR

The supervisor shall permit a pursuit to continue only if:

- ✓ There is a reasonable belief that the violator has committed an offense of the first or second degree, or a crime/offense enumerated in Appendix A (Slide 48) of this module, or
- ✓ There is a reasonable belief that the violator poses an immediate serious threat to the safety of any person.



ROLE OF THE SUPERVISOR

The supervisor shall order a pursuit terminated:

- ✓ at any time they conclude that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the violator.
- ✓ if the actor's identity is established to the point where later apprehension may be accomplished and where there is no immediate continuing threat to public safety.



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 attendant to prolonged vehicular pursuits:

- The 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 continuing threat to public safety.



ROLE OF THE SUPERVISOR

WHAT IS 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.

No precise formula can be used to determine when a pursuit has become of a protracted duration.



ROLE OF THE SUPERVISOR

Additionally, 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.

Communications personnel shall assume these responsibilities upon direction by the supervisor or upon their own initiative.





Chapter 13

ROLE OF COMMUNICATIONS



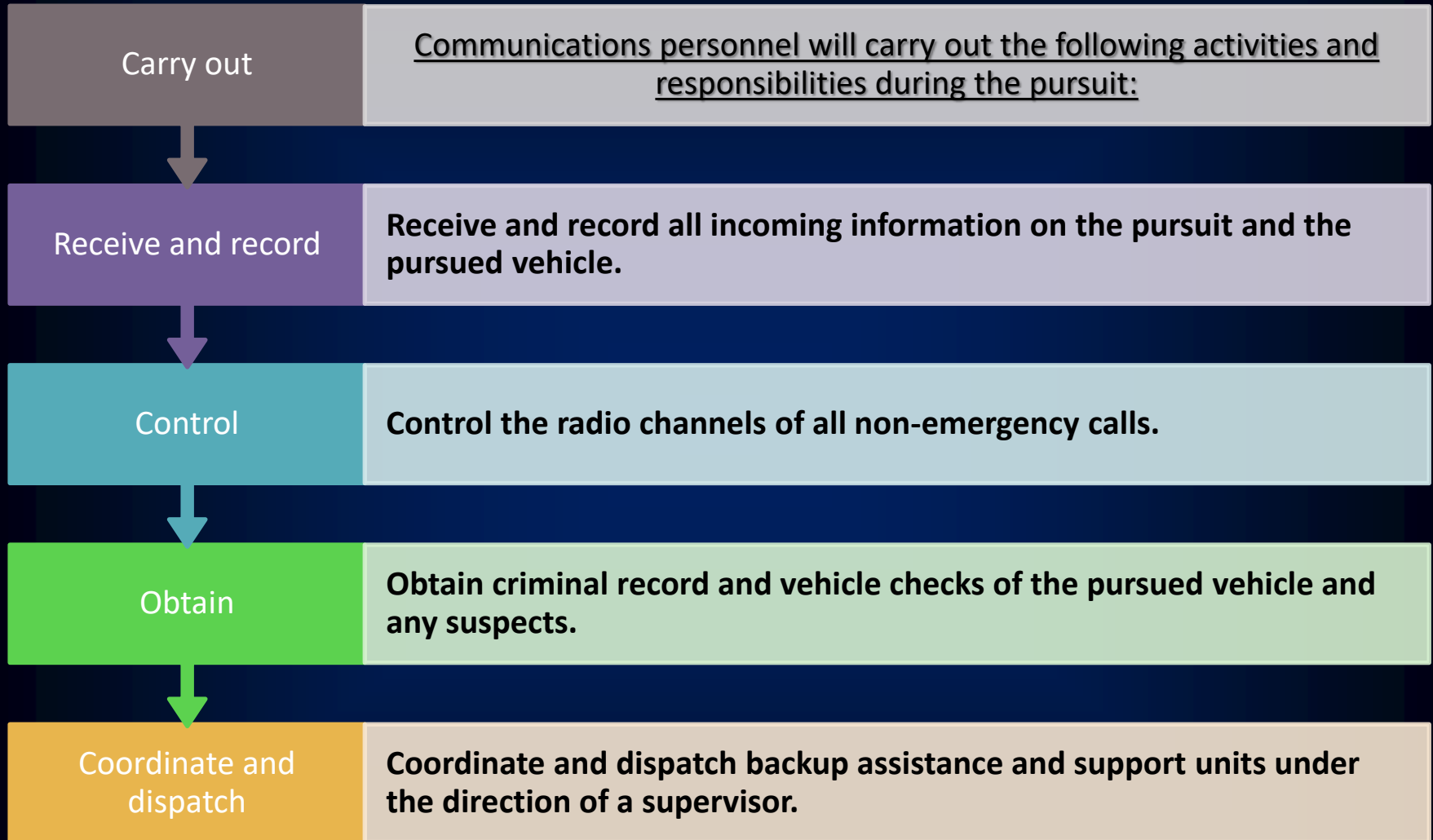
ROLE OF COMMUNICATIONS

Upon notification that a pursuit is in progress, communications personnel shall immediately advise the supervisor of essential information regarding the pursuit if they had not already been otherwise notified.

Communications personnel will keep the supervisor advised of the duration and progress of the pursuit.



ROLE OF COMMUNICATIONS



ROLE OF COMMUNICATIONS

Carry out	<u>Communications personnel will carry out the following activities and responsibilities during the pursuit:</u>
Notify	Notify neighboring jurisdictions through MIRS or SPEN when the pursuit may extend into its locality.
Ensure	Ensure that the necessary data entries are made.
Acknowledge	Acknowledge all radio transmissions from field units.
Rebroadcast	Rebroadcast pertinent radio transmissions to field units, if necessary.
Perform	Perform other duties as directed or required.





Chapter 14

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.

Vehicular Pursuit Training Module



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.

The Wayne Township PD Spring 2021
Vehicular Pursuit Training Module



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.**

The Wayne Township PD Spring 2021
Vehicular Pursuit Training Module



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.

The Wayne Township PD Spring 2021
Vehicular Pursuit Training Module



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 into the State of New York or Pennsylvania require specific authorization from the shift commander.



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 15

REPORTING REQUIREMENTS PURSUIT REVIEW



REPORTING REQUIREMENTS

All officers who operate agency vehicles in vehicular pursuit, roadblock, or forcible stopping 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.



PURSUIT INCIDENT REPORT

POLICE PURSUIT INCIDENT REPORT		
1. Squad/Unit	2. Incident No.	3. Patrol Day
4. Officer	5. Supervisor	6. Captain
7. Supervisor notified	8. Badge No.	9.
10. Incident Name	11. Incident Address	
12. Location of incident (describe)	13. Type of incident (describe)	14. Highest speed
15. Location of incident (describe)	16. Type of incident (describe)	17. Approx. distance to incident (miles)
18. Weather		
☐ Clear ☐ Rain ☐ Snow ☐ Other		
19. Road Surface		
☐ Dry ☐ Wet ☐ Ice or snow ☐ Other		
20. Area		
☐ Residential ☐ Commercial ☐ Highway ☐ Rural		
21. Reason for pursuit (describe)		
☐ Traffic Violation (describe)		☐ DWI
☐ Arrest (describe)		☐ Stolen Car
☐ Resisting other agency (name)		
☐ Suspected criminal involvement (describe)		
☐ Other		
22. Fire Deflation Device		
☐ Fire deflation used	Type	Effect
23. Pursuit outcome (describe)		
☐ Pursued voluntarily stopped/surrendered	☐ Pursued stopped in accident	
☐ Pursued voluntarily stopped/attempted flight on foot	☐ Pursued escaped in vehicle	
☐ Apprehended	☐ Officer Decision	
☐ Escaped	☐ Officer vehicle in accident	
☐ Pursued forced to stop/vehicle disabled	☐ Supervisor decision	
☐ Other (describe)		
24. Number of vehicles involved		25. Number of people involved
# Pursued vehicle	# Police Vehicles	# Pursued vehicle
# Third party vehicles	# Pedestrians	# Third party vehicles
26. Number of vehicles in custody		27. Number of people in custody
# Pursued vehicle	# Police Vehicles	# Pedestrians
# Third party vehicles		
28. List of officers involved		
29. Signature: _____ 30. Date: _____ 31. Review Date: _____		

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REPORTING REQUIREMENTS

Additionally, in all cases, an **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

THE PURSUIT REPORTS ARE DUE BEFORE THE END OF THE SHIFT

- ✓ The authorizing supervisor shall ensure that these reports are completed prior to the pursuing officer(s) reporting off duty unless operationally not feasible.
- ✓ 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.
- The reviewing supervisor shall complete a Meaningful Review Report to document his/her review and assessment of the incident.



REPORTING REQUIREMENTS

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.



REPORTING REQUIREMENTS

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

POLICE PURSUIT SUMMARY REPORT

Agency	County
Reporting Period	
Pursuit reporting period	Date completed
Pursuit number	

1. Number of pursuits initiated	
2. Number of pursuits resulting in accidents	
3. Number of pursuits resulting in injuries (NO DEATHS)	
4. Number of pursuits resulting in death	
5. Number of pursuits resulting in arrest	
6. Number of vehicles in accidents	
a. Pursued vehicles	
b. Police vehicles	
c. Third party vehicles	
7. Number of people injured	
a. Pursued vehicles	
b. Police vehicles	
c. Third party vehicles	
d. Pedestrians	
8. Number of people killed	
a. Pursued vehicles	
b. Police vehicles	
c. Third party vehicles	
d. Pedestrians	
9. Number of people arrested	
10. Number of pursuits in which a fire deflation device was used	

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MEANINGFUL COMMAND REVIEW

All pursuits, forcible stopping, and roadblock incidents shall be subjected to a documented meaningful command review.



The Internal Affairs Office shall normally conduct the meaningful command review.



MEANINGFUL COMMAND REVIEW

- ✓ The meaningful command review shall involve a review of all documents, including the supervisor's initial Meaningful Review Report, the available evidence and an interview of any available persons who may have information regarding the incident.



MEANINGFUL COMMAND 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 SOP regardless of the outcome.



Further purposes are to identify equipment needs, training needs, and to determine if modifications to our SOP are necessary, or to recommend disciplinary action.



MEANINGFUL COMMAND REVIEW

The Internal Affairs Officer 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.



If an agency vehicle collides with another vehicle or any other object during the course of a pursuit, the Traffic Bureau Commander or designee shall conduct or oversee an 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.

ACCIDENTS



ACCIDENTS

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 SOP's or policies**
- ✓ **Remedial training**
- ✓ **Equipment needs**
- ✓ **Discipline**



ANNUAL DOCUMENTED ANALYSIS

The Internal Affairs Office shall generate the required annual documented analysis of all pursuit incidents in the prior calendar year.

This analysis is a structured process for dissecting pursuit events into its 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.



PROSECUTOR NOTIFICATION

- ✓ In the case where 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, the Passaic County Prosecutor's Office must be notified immediately so that a review may be conducted on the county level.





Chapter 16

TRAINING REQUIREMENTS



TRAINING REQUIREMENTS

Training in the application of the Vehicular Pursuit directive shall be conducted semi-annually.

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.



TRAINING REQUIREMENTS

Nothing contained within our policy shall preclude supervisors from conducting additional training in the responsibilities and procedures set forth in our policy.

Supervisors are encouraged to openly discuss the provisions of our policy with their staffs to gain their commitment.

