

# Cobb County Police Department

## Policy 5.15

### VEHICLE PURSUITS

<b>Effective Date:</b> November 1, 2017	<b>Issued By:</b> Chief M.J. Register
<b>Rescinds:</b> Policy 5.17 (May 1, 2016)	<b>Page 1 of 10</b>
The words "he, his, him," which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.	

The purpose of this policy is to provide members of the Department with guidelines involving police motor vehicle pursuits. This policy and the standards contained herein are for Cobb County Police Department use only, and the standards or policy established do not apply in any criminal or civil proceedings. Even though, in certain instances, the standards or policy contained herein may be more stringent than legal standards for criminal or civil liability, they are not to be construed as creating a higher legal standard of safety or care by which the officer is to be bound in an evidentiary sense with respect to claims by others involving criminal or civil liability. The violation of this policy may subject the officer to Department sanctions or disciplinary action only, and shall not form the basis for civil and/or criminal action.

#### I. POLICY

The policy of the Department is to conduct motor vehicle pursuits in a manner balancing the apprehension of the suspect with the risk posed by the fleeing suspect as set forth in these guidelines. The primary consideration during a vehicle pursuit will be the safety of the officer, the community, and the suspect. Officers shall balance these factors as set forth in these guidelines.

#### II. DEFINITIONS

As used in this policy, the following words and terms shall have the meaning ascribed:

- A. Motor Vehicle Pursuit (also referred to as: pursuit):** An active attempt by a law enforcement officer in a motor vehicle to apprehend one or more occupants of another moving vehicle, where the officer has reasonable suspicion that the driver of the fleeing vehicle is aware of the attempt and is resisting apprehension. This is generally manifested by an increase in speed and/or evasive driving maneuvers. An officer who follows a driver whom he reasonably believes is in compliance with OCGA 40-8-91(e) shall not be considered to be engaging in a motor vehicle pursuit.
- B. Pursuit Supervisor:** The ranking officer responsible for monitoring and controlling the pursuit, authorizing back-up units, and ensuring the pursuit is in compliance with policy. Normally, the pursuit supervisor is the immediate supervisor of the officer who initiates a pursuit.

### **III. PROCEDURES**

#### **A. Emergency Equipment**

Department vehicles involved in a vehicle pursuit must be equipped with working blue lights and siren which shall remain activated at all times during the pursuit.

#### **B. Pursuable Offenses**

An officer shall only pursue a motor vehicle when there is reasonable suspicion based upon the totality of the circumstances that the driver and/or occupant(s) have committed, are attempting to commit, or are committing:

- Murder
- Voluntary Manslaughter
- Involuntary Manslaughter
- Aggravated Assault
- Aggravated Battery
- Kidnapping
- Rape
- Armed Robbery
- Hijacking a Motor Vehicle
- Any other crime which may include the immediate risk of serious bodily harm to any person (Note: The risk posed by the pursuit may not be the sole justification for the pursuit under this particular justification.)

Should an officer attempt to make, or make, a traffic stop based upon a traffic offense or other legal reason, at a time when the information may be insufficient to establish 'reasonable suspicion' of one or more of the above listed pursuable offenses, and the violator flees, the officer may pursue for a reasonable amount of time to attempt to obtain further information about the suspect/vehicle. If no further information can be obtained within a reasonable amount of time based upon the circumstances, or the occupant(s)/vehicle cannot be verified as being involved in one of the above listed offenses, the pursuit should be discontinued.

#### **C. Pursuit Risk Analysis**

After initiating a vehicular pursuit, the potential danger to the public and/or involved officers should be of utmost consideration. During the pursuit, the officer and pursuit supervisor should conduct continual assessments of the potential risk created by the pursuit versus the risk posed if the suspect is not immediately apprehended. Factors to consider when analyzing risk include, but are not limited to:

1. Driving manifestations presented by the fleeing suspect
2. The suspect's demonstrated willingness to create an extreme breach to public safety during the attempt to elude apprehension

3. Vehicular and pedestrian density in the area of the pursuit
4. Speed of the pursuit
5. Weather and roadway surface conditions
6. Whether the originating offense meets the policy threshold for pursuit
7. Whether the suspect identity has been or likely can be established making him subject to capture at a later date by other means
8. Duration of the pursuit
9. Whether the officers and supervisors are familiar with the area
10. Relative performance capabilities of the vehicles involved

**D. Pursuit Communications**

1. Once a pursuit is initiated, the officer should immediately provide the Communications Center with the following information:
  - a. Unit identification.
  - b. Location, direction of travel, and speed.
  - c. License number (if available) and violator's vehicle description.
  - d. Nature of offense.
  - e. Number and description of occupants (sex, race, and age, if known).
  - f. Any information concerning the use of weapons, threat of force, or other unusual hazards.
2. Generally, at 15 to 30 second intervals, the officer should provide progress reports as the pursuit develops to include current location; and any changes in speed, driving behavior, and/or traffic/road conditions.
3. All pursuit communications will remain on the initiating pursuit unit's channel.
4. All officers involved in the pursuit shall adhere to the Communications Pursuit Policy from the Law Enforcement Communications Policy.
5. Dispatchers will be responsible for following the procedures established by the 911 communications center.

**E. Assisting Units**

1. Unless directed otherwise by the pursuit supervisor, two additional police units may join in close pursuit of the fleeing vehicle. Additional units may be assigned or restricted based upon, but not limited to:
  - a. The nature of the offense for which the pursuit was initiated.
  - b. The number of suspects.
  - c. Any known propensity for violence by the suspect(s).
  - d. The type of vehicle being pursued.
  - e. The number of officers in the pursuit vehicle(s).

- f. Units needed for specialty stopping techniques.
  - g. Any damage to vehicles or injuries to the officer(s) assigned to the pursuit.
2. The closest unit to the pursuit shall advise the Communications Center of his location and his intent to assist. Once he has established constant visual contact with the initiating unit; he should assume radio communication responsibilities such as providing appropriate pursuit progress reports.
  3. Any additional units involved in the pursuit including those that are safeguarding intersections should notify the Communications Center of their status and location, when practical.
  4. No officer from another precinct or unit shall join the pursuit unless specifically authorized by their immediate supervisor and the pursuit supervisor.
  5. All assisting units should maintain safe distance intervals between vehicles as circumstances allow.

**F. Pursuit Supervisor**

1. Upon notification that a pursuit has been initiated, the immediate supervisor of the initiating officer shall notify the Communications Center that he is aware of the pursuit and assuming responsibilities of pursuit supervisor.
2. The pursuit supervisor will:
  - a. Conduct a continual risk analysis of all factors related to the pursuit to determine if it should continue or be terminated.
  - b. Proceed in the direction of the progress of the pursuit and the termination point of the pursuit if the violator's vehicle stops.
  - c. Request the E911 Center to notify other agencies of the pursuit when appropriate.
  - d. Coordinate any available support, such as K-9 or air units.
3. The pursuit supervisor should not join the pursuit unless no other marked patrol vehicles are reasonably available.
  - a. Should the pursuit supervisor assume one of these positions, he should relinquish that position to another officer as soon as it is safe to do so.

- b. If he must remain in the pursuit he should request that another supervisor assume the role of pursuit supervisor. All decisions made by the new pursuit supervisor will be adhered to by the pursuing supervisor regardless of assignment or rank.

**G. Prohibited Practices**

1. Officers should not pursue violators the wrong way on one-way roadways, divided highways, or entrance/exit ramps thereto/from.
2. Officers will not discharge their weapons at a moving vehicle unless the driver and/or occupant(s) are using deadly force. (see Policy 5.20 "Use of Force")
3. Officers should not create slow moving traffic for the purpose of slowing the speed of a chase as this can unnecessarily endanger the uninvolved public.
4. Officers should not attempt to pass other pursuit units for the purpose of acquiring a lead position. Circumstances that dictate the need for such action require specific direction from the pursuit supervisor.
5. Officers who are transporting prisoners, witnesses, suspects, complainants, or passengers other than on-duty Cobb County Police Officers will not engage in pursuits.

**IV. PURSUIT TERMINATION**

Pursuits ordinarily will be terminated under the following conditions:

- A. When the initiating officer determines that the driver is fleeing for an offense that is not authorized by this policy.
- B. When the pursuit supervisor, or his superior, orders the pursuit terminated.
- C. When the officer loses visual contact with the suspect for an extended period of time.
- D. When the pursuing officer is not familiar with the area and is alone.
- E. When only one Department vehicle is involved and there is an equipment failure involving an emergency signaling device, radio, or other essential mechanical equipment.
- F. When a supervisor has not acknowledged that he is aware of the pursuit.
- G. When a pursuing officer(s) does not provide adequate information about the pursuit.

**V. PURSUIT INTERVENTION TACTICS AND PROCEDURES**

If it is determined that the fleeing vehicle must be stopped immediately to safeguard life and preserve public safety, the following forcible stopping techniques may be utilized at the discretion of the involved officers, unless otherwise noted. Additionally, pursuit intervention tactics should only be utilized by officers trained in their use. The potential risks involved in utilizing any of the techniques should always be weighed against the nature of the violation and the risk of allowing the pursuit to continue.

**A. Precision Immobilization Technique (PIT Maneuver)**

1. The PIT maneuver shall only be used by officers in accordance with Department training received on the PIT maneuver.
2. When possible, the officer should communicate his intentions to PIT to other pursuing officers.
3. The following safety related factors should be considered before the PIT maneuver is utilized:
  - a. Speed
  - b. Visibility
  - c. Vehicular traffic conditions
  - d. The presence of pedestrians
  - e. Type of fleeing vehicle
  - f. Whether children are known to be in the vehicle
  - g. Road conditions
  - h. Driving manifestations of the suspect
4. The PIT maneuver should not be used to stop a pursuit with a motorcycle or all terrain vehicle unless the use of deadly force is warranted.
5. Specialty vehicles, such as Department SUVs, pick-up trucks, etc., should not normally be used for the PIT maneuver.
6. The PIT maneuver may be considered a use of force and the officer's individual actions must be objectively reasonable under the totality of the circumstances. However, a Use of Force Report will not be completed for PIT maneuvers.

**B. Rolling Roadblock/Boxing-in**

1. Rolling roadblocks or boxing-in may be used during a pursuit, or prior to the initiation of a pursuit, when an officer based upon his knowledge, training, and experience suspects that a driver will attempt to flee once traffic stop procedures are initiated.

2. The rolling roadblock should normally be restricted to roadways divided by a physical barrier unless directed by a supervisor.
3. The speed of the pursuit should be a predominant factor when analyzing the risk of employing rolling roadblock.
4. This rolling roadblock and/or box-in should not be employed when attempting to apprehend violators involved in crimes where it is known that firearms were involved.
5. The lead unit should coordinate the rolling roadblock and/or box-in.
6. Any officer or the pursuit supervisor may direct that the rolling roadblock or box-in be abandoned if it becomes apparent that it is no longer safe to continue.

**C. Forcing a Vehicle from the Roadway**

If deadly force is authorized, or if the driving manifestations of the fleeing suspect pose an immediate and substantial risk to the officers or uninvolved public, the police vehicle may be used to physically force the fleeing vehicle off the roadway by ramming or other reasonable means (this is not considered a PIT maneuver).

**D. Stationary Roadblocks**

1. A stationary roadblock shall be considered any stationary device, method, restriction, or obstruction utilized or intended for the purpose of preventing free passage of motor vehicles in order to affect the apprehension of an actual or suspected violator in a motor vehicle. This does not include the boxing-in of a vehicle prior to the initiation of a pursuit as described in Subsection B above.
2. Stationary Roadblocks may be utilized by officers during a motor vehicle pursuit only when deadly force is authorized and on the order of the pursuit supervisor.
3. Road and weather conditions must allow a minimum of 500 feet of visibility in both directions.
4. Only Cobb County Police vehicles should be used.
5. No officer will remain in the police vehicle after it has been positioned.
6. A path of escape for the pursued vehicle, police vehicle, or an uninvolved motorist must be established at the Stationary Roadblock.

**VI. SPECIALIZED VEHICLES**

**A. Motorcycle Unit / Unmarked Unit / K-9 Unit**

1. If a motorcycle, unmarked, or K-9 unit initiates a pursuit, he may continue that pursuit until a four wheel marked patrol vehicle joins the pursuit.
2. Motorcycle, unmarked, or K-9 units may join or continue as an assisting unit with the approval of the pursuit supervisor.
3. When a second four wheel marked patrol unit joins the pursuit, the motorcycle, unmarked, or K-9 unit shall discontinue.
4. After abandoning the pursuit, the initiating motorcycle, unmarked, or K-9 officer should proceed to the termination point in a non-emergency status, if there is an apprehension, or the vehicle recovered.
5. A K-9 officer may follow the pursuit at a safe distance and at a reasonable speed with the primary mission to provide support to other officers should there be a foot pursuit.

**B. Prisoner Transport Vans / Pick-up Trucks**

Prisoner transport vans and pick-up trucks will not become involved in pursuits.

**VII. INTER-JURISDICTIONAL PURSUITS**

**A. Inter-jurisdictional Pursuits within Cobb County**

1. When a Departmental pursuit enters a municipality within Cobb County, the pursuit is to be conducted in accordance with this policy.
  - a. A municipal agency vehicle may join the pursuit to provide support at the discretion of the municipality or other agency.
  - b. Should there be a traffic crash with serious injuries involving the pursued vehicle inside a city jurisdiction; the Cobb County Police Department STEP Unit will conduct an investigation. However, this does not imply that a city agency may not conduct its own investigation of the traffic crash.
2. When a municipality or other jurisdiction pursues a motor vehicle into unincorporated Cobb County and requests assistance in the pursuit:
  - a. The assistance in the pursuit must be approved by a supervisor; and
  - b. The pursuit shall be conducted in accordance with this policy.

**B. Inter-Jurisdictional Pursuits Outside of Cobb County**

The pursuit supervisor will be notified at the earliest opportunity that a pursuit has entered an adjacent county or municipality outside of the corporate limits of Cobb County. At the discretion of the pursuit supervisor, he may allow the pursuit to continue or discontinue the pursuit.

**C. Responsibility of the Initiating Agency**

1. Arraignment of arrested persons;
2. Disposition of any passengers;
3. Disposition of arrested person's vehicle;
4. Coordination of all reports, citations and criminal charges with the exception of traffic crash reports.

**VIII. PURSUIT CRITIQUE PROCEDURE**

**A. Documentation and Review Procedures**

1. The initiating officer of the pursuit (or a pursuit intervention tactic if no pursuit occurred) is responsible for the completion of an incident report and other reports and documents as required. The pursuit supervisor may direct other units to assist as necessary.
2. All other officers involved/assisting in the pursuit will complete a supplemental report documenting their involvement in the pursuit.
3. The pursuit supervisor will ensure that he has a copy of the initiating officer's incident report and all other supporting documents (i.e. arrest warrants, traffic crash reports, video recordings, etc).
  - a. The pursuit supervisor will review the pursuit and any intervention tactics deployed with all involved personnel. The review will include an examination of car video recordings, if available.
  - b. The pursuit supervisor will complete a Vehicle Pursuit Statistical Report. A copy of all documentation including pursuit video will then be forwarded through the chain of command to the precinct/unit commander.
4. The Precinct/Unit Commander of the unit which initiated the pursuit is responsible for ensuring that the internal critique documentation is complete. A Command Review Form detailing the information below should be submitted to the Deputy Chief of Precinct Operations within 30 days after the date of the pursuit.
  - a. A synopsis indicating that all required documentation is completed
  - b. Whether the pursuit was properly (or improperly) supervised

- c. Any policy violations that occurred during the pursuit and how they were addressed with personnel
  - d. Any training needs which need to be considered.
  - e. Any policy or procedure changes which need to be made
5. The Chief's Office will review all documentation and forward it to the Training Unit for further review and storage.

**B. Annual Review of Pursuits**

1. In February of each year, the Department of Public Safety Training Unit will conduct a documented annual analysis of all pursuits from the previous calendar year. Included in the analysis will be a documented review of pursuit policies and reporting procedures.
2. The annual analysis will be forwarded to the Chief of Police for appropriate distribution in the Cobb County Police Department and the Cobb County Department of Public Safety.