Vehicular Pursuits
December 2019
Considerations Document

Vehicular Pursuits

I. PURPOSE
This document is intended to provide agencies with items for consideration when developing their policies regarding vehicular pursuits.

II. POLICY
Agencies should develop a policy statement to briefly and concisely explain to agency personnel and the public the agency’s policy on vehicular pursuits.

Sample: Vehicular pursuits present a danger to the public, officers, and suspects involved. It is the policy of this law enforcement agency to regulate the manner in which vehicular pursuits are undertaken and performed.

III. DEFINITIONS
Authorized Emergency Vehicle: A vehicle of this agency equipped with operable emergency equipment as designated by applicable law.

Primary Unit: The initial pursuing law enforcement unit that assumes primary control of the pursuit unless relieved by another unit.

Secondary Unit: The second law enforcement unit in a pursuit.

Terminate: To discontinue or stop pursuing a vehicle as defined by agency policy.

Tertiary Unit: The third law enforcement vehicle that may be used to assist in tactical interventions on a high-risk traffic stop, to work any crash that occurs, and/or to assist with arrests.

Vehicular Pursuit: An attempt by an officer in an authorized emergency vehicle to apprehend a suspect who is actively attempting to elude apprehension while operating a vehicle as defined by applicable law.

IV. PROCEDURES
A. Overall Pursuit Philosophy
The first step an agency should take when developing its vehicular pursuit policy is to clearly outline the overall pursuit philosophy that will be adopted. This overarching philosophy should outline when officers are authorized to pursue and should take into account a variety of factors, to include relevant jurisdictional law; the environment in which the agency operates, such as an urban or rural locale; and community expectations. This philosophy will largely dictate the procedures and tactics to be used during a pursuit. Options include

1. Discretionary - the officer is provided with the discretion to determine whether to engage in and/or continue the pursuit.
2. Permitted – Supervisory Review – pursuits are subject to supervisory approval and/or review.
3. Restricted – officers may engage in pursuits only in specific situations, such as when the suspect has committed a violent felony.
4. Prohibited – pursuits are not allowed under any circumstance.

B. Pursuit Engagement
When developing guidelines for determining when to engage in pursuit, agencies should consider these aspects:

1. What factors influence the decision to pursue. The decision to pursue must be based on the pursuing officer’s determination that the immediate danger to the officer, the suspect, and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large. Criteria for officers to consider when deciding to engage in or continue a pursuit may include these elements:
• The seriousness of the offense
• Risk factors, such as the following:
  o Existence of vehicular and pedestrian traffic
  o Known information on the suspect
  o Road configuration (e.g., interstate, divided highway, work zone)
  o Physical location and population density (e.g., residential area, school zone, business district)
  o Lighting and visibility
  o Weather and environmental conditions
  o Performance capabilities of the pursuit vehicle and the vehicle being pursued
  o Officer training and experience
  o Availability, both in time and distance, of support units, both ground and air, and tagging and/or tracking capability
  o Speed and evasive tactics employed by the suspect
  o Presence of minors and/or other persons in the police and suspect vehicles
  o Existence of any other condition or situation that would create an unreasonable risk

2. When officers should refrain from undertaking a pursuit. This may include situations where
• the subject(s) can be identified with enough certainty that they can be apprehended at a later time, unless a greater danger would result;
• the subject and/or the officer is operating a motorcycle; and/or
• officers are providing transportation for any person other than law enforcement officers.

C. Pursuit Operations
Agencies should develop specific guidance to be followed when the decision has been made to engage in a pursuit. These guidelines may include these undertakings:
1. Requiring that officers follow jurisdictional laws and related regulations regarding emergency vehicle operations, including use of seat belts.
2. Determining the role and responsibilities of communications personnel. For example, duties may include
   o notifying a supervisor, where available, of the pursuit;
   o clearing the radio channel of non-emergency traffic; and
   o relaying necessary information to other officers and jurisdictions.
• supervisory personnel, when available, to include deciding whether they will be responsible for
  o reviewing the information provided and known about the pursuit,
  o requesting additional information or updates, and/or
  o deciding whether the pursuit should continue or be terminated.
• the primary unit.
• the secondary unit, when available, such as
  o providing notification when they join the pursuit, and
  o assuming responsibility for relaying information on pursuit conditions and location.
• the tertiary unit, if included.

3. Determining how many vehicles or units should participate in a pursuit, including those from other jurisdictions; who is responsible for this decision; and if the number can be adjusted during the pursuit.

4. Outlining when pursuit units shall be discontinued, such as when the fleeing vehicle comes under air surveillance or other monitoring technology has been employed.

D. Supervisory Responsibilities
Agencies should first determine if supervisors will be available during a pursuit. If so, they should develop guidelines that define the extent of the supervisor’s roles and responsibilities during vehicular pursuits. Potential responsibilities include doing the following:
1. Actively monitor and manage the pursuit.
2. Determine whether the pursuit should continue.
3. Ensure that
• the safety of the public, officers, and suspects is being continuously assessed;
• no more than the necessary number of units is involved;
• where available, support aircraft and monitoring technology has been requested;
• the appropriate radio channel is being utilized; and
• surrounding jurisdictions have been notified of the pursuit and updated information is provided.

4. Discontinue the pursuit when appropriate.

E. Pursuit Procedures

Agencies should determine the procedures that will be followed during a vehicular pursuit. This may include guidance regarding

1. initial actions to be taken once a pursuit is initiated. This may include
   • activation of emergency lights, sirens, and cameras, where available, and stating that they should remain activated for the duration of the pursuit.
   • appropriate notifications to be made, to include by whom, to whom, and the information to be provided such as the following data:
     o Initial reason for the stop
     o Existence of any information concerning the presence/use of firearms, overt threat of force, or other unusual hazard
     o Location, direction and speed of the pursuit
     o Description of the pursued vehicle, including license plate number, if known
     o Number, identity, and description of any known occupants
   • frequency of updates regarding the pursuit conditions, location, direction, speed, weather conditions, and presence of other traffic.

2. appropriate actions for
   • non-involved officers, such as following the pursuit on parallel streets when it will not create an unreasonable hazard to other vehicular or pedestrian traffic;
   • situations when a pursuit is initiated by other than a marked patrol unit; and
   • motorcycle units.

3. prohibited pursuit behaviors, such as conducting a pursuit in a direction against the lawful flow of traffic on a one-way street or lane of a divided highway absent exigent circumstances.

4. intervention tactics. Agencies should consider

• dictating that “only the amount of force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others,” is used based on “the individual officer’s evaluation of the situation considering the totality of the circumstances.”

• establishing limits regarding the use of intervention tactics. This may include authorizing these tactics only in situations where
  o it is possible to do so safely based on careful consideration of all facts known to the officer;
  o the officer utilizing such tactics has received appropriate training; and
  o a supervisor has given approval.

• highlighting any prohibitions regarding intervention tactics. This may include stating that these tactics are not authorized for use on motorcycles unless deadly force is authorized.

5. procedures to be followed once the pursued vehicle is stopped. Agencies may elect to instruct officers to follow policy related to high-risk vehicle stops in these situations.

F. Termination of the Pursuit

When providing guidance on termination of a pursuit, agencies should consider these factors:

1. The frequency with which the pursuit should be reevaluated and assessed, including all initiating factors, pursuit conditions, and available resources.

2. Guidelines for when the pursuit should be terminated. For example, agencies may require termination of a pursuit when the following are true:
   • It is reasonable to believe the risks associated with continued pursuit are greater than the public safety benefit of immediate apprehension.
   • The suspect’s identity has been determined.
   • Immediate apprehension is not necessary to protect the public or officers.
   • Apprehension at a later time is feasible.
   • The pursued vehicle’s location is no longer definitively known.

3. Who has the authority to end the pursuit.

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4. Guidance for pursuing units to follow when the pursuit has been terminated. For example, at the termination of the pursuit, agencies may require that officers
   - obey all traffic laws, including those related to speed;
   - turn off all emergency equipment;
   - inform communications personnel of the termination along with their location; and/or
   - turn their vehicles in another direction of travel away from where the suspect’s vehicle was last seen heading or pull to the side of the road if on a limited access roadway when safe and practical to do so.

G. Interjurisdictional Pursuits
   Agencies should establish guidance regarding interjurisdictional pursuits. This guidance may include these factors:
   1. Applicable laws, policies, and interjurisdictional agreements that should be followed.
   2. Appropriate notifications when it is likely that a pursuit will continue into a neighboring jurisdiction, to include
      - who should be notified;
      - who should conduct the notification; and
      - when the notification should be conducted.
   3. Factors that will influence the pursuit decision in these situations, such as the willingness and capability of the other jurisdiction to assume control of the pursuit.
   4. How the degree of the agency’s involvement will be determined and by whom.
   5. Guidelines to determine who has control of the pursuit. This may include
      - asking the other jurisdiction if they want to assume control of the pursuit when it enters another jurisdiction;
      - participating in another jurisdiction’s pursuit only in response to a specific request; and
      - establishing clear guidelines for
        - relinquishing control of the pursuit to another jurisdiction, such as requiring that clear and unambiguous confirmation of acceptance of control of the pursuit must be obtained; and
        - assuming control from another jurisdiction, to include cancelling pursuit participation by units from the requesting agency.

6. Procedures to be followed by the initial pursuing officers once a pursuit has been assumed by the law enforcement agency of another jurisdiction.

7. Types of assistance that may be requested by another jurisdiction involved in a pursuit, to include but not limited to
   - conducting traffic control;
   - providing support units, air or ground;
   - conducting a tactical vehicle intervention;
   - responding to and/or investigating collisions; and/or
   - assuming complete control over the pursuit.

H. Post-Pursuit Procedures
   Specific guidelines should be established regarding post-pursuit procedures. These guidelines may include
   1. reporting requirements, to include
      - who is required to complete a report;
      - appropriate forms;
      - designated timeframes for completion;
      - information to be included; and
      - review procedures, such as a supervisory review to determine compliance with policy.
   2. investigative procedures, to include those related to
      - any pursuit that results in a fatality, injury, or serious property damage, and
      - any use of force.
   3. review of videos of vehicular pursuits, where available, as part of the pursuit report review and critique.
   4. analysis of pursuit activity, to include
      - frequency;
      - individual(s) responsible for review and approval;
      - whether it will be completed if there are no pursuits during the designated time period;
      - potential results of the analysis, such as additions, deletions, or modifications warranted to departmental pursuit policies, procedures or training; and
      - possible implications on the organization, such as those related to
        - recent changes in law, civil liability, or best practices;
        - policy;
        - equipment;
I. Training

Training is a crucial component of an agency’s vehicular pursuit policy. The exact nature of the training will be influenced by the agency’s overall pursuit philosophy. However, in all agencies, officers should be given initial and periodic updated training in the agency’s pursuit policy, decision-making, tactical and pursuit driving, and in overall safe driving tactics.

Every effort has been made to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. Readers outside of the United States should note that, while this document promotes procedures reflective of a democratic society, its legal basis follows United States Supreme Court rulings and other federal laws and statutes.

Law enforcement administrators should be cautioned that each law enforcement agency operates in a unique environment of court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered, and should therefore consult its legal advisor before implementing any policy.

This document is not intended to be a national standard.

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I. INTRODUCTION

A. PURPOSE OF THE DOCUMENT

This paper is designed to accompany the Considerations Document on Vehicular Pursuit established by the IACP Law Enforcement Policy Center. This paper provides essential background material and supporting documentation to provide a greater understanding of the recommendations and guidance provided in the Considerations Document. This material may be of value to law enforcement executives in their efforts to develop policies that meet the requirements and circumstances of their communities and their law enforcement agencies.

The purpose of this document is to assist law enforcement agencies in pursuit management by examining some of the most significant issues involved in vehicular pursuits and the law applicable to injuries resulting from vehicular pursuits.

B. STATISTICS – UNITED STATES

Many law enforcement agencies and some states keep and analyze their pursuit statistics, but there is no centralized, national repository for these data. However, agencies that are accredited are required to have a policy and to collect and analyze data on pursuits.¹

Limited, voluntary data collected by the IACP’s Pursuits database from 2016-2018 show that most pursuits were short in duration (57 percent were three minutes or less) and length (55 percent were 2 miles or less), but reached relatively high speeds (30 percent exceeded 91 miles per hour). Most pursuits reported (66 percent) began with a traffic violation, while only 6 percent were for a violent felony. Pursuits were most frequently terminated by the officer and/or supervisor (33 percent), followed by the driver stopping (26 percent). In the timeframe reported, no injuries were sustained to law enforcement or uninvolved persons 98 percent of the time and to the suspect 91 percent of the time. A total of 26 fatalities were reported - 22 deaths involved the suspect and 4 deaths were of another, uninvolved person.²

According to the most recent data available from the Bureau of Justice Statistics, 68,000 pursuits were conducted in 2012. The report also stated that the majority of agencies in 2013 had pursuit policies, but 4 percent of local agencies and 10 percent of the sheriff’s offices that were responsible for 10,000 people or fewer did not have a pursuit policy. During 2012, pursuits were conducted at a higher rate by agencies with discretionary policies (17 pursuits per 100 officers employed). State agencies were twice as likely as local agencies to leave pursuit decisions to the officers’ discretion. Overall, policies that were restricted by criteria were more prevalent in general purpose state and local law enforcement agencies that reported at least one pursuit. Sixty-four percent of the agencies reported policies restricted by criteria, while 57 percent reported discretionary policies. Thirty-six percent of the agencies had no written policy and 17 percent discouraged or prohibited pursuits.³

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¹ See CALEA standard 41.2.2, Pursuit of Motor Vehicles.
² Pursuit database (1/1/2016 - 12/31/2018 data). Note that participation in the data collection efforts associated with this database is voluntary and have not been subjected to rigorous analysis. The data represent 116 agencies and 4,865 pursuits.
C. TYPES OF VEHICULAR PURSUIT POLICIES

There are several approaches agencies should consider when developing their policies and procedures related to engaging in vehicular pursuits. The specific approach appropriate for each agency will depend largely on applicable law and community expectations. Due to the varying agency responses and potentially contentious nature of this debate, this document does not adopt or promote any specific approach.

In order of level of officer discretion, these include

- **Discretionary** – the officer is provided with the discretion to determine whether to engage in and/or continue the pursuit.
- **Permitted – Supervisory Review** – pursuits are subject to supervisory approval and/or review.
- **Restricted** – officers may engage in pursuits in only very specific situations, such as when the suspect has committed a violent felony.
- **Prohibited** – pursuits are not allowed under any circumstance.

II. THE PURSUIT DECISION

The primary mission and sworn duty of every law enforcement agency and officer is to protect and to serve the public. Therefore, one of the first issues to be examined is whether vehicular pursuits further that goal, especially considering the inherent danger of pursuits to both the public and the officers.

Law enforcement officers and agencies must determine whether the public is best protected by engaging in a pursuit or by taking some other form of action. Agencies must balance the risks, take all of the factors into consideration, and reach a decision that is best suited to their jurisdictions. Banning or limiting pursuits by policy, requiring supervisory approval, or providing officers with full discretion in deciding these matters may be legally acceptable alternatives based on applicable jurisdictional law and cases.

A. AUTHORIZATION TO ENGAGE IN PURSUIT

The first policy decision that must be made by an agency’s chief executive is when officers will be authorized to engage in a pursuit. Agencies and officers must balance the need to immediately apprehend the driver of the fleeing vehicle with the risk to the public, the officers, and the community of engaging in a pursuit.

As previously identified, some agencies elect to provide officers with discretion to make all pursuit decisions, referred to as a discretionary policy. The reasoning behind this approach is that officers have the most facts available when making pursuit decisions. However, agencies should be aware of the competing priorities vying for an officer’s attention during a pursuit, including heightened emotions, driving at high speeds, maintaining situational awareness, and considering environmental factors such as weather and road conditions, and the effects of these on an officer’s decision-making capabilities. Agencies using this approach should ensure that their officers receive regular and advanced training in decision-making; pursuit tactics; and the applicable law and policy governing the initiation, continuation, and termination of pursuits.

Another option is to incorporate supervisory involvement in the pursuit decision. When adopting this approach, due to the split-second nature of the situation, officers are required to make the initial decision to engage in a pursuit and a supervisor assumes control of pursuit decisions as soon as reasonably possible, utilizing continuously updated information provided by the officer(s) involved in the pursuit. This provides a level of objectivity to the pursuit decisions and theoretically allows for a rational evaluation of risks versus potential advantages. The lack of availability of on-duty supervisors in some jurisdictions may be a limitation to this approach. The availability of supervisors should be a significant factor to consider when developing agency policy related to vehicular pursuits.

Agencies may also decide to adopt a policy that identifies offenses that are sufficiently significant to justify the risk of a pursuit, referred to as a restricted approach. Agencies must determine how serious an offense must be to justify engaging in vehicular pursuits that contain inherent risk. An agency may choose to adopt a policy that permits pursuit only when the fleeing driver is known or reasonably suspected of committing a violent felony or other elevated threshold. Pursuits that are the result of minor traffic violations are prohibited in this approach as they do not justify the resultant risks to the public, officers, or suspect.

Finally, an agency may determine that a complete prohibition on all vehicular pursuits is preferable.
B. DECISION TO ENGAGE IN A PURSUIT

Regardless of the policy approach adopted by an agency, the need to apprehend the fleeing suspect must be greater than the risk presented by the pursuit. This should take into account the offense known to the officer at the time; the risks presented by the operation of the vehicles, to include those related to driver recklessness, vehicle speeds, and environmental conditions; and whether the suspect, if allowed to flee, would present a danger to human life or cause serious injury. This risk determination should be based on information known by the officer at the time of the pursuit decision and cannot be based on speculation.

However, unless a greater danger would result, pursuits should not be undertaken if the identity of the fleeing suspect is known or can be obtained with enough certainty that they can be apprehended at a later time. For example, where the officers recognize the individual through personal knowledge or information received, or where the license number of the vehicle can be obtained, pursuit may be inappropriate.

In making the pursuit decision, a number of factors should be taken into consideration. These include but are not limited to the following:

- *The seriousness of the known offense.* As noted earlier, some agencies may elect to set limits on the types of offenses that justify a pursuit. Using this approach, the risk of injury or death to the officer or to the public is not supported by the need to apprehend an individual who has committed only a traffic violation.

- *Known information on the suspect.* If the identity of the suspect is known or is reasonably likely to be determined and it is reasonable to believe that they can be apprehended without harm to the officer or the public, a pursuit should be avoided. However, if the suspect is known to have committed a violent crime, then a pursuit may be justified.

- *Road configuration, population density, and existence of vehicular and pedestrian traffic.* A pursuit that would be permitted on a sparsely traveled roadway might not be authorized in a heavily populated urban area. Additional considerations may include the level of vehicular and pedestrian traffic and whether the pursuit will travel through a school zone or a residential community.

- *Lighting, visibility, weather, and other environmental factors.* This includes the nature and condition of the road(s) upon which the pursuit will be conducted, including curves, hills, road maintenance levels, and the weather conditions at the time.

- *The relative performance capabilities of the pursuit vehicle(s).* Pursuit in a vehicle that lacks the performance to safely maintain visual contact with the target vehicle may result in excessive risk taking by the pursuing officer, a total failure of the pursuit, or both. Agencies should consider whether any vehicles in their fleet, to include motorcycles or all-terrain vehicles, may be prohibited from participating in a pursuit due to the elevated risk to the officer and the public.

- *The performance capabilities of the vehicle being pursued.* Agencies should determine whether pursuits should be continued when the suspect is operating a vehicle, such as a motorcycle, whose performance capability, to include speed and maneuverability, exceeds those of the pursuing law enforcement vehicle. Pursuit speed will factor heavily in these decisions, as performance capability is moot during low-speed pursuits.

- *Officer training and experience.* Agencies should consider providing initial and recurring training related to emergency vehicle operations and decision-making. Only officers who have received this training should participate in a pursuit.\(^4\)

- *Availability of support units.* This should include both ground and air tagging and/or tracking capabilities and should consider how close these resources are in terms of time and distance.

- *Speed and evasive tactics employed by the suspect.* High speed and erratic driving by the suspect may increase the chance of injury or death to the suspect, officer(s), and bystanders and should be factored into the decision-making process when determining whether to continue the pursuit.

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\(^4\) See the Training section for additional information regarding training considerations.
- The presence of other persons in the law enforcement vehicle. In some instances, persons other than law enforcement officers may be present in the vehicle. These may include arrestees, witnesses to an earlier incident, non-law enforcement officials of the jurisdiction, and observers of various kinds. Pursuits should not be undertaken when these individuals are present. Under exigent circumstances it may be possible to release such individuals in a safe location prior to initiating the pursuit.

- The presence of minors and/or other persons in the pursued vehicle. The same can be said of the presence of persons in addition to the driver in the suspect vehicle, particularly minors. The presence of other persons who are not considered suspects of a crime in the vehicle would normally lessen the justification for engagement in a pursuit but becomes a critical factor against continuation of a pursuit, all other factors being held constant. Officers should also consider whether the driver is a minor.

C. ROLES AND RESPONSIBILITIES

Agencies should consider the roles and responsibilities of various groups involved in the pursuit.

Communications Personnel. Regular communication is essential in a vehicular pursuit. Agencies should designate the role of communications personnel during a vehicular pursuit, which may include notifying an available supervisor of the pursuit; clearing the channel of non-emergency traffic; and relaying necessary information to other officers and, where appropriate, other jurisdictions.

Supervisory Personnel. The involvement of supervisory personnel in a vehicular pursuit will depend largely on the agency’s pursuit philosophy. However, agencies with policies that include supervisory review should clearly articulate who will be designated as the supervisor and their responsibilities. These responsibilities may include reviewing the information provided and known about the pursuit; requesting additional information or updates as necessary; and, after taking all the known information into account, deciding whether the pursuit should continue or be terminated. Agencies should also address the procedures to be followed if a supervisor is not immediately available—to include whether the pursuit must be terminated within a designated period of time.

For agencies that require supervisory involvement, the first step should be to determine who is the designated supervisor responsible for pursuit decisions. This may be the individual who has direct oversight over the officer(s) involved in the pursuit or the first supervisor to become aware of the pursuit. The designated supervisor should be advised immediately by communications personnel of any pursuit. This supervisor should monitor, coordinate, and direct pursuit operations and should have full authority to terminate the pursuit if circumstances warrant. In particular, the supervisor should be responsible for coordinating and directing activities as needed to ensure that proper procedures are used. This includes ensuring that the safety of the public, officers, and suspects is being continuously assessed; no more than the necessary number of units are involved; where available, aircraft and monitoring technology has been requested; the appropriate radio channel is being utilized; and surrounding jurisdictions have been notified.

Primary Unit. Guidelines should be provided for the officer initiating the pursuit, referred to herein as the primary unit. This may include providing communications personnel with information regarding the pursuit. The primary unit should also be given the authority to terminate the pursuit at any time. These guidelines should take into account the variety of stimuli and needs that will be competing for the officer’s attention.

Secondary Unit. A secondary unit may become involved in a pursuit. Notification of the secondary unit’s involvement should be provided immediately upon joining the pursuit. It is recommended that the secondary unit assume communication responsibilities as soon as possible, to include relaying information on pursuit conditions and location.

Additional Units. Agencies should decide the allowable number of units authorized to engage in a pursuit. While some agencies may limit this to two units, others may allow for three or more units to become involved. If the latter, agencies should address these additional units, to include who is responsible for this decision, whether this decision may be adjusted during the pursuit, and guidance for the additional units, such as maintaining an appropriate distance from the primary and secondary units.

D. PURSUIT PROCEDURES

While each pursuit situation may be different and require different tactics and resources, some general principles should be considered.

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5 For some agencies, there may be situations where a supervisor is not available and/or is not involved on any level.
**Initial Actions.** At the initiation of the pursuit, the primary unit should activate or confirm activation of the emergency lights, sirens, and, where available, cameras. This equipment should remain activated for the duration of the pursuit.

Agencies should also outline what notifications should be made, to include by whom, and to whom. For instance, the primary unit may be responsible for providing communications personnel with information regarding the initial reason for the attempted stop; any information concerning the presence or use of firearms, threat of force, or other unusual hazard; the location, direction, and speed of the pursuit; a description of the pursued vehicle and license number if available; and the number, identity, and description of any known occupants. Agency policy should discuss the required frequency of updates, especially those regarding the pursuit conditions, location, direction, speed, weather conditions, and presence of other traffic. The responsibility for providing this information may fall to the secondary unit, where available.

**Appropriate Actions.** Agencies should determine the appropriate actions for pursuing officers and officers not involved in the pursuit. Agencies should also address the proper procedures for situations when a pursuit is initiated by an unmarked patrol unit. It is recommended that, if a pursuit is initiated by an unmarked unit, a marked unit should take over the primary position as soon as possible. Agency policy should also address whether motorcycle units are permitted to participate in the pursuit.

Vehicular pursuits almost inevitably require that the participating law enforcement vehicles operate beyond the scope of normal traffic laws. “Emergency vehicles,” as equipped in accordance with applicable law, may be exempt from traffic regulations under specified conditions. Agency policy should allow for officers to operate the pursuing vehicle in a manner that exceeds normal traffic regulations to the extent they are authorized to do so by law, agency policy, and circumstances that are present during the pursuit. Agencies should ensure that their pursuit policy is consistent with other directives, such as those related to emergency vehicle operations.

Agencies should consider requiring that officers narrate their observations and actions while engaging in a vehicular pursuit. This can easily be accomplished using in-car and/or body-worn cameras. This will provide a record of their decision-making and thought processes in a manner that does not place further demands on their concentration.

**Prohibited Actions.** Agencies should consider what behaviors are prohibited during a vehicular pursuit. This may include prohibiting officers from conducting a pursuit in a direction against the lawful flow of traffic on a one-way street or lane of a divided highway. In addition, while other officers should monitor the progress of the pursuit, agencies may wish to provide guidance and direction to officers not involved in the pursuit. Agencies should consider whether the following are allowed. This decision should be centered around whether these actions create an unreasonable hazard to other vehicular or pedestrian traffic.

- **Caravanning** – occurs when enforcement vehicles, other than those assigned to the pursuit, operate as a group either in a line or alongside each other, following the route of the pursuit in such a manner as to catch up with or maintain close proximity to the pursuit, usually with less than sufficient reactionary distance between vehicles to adjust for sudden movement or actions by the preceding vehicles.
- **Paralleling** – includes participating in the pursuit by proceeding in the same direction and maintaining approximately the same speed while traveling on an alternate street or highway that parallels the pursuit route.
- **Trailing** – involves following the path of the pursuit while obeying all traffic laws and without activating emergency equipment.

**Intervention Tactics.** As part of a vehicular pursuit policy, agencies should address which, if any, intervention tactics are available and in what, if any, situations they are authorized. Agency policy should provide specific guidance regarding situations where the use of intervention tactics is authorized. This should include weighing the risk involved with the use of the intervention tactic against the risk of allowing the pursuit to continue or be terminated. The decision to use intervention tactics should be made following careful consideration of all the facts known to the officer and only when conditions permit. Agencies should also determine whether these tactics are considered uses of force and should consult with their legal advisor to determine if applicable laws exist in their jurisdiction governing their use.

Once a determination has been made whether individual intervention tactics are available per policy, guidelines should be developed regarding their appropriate use. These guidelines may incorporate safety items to consider before use, required training for officers utilizing the individual tactic, and whether supervisory approval is required before deployment of the tactic.
Potential intervention tactics include

- **Roadblocks.** Roadblocks may create a danger that the suspect will crash into the roadblock causing injuries or death. But with training, preparation, and proper configuration, a roadblock can be effectively employed in some situations. The physical location of the roadblock should provide the driver of the pursued vehicle with adequate opportunity to stop.

- **Rolling Roadblocks.** Rolling roadblocks include the placement of one or more law enforcement vehicles in the path of the fleeing vehicle, in order to cause it to slow and/or stop. This can be accomplished by one vehicle, swerving back and forth from lane to lane, although this may be difficult, as it requires anticipation of the driver’s movements, or by two or three vehicles, moving along the roadway in tandem.

- **Ramming.** Ramming is the deliberate act of impacting the pursued vehicle with another vehicle to functionally damage or otherwise force the pursued vehicle to stop. Ramming is a highly dangerous action that should be restricted to only the most extreme situations where failure to take such action could reasonably be expected to result in death or serious injury.

- **Pursuit Intervention/Immobilization Technique (PIT maneuver) and Tactical Vehicle Intervention (TVI).** These are physical vehicle contact maneuvers designed to terminate a pursuit at lower speeds. They should be undertaken only by trained law enforcement personnel. These maneuvers should be followed by a secondary non-contact pinning maneuver to prevent the individual from fleeing again.

- **Spike Strips.** Spike strips are specially designed to bring a fleeing vehicle to a gradual stop by slowly deflating the tires. When deciding whether to employ spike strips, the type of vehicle, pursuit speed, and location should be considered.\(^6\)

- **Tagging/Tracking.** Where available, agencies should consider utilizing real-time tracking technology. This allows for an officer to tag the pursued vehicle with a global positioning system (GPS) tracker and monitor the vehicle’s exact location while discontinuing the pursuit.

- **Shooting At/From a Moving Vehicle.** When determining policy regarding officers firing their weapons at the pursued vehicle and/or from a moving vehicle, the agency should consult its use of force policy.

**E. PURSUIT TERMINATION**

Agency policy should clearly dictate under which circumstances the pursuit should be terminated. For instance, the pursuit should end if it appears that the risks associated with continuing the pursuit outweigh the potential benefit of continuing. Agency guidelines may also dictate that the pursuit should be terminated if the suspect’s identity has been determined; immediate apprehension is not necessary to protect the public or officers; apprehension at a later time is feasible; and/or the pursued vehicle’s location is no longer definitely known. Policy should also address who has the authority to terminate the pursuit. In most instances, this will be the primary unit and/or the supervisor, where available.

Recognizing that pursuits are emotionally charged incidents, agencies should clearly articulate the procedures to be followed once the decision to terminate a pursuit has been made. For instance, agencies may require that officers obey all traffic laws, including those related to speed; turn off all emergency equipment; inform communications personnel of the termination along with their location; and provide mileage. Agencies may also elect to require additional actions by officers to clearly demonstrate that the pursuit is over. This may include requiring officers to turn their vehicles in another direction of travel away from where the suspect’s vehicle was last seen heading or pulling to the side of the road when safe and practical to do so. Agencies should also determine whether a supervisor is required to respond to the termination location.

**F. INTERJURISDICTIONAL PURSUITS**

Prior to the occurrence of an interjurisdictional pursuit, agencies should establish mutually agreeable guidelines with surrounding agencies that clearly outline the responsibilities of the initiating jurisdiction’s pursuing officers, required notifications, and how to determine who should assume control of the pursuit. In all situations, pursuits that travel into a neighboring jurisdiction must conform with the laws of both jurisdictions and any applicable interjurisdictional agreements. However, the action of the involved officers should be governed by the policy of each officers’ own agency.

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\(^6\) Agencies should consult the manufacturer’s guidelines for use.
Pursuing officers should notify communications when it appears that a pursuit will continue into another jurisdiction. Policy should then dictate who should be notified, by whom, and when. This responsibility may fall to the communications personnel or the supervisor.

When determining who has control of the pursuit, several factors should be considered. These include the willingness and capability of the other jurisdiction to assume control of the pursuit; the distance between the pursuing and pursued vehicles; the speed involved; and the pursuing officer’s knowledge of the area. Also, in some remote locations, communication abilities may be limited. Policy should dictate who is responsible for determining the degree of the initial agency’s continued involvement in the pursuit and how these factors influence this decision. For instance, agencies may elect to ask the neighboring jurisdiction if they wish to assume control and then relinquish control only once clear and unambiguous confirmation of acceptance of control of the pursuit is obtained. Agencies should establish guidelines for officers to follow once control of the pursuit has been assumed by the neighboring jurisdiction. This may include ceasing emergency driving and proceeding to the termination point.

Policy should also include procedures for when a pursuit enters an agency’s jurisdiction from a neighboring jurisdiction. An agency should participate in a neighboring jurisdiction’s pursuit only if requested to do so. Notification of the pursuit by a neighboring jurisdiction should not be construed as a request to participate in the pursuit. In cases where assistance is requested from a neighboring jurisdiction, policy should describe how the agency will respond. This decision may be based on the type of assistance that is requested from the neighboring jurisdiction. This may range from no assistance; assuming full control of the pursuit; or providing specific support, such as traffic control, air or ground support units, tactical vehicle intervention, and/or responding to or investigating collisions.

**G. POST-PURSUIT PROCEDURES**

All pursuits should be appropriately documented. Agency reporting requirements should clearly establish who is required to complete a report; which are the appropriate forms to be used; and what are the designated timeframes for completion. It is recommended that, at a minimum, all officers involved in the pursuit should be required to write a report clearly articulating their actions. Agencies should determine what information should be captured in these reports, to include the officer’s risk assessment determinations. Supervisors and command staff should review all pursuit reports to determine if the pursuits adhered to agency policy and whether any changes to policy or training are necessary. This review should include viewing the videos of the vehicular pursuits, if available. Agencies should also consider conducting a thorough investigation of any pursuit that results in a fatality, injury, or serious property damage. These investigations should be conducted by individuals who were not directly engaged in the pursuit.

In addition, agencies should regularly analyze all pursuit activity to evaluate their pursuit operations. As part of this analysis, the agency’s pursuit policy should be reviewed. Agency procedures should determine who is responsible for conducting the analysis, the frequency of the analysis, and whether the analysis should be completed if there are no pursuits during the designated time period. Potential results of this analysis may include additions, deletions, and/or modifications to the agency’s pursuit policy, procedures, or training. The analysis results may also have larger implications, such as those related to equipment, philosophical approach, and interjurisdictional issues.

**III. TRAINING**

Agencies should provide training to all personnel who could become involved in a vehicular pursuit. Training should be provided to officers, as well as to supervisors and communications personnel who may be called upon to perform their functions in relation to such pursuits.

Officers should be trained in emergency vehicle operations, pursuit driving, and authorized intervention tactics (e.g., stop sticks, roadblocks) in the police academy; in addition, agencies should consider providing officers with periodic updates/refresher training as part of in-service training. The nature and frequency of it should be directly related to the agency’s overall pursuit philosophy. The more discretion that is provided to an officer regarding pursuit decisions, the greater the need for training.

In addition to emergency vehicle operations training and training related to authorized intervention tactics, significant attention should be given to the decision-making process and the effects of stress and heightened emotions. This may include classroom instruction or scenario-based training on an initial and recurring basis designed to simulate the pursuit environment.
Every effort has been made to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. Readers outside of the United States should note that, while this document promotes procedures reflective of a democratic society, its legal basis follows United States Supreme Court rulings and other federal laws and statutes.

Law enforcement administrators should be cautioned that each law enforcement agency operates in a unique environment of court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered, and should therefore consult its legal advisor before implementing any policy.

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When developing policies and procedures related to vehicular pursuits, agencies should consult with a legal advisor familiar with the applicable law. Every officer must be aware of the applicable law, both criminal and civil, regarding pursuit of a fleeing vehicle, and every agency must ensure that its policies and procedures are consistent with the law.

Today, most lawsuits filed against law enforcement agencies and/or officers are brought under color of state law. Where a vehicular pursuit has resulted in serious injury or death, it is likely that a plaintiff will bring suit as a personal injury action, statutory wrongful death claim, or a violation of the emergency vehicle statute in a state court, but may also file a federal action if the applicable requirements are met. In such actions, the plaintiff may need to demonstrate only that law enforcement officers were negligent in conducting the pursuit in a manner that resulted in injury and that the pursuit was a proximate cause of the injury.\(^7\) In some states, the standard is higher and requires plaintiffs to show gross negligence or willful and wanton conduct.

Two U.S. Supreme Court cases address the constitutionality of pursuits. However, it is important to recognize that these decisions do not control state courts and actions continue to be filed and litigated successfully in those venues.

The 1998 Supreme Court decision in County of Sacramento v. Lewis\(^8\) announced a new standard of due process for vehicular pursuits by police. The court said different constitutional rights have different burdens of proof for liability, and that where the claim is based upon a Fourteenth Amendment substantive due process violation, liability will be found only where the action of the deliberate indifference is so egregious that it “shocks the conscience.”

In the 2007 Scott v. Harris\(^9\) decision, the court weighed the reasonableness of a sheriff’s deputy’s decision to terminate a high-speed pursuit by ramming the suspect’s vehicle, causing it to crash and rendering Harris a quadriplegic. The case was important in a number of areas. First, the justices used the in-car camera video of the pursuit as evidence and, in fact, posted it on the court’s website. Second, the court found that the deputy’s actions were a reasonable use of force under a Fourth Amendment analysis. In other words, Deputy Scott’s seizure of Mr. Harris was reasonable based on the likelihood of serious injury or death to Mr. Harris compared to the number of innocent lives put at risk during the chase. Third, the court addressed the issue of allowing Mr. Harris to go free and terminating the chase. Rather than address the evidence on suspect behavior, the court noted “we do not ‘assum[e] the dangers caused by flight from a police pursuit will continue after the pursuit ends,’...nor do we make any ‘factual assumptions’ with respect to what would have happened if the police had gone home. We simply point out the uncertainties regarding what would have happened, in response to respondent’s factual assumption that the high-speed flight would have ended.”

\(^7\) Note that the degree of required negligence varies among different states.

\(^8\) County of Sacramento v. Lewis, 523 U.S. 833 (1998).

Law enforcement vehicular pursuits may present a danger to the lives of the public, officers, and suspects involved in the pursuit. Therefore, law enforcement agencies should develop policies and procedures to regulate the manner in which vehicular pursuits are undertaken and performed.

- Before a vehicular pursuit occurs, an agency should determine its **pursuit philosophy**, taking into account applicable law and community expectations. Agencies may adopt a philosophy that relies on officer discretion, permits pursuits with supervisory review, restricts pursuits to specific situations, or prohibits pursuits entirely.
- Prior to deciding to pursue a fleeing suspect, agencies should weigh the **risks and benefits** of engaging in a pursuit. The need to apprehend the fleeing suspect must be greater than the risk presented by the pursuit.
- Agency procedures should clearly define the **roles and responsibilities** of all personnel involved in the pursuit, including communications and supervisory personnel, as well as primary, secondary, and any additional units involved in the pursuit.
- When determining appropriate actions and intervention tactics, agencies should consult with their legal advisor as to whether some actions are considered **uses of force**. Officers should be provided with specific training prior to utilizing an intervention tactic.
- If it appears at any time during a pursuit that the risks associated with continuing the pursuit outweigh the potential benefit of continuing, the pursuit should be **terminated**. Guidelines should clearly articulate the procedures to follow once a pursuit ends.
- **Mutually agreeable guidelines** should be developed with other agencies before an interjurisdictional pursuit occurs; both agencies should have a clear understanding of their roles and responsibilities in the event of such a pursuit.
- Agency **reporting requirements** should clearly establish who is required to complete a report following a vehicular pursuit; the appropriate forms to be used; the designated timeframes for completion; and the information to be captured. Vehicular pursuit reports should be reviewed regularly to determine if any changes are necessary to policy, procedures, and/or training.
- All personnel who may become involved in a pursuit, including supervisors and communications personnel, should receive thorough, periodic **training**. The more discretion that is provided to an officer regarding pursuit decisions, the greater the need for training.