

PURPOSE

The purpose of this policy is to establish guidelines for Deputy Sheriffs of the Cecil County Sheriff's Office for making decisions with regard to conducting a vehicular pursuit.

GENERAL POLICY STATEMENT

The goal of the Cecil County Sheriff's office is to protect the safety of the public; any action by the Department, which endangers the public or the Deputy conducting the pursuit, is antithetical to this goal. The Department shall not conduct pursuits unless it has determined that the danger to the public or the Deputy if the suspect escapes is greater than the danger presented by a pursuit.

Consistent with Section 21-106 of the Transportation Article, deputies who are engaged in a vehicle pursuit are given a qualified privilege from observing traffic laws while operating an emergency vehicle utilizing emergency equipment. However, deputies are not relieved of the responsibility of driving with due regard for the safety of all persons and are not protected from civil and criminal consequences of failing to exercise reasonable care under these circumstances, despite the operation of emergency equipment.

DEFINITION

- A. Pursuit- An active attempt by a law enforcement officer to apprehend the occupants of a vehicle when the driver of the vehicle appears to resist apprehension by maintaining or increasing his speed, taking evasive action, or ignoring the officer's attempt to stop him.
- B. Pursuit Activity- Any change from normal patrol driving as a result of a pursuit being conducted by another law enforcement vehicle or in an attempt to apprehend a suspect.

GENERAL REQUIREMENTS AND PROHIBITIONS:

- A. Limit of Three Pursuit Units. No more than three units will be directly involved in a pursuit, the primary unit and two secondary units. If three or more police units from another jurisdiction are involved in a pursuit, no other Cecil County Sheriff's Office units will be involved.
- B. Limitations for Unmarked Vehicles. Unmarked cars shall attempt to call for a marked vehicle before making contact with the suspect vehicle and shall not be used in pursuits except in extreme situations and when no other alternative is available. If an unmarked unit initiates a pursuit, it will immediately relinquish the pursuit to a marked patrol unit at the first opportunity.

- C. Prisoner/Ride Along in Vehicle. A unit shall not engage in a pursuit or pursuit activity if a prisoner occupies the vehicle. If a complainant, witness, ride along, or person other than a police officer is in a vehicle when a pursuit is initiated, such persons should be safely let out of the vehicle. If the officer deems it impractical to stop and let such persons out of the vehicle, the officer shall be constantly mindful of this person's presence and the need for maximum safety and shall relinquish the pursuit to another patrol car at the first opportunity.
- D. Prohibited Tactics: Officers shall not under any circumstances:
 - 1. Overtake or pull alongside the pursued vehicle unless it is stopped.
 - 2. Box in the pursued vehicle.
 - 3. Pull into the path of the pursued vehicle.
 - 4. Shoot from a moving vehicle.
- E. When engaged in a pursuit or pursuit activity, the vehicle operator shall:
 - 1. Operate the vehicle at a speed and in a manner which will ensure that complete control is maintained at all times.
 - 2. Proceed through all intersections or traffic signals only after slowing and only after all traffic has yielded the right of way.
 - 3. Yield to pedestrian traffic.

PURSUIT DECISION:

- A. A vehicle pursuit is a dangerous activity which exposes the participants and the general public to substantial risk of injury. Therefore, when deciding to pursue, or in the case of a supervisor allowing a pursuit to continue, those involved must resolve any doubt that such an action is appropriate. Therefore violations of this policy will be considered a serious breach of conduct. If an officer or supervisor has any doubt as to whether pursuit is warranted, they should immediately terminate the pursuit.
- B. Officers shall base their pursuit decision on what they know about the violator, not on speculation as to the reason for the violator's attempt to escape from the police.
- C. When initiating and conducting a pursuit of a motor vehicle or engaging in pursuit activity, the officer must evaluate:
 - 1. Visibility and weather conditions.
 - 2. Traffic volume and road conditions.
 - 3. Community Environment, i.e. residential neighborhood, school zones, shopping centers.
 - 4. The seriousness of the violation or crime.
 - 5. Danger presented to the public if the violator is not immediately apprehended.
 - 6. Danger to the public caused by the pursuit.

7. Officers shall continue a pursuit only if they have probable cause to believe that the danger the suspect poses to the public outweighs the immediate danger that a pursuit poses to the public, as in the case of a violent, fleeing felon.

PRIMARY UNIT PROCEDURES:

- A. The primary unit shall activate all emergency equipment (lights and siren) immediately upon initiating a pursuit and notify Dispatch of his/her involvement in the pursuit.
- B. If the siren interferes with radio communication, the officer may extinguish the siren when it is safe to do so, transmit, then turn the siren back on as soon as possible.
- C. As soon as possible, the primary unit shall notify Dispatch of the following:
 1. Location.
 2. The direction of travel of the pursuit.
 3. Reason for pursuit.
 4. Number of passengers in pursued vehicle.
 5. All information available regarding the pursued vehicle (i.e. registration, make, model, color, etc.).
- D. Until a secondary unit arrives, the primary unit will inform Dispatch of the progress of the pursuit as it relates to the following:
 1. The current location of the pursuit.
 2. Direction of travel.
 3. Observed violations.
 4. Any change in conditions such as passengers exiting the suspect vehicle, items discarded from the vehicle or other agencies becoming involved in the pursuit.
- E. The deputy in the primary unit will be responsible for controlling pursuit tactics and deciding whether to terminate the pursuit (unless a supervisor assumes this responsibility).

SECONDARY UNIT PROCEDURES:

- A. Dispatch shall assign the unit nearest the initial location of the pursuit or the first unit to be passed by the pursuing unit to be the secondary unit.
- B. This secondary unit shall immediately activate all emergency equipment (lights and siren) and notify Dispatch of his involvement in the pursuit. If the siren interferes with radio communication, the deputy may turn off the siren only to transmit information and only when it is safe to do so.
- C. Upon maintaining a position behind the primary unit, this secondary unit shall handle all radio communications with Dispatch.

- D. This secondary unit will provide back up to the primary unit and shall become the primary unit if the primary unit is disabled.
- E. If the pursuit goes beyond the boundaries of Cecil County, an officer from that jurisdiction may assume either the primary or secondary position in the pursuit. The CCSO secondary units will remain with the primary CCSO unit. The on-duty supervisor shall immediately contact the jurisdiction entered and advise them of all relevant information.

SUPERVISOR RESPONSIBILITIES:

- A. The on-duty supervisor shall monitor the pursuit and shall immediately order the road supervisor to proceed in the direction of the pursuit in a Code 2 (lights only, siren when necessary) response.
- B. The on-duty road supervisor shall notify Dispatch of his location and that he/she is travelling in the direction of the pursuit.
- C. When the pursuit has ended, the supervisor shall coordinate field activity. He/She will be responsible for ensuring that all officers involved in the pursuit have submitted a report detailing their involvement in the pursuit prior to their going off duty.
- D. The on-duty supervisor shall be responsible for controlling pursuit tactics or terminating a pursuit if danger to the pursuing Deputies or to the public outweighs the need for apprehension. The on-duty supervisor is authorized to deviate from this policy based upon the totality of the circumstances known to the supervisor, keeping in mind the spirit of this policy, while weighing the nature of the offense, the threat the fleeing vehicle presents to the safety of the public and deputies involved.
- E. Any Command Staff deputy that becomes involved in the pursuit shall take responsibility for the actions in the pursuit and supersede the on-duty supervisor.

COMMUNICATIONS

- A. Verbal communication during a pursuit is of utmost importance.
 - 1. Upon initiation of a pursuit, the primary pursuit vehicle will contact Dispatch by radio. The duty officer or shift supervisor shall ensure that a 10-100 (stop transmitting) is immediately placed on the channel.
 - 2. Identify the primary and secondary units. Dispatch will repeat, or echo pertinent transmissions, as well as significant cross streets and other important aspects of the pursuit to verify the accuracy of the radio transmission and to make the shift commander aware of all events.
 - 3. Record any violations called in by pursuing units during the course of the pursuit. Check the registration number through METERS/NCIC to determine if the vehicle has been reported stolen and determine if there is a match between the tag and the

vehicle description of the vehicle being pursued. Check the registered owner's information from the suspect vehicle through METERS/NCIC to determine if there are any outstanding active warrants.

K-9 DEPUTY:

When there is a pursuit the K-9 deputy should be prepared to assist in terrain search, track, and/or apprehension in the event the suspect should flee on foot. During a Pursuit the K-9 deputies shall:

- A. Notify Dispatch of his location and status.
- B. Only become involved in the pursuit at the direction of the on-duty supervisor.
- C. Once assigned to the pursuit the K-9 deputy shall proceed in the direction of the pursuit in a Code 2 (lights only, siren when needed) response.

NON-INVOLVED UNITS:

Units that are not involved in a pursuit shall:

- A. Not become involved in the pursuit in any capacity unless the supervisor or Dispatch directs them to do so;
- B. Remain in their sectors and continue with routine patrol duties;
- C. Be prepared to assist in terrain search (at the discretion of the supervisor) in the event the suspect should flee on foot;
- D. Continue normal patrol if pursuit leaves the county; and
- E. Not parallel the pursuit (follow the progress of the pursuit along parallel roads).

TERMINATION OF PURSUIT:

- A. Officers shall discontinue the pursuit or pursuit activity when it would expose the public or deputy to injury or serious property damage, and the offense the suspect is wanted for is not serious enough to warrant the safety risk. This shall include traffic offenses and crimes against property, i.e. stolen motor vehicles.
- B. A pursuing deputy may terminate a pursuit at any time and entirely at his/her discretion. The Sheriff's Office Law Enforcement Division or its deputies shall not criticize the deputy for such action.
- C. The on-duty supervisor or other ranking deputy may order the pursuing units to terminate pursuit at any time entirely at his/her discretion. In this case, the pursuing units shall terminate the pursuit and immediately return to their original duties.

- D. Deputies shall terminate pursuit as soon as the identity of the violator can be or has been established through investigation (including license plate identification), and continued pursuit is not necessary to protect the public from greater danger.
- E. Deputies shall terminate pursuit if the operator is known to be a juvenile and the original offense committed is a traffic violation, misdemeanor, or non-violent felony.
- F. To terminate pursuit, deputies shall shut off all emergency equipment, pull to the side of the road, and stop the vehicle (provided traffic conditions allow this) to demonstrate clearly to the fleeing driver that the pursuit is over.
- G. If the pursued vehicle eludes the deputies, the pursuing units will deactivate emergency equipment and canvas the area for the suspect. The primary unit will broadcast all information necessary to assist other units with the search.
- H. The primary unit will immediately notify Dispatch when the pursuit is terminated regardless of whether the pursuit ended in successful apprehension of the suspect.

ROADBLOCKS AND TIRE DEFLATION DEVICES:

- A. Due to the inherent danger and the great likelihood of loss of life or serious property damage, the Cecil County Sheriff's Office shall not conduct roadblocks for the purpose of stopping vehicles.
- B. The Sheriff's Office has provided marked vehicles with Stop Stick® tire deflation devices. These devices, when placed in the path of a fleeing vehicle, will slowly and safely deflate the vehicle tires to end a pursuit. A deputy may use the Stop Stick® tire deflation devices to stop fleeing or pursued vehicles when the suspect is a definite danger to the public, and when the conditions and location allow the tire deflation devices to be deployed in a manner that will not further endanger the public.
 - 1. Deputies may only use Stop Sticks® after successfully completing the in-service training for the appropriate and safe use of these devices. Deputies shall deploy the devices in a manner consistent with their training.
 - 2. Deputies may only deploy Stop Sticks after receiving permission or ordered to do so by the on-duty supervisor. Whenever possible, supervisors should order the deployment of tire-deflation devices to end a pursuit as quickly as possible to minimize the risk of danger to the general public, the officers, and the violator.
 - 3. Deputies shall not "parallel" or travel in the direction of the pursuit in an attempt to deploy tire deflation devices. Deputies will remain in their patrol sectors and be prepared to deploy the deflation devices at a location where it is feasible that the suspect may try to escape.

***NOTE: See Chapter 37 Section IV for Stop Stick Policy**

PURSUIT THROUGH CECIL COUNTY BY OR INITIATED BY OTHER LAW ENFORCEMENT AGENCIES:

- A. If other agencies pursue a vehicle into or within the county, Sheriff's Office deputies shall remain in their sectors and prepare to assist if the vehicle enters their sector.
- A. Two CCSO units may become involved in the pursuit when requested by the other agency or voluntarily only if the pursuing agency does not have secondary units.
- B. If the pursuit leaves the boundaries of the Cecil County and other law enforcement agencies become involved in the pursuit, all CCSO units shall discontinue the pursuit once there are two other police units from other agencies involved in the pursuit.

It is the policy of Cecil County Sheriff's Office to pursue across State or Federal Jurisdictional boundaries for **FELONIES ONLY** in compliance with the "**Fresh Pursuit Act**" (Annotated Code, Criminal Procedures, Section 2-304).

All Cecil County Sheriff's Office vehicle pursuits crossing Federal or State jurisdictional boundaries shall adhere to the requirements of the law term "Fresh Pursuit". **The term "Fresh Pursuit" shall include fresh pursuit as defined by common law, and the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony.** It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable grounds for believing that a felony has been committed. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

The pursuing deputy must, as in all cases of enforcement action, realize that a court may find him or her personally liable for actions judged improper or illegal. (See Case Sacramento v. Lewis 118S. CT. 1708 (1998).

REPORT AND REVIEW OF PURSUITS:

- A. After the pursuit, the primary officer shall complete an incident report and all deputies involved in the pursuit in any capacity (e.g. responding to the termination point, conducting area searches, deploying Stop Sticks®, etc.) shall complete supplemental reports to be attached to the primary incident report.
- B. If a CCSO deputy is involved in a pursuit conducted by another agency in any capacity, the deputie(s) involved shall complete an incident report as required in sub- section A of this Section.
- C. Supervisor's Report Required

To ensure that officers adhere to Sheriff's Office policies and verify the policies are effective, the shift supervisor shall review all pursuits by the end of the shift, (whether or not an apprehension was made). The shift supervisor shall submit a report through the chain of command and provide

a copy directly to the Director of Law Enforcement and Chief Deputy by the end of the shift.

D. Patrol Division Commander's Review

All pursuit reports including the Supervisor's report will be reviewed by the Patrol Division Commander to ensure that the policies and procedures in this general order have been followed. The Patrol Division Commander may interview other department personnel including the officers involved in the pursuit if he or she feels that additional information is necessary to assist in this review. The Patrol Division Commander will be responsible for submitting a report to the Director of Law Enforcement via the chain of command within thirty days of the pursuit addressing the following issues:

1. If the procedures in this general order have been followed.
2. If the Department's policy effectively addressed the requirements of the situation.
3. Recommendations for change in policy or identify training needs in the area of pursuits.
4. Recommendations for discipline if appropriate.

E. Annual Review

1. The Crime Analyst shall complete an annual report of all pursuits and submit the findings to the Sheriff.
2. The Lieutenant of Administration or his/her designee shall complete an annual review of pursuit policies and reporting procedures.

DEPARTMENTAL COLLISIONS

- A.** The on-duty supervisor will be responsible for investigating all departmental collisions. He/She may designate an on-duty deputy trained in reconstruction to investigate the collision. If the on-duty supervisor is involved in the collision the Patrol Division Commander will conduct the investigation.
- B.** All departmental collisions involving personal injury or that occur during a pursuit will be investigated by a deputy reconstructionist.
- C.** Departmental collisions that only result in property damage and that occur outside of Cecil County will be investigated by the law enforcement agency having jurisdiction where the collision occurred. The on-duty supervisor or deputy reconstructionist may assist in the outside agency's investigation. The Patrol Division Commander will be responsible for obtaining a copy of the appropriate report from the investigating agency.
- D.** If a collision occurs outside of Cecil County and the police agency having jurisdiction does not conduct an investigation the on-duty supervisor will respond to the scene and conduct an investigation.

E. PATROL DIVISION COMMANDER REVIEW

1. The Patrol Division Commander will review any departmental accidents that occur. He will ensure that the accident was thoroughly investigated and that the procedures outlined in this general order have been followed.
2. The Patrol Division Commander shall prepare a report of findings after his review and forward the report to the Director of Law Enforcement through the chain of command.