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HARFORD COUNTY SHERIFF'S OFFICE OPERATIONAL POLICY

Vehicle Pursuit

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1. Purpose

To provide members of the Harford County Sheriff's Office (HCSO) with guidelines when operating Agency vehicles in a pursuit situation.

2. Policy

The Harford County Sheriff's Office (HCSO) shall maintain the safety of the public and the safety of its deputies as the primary concern when engaged in any pursuit situation. Deputies may pursue suspects who are attempting to evade apprehension in a vehicle, when warranted by the totality of the circumstances, in conformance with State law and HCSO policy.

3. Definitions

EMERGENCY EQUIPMENT: audible and visual signal equipment as defined in TRANSP. §22-218 that is mounted on or displayed by an emergency vehicle.

IMMINENT THREAT: conduct of the fleeing driver or occupants of the fleeing vehicle that results in a reasonable belief that failure to immediately pursue may result in serious injury or death to any person.

PRIMARY PURSUIT VEHICLE: the police pursuit vehicle that initiates the pursuit or assumes control of the pursuit; generally the primary pursuit vehicle is closest to the suspect.

PURSUIT SUPERVISOR: supervisor responsible for authorizing, overseeing and monitoring the pursuit.

SECONDARY PURSUIT VEHICLES: any police pursuit vehicles that are involved in a vehicle pursuit and are not the primary pursuit vehicle.

SPECIAL USE VEHICLES: HCSO vehicles that are not equipped with emergency equipment (e.g., covert vehicles used by drug and criminal investigators, service vehicles).

VEHICLE PURSUIT: the actions taken by a deputy to apprehend a suspect in a vehicle who is knowingly failing to stop in response to a deputy's visual and audible signals; includes following a vehicle that is refusing to stop and similar phrases.

4. References

MD. Code Ann., Transportation § 11-118

MD. Code Ann., Transportation § 21-106 & 904
MD. Code Ann., Transportation § 22-218 & 401
MD. Code Ann., Crim. Proc. § 2-301 & 304 – 309
PA. Consolidated Statutes, Ann. Title 42, Ch. 89
DE. Ann. Code, Title 11, Part II, Ch. 19

5. Procedures

A. Vehicle Pursuits

1. This policy is intended for internal use and nothing in this policy should be construed as imposing a higher duty of care on deputies than what is required under existing legal principles.
2. When a deputy pursues a violator or suspected violator of the law in a scenario where there is no reason to believe the person is seeking to avoid apprehension (e.g. catching up to a speeder, pacing a vehicle), such actions are not governed by this policy.
3. Deputies who are engaged in a vehicle pursuit are given a qualified privilege from observing certain traffic laws while operating an emergency vehicle and using emergency equipment.
4. Even when entitled to disregard certain traffic laws, deputies must drive with due regard for the safety of all persons and exercise reasonable care and diligence under the circumstances of the pursuit.
5. The police vehicles in the pursuit will, at all times, be operated with all emergency equipment activated (both emergency lights and siren).
6. Under no circumstances will deputies pursue at a speed so great as to render their vehicles uncontrollable, thereby endangering the lives of themselves or others.

B. Responsibilities of the Primary Pursuit Vehicle Deputy

1. The decision regarding whether to initiate a pursuit occurs at the point when a deputy has a reasonable belief that the driver of the subject vehicle is knowingly failing to stop in response to the deputy's visual and audible signals.
2. Deputies will exercise due care and caution, and shall not operate in excess of a speed reasonable and prudent for existing conditions or exceed the capabilities of the police vehicle.
3. Prior to proceeding through an intersection against the direction of any traffic control device, deputies will ensure that the intersection is clear, that any other vehicular traffic at the intersection has stopped, and no other vehicles are entering the intersection prior to proceeding through the intersection.
4. Whenever the risk of injury to the deputy or to the public from a vehicle pursuit outweighs the perceived danger of not apprehending the suspect(s), a pursuit will not be initiated or continued.
5. Deputies will notify dispatch by radio and provide the following information:
 - a. initiation of the pursuit;

- b. reason for the pursuit;
 - c. location and direction of travel;
 - d. speed involved;
 - e. license number, description of the pursued vehicle; and
 - f. number and description of occupants in the pursued vehicle(s).
6. The deputy will ensure, if so equipped, the vehicle's mobile video recorder (including microphone) is activated to record the response.

C. Secondary Pursuit Vehicles

1. Deputies operating Secondary Pursuit Vehicles will:
- a. assume a position at a safe and effective distance behind the initial Primary Pursuit Vehicle;
 - b. notify dispatch and the Pursuit Supervisor of participation in the pursuit;
 - c. ensure the vehicle's mobile video recorder (including microphone), if so equipped, is activated to record the response.
2. Once actively engaged in a pursuit, the backup unit is responsible for radio transmissions and updating dispatch on the pursuit status unless the primary unit must provide information only he can observe. This permits the primary unit to concentrate on driving techniques.

D. Members Abandoning Pursuit

1. The pursuing deputy(s) will abandon the pursuit when:
- a. weather, traffic, other roadway conditions, or other risk factors, make the pursuit unsafe;
 - b. it becomes apparent that the immediacy of the apprehension is outweighed by a clear and present danger to the deputy or others;
 - c. the vehicle is being pursued by another agency and no longer need or request our assistance; or
 - d. directed to abandon the pursuit by a supervisor.
2. Deputies will acknowledge on the radio that the pursuit is terminated and resume routine patrol.
3. The decision of a deputy or supervisor to terminate a pursuit for safety considerations is not subject to review, and the deputy will not be criticized, nor disciplined for that decision.
4. Deputies and supervisors initiating / sustaining pursuits are ultimately responsible for the outcome of their actions and compliance with this Policy.

E. Pursuit Supervisor's Responsibilities

1. Upon notification of a pursuit, a supervisor will be designated as the Pursuit Supervisor and shall:
 - a. acknowledge and announce pursuit control and command via the radio and be responsible for the entire pursuit until its conclusion;
 - b. authorize or prohibit the continuation of the pursuit after obtaining all relevant information such as:
 - i. seriousness of the offense that led to the pursuit,
 - ii. reasonable expectation that the suspect(s) can be later identified for apprehension, and
 - iii. whether the suspect(s) would be of further danger to the community;
 - c. monitor and evaluate all vehicle pursuits for adherence to policy / procedures;
 - d. maintain control of the number of agency vehicles involved in the pursuit;
 - e. employ alternative strategies when appropriate; and
 - f. ensure notification of support units (e.g. Aviation, K-9, etc.).
2. When feasible, the Pursuit Supervisor shall make the Division Commander aware of any critical or extraordinary pursuit situation.
3. If at any time the Pursuit Supervisor determines that the danger posed by the pursuit is greater than the danger posed by the fleeing person, the Pursuit Supervisor will terminate the pursuit.

F. Pursuit Restrictions

1. Unless expressly authorized by the Pursuit Supervisor, the pursuit will be limited to the primary pursuit vehicle and one backup unit, in addition to the supervisor. Caravanning of police vehicles is prohibited.
2. Deputies may take up strategic locations along the anticipated path of the pursuit and prepare to assist, but may not enter the pursuit without the permission of the Pursuit Supervisor.
3. Deputies will not engage / participate in motor vehicle pursuits when accompanied by non-law enforcement personnel.
4. Members will discontinue a pursuit if the radio system suffers an outage during the pursuit or if the pursuit goes into an area without adequate radio system coverage.
5. Unmarked vehicles may initiate a vehicle pursuit however; will relinquish the pursuit to a marked unit at the first opportunity and the unmarked car may continue operating as a secondary pursuit vehicle and assist in the identification of the vehicle or operator.

6. Non-uniformed deputies operating non-descript vehicles will not initiate or participate in a pursuit unless exigent circumstances exist and will relinquish the pursuit to a marked unit at the first opportunity.
7. HCSO motorcycles and specialty vehicles (e.g. tactical van, bus, command vehicle, etc.) shall not engage in a pursuit except in the most exigent of circumstances, and only until relieved by a marked patrol vehicle.
8. Pursuits that leave Harford County require approval by the Pursuit Supervisor.
9. The HCSO deputy shall relinquish the pursuit to officers from that jurisdiction as soon as appropriate.
10. After the local jurisdiction assumes the pursuit, the HCSO deputy may continue operating as a secondary pursuit vehicle and assist in the identification of the vehicle or operator.
11. Any deputy who becomes involved in a pursuit that was initiated in another jurisdiction and enters Harford County will follow all procedures and guidelines established by this Policy.

G. Tire Deflating Devices

1. The Harford County Sheriff's Office currently has two approved tire-deflating devices.
 - a. the Stop-Stick is used to stop a pursuit and the Piranha is used to prevent a pursuit from occurring.
 - b. the Piranha is a pursuit prevention device for use on a stationary target vehicle, which if moved will result in tire deflation in approximately three to five seconds.
 - c. potential uses of a Piranha tire-deflating device could include any situation when the target vehicle is stationary, such as warrant service, SRT situations, stakeout of a stolen vehicle, or vehicle checkpoint areas, etc.
 - d. the Piranha device will not be used on a "routine" motor vehicle stop unless extreme circumstances dictate its use.
2. Only personnel who have received specific training on the proper use of a tire-deflating device may deploy that device.
3. Deployment of a tire-deflating device will be in accordance with the training provided.
4. Only HCSO-issued or approved tire-deflating devices will be used.
5. Prior to deploying a Stop-Stick or Piranha tire-deflating device, the deputy will notify the responsible supervisor of his intent to use it.
6. Whenever possible, measures should be taken to divert other traffic from the area when a Stop-Stick tire-deflating device will be used to prevent unnecessary damage to other vehicles.
7. The exact location of a Stop-Stick deployment, to include lane of deployment, will be communicated to the pursuit supervisor and all pursuing vehicles.

8. Use of any tire-deflating device on vehicles does not constitute the use of deadly force but should be used with caution.
9. Tire-deflating devices will not be used when a pursuit involves a motorcycle or a vehicle that is transporting hazardous materials.

H. Fresh Pursuit Across State Lines (Inter-State)

1. Pursuits should only continue across a state or federal jurisdictional boundary if the suspect has committed a felony and poses an imminent threat to the public.
2. All pursuits that continue across state lines shall require the approval of the Pursuit Supervisor.
3. The Pursuit Supervisor shall ensure the affected law enforcement agency is immediately notified and kept informed of the pursuit.
4. Apprehension
 - a. a deputy, who apprehends a suspect in another state, by himself or with the assistance of that jurisdiction's law enforcement agency, will NOT immediately remove the suspect from that jurisdiction.
 - b. the laws of that state regarding judicial hearings on the legality of the arrest and the legal right to remove the person to Maryland must be fulfilled before the suspect is removed to Maryland.

I. Documentation

1. The primary pursuing deputy shall complete an Incident Report (Form SO-001) in the Field Based Reporting System (FBR) and the Vehicle Pursuit Report (Form SO-014) prior to the end of the tour of duty.
2. A Supplement Report (Form SO-002) in FBR shall be completed by each assisting deputy and the Pursuit Supervisor, prior to the end of the tour of duty.
3. Reporting procedures also apply when members become involved in a pursuit with another agency.
4. The Pursuit Supervisor will complete a Supplement Report (Form SO-002) in FBR, and will verify that the deputies involved have completed an Incident Report (Form SO-001), Supplement Report (Form SO-002) and the Vehicle Pursuit Report (Form SO-014) as required above.
5. The Shift Lieutenant and Division Commander will review all reports, mobile video recordings, and communications records to determine compliance with Agency policy.
6. The Shift Lieutenant and Division Commander will complete an assessment of the vehicle pursuit within 72 hours and document their findings on the Vehicle Pursuit Command Review (Form SO-014a).

7. When violations of Agency policy are suspected, the Division Commander will contact the Office of Professional Standards and handle in accordance with the HCSO Policy PER 0201 (Complaints Against Deputies).
 8. The Division Commander will forward the original Vehicle Pursuit Report (Form SO-014) within seven days to the Central Records Section for scanning as an attachment to the original incident and maintained in accordance with the established filing and retention schedule.
- J. The Division Commander will forward a copy of the Vehicle Pursuit Report (Form SO-014) and the original Vehicle Pursuit Command Review (Form SO-014a) within seven days to the Chairperson of the Pursuit Review Committee for review as outlined in HCSO policy OPS 0403.