

EMERGENCY VEHICLE PURSUITS DIRECTIVE

To: Law Enforcement Divisions
From: Sean D. Logan, Director
Effective: November 1, 2010
Purpose: To provide direction for vehicle and vessel pursuits
Authority: [ORC 1501.01](#)
Reference: ORC Sections 2935.03, 2935.031, 4511.03, 4511.041, 4511.24, 4511.37, 4511.45, 4511.452, 4513.21, 1547.01, 1547.03, 1547.04, 1547.13, 1547.131, 2744.01
OAC Section 1501:47-2
33 CFR 88.11
Law Enforcement Training Policy
Resource: ODN Law Enforcement Administrator, Chief Legal Counsel, Division Law Enforcement Administrators

Definitions

- A. Vehicle – For the purpose of this policy, a vehicle shall include everything listed in ORC 4501.01 and vessels.
- B. Vehicle Pursuit – An active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive tactics.
- C. High Speed Vehicle Pursuit – a vehicle pursuit in which the speed of the emergency vehicle exceeds ten miles per hour above the speed limit to attempt apprehension of fleeing suspects.
- D. Low Speed Vehicle Pursuit – a vehicle pursuit in which the speed of the emergency vehicle does not exceed ten miles per hour above the speed limit to attempt apprehension of fleeing suspects
- E. Emergency Call- As defined by ORC 2744.01, a call to duty, including, but not limited to, communications from citizens, police dispatchers, and personal observations by peace officers of inherently dangerous situations that demand an immediate response on the part of a peace officer
- F. Emergency Response – A response to an emergency that requires emergency lights and siren where the officer reasonably believes that there may be an inherently dangerous situation. Prompt action by the responding officer may reduce the seriousness of the situation.
- G. Critical Action Review Committee (CARC) – A committee responsible for reviewing the Uniform Incident Report as directed by the Department Law Enforcement Administrator.

Primary Considerations

- A. **A PURSUIT IS ONLY JUSTIFIED WHEN THE NECESSITY OF THE APPREHENSION OUTWEIGHS THE LEVEL OF DANGER CREATED BY THE PURSUIT.**
- B. An officer shall exercise due regard for the safety of all persons when conducting a vehicle pursuit.
- C. The following information should be taken into consideration prior to initiating or continuing a vehicle pursuit:
 - 1. Seriousness of the offense
 - 2. Possibility of apprehension
 - 3. Identity of the driver and/or occupants is known and can be apprehended later
 - 4. Area the pursuit will take place, i.e., business, residential, rural, beach areas, docks, etc.
 - 5. Traveling the wrong-way on a one-way road
 - 6. Current traffic conditions
 - 7. Current weather conditions
 - 8. Current road conditions
 - 9. Condition and type of officer's vehicle
 - 10. Assistance available to the officer
 - 11. Does it meet the requirements of Ohio Revised Code, Section 2935.03 (defines reasons to pursue)
- D. All Officers shall receive annual training regarding specific curriculum content as directed by the Office of Law Enforcement as it pertains to vehicle pursuits. (Law Enforcement Training Policy)

Applicable Laws

- A. While operating under emergency conditions, the operator of a public safety vehicle must comply with the provisions of the following sections of the Ohio Revised Code:
 - 1. 4511.03 Public safety vehicle to proceed cautiously past red or stop signal
 - 2. 4511.041 Emergency vehicles or public safety vehicles exempt
 - 3. 4511.24 Public safety vehicles excepted from speed limits
 - 4. 4511.37 Turning in roadways prohibited
 - 5. 4511.45 Right of way of public safety vehicles
 - 6. 4511.452 Right of way of pedestrians
 - 7. 4513.21 Horns, sirens and warning devices
 - 8. 1547.131 Stopping for or yielding to law enforcement vessel
- B. The Ohio Revised Code places requirements on the operator of a public safety vehicle:

1. Must operate with due regard for the safety of all persons using the streets and highways or waters.
2. A public safety vehicle only gains the right of way, or is exempted from obedience of existent traffic laws, when using both emergency lights and siren.

Procedures for Vehicle Pursuits

A. Vehicle Pursuits:

1. A pursuit will only be initiated by marked patrol vehicles.
2. A pursuit will not be initiated while anyone other than a commissioned officer is present in the patrol vehicle.
3. No more than two Department patrol vehicles will become actively involved in the pursuit. Any additional vehicles will give perimeter control of the pursuit unless instructed otherwise.
4. No Officer will engage in a vehicle pursuit without receiving Department approved vehicle training.
5. No Officer will engage in a high speed vehicle pursuit while driving a two wheel drive truck or SUV without receiving Department approved training on this type of vehicle.
6. No Officer will engage in a high-speed vehicle pursuit while driving a four-wheel drive vehicle.
7. No two or three wheeled vehicles or APVs will be actively engaged in pursuits.

B. Roadblocks:

1. Stationary or moving roadblocks shall only be authorized when the apprehension outweighs the level of danger created by the roadblock.
2. A stationary roadblock will only be located in an area that provides a safe stopping distance for oncoming traffic and will provide an open path through the restricted area so that it would be necessary to proceed through it slowly.
3. The use of private and occupied vehicles is prohibited for stationary roadblocks.

C. Ramming:

1. Intentional contact should only be considered as a last resort in those extreme cases where the use of force is justified to prevent serious injury or death to the officer or other persons.

D. Pursuit Intervention Technique (PIT) maneuvers shall only be used by Officers who have received Department approved training.

E. Spike strip tire deflation device shall only be deployed by Officers who have received Department approved training.

F. Use of Firearms:

1. Department policy regarding the use of deadly force shall be strictly followed.
2. Officers shall not discharge a firearm at or from a moving vehicle except as the ultimate measure of self defense or the defense of another when the suspect is using deadly force.
3. Officers shall be guided by the following:
 - a. Officers shall not, under most conditions, fire upon a pursued vehicle. If fired upon, officers may return fire when appropriate.
 - b. Firing to disable a vehicle shall be a last resort measure and done only when failure to do so will, with a high degree of probability, result in injury or death to innocent persons.
 - c. Officers shall take into account the location, vehicular and pedestrian traffic, and hazards to innocent persons.

Post Pursuit Actions

- A. The initiating officer must complete a Uniform Incident Report (UIR).
- B. All other officers involved in the pursuit will complete a UIR Narrative Supplement.
- C. Review Process:
 1. The immediate commissioned supervisor of the officer involved will:
 - a. Determine if the pursuit was justified and the necessity of the apprehension outweighed the level of danger created by the pursuit.
 - b. Ensure the report is complete.
 - c. Determine if the pursuit was initiated in the officer's jurisdiction.
 - d. Sign the UIR and complete the Supervisors Review Form.
 - e. The Division Law Enforcement Administrator or designee will review the report and complete the same review as the commissioned supervisor.
 - f. The Division Law Enforcement Administrator or designee conducting this review will document whether they agree or disagree with the findings of the immediate supervisor.
 - g. The division will submit a copy of the completed investigation to the Department Law Enforcement Administrator.
 - h. The Department Law Enforcement Administrator may convene CARC to conduct a review.

Critical Action Review Committee

- A. Composition: The Critical Action Review Committee will be made up of seven members and will be assigned by the Director. CARC will be made up of the following:

1. Departmental Law Enforcement Administrator (Chairperson)
 - a. If the DLEA is unavailable or if there is a conflict of interest, the DLEA will recuse himself and the Director will assign a Deputy Director to chair the committee.
 - b. In the event of a conflict of interest or the inability to staff a committee position, the chairperson will make the necessary assignments to the committee.
 2. The commissioned law enforcement training coordinator from the respective division.
 3. A commissioned law enforcement trainer from other than the respective division (non-exempt).
 4. One commissioned first line supervisor from other than the respective division.
 5. Chief Counsel or Deputy Chief Counsel of the Department of Natural Resources.
 6. One non-commissioned division chief from an enforcement division.
 7. The respective division law enforcement administrator.
- B. CARC will determine whether the officer's actions were:
1. Justified and the necessity for the apprehension outweighed the level of danger created by the pursuit.
 2. Within federal constitutional standards.
 3. Within state constitutional standards.
 4. Following state statutory requirements.
 5. Following department policies.
- C. The findings of CARC will be presented to the Director, Chief Legal Council, Labor Relations Administrator, and respective Division Chief. Once the finding is received, the Director or his designee, Labor Relations Administrator, and respective Division Chief will make a determination of the appropriate level of discipline if necessary.
- D. The DLEA will provide pertinent information from the incident to all division training coordinators.

Appendix A. Guidelines for Motor Vehicle Pursuits

- A. Primary Pursuing Officer:
1. The primary unit is defined as the vehicle in closest proximity to the fleeing vehicle with primary responsibility for conducting the pursuit. The primary unit may or may not be the initiating unit.
 2. Additional vehicles, other than the primary and back up vehicles, should maintain perimeter control on parallel or intersecting routes unless given other specific instructions.

3. The following information should be provided to the dispatcher upon initiating a pursuit:
 - a. Location
 - b. Direction of travel
 - c. Estimated speed of the violator
 - d. Description, including the license number of the pursued vehicle and occupants
 - e. Reason for the pursuit
- B. Back Up Officer:
1. The back up officer upon joining the pursuit should immediately assume radio communications, allowing the primary pursuing officer to devote full attention to driving.
 2. The back up officer should maintain a safe distance behind the primary pursuing officer, but close enough to render assistance if it is needed.
- C. ODNR Communications Center
1. Broadcast that there is a Pursuit in Progress and radio traffic is restricted to Emergency Traffic Only.
 2. Keep all outside participating law enforcement agencies updated on pursuit status.
- D. Commissioned Supervisor, **when on duty and actively involved in the pursuit:**
1. The supervisor, should verify the following:
 - a. Adherence to the provisions of this policy
 - b. Aircraft assistance has been requested
 - c. The proper radio frequency is being used
 - d. All affected agencies have been notified
 2. The supervisor should coordinate all officers involved, including methods to stop the fleeing vehicle.
 3. The supervisor should continually evaluate the pursuit in relation to the traffic area, driving action, identity of the violator and most importantly, the danger involved.
 4. If the supervisor believes that a motor vehicle pursuit exposes any officer, member of the public, or violator to unnecessary risk, then the supervisor should terminate the pursuit and employ other techniques to identify the violator.
- E. Miscellaneous:
1. "High Risk" tactics should be initiated once the pursued vehicle is stopped.

2. An alternative to forcefully stopping the violator would be identifying the suspect and apprehending him/her later.
3. Other options for stopping the violator include:
 - a. Identifying the suspect and apprehending him/her later.
 - b. Park a patrol vehicle on the berm with its pursuit lights activated and the officer positioned in a safe location directing the suspect to stop.
 - c. The use of flares or traffic cones placed across the highway to simulate the road being closed. Clear the road and select a safe location.
 - d. Use of spotlight focused on the back window of the pursued vehicle.
4. The termination of a pursuit does not prohibit the following of a vehicle at a safe speed, or remaining in an area to re-initiate pursuit if the opportunity and conditions permit.

Office of the Director: Approve Disapprove

Sean D. Logan

Date