

**WATERTOWN POLICE DEPARTMENT  
GENERAL ORDER**



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CHIEF OF POLICE

Effective Date: January 1, 2010	Rescinds: C -119 Amends: December 9, 2005	Number: C-120
Subject: Vehicle Apprehensions and Emergency Vehicle Operation	Re-evaluationDate: December 2013	
Distribution: ALL PERSONNEL	Related CALEA Standards:	

This order consists of the following numbered sections:

1. Purpose
2. Policy
3. Definitions
4. Emergency vehicle operation
5. Procedure
6. Operational tactics
7. Termination of a vehicle apprehension
8. Inter –jurisdictional vehicle apprehension
9. Reporting

**1. PURPOSE**

The purpose of this policy is to establish guidelines and responsibilities for officers and supervisors when engaged in vehicle apprehensions. This policy shall serve as a standard for administrative review of the judgment exercised by officers and supervisors involved in a vehicle apprehension.

**2. POLICY**

- a. The foremost goal of the Watertown Police Department is the protection of life and property; therefore, it is our policy to restrict and regulate those circumstances under which vehicle apprehensions will be permitted in the performance of the law enforcement mission.
- b. Officers are authorized to engage in a vehicle apprehension in an attempt to detain suspects who demonstrate violence or who pose an immediate specific continuing threat to public safety. Therefore, officers may engage in a vehicle apprehension if one or both of the following conditions exist:
  - i. If the officer reasonably believes the suspect has committed (or has attempted to commit) any forcible felony which involves the use or threat of physical force or violence against any individual.
  - ii. If the officer reasonably believes and can articulate that the suspect poses an immediate specific continuing threat to the public's safety.
- c. The forcible felony or immediate specific continuing threat to the public's safety used to justify a vehicle apprehension must be articulated by facts or circumstances that are known or reasonably believed, prior to the initiation of the vehicle apprehension. After the fact determinations of felonies involving the use or threat of physical force or violence against any individual or an immediate specific continuing threat cannot be used as the basis for determining that the initiation of a vehicle apprehension is within policy guidelines.

**3. DEFINITIONS:**

- a. **AUTHORIZATION TO CONTINUE VEHICLE APPREHENSION:** Verbal approval, transmitted over the assigned radio channel, by the supervisor and acknowledgement by the dispatcher and the officer driving the primary unit.
- b. **AUTHORIZED LAW ENFORCEMENT VEHICLE:** A motor vehicle belonging to a federal, state, or local law enforcement agency with a functioning audible signal and a functioning flashing or revolving light.
- c. **BOXING IN:** Surrounding a violator's vehicle with emergency vehicles that are then slowed to a stop, forcing the violator's vehicle to do likewise.
- d. **CANALIZATION:** A technique where objects or vehicles are positioned in a manner intended to direct or redirect a fleeing vehicle into a clearly identifiable and unobstructed path.
- e. **CARAVAN:** Operating emergency vehicles in a line or alongside each other in a vehicle apprehension.
- f. **CITY VEHICLE:** Any motor vehicle that is owned, leased, or borrowed by the city.

- g. DEADLY FORCE: Force when employed may bring about serious bodily injury or death.
- h. DISCONTINUE THE VEHICLE APPREHENSION: The pursuing vehicle turns off all emergency lights and sirens and turns off or pulls over immediately, and abandons all active attempts to stop and or follow the suspected vehicle.
- i. EMERGENCY CALL: A request for police service that presents an actual and immediate danger of death or serious bodily injury.
- j. EMERGENCY OPERATION: Driving an emergency vehicle according to state law and this procedure in response to an emergency call or in vehicle apprehension.
- k. FORCIBLE FELONY-means any felony which involves the use or threat of physical force or violence against any individual.
- l. IMMEDIATE SPECIFIC CONTINUING THREAT - there is significant likelihood, based upon known facts which can be articulated, of death or serious injury if apprehension is delayed.
- m. IMMEDIATE SUPERVISOR - the officer having direction and authority over the operations of the unit, officer or the primary unit involved in the apprehension. If that supervisor is not the immediate patrol supervisor, the supervisory duties will be assumed by the first available supervisor, who will monitor and direct the vehicle apprehension
- n. INTER-JURISDICTIONAL VEHICLE APPREHENSION: Any vehicle that crosses into a neighboring jurisdiction, such as across municipal, county or state line.
- o. MARKED POLICE VEHICLE: A police vehicle displaying the emblem and marking of the police department with emergency lights and audible warning devices.
- p. PARALLELING: Operating an emergency vehicle on streets or a route parallel to the vehicle apprehension route.
- q. POLICE VEHICLE: A city vehicle assigned to the police department.
- r. PRIMARY UNIT: The authorized law enforcement vehicle that initiates a vehicle apprehension or any other unit, which assumes control of the vehicle apprehension.
- s. SECONDARY UNIT(S): Any authorized law enforcement vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- t. RAMMING: Deliberate contact with a violators vehicle by a police vehicle to force the violators vehicle off the roadway.
- u. ROADBLOCK: A barricade or other physical obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.
- v. TERMINATE THE VEHICLE APPREHENSION: The decision to discontinue the vehicle apprehension.
- w. UNMARKED POLICE VEHICLE: A police vehicle not displaying the emblem or marking of the police department and not having emergency warning devices to include emergency lighting and siren.
- x. VEHICLE APPREHENSION – An active and continuing effort by a officer in an authorized emergency vehicle functioning with emergency lights and siren to apprehend the occupant (s) of a moving vehicle, provided the driver of such vehicle is aware, or should be aware, of the attempt being made to stop, and said driver fails to yield after a reasonable time or reasonable distance, or increases speed, or takes other evasive action.
- y. VEHICLE DISABLING DEVICE: A rigid column or a strip of belting containing specially designated hollow spikes with when deployed across a lane of roadway, penetrates tires, slowing the fleeing vehicle usually to a complete stop.

#### 4. Emergency Vehicle Operation

- a. The state of South Dakota outlines the privileges and duties of the operator of an emergency vehicle by state statute:
  - i. Privileges: When responding to an emergency call or when in pursuit of an actual or suspected violator of the law the operator of an emergency vehicle:
    - 1. Is exempt from speed restrictions
    - 2. May proceed past a red or stop signal or stop sign after slowing to ensure that he or she may safely pass.
    - 3. May drive on the left hand side of the roadway or in the opposite direction on a one way street if the normal lanes of traffic are blocked.
    - 4. May stop or park without regard for normal provisions on parking at the scene of an emergency as long as the emergency vehicle has at least one warning light in operation.
    - 5. In all cases the operator of an emergency vehicle must act with due regard to other persons when operating an emergency vehicle.
  - ii. Requirements: When operating in accordance with the privileges set forth above, the operator of the emergency vehicle must have.
    - 1. Emergency lights in operation and
    - 2. Audible siren in operation.

- b. The emergency lights or siren may be discontinued for certain in-progress calls when within visual or audible proximity of the scene. The driver shall obey all traffic laws when the emergency lights or siren have been discontinued.
5. Procedure
- a. Primary Apprehension Unit will:
    - i. Immediately notify the Communications Center that a vehicle apprehension is underway and provide the following information:
      1. Officer identification number and vehicle designation.
      2. Location, speed and direction of travel of the fleeing vehicle.
      3. Descriptive information of the fleeing vehicle as it becomes known, (i.e., make/model, color, license plate, number of occupants, etc.)
      4. Circumstances supporting the decision to apprehend including laws violated.
      5. Initial risk factor evaluation (low, moderate, high) by the primary unit and relayed to the immediate supervisor
      6. Presence of other law enforcement agencies.
      7. Location and the time the pursuit is discontinued.
      8. Continue to provide updated information regarding direction of travel, speed, and other pertinent details, unless secondary apprehension unit is present.
    - ii. Allow the secondary apprehension unit to assume all communications.
    - iii. Abandon the vehicle apprehension if any mechanical problems develop in the primary vehicle.
  - b. Secondary Apprehension Unit will:
    - i. Receive immediate authorization from the supervisor to assist in the pursuit to the extent that a supervisor is available and monitoring the pursuit.
    - ii. Activate all warning devices from the point of entry until the pursuit is ended.
    - iii. Immediately notify the Communications Unit of its identity and position as the secondary unit.
    - iv. Assume the responsibility of communications during the apprehension, continually providing significant information to the Communications Unit and active units. This responsibility shall not restrict the supervisor from giving instructions and/or directions to the primary apprehension unit, the secondary apprehension unit, back-up units, or the Communications Unit.
    - v. Provide a continuing risk factor evaluation (low, moderate, high) to the immediate supervisor
    - vi. Maintain a safe distance from the primary unit, but be close enough to render assistance.
    - vii. Become the primary unit, should the primary unit become disabled, if this occurs, the immediate supervisor will designate a new secondary unit.
  - c. Immediate Supervisor will:
    - i. Maintain overall responsibility for the decisions concerning continuance or termination of the apprehension through the chain of command. The supervisor shall assert control of the apprehension by monitoring and directing specific units into or out of the vehicle apprehension; re-designating primary, secondary, and back up units; approving or ordering alternative tactics; or terminating the vehicle apprehension if appropriate.
    - ii. Upon being notified of the vehicle apprehension, the supervisor shall verify the following:
      1. The offense for which the vehicle apprehension was initiated.
      2. That no more than the required number of units is involved in the vehicle apprehension.
      3. Proper radio channels are being utilized.
      4. Ensure affected inter-jurisdiction agencies are notified.
    - iii. During a vehicle apprehension, the supervisor may assign active roles to support units including, but not limited to, paralleling the vehicle apprehension; assigning support personnel to potential termination locations, deployment of the stinger spike system; and/or transferring equipment or personnel as necessary.
    - iv. The supervisor shall remain in charge of the incident until its conclusion unless relieved by a competent authority or a higher authority actively directs personnel involved in the vehicle apprehension.
    - v. Respond in all situations to the scene of any arrest resulting from the vehicle apprehension to control the scene.
  - d. Communications Center:
    - i. Upon notification that a vehicle apprehension is in progress, communications personnel shall:
      1. Initiate emergency radio traffic (10-33) and advise all other units that a vehicle apprehension is in progress; providing all relevant information, including unit numbers of the primary and support units.
      2. Receive and record all incoming information on the fleeing vehicle.

3. Ensure that the immediate supervisor, or other competent authority is aware of the situation.
4. Perform all relevant record and motor vehicle checks as expeditiously as possible.
5. Monitor all radio communications during the vehicle apprehension and if necessary, repeat information provided by active units when requested.
6. Coordinate and dispatch back-up assistance as directed by the supervisor.
7. Notify affected area agencies or precincts and attempt to establish a common radio network when the vehicle apprehension has or is likely to cross jurisdictional boundaries.
8. Keep the radio channel clear, only transmit when absolutely necessary or requested by a unit involved in the vehicle apprehension.
9. Keep the supervisor apprised of all relevant traffic problems and other actions that might impact upon the conduct of the vehicle apprehension.
10. Continue to monitor the vehicle apprehension until it has been terminated, ending emergency radio traffic (10-33) when authorized by the supervisor.

## 6. OPERATIONAL TACTICS

- a. Upon initiation of a vehicle apprehension, these risk factors should be taken into consideration:
  - i. High Risk - An officer may pursue the violator for a forcible felony or if the violator's actions pose an immediate specific continuing threat, however the officer must discontinue the vehicle apprehension if the risks to public safety exceed the seriousness of the offense. High Risk assessment factors include, but are not limited to:
    1. Frequent intersecting streets (e.g., business district).
    2. Poor weather, slippery streets, low visibility.
    3. Blind curves, intersections, narrow roads.
    4. Numerous pedestrians.
    5. Speeds twice the posted limit, or greater than 80 mph.
    6. Extremely hazardous maneuvers (e.g., driving against on-coming traffic, running red lights).
    7. Numerous law enforcement vehicles in apprehension.
    8. Officer excited, not in full control of emotions.
    9. Special circumstances (e.g., school zone).
  - ii. Moderate Risk - An officer may pursue the violator for a forcible felony or if the violator's actions pose an immediate specific continuing threat, however the officer must continue to assess the risks to public safety. Moderate Risk assessment factors include, but are not limited to:
    1. Some intersecting streets (e.g., residential area).
    2. Light pedestrian traffic.
    3. Moderate traffic, little congestion.
    4. Speeds greater than the posted limit.
    5. Officer generally calm, under control.
    6. Some hazardous, but not extreme maneuvers (e.g., crossing centerline to pass other vehicles, sudden lane changes).
    7. Authorized number of law enforcement vehicles in apprehension.
  - iii. Low Risk - An officer may pursue the violator for a forcible felony or if the violator's actions pose an immediate specific continuing threat, however the officer must continue to assess the risks to public safety. Low Risk assessment factors include, but are not limited to:
    1. Straight road, good surface, clear lines of sight.
    2. Few Intersections.
    3. Few or no pedestrians.
    4. Good weather.
    5. No hazardous maneuvers by violator.
    6. Speeds safe for conditions.
    7. Authorized number of law enforcement vehicles in apprehension.
    8. Officer calm, in full control.
    9. Little or no traffic.
    10. DUI type driving patterns.
  - iv. REFER TO VEHICLE APPREHENSION MATRIX FOR ADDITIONAL DETAILS (see attached matrix)
- b. The primary apprehension vehicle and the secondary apprehension vehicle will be the only vehicles to pursue a fleeing vehicle, unless specific authorization has been granted by a supervisor.
- c. Method of vehicle apprehension:

- i. Officers shall not continue a vehicle apprehension unless authorization for the vehicle apprehension is received from a supervisor, if one is available.
- ii. A caravan of unassigned units is prohibited. The supervisor will ensure that only those emergency units that are necessary will actively engage in any vehicle apprehension.
- iii. Officers engaged in a vehicle apprehension shall not drive emergency vehicles the wrong way (against regular flow of traffic) on a divided highway, interstate, or expressway or any other street or highway designated for one-way traffic, despite allowances in the state vehicle code. When a fleeing vehicle goes the wrong way against traffic, the primary officer shall:
  1. Parallel the vehicle in the correct lane of traffic.
  2. Notify dispatch of wrong way driver.
  3. Request assistance from outside agencies to shut down vehicle traffic on the highway coming in the fleeing subject's direction.
  4. Have communications notify department of transportation to activate reader boards to advise motorist of wrong way driver.
- iv. Units will not pass one another unless authorized by the primary unit or the supervisor in charge.
- v. Officers shall not engage in a vehicle apprehension when they are transporting prisoners, witnesses, suspects, or complainants, or any unauthorized passenger.
- vi. At the direction of the supervisor, back-up units may maintain a reasonable and safe following distance, otherwise they are to remain alert to the direction and progress of the vehicle apprehension, and may position themselves at strategic sites along the probable vehicle apprehension route, or on parallel roadways for response to any emergencies that may develop.
- vii. Vehicle apprehensions shall not be undertaken where the officer is operating a two or three-wheeled police motorcycle.
- viii. The operator of the emergency vehicle engaged in a vehicle apprehension must have emergency lights in operation and audible siren in operation.
- ix. Unmarked vehicles properly equipped with lights and sirens are permitted to engage in a vehicle apprehension, but will be relieved by the first available marked vehicle. Unmarked vehicles may then act as secondary units until a second marked vehicle is present, at which time the unmarked vehicle will discontinue the vehicle apprehension mode and continue safely if additional units are required.
- x. All initiating apprehension vehicles may relinquish primary apprehension position to neighboring city or county law enforcement units when crossing into their jurisdiction.
- xi. All units should terminate the vehicle apprehension when radio communications with the Communications Unit or their immediate supervisor is lost.
- xii. The use of agency approved vehicle disabling devices, known as the Stinger Spike system, is encouraged as a means of terminating vehicle apprehensions. Use of such devices is not considered deadly force.
  1. Deployment of a vehicle disabling device is at the discretion of any officer who can safely deploy the device; however the deploying officer must coordinate such deployment through the immediate supervisor.
  2. The vehicle disabling device will only be deployed by personnel who have viewed the appropriate training material generated by Administrative Services.
  3. Vehicle disabling devices shall not be deployed to terminate motorcycle vehicle apprehensions.
  4. The deploying officer shall advise the pursuing units and all other units that they should distance themselves from the fleeing vehicle and be prepared to slow down before entering the deployment site.
  5. Other traffic shall be diverted from the site if possible.
- xiii. Use of stationary roadblocks are not authorized for vehicle apprehensions.
- xiv. Use of rolling roadblocks will only be utilized if approval is granted by a supervisor.
  1. The decision to establish a rolling road block shall consider.
    - a. The safety of the officers.
    - b. The risk of physical injury to the occupants of the fleeing vehicle.
    - c. The protection of citizens and their property.
- xv. An officer shall not discharge his/her firearm at, or from a moving vehicle unless an occupant of the fleeing vehicle is using deadly force against him/her or another person. Discharging of a firearm by an officer is considered deadly force and the actions of the offending driver or passenger(s) must rise to that level of force.
- xvi. Ramming or bumping of fleeing vehicle is not authorized unless deadly force is justified.
- xvii. In all cases, officers shall employ felony/high risk traffic stop techniques at the end of pursuits.

## 7. TERMINATION OF A VEHICLE APPREHENSION

- a. Apprehending units have a legal obligation to discontinue the vehicle apprehension when circumstances dictate a vehicle apprehension is not justified or it becomes an unreasonable danger to public safety. Terminating a pursuit means that the pursuing vehicles turn off all emergency lights and sirens and turn off or pull over immediately, and abandon all active attempts to stop and or follow the suspected vehicle. A vehicle apprehension should also be terminated when:
  - i. In the opinion of the officer or the supervisor, the level of danger outweighs the necessity of the vehicle apprehension.
  - ii. The suspect's identity has been established to the point that later apprehension can be accomplished and the suspect does not pose an imminent threat to the public at large.
  - iii. The distance between the officer and the fleeing vehicle is so great it becomes obvious that apprehension is unlikely.
  - iv. Police equipment failure makes it impractical or unsafe to continue.
  - v. Loss of radio contact or communications with the Communications Unit and/or supervisor.
  - vi. The officer engaged in the vehicle apprehension no longer has a reasonable belief that the person being apprehended is an immediate danger, or suspected of committing, having committed, or attempting to commit a forcible felony.
  - vii. When motorists/pedestrians are involved in an accident as a result of the vehicle apprehension, immediate assistance shall be given. If there is only the marked primary police vehicle, then this vehicle must stop to provide assistance.
- b. If a vehicle apprehension is discontinued by the primary vehicle, (Unless for mechanical reasons), or the supervisor, then all officers shall discontinue the pursuit.
- c. Upon the termination of any vehicle apprehension, the officer and his/her immediate supervisor will inspect all involved department vehicles for damage. If any damage affecting operational components is evident or suspected, the vehicle should be taken out of service until cleared for service.

## 8. INTER-JURISDICTIONAL VEHICLE APPREHENSION

- a. Out Bound Vehicle apprehensions
  - i. If a vehicle apprehension appears to be continuing outside of Watertown and into the jurisdiction of another agency, the Communications Unit will inform the affected agency that a vehicle apprehension is traveling in their direction and request their assistance. Such notification should include:
    1. Vehicle description and direction of travel.
    2. Nature of offense/reason for vehicle apprehension.
    3. Any special conditions or considerations.
    4. Number of suspects in the fleeing vehicle.
    5. Number of units currently involved.
  - ii. If the agency having jurisdiction over the area the vehicle apprehension has entered, requests the primary unit to discontinue the vehicle apprehension in view of public safety concerns, the primary unit or supervisor shall honor that request and immediately terminate the vehicle apprehension.
  - iii. Officers involved in a vehicle apprehension that continues beyond the jurisdictional limits of Watertown will adhere to the policies established by the Watertown Police Department.
- b. In Bound Vehicle Apprehensions
  - i. The communications staff should determine the number of police vehicles from the other jurisdiction that are involved in the vehicle apprehension and find out the circumstances of the vehicle apprehension including the offense, vehicle description, and if assistance is requested.
  - ii. Officers shall not become involved in another agency's vehicle apprehension unless clearly and specifically directed by a Watertown Police Department supervisor.
  - iii. Assistance with, or involvement in, vehicle apprehensions originating outside of Watertown that enter Watertown must meet the same criteria established for vehicle apprehensions that originate in Watertown. If the criteria do not meet the Watertown Police Department Policy, officers shall not involve themselves in the vehicle apprehension and may request the apprehending agency terminate the vehicle apprehension due to public safety considerations based upon existing conditions.
  - iv. The decision to grant assistance to the requesting agency shall be that of a Watertown Police Department supervisor.
  - v. A priority for Watertown Police Department Officers will be to block intersections starting with the busiest intersections first and block as many as possible.
  - vi. A supervisor from this jurisdiction will proceed to the point of completion of the pursuit if within city limits of Watertown.

- vii. The initiating agency will remain in control of any vehicle apprehension that crosses into this jurisdiction and will remain responsible for the vehicle apprehension.
- viii. Generally, officers will not continue with a vehicle apprehension that has passed through this jurisdiction, once the vehicle apprehension has left this jurisdiction.

**9. REPORTING**

- a. A report shall be completed after every vehicle apprehension. The report shall be submitted by the officer conducting the vehicle apprehension and shall be completed by the end of that officer's tour of duty.
- b. The immediate supervisor will prepare an overview of the vehicle apprehension incident along with an agency "Vehicle Apprehension Information Sheet" and forward the information via the chain of command to the Chief of Police. This overview in conjunction with the originating officer's report shall contain the following information:
  - i. Name (s) of initiating and assisting officers, and supervisors involved.
  - ii. Reason for the vehicle apprehension.
  - iii. Place of origin.
  - iv. Route of travel.
  - v. Length of vehicle apprehension.
  - vi. Point of termination.
  - vii. Suspect's name, if apprehended.
  - viii. Injuries and/or damage that occurred as a result of the vehicle apprehension.
  - ix. Account of all violations committed during the course of the vehicle apprehension.
  - x. A summary of tactics employed to apprehend the subject.
  - xi. Copy of the in-car digital video recording if available.
  - xii. Any other noteworthy data or findings.
  - xiii. Determination as to whether the event followed guidelines of this vehicle apprehension general order.
- c. A documented analysis will be conducted annually of all vehicle apprehensions to determine any patterns, trends, indications for training, or necessary revisions to this general order.

**PURSUIT DECISION MATRIX**

NATURE OF OFFENSE	LOWER RISK	MODERATE RISK	HIGH RISK
VIOLENT FELONY IMMINENT THREAT	May Pursue. Continue To Assess Risk.	May Pursue. Continue To Assess Risk.	May Pursue. Discontinue If Risks Exceed Known Threat To Public Safety If Capture Is Delayed.
FELONY-VIOLENT CRIMES	May Pursue. Continue To Assess Risk.	May Pursue. Continue To Assess Risk.	May Pursue. Discontinue If Risks Exceed Known Threat To Public Safety If Capture Is Delayed.
FELONY-PROPERTY CRIMES	May Pursue. Continue To Assess Risk	May Pursue. Continue To Assess Risk	Discontinue <u>OR</u> Do Not Pursue
MISDEMEANOR OR TRAFFIC VIOLATIONS THAT ARE SAFETY RELATED	May Pursue. Continue To Assess Risk.	Discontinue <u>OR</u> Do Not Pursue	Discontinue <u>OR</u> Do Not Pursue
MINOR INFRACTIONS THAT ARE NOT SAFETY RELATED	DO NOT PURSUE	DO NOT PURSUE	DO NOT PURSUE

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