

WRITTEN DIRECTIVE



SUBJECT:	Vehicle Pursuits
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PURPOSE

The primary purpose of this directive is to ensure officers respect the sanctity of life when making decisions regarding vehicle pursuits—securing a balance between the protection of the lives and safety of the public and police officers, and law enforcement's duty to enforce the law and apprehend violators. This Policy is intended to guide the circumstances under which officers may engage in vehicular pursuits. High-speed vehicular pursuits create a substantial risk of injury and fatalities. Over 10% of vehicular pursuits end up in accidents resulting in injuries or fatalities, including to officers, innocent third parties in vehicles unrelated to the pursuit, and pedestrians.

POLICY

This directive establishes guidelines for officers regarding vehicle pursuits. In recognition of this data and the substantial human costs associated with high-speed vehicular pursuits, this Policy further restricts the circumstances under which pursuits can be undertaken. The offenses for which officers may pursue suspects has been limited to only the most serious crimes. Significantly, both auto theft and most drug offenses have been removed from the list of crimes authorizing the initiation of a pursuit. This Policy creates a strong presumption against the initiation of pursuits for traffic violations and prohibits continuation of a pursuit based on the risk created by the speed or evasive driving of the fleeing suspect during the pursuit itself. It also requires greater oversight by supervisors, and mandates that a pursuit be terminated unless a supervisor affirmatively authorizes it to be continued.

Deciding whether to pursue a motor vehicle is among the most critical decisions made by law enforcement officers. It is a decision which must be made quickly and under difficult, often unpredictable circumstances. In recognition of the potential risk to public and officer safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for a decision not to engage in a vehicular pursuit or to terminate an ongoing vehicular pursuit based on the risk involved, even in circumstances where this Policy would permit the commencement or continuation of the pursuit. Likewise, officers who conduct pursuits consistent with this Policy will be strongly supported in any subsequent review of such actions.

DEFINITIONS

Attempt to close distance. (also known as 'catching up to a vehicle') is an action by officers to close the distance gap between the police vehicle and the violator vehicle. The use of audio and visual emergency equipment has not yet been employed at this phase. (i) any attempt to close the distance on a vehicle should take place within an objectively reasonable short distance. (ii) attempting to close the distance could cause a more immediate threat to the safety of others beyond that which is caused by the violator.

Authorized Tire Deflation Device. A device designed and intended to produce a controlled deflation of one or more tires of a pursued vehicle and capable of operation consistent with criteria established in this Policy.

Baiting. is a willful attempt to entice or lure a police officer to engage in a pursuit.

Boxing In. The surrounding of a violator's moving vehicle with moving pursuit vehicles which are then slowed to a stop along with the violator's vehicle.

CAD. refers to this department's computer aided dispatch system.

Dispatcher. includes public safety tele communicators, and police officers assigned to the communications center.

Divided Highway. A road which includes a physical barrier between traffic traveling in opposite directions.

Heading Off. An attempt to terminate a pursuit by pulling ahead of, behind, or toward a violator's moving vehicle to force it to the side of the road or to otherwise come to a stop.

Law Enforcement Officer. Any person who is employed as a sworn member of any State, county, or municipal law enforcement agency, department, or division of those governments who is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of this State. The term law enforcement officer shall include sworn members of the New Jersey State Police, the Division of Criminal Justice and the Juvenile Justice Commission. It shall include State Correctional Police Officers pursuant to N.J.S.A. 2A:154-4, County Correctional Police Officers pursuant to N.J.S.A. 2A:154-3, Special Law Enforcement Officers of all classes pursuant to N.J.S.A. 40A:14-146.8 et seq., Humane Law Enforcement Officers appointed pursuant to N.J.S.A. 4:22-14.1 or 4:22-14.4, Auxiliary Police Officers appointed pursuant to N.J.S.A. App.A:9-45(c), and Constables appointed pursuant to N.J.S.A. 40A:9-120. For purposes of this policy, the terms law enforcement officer, police officer and officer shall have the same meaning.

Paralleling. Street Paralleling is driving a police vehicle on a street parallel to a street on which a pursuit is occurring. Vehicle Paralleling is a deliberate offensive tactic by one or more patrol vehicles to drive alongside the pursued vehicle while it is in motion.

Pursuit Driving. Pursuit driving is an active attempt by a law enforcement officer operating a motor vehicle and utilizing emergency warning lights and an audible device to apprehend one or more occupants of another moving vehicle when the officer reasonably believes that the driver of the fleeing vehicle is aware of the officer's attempt to stop the vehicle and is resisting apprehension by increasing vehicle speed, committing traffic violations or otherwise attempting to elude the officer. It shall not constitute pursuit driving if the fleeing vehicle follows all traffic regulations after the officer activates the emergency warning lights and audible device (siren).

Pursuit Vehicles. A Primary Unit is the police vehicle that initiates a pursuit or any unit that assumes control of the pursuit as the lead vehicle (the first police vehicle immediately behind the fleeing suspect). A Secondary Unit is any police vehicle which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

Roadblock. A restriction or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to effectuate the apprehension of a violator. An avenue of escape is a gap in a roadblock which requires the violator to decrease the vehicle's speed to permit the violator to bypass the roadblock. A blocking vehicle is a motor vehicle, often a law enforcement vehicle, which is placed perpendicular to a roadway or angled in such a way as to create a roadblock.

Specialty vehicle. includes vans, bicycles, vehicles towing trailers, clandestine vehicles, and other non-pursuit rated truck chassis vehicles.

Standard of care. N.J.S.A. 39:4-91 sets forth the standards of right of way for emergency vehicles that reads in part: *"This section shall not relieve the driver of any authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall it protect the driver from the consequences of his reckless disregard for the safety of others."*

Supervisor. A police officer who, by virtue of rank or assignment, is responsible for the direction or supervision of the activities of other police officers.

Vehicle Contact Action. Any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.

Violator. Any person who an officer reasonably believes (i) has committed or is engaged in a conspiracy or attempt to commit, any crime of the first degree or one of the violent or serious crimes of the second degree enumerated in Section 3.2 of this policy, or (ii) poses an imminent threat to the safety of the public or other police officers, as that threat is defined in Section 3.2 of this policy, set forth below.

PROCEDURE

1. DECIDING WHETHER TO PURSUE

- 1.1. Officers participating in any pursuit must consider road conditions, weather conditions, the nature of the offense, the safety of the officer and the safety of the general public.
- 1.2. A police officer has the authority, at all times, to attempt the stop of any person suspected of having committed any criminal offense or traffic violation. It is clear that while it is the officer who initiates the stop, it is the violator who initiates the pursuit. The officer's decision to pursue should always be undertaken with an awareness of the degree of risk to which the law enforcement officer exposes himself and others. The officer must weigh the need for immediate apprehension against the risk created by the pursuit.
- 1.3. It is impossible to describe exactly how a law enforcement officer should pursue a fleeing violator of the law except to state that it must be in accordance with existing law and with due regard for the safety of all persons. Each pursuit has certain different and unique aspects. Accordingly, the provisions set forth in these guidelines are intended to

assist personnel when operating an authorized emergency vehicle to determine what standard of care is reasonable, commensurate with the various circumstances under which the officer has a duty to inform and enforce the law.

2. **AUTHORIZATION TO PURSUE**

2.1. A law enforcement officer may only pursue under the circumstances described in subparagraph 2.1.1 or subparagraph 2.1.2:

2.1.1. When the officer reasonably believes that the violator has committed, or is engaged in a conspiracy or attempt to commit, any crime of the first degree or one of the following violent or serious crimes of the second degree:

- Manslaughter, N.J.S.A. 2C:11-4;
- Vehicular Homicide, N.J.S.A. 2C:11-5;
- Aggravated Assault, N.J.S.A. 2C:12-1(b);
- Disarming a Law Enforcement Officer, N.J.S.A. 2C:12-11;
- Kidnapping, N.J.S.A. 2C:13-1;
- Luring/Enticing a Child, N.J.S.A. 2C:13-6;
- Human Trafficking, N.J.S.A. 2C:13-8;
- Sexual Assault, N.J.S.A. 2C:14-2;
- Robbery, N.J.S.A. 2C:15-1;
- Arson, N.J.S.A. 2C:17-1;
- Burglary, N.J.S.A. 2C:18-2;
- Escape, N.J.S.A. 2C:29-5.

2.1.2. When an officer reasonably believes that the violator poses an imminent threat to the safety of the public or other officers. This determination shall be made based upon the violator's actions or operation of the vehicle prior to the initiation of the attempted motor vehicle stop. The violator's subsequent actions, including speeding or evasive driving during the pursuit itself, although often supporting the criminal charge of Eluding, N.J.S.A. 2C:29-2(b), shall not constitute an authorization to initiate or continue a pursuit.

2.2. Pursuit for motor vehicle offenses is not authorized under Paragraph 2.1 unless the violator's vehicle is being operated so as to pose an imminent threat to the safety of the public or other officers and that threat is based on the violator's actions or operation of the vehicle prior to the initiation of the attempted motor vehicle stop. There shall be a strong presumption against the initiation of vehicular pursuits based solely on motor vehicle violations. Both supervisors and officers shall ensure that only in rare cases will a vehicular pursuit be initiated or continued for motor vehicle violations.

2.3. In the event that one of the authorization requirements is satisfied, a pursuit shall not be automatically undertaken. An officer must still consider the following factors:

- likelihood of successful apprehension;
- whether the identity of the violator is known so that later apprehension is possible;
- degree of risk created by pursuit: (i) volume, type, speed and direction of vehicular traffic; (ii) nature of the area (residential, commercial, school zone, open highway, etc.); (iii) population density and volume of pedestrian traffic; (iv) environmental factors, such as weather and darkness; and (v) road conditions (construction, poor repair, extreme curves, intersections controlled by traffic signals or signs, ice, etc.); and
- police officer characteristics: (i) driving skills; (ii) familiarity with roads; and (iii) condition of police vehicle.

3. **TERMINATING A PURSUIT**

3.1. The pursuing officer shall terminate the pursuit under the following circumstances:

- if instructed to do so by a supervisor;
- if a supervisor has not affirmatively authorized the continuation of the pursuit after being notified and given an opportunity to assess the situation;

- if the officer believes that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the violator;
- if the violator's identity is established to the point where later apprehension may be accomplished and where there is no imminent threat to the safety of the public or police officers;
- if the pursued vehicle's location is no longer known or the distance between the pursuing vehicles and the violator's vehicle becomes so great that further pursuit is futile;
- if there is a person injured during the pursuit and there are no police or medical personnel able to render assistance;
- if there is a clear and unreasonable danger to the police officer or the public. A clear and unreasonable danger exists when the pursuit requires that the vehicle be driven at excessive speeds or in any other manner which exceeds the performance capabilities of the pursuing vehicles or police officers involved in a pursuit; or
- if advised of any unanticipated condition, event, or circumstance that substantially increases the risk to public safety inherent in the pursuit.

3.2. When a vehicular pursuit is terminated, officers shall immediately cease all emergency vehicle operations, including turning off all emergency warning lights and audible devices (sirens), and disengaging from the violator's vehicle.

3.3. Upon termination of a pursuit, officers shall immediately notify RT-TOIC via radio broadcast, giving the location of the termination.

4. **ROLE AND TACTICS OF THE PURSUING OFFICER(S)**

- 4.1. The decision to initiate and/or continue a vehicular pursuit requires weighing the need to immediately apprehend the violator against the degree of risk to which the officer and others are exposed as a result of the pursuit.
- 4.2. To diminish the likelihood of a pursuit, police officers intending to stop a vehicle for any violation of the law shall, when possible and without creating a substantial threat to the public safety, close the distance between the two vehicles prior to activating the emergency lights and audible device.¹
- 4.3. Upon commencement of a pursuit and regardless of the time of day, the pursuing officer shall immediately activate emergency lights, audible device, and headlights.
- 4.4. Upon the initiation of a pursuit, the pursuing officer shall immediately activate all emergency lights, siren, headlights, motor vehicle recorder (MVR), if equipped, and body worn camera (BWC), if equipped.
- 4.5. Pursuing officers shall maintain a safe distance from the violator's vehicle in order to have adequate time to facilitate evasive maneuvers and reduce the potential of a rear end collision that could possibly disable their police vehicle or deploy their air bag.
- 4.6. Once the pursuit has been initiated, the primary unit must notify RT-TOIC, identify themselves, and provide as much of the following information as is known:

¹ Officers shall recognize that while attempting to close the distance and prior to the activation of emergency lighting/audible equipment, they are subject to all motor vehicle laws governing the right of way (e.g. N.J.S.A. 39:4-91 and N.J.S.A. 39:4-92).

- Reason for the pursuit;
 - Direction of travel, designation and location of roadway;
 - Identification of the violator's vehicle;
 - Year, make, model, color, registration and other identifying characteristics of the violator's vehicle;
 - Number and description of occupants;
 - The speed of the violator's vehicle;
 - Other information that may be helpful in resolving or terminating the pursuit. Examples include road conditions, traffic density, weather conditions, etc.
- 4.7. The primary unit is responsible for the immediate radio transmission at the initiation of the pursuit and the decision to abandon or terminate the pursuit until relieved of this responsibility by the supervisor.
- 4.8. The pursuing officer(s) shall have a continuing duty to update the supervisor and RT-TOIC on the above information as the incident develops.
- 4.9. Failing to adequately provide any of the above information shall cause the supervisor monitoring the pursuit to consider ordering the termination of the pursuit.
- 4.10. The secondary unit shall report by radio as soon as possible that it has joined the pursuit. This provides the supervisor with the information that the pursuit team is complete.
- 4.10.1. Secondary units shall maintain a safe distance behind the primary unit in order to assist when necessary or take control if the primary unit is unable to proceed.
- 4.10.2. Additional units are generally prohibited from joining the pursuit without the express permission of the authorizing supervisor, but these units shall remain alert to the progress and location of the pursuit.
- 4.10.3. Secondary units must exercise maximum radio discipline and refrain from making unnecessary transmissions.

- 4.10.4. Any decision to permit additional units to participate in a pursuit should be based upon the number of persons in the pursued vehicle, the crime for which the vehicle is wanted, or whether the actor(s) are armed or considered dangerous.
- 4.10.5. Police vehicles other than the primary and secondary units should not travel in line together (caravanning) unless specifically authorized by the authorizing supervisor.
- 4.10.6. All other units should stay clear of the pursuit but remain alert to its progress and location through the continual use of communication by radio by the pursuing units.
- 4.11. In the event that the primary unit is unable to proceed with the pursuit or provide radio communications to the supervisor, the secondary unit may assume the role of primary unit and request that another secondary unit is assigned to the pursuit.
- 4.12. If the fleeing vehicle is lost to the pursuing unit, then the primary pursuit unit shall cause the chase to be terminated and shall be responsible for providing all available information through radio communication that would assist in locating the target vehicle.
- 4.13. Broadcasts to other patrols and surrounding police agencies and the coordination of any other search for the vehicle shall initially be the responsibility of the primary pursuit unit until relieved of that duty by a supervisor.
- 4.14. If it becomes necessary for pursuit officer(s) to leave their patrol vehicles to continue the pursuit on foot, they shall:
- Immediately notify central communications of their location and announce that a foot pursuit has commenced, including the general direction of flight;
 - Consider taking a flashlight, even during daylight hours, if case the foot pursuit enters a darkened building;
 - Turn off the patrol unit, remove the keys and, if possible, lock the car.

- Keep central communications current on their status and location during the dismounted pursuit;
- Be wary of the possibility that you may be lured into a trap or ambush;
- Approach all darkened areas and blind corners with utmost caution;
- If radio contact is lost or the portable radio unit becomes disabled, return to the police vehicle.

4.15. Seat belts must be utilized at all times while the police vehicle is in pursuit.

5. VEHICLE PURSUIT RESTRICTIONS

5.1. No pursuit shall be conducted:

- In a direction opposite to the flow of traffic on a divided highway.
- In a direction opposite to the flow of traffic on a one-way street.
- When an individual is present in the police vehicle who is not a law enforcement officer.

5.2. There shall be a strong presumption against the initiation or continuation of vehicular pursuits in areas where pedestrians are located or in areas of high-density vehicular traffic.

5.3. No more than two police vehicles (primary unit and secondary unit) shall become actively involved in a pursuit unless otherwise specifically directed by a supervisor.

5.4. Unmarked police vehicle shall not participate in a motor vehicle pursuit unless it is equipped with emergency lights and an audible device other than the standard horn. The unmarked vehicle shall immediately relinquish primary unit status upon participation of a marked vehicle.

5.5. Due to its high rollover potential, non-pursuit rated sport utility vehicles (SUVs) may participate in a pursuit but, shall exercise extreme care when cornering or when reacting to the pursued vehicle's evasive maneuvers. SUVs shall immediately relinquish primary unit status upon participation of a marked patrol automobile.

- 5.6. Due to their mechanical limitations, motorcycles are prohibited from engaging in a vehicle pursuit. Personnel operating motorcycles shall instead request assistance from a marked patrol vehicle.
- 5.7. Due to their mechanical limitations, agency specialty vehicles (see definitions) are prohibited from engaging in a vehicle pursuit. Personnel operating a specialty vehicle shall instead request assistance from a marked patrol vehicle.
- 5.8. Throughout the course of a vehicular pursuit, pursuing officers shall not attempt to overtake or pass the violator's moving vehicle.
- 5.9. During the course of a pursuit and when approaching an intersection controlled by traffic signals or signs, or any other location at which there is a substantially increased likelihood of collision, the operator of any pursuit vehicle shall, prior to entering the intersection, reduce the vehicle's speed and control the vehicle so as to avoid collision with another vehicle or pedestrian. The officer shall observe that the way is clear before cautiously proceeding through the intersection. At all other times including an attempt to close the distance prior to the initiation of a pursuit and upon the termination of a pursuit, officers shall observe the applicable laws governing the right of way at intersections and other locations.
- 5.10. Officers involved in a pursuit shall not engage in vehicle paralleling.
- 5.11. There shall be no street paralleling along the route unless the pursuit passes through an officer's assigned area. A unit that is parallel street following shall not join or interfere with a pursuit and shall stop all pursuit related activity at the boundary of its assigned area.
- 5.12. Officers shall not discharge a firearm against the driver or passenger of a moving vehicle except in the limited situations permitted under Section 4.6 of the Attorney General's Use of Force Policy.

- 5.13. Officers shall not discharge a firearm from a moving vehicle except in the limited situations permitted under Section 4.7 of the Attorney General's Use of Force Policy.
- 5.14. Officers involved in a pursuit shall not engage in any vehicle contact action except as a last resort to prevent imminent death or serious injury to the officer or another person where deadly force would otherwise be justified.
- 5.15. Under no circumstances shall an officer involved in a vehicle pursuit be allowed to commandeer or utilize any civilian vehicle during the course of that pursuit.

6. FORCIBLE STOPPING, ROADBLOCKS, AND TIRE DEFLATION DEVICES

- 6.1. The use of tire deflation devices to stop a fleeing vehicle is prohibited.
- 6.2. The use of roadblocks to stop a fleeing vehicle is prohibited.
- 6.3. Boxing in or heading off a violator's moving vehicle is permitted only under extraordinary circumstances. These tactics substantially increase the risk inherent in the pursuit and shall only be employed:
 - At low speeds; and
 - With the approval of a supervisor; or
 - In response to an imminent serious threat to the safety of the public or a police officer.
- 6.4. Prior to boxing in or heading off a pursued vehicle, the officer wishing to initiate such action shall notify all other units involved in the pursuit.
- 6.5. Involved officers shall maneuver their vehicles in such a manner as to minimize vehicle contact action and danger to other vehicles or pedestrians.
- 6.6. Upon coming to a halt and approaching the suspect vehicle, officers should not stand in front of or behind the suspect vehicle. Further, officers should:

- Avoid standing between the stopped vehicle and any fixed objects;
- Avoid standing in any other officers' line of fire;
- Order the driver (and passengers, if any) to show their hands, preferably palms facing up on the windshield;
- Order the driver to turn off the vehicle and toss the keys from the driver's side window (if able);
- Approach the vehicle with extreme caution being aware of sudden movement by either the driver or passenger(s);
- Maintain weapons discipline;
- Order the driver and passenger(s) to exit the vehicle one at a time and lie face down on the ground with arms extended, palms up;
- If handcuffed and as soon as practicable, sit the subjects upright to minimize positional asphyxia. Provide/supply medical aid when applicable.

6.7. Supervisors are responsible for minimizing hazards to police and other emergency personnel in any forcible stopping scenario in addition to ensuring the safety of citizens to the extent possible.

7. **ROLE OF THE SUPERVISOR**

7.1. Upon being notified or becoming aware of the pursuit, the supervisor shall decide as quickly as possible whether or not the pursuit shall be permitted to continue and shall broadcast that decision over the police radio channel by declaring "pursuit authorized" or "terminate pursuit." In addition, if the supervisor decides to authorize the pursuit, the supervisor shall broadcast the underlying reason for authorizing the pursuit (e.g., "Pursuit authorized for armed robbery suspect.").

7.2. The supervisor shall permit a pursuit to continue only under the following circumstances:

- There is a reasonable belief that the violator has committed, or is engaged in a conspiracy or attempt to commit, any crime of the

first degree or one of the violent or serious crimes of the second degree enumerated in Section 3.2 of this Policy; or

- There is a reasonable belief that violator poses an imminent threat to safety of the public or other police officers. This determination shall be made based upon the violator's actions or operation of the vehicle prior to the initiation of the attempted motor vehicle stop. The violator's subsequent actions, although often supporting the criminal charge of Eluding, N.J.S.A. 2C:29-2(b), shall not constitute an authorization to initiate or continue a pursuit.

- 7.3. The supervisor shall order a pursuit terminated at any time if he or she concludes that the danger to the pursuing officer(s) or the public outweighs the necessity for immediate apprehension of the violator.
- 7.4. The supervisor shall order the pursuit terminated if the suspect's identity is established to the point where later apprehension may be accomplished and where there is no imminent threat to public safety.
- 7.5. In recognition of the overall population density and volume of vehicular traffic in this State, and the increased risk attendant to prolonged vehicular pursuits, a supervisor shall order the termination of any pursuit of protracted duration unless the supervisor determines that further pursuit is justified to respond to an imminent threat to public safety.
- 7.6. The supervisor shall ensure, for the duration of the pursuit, that this Policy and agency procedures are followed by all officers.
- 7.7. The supervisor shall verify that the registration number of the vehicle being pursued, when provided, is immediately checked through NCIC for any wants or holds and ensure that the jurisdiction where the vehicle is registered is contacted to determine if the vehicle had recently been reported stolen or has any wants or holds.

8. **ROLE OF THE REAL-TIME TACTICAL OPERATIONS AND INFORMATION CENTER**

8.1. Upon notification that a pursuit is in progress, RT-TOIC personnel shall immediately advise the watch commander of essential information regarding the pursuit if the watch commander has not already been otherwise notified.

8.2. RT-TOIC personnel will keep the watch commander apprised of the duration and progress of the pursuit.

8.3. Watch commanders shall determine whether there is a need to assume control over and coordinate pursuit related communications.

8.4. All radio channels shall remain open for pursuit related transmissions and all necessary information shall be made available to officers involved in the pursuit. Non-pursuit radio traffic shall be directed to an alternate channel.

8.5. RT-TOIC personnel shall carry out the following activities and responsibilities during the pursuit:

- Obtain from the pursuing officer any information listed in Section 4.3 of this Policy that was not initially provided by the pursuing officer;
- Control all radio communications and clear the radio channels of all non-emergency calls;
- Obtain criminal record and vehicle checks of the pursued vehicle and any suspects;
- Coordinate and dispatch backup assistance and air support units under the direction of the field supervisor;
- Notify neighboring jurisdictions, where practicable, when pursuit may extend into its locality;
- Ensure that the necessary data entries are made;
- Acknowledge all radio transmissions from field units;
- Rebroadcast pertinent radio transmissions to field units, if necessary;
- Perform other duties as directed or required.

9. REINSTATING PURSUITS

9.1. Reinstatement of any previously terminated pursuit shall be undertaken consistent with the authorization criteria for originally initiating a pursuit.

10. INTER/INTRA JURISDICTIONAL PURSUITS

10.1. This department shall provide timely notification of a pursuit to any other jurisdiction, into which the pursuit enters or may soon enter. RT-TOIC personnel must make the determination based upon the information provided by the pursuing units or the authorizing supervisor.

10.2. At a minimum, a description of the violator's vehicle, number of units involved in the pursuit, location and direction of the pursuit and the reason for the pursuit must be provided.

10.3. *Notifying the other jurisdiction that a pursuit is in progress is not a request for it to join the pursuit.* A request for assistance from that other agency must be specifically made. Whenever the pursuing officers are unfamiliar with the roadways and terrain of the other jurisdiction into which the pursuit has entered, the pursuing officers shall seek the assistance of and be prepared to relinquish the pursuit to the other agency.

10.4. Upon approaching any jurisdictional boundaries, the primary unit shall notify central communications. The authorizing supervisor or tour commander shall determine whether the pursuit will continue or be terminated, and shall cause an immediate notification to each jurisdiction the pursuit enters or may enter. Where a pursuit is initiated so near to the border of another jurisdiction that it crosses into that jurisdiction before the supervisor has a chance to make the decision whether or not to pursue, the determination shall be made at the earliest possible time after being notified.

10.5. The supervisor shall maintain control of any pursuing units following their entry into another jurisdiction and shall not relinquish control of department units to the other agency.

10.6. Supervisors should be aware that other jurisdictions might have a stricter pursuit policy. Backup support may not be authorized by another agency. Backup support may not be available from another agency due to their workload. The supervisor must consider these factors in deciding whether to continue or terminate the pursuit.

10.7. If an outside agency announces that it intends to deploy a tire deflation device along the pursuit route, the supervisor should reassess this department's role in the pursuit as tire deflation devices increase the risk of collision and injury. The supervisor may:

- Permit the continuation of the pursuit; or
- Relinquish control of the pursuit to the other agency; or
- Order termination of the pursuit.

10.8. Pursuits initiated by another law enforcement agency may enter into the borders of a municipality serviced by the Camden County Police Department. Being notified by that other agency that a pursuit is entering is not a request to join the pursuit. RT-TOIC personnel shall broadcast this information to patrol units and shall coordinate all communications between the outside agency and CCPD patrol units. Supervisors shall direct patrol units to position close by the pursuit route in order to be quickly available to render assistance, when needed.

10.9. The outside agency may opt to relinquish control of the pursuit to this department. The supervisor shall determine if the pursuit falls within the parameters set forth in this directive and order a continuation of the pursuit or a termination of the pursuit.

10.10. Assisting another agency in a foot pursuit following any crash or abandonment by the violator(s) is authorized at the discretion of the supervisor.

10.11. Pursuits into the states of Pennsylvania, New York, or Delaware require specific authorization from the watch commander.

11. PURSUIT REPORTING

11.1. All officers who operate agency vehicles in vehicular pursuit or forcible stopping situations are required to file a Pursuit Incident Report in the department's record management system *and* in the Attorney General's Use of Force Reporting Portal. These reports are required in all cases when a pursuit takes place, regardless of the duration or whether it results in an apprehension or not. The report form is self-explanatory and must be completed before the end of the pursuing officer's shift, in the event the pursuing officer is unable to complete the reports—a supervisor shall complete the report within 48 hours.

11.1.1. When completing *Section 21 (Reason Pursuit Initiated)* of the *Pursuit Incident Report*, indicate the reason the pursuit had been initiated and not what was learned from the resulting investigation. Examples:

- A vehicle is pursued for a motor vehicle offense. After the vehicle is stopped, it is discovered that the vehicle had been stolen. Officers shall NOT check the '*Stolen Car*' box.
- A vehicle is pursued for a motor vehicle offense. After the vehicle is stopped, it is discovered that the operator has a warrant for his/her arrest. Officers shall NOT check the '*Warrant*' box.
- A vehicle is pursued for a motor vehicle offense. After the vehicle is stopped, it is discovered that the operators had committed a crime. Officers shall NOT check the '*Suspected Criminal Involvement*' box.

11.2. Additionally, in all cases, an incident report is also required. This is especially helpful in instances when a pursuit is not already a part of an existing investigation. The Attorney General's *Pursuit Incident Report* lacks the necessary information to conduct follow-up investigations into what

may be a 2nd degree crime and to provide intelligence for other agency members.

- 11.3. The watch commander or his/her designee shall ensure that these reports are completed prior to the pursuing officer(s) reporting off duty.
- 11.4. Vehicular pursuits resulting in the death or serious bodily injury of any civilian shall be handled in accordance with Attorney General Law Enforcement Directive 2019-4. In all cases where a vehicular pursuit results in death or serious bodily injury to a civilian, Internal Affairs shall immediately notify the County Prosecutor's Office for the county in which the incident occurred, who shall in turn immediately notify the Attorney General's Office of Public Integrity and Accountability (OPIA) Director or their designee.
- 11.5. Internal Affairs will prepare an annual agency *Vehicular Pursuit Summary Report* for submission to the county prosecutor. The annual report shall contain the following information:
 - Total number of pursuits
 - Number of pursuits resulting in accident, injury, death and arrest.
 - The number and type of vehicles involved in accidents (police, violator, and third party).
 - A description of individuals injured or killed (police, violator, third party).
 - The number of violators involved and arrested in pursuit incidents, including passengers.

12. **PURSUIT REVIEW**

- 12.1. Thorough and meaningful review of vehicular pursuit incidents is vital to ensuring the safety of law enforcement officers and the public. Every vehicular pursuit must undergo the following procedures for a meaningful command-level review.

- 12.2. Command Level Review. Real-time command level reviews are required for all vehicle pursuits. The meaningful command level review of the incident shall be undertaken in real-time by the immediate supervisor and the on-duty watch commander. The review shall include an examination of all available sources of information about the incident, including any video of the incident, recordings of 911 calls and police radio transmissions, reports, officer or other witness statements, medical records, or records of injuries; the review must include an analysis of whether the pursuit was compliant with this written directive. The watch commander shall submit his/her review and subsequent recommendations within 48 hours following the pursuit to the Professional Standards Division Commander via the chain of command for review.
- 12.3. If an agency vehicle collides with another vehicle or any other object during the course of a pursuit, Internal Affairs shall conduct an administrative investigation.
- 12.3.1. The investigation shall determine whether the collision could have been prevented.
- 12.3.2. In every case where the collision could have been prevented, the investigation shall set forth the actions taken by the agency to address the cause or causes of the collision including, but not limited to (i) revision of agency policy or directives (ii) remedial training (iii) equipment needs (iv) discipline.
- 12.4. In the case where serious bodily injury results to anyone involved in the pursuit or any bystander, operator, or occupant of any vehicle not involved in the pursuit, or in the event of a death occurring as a proximate result of the police pursuit incident, the Camden County Prosecutor's Office must be notified immediately so that an independent review may be conducted. This agency shall provide all reasonable assistance to the prosecutor's office, as required.

- 12.5. At the conclusion of the investigation the Professional Standards Division Commander shall review and make a recommendation of what action, if any, should be undertaken, including commendation of the officer, policy changes, remedial training, administrative action, disciplinary action or, if appropriate, referral for criminal prosecution.
- 12.6. The Administration, Personnel & Logistics Bureau Commander, shall review each vehicle pursuit investigation and approve or reject the recommendations. Upon review the Chief of Police shall determine final approval or rejection. The Chief's decision shall be memorialized and retained in the vehicle pursuit investigative file.
- 12.7. Vehicular pursuits that are determined to not be in compliance with the Attorney General's Use of Force Policy, or department policy, shall be forwarded to the County Prosecutor's Office for review.
- 12.8. The Professional Standards Division Commander shall conduct and forward to the Chief of Police an annual review of vehicle pursuit incidents by March 15th of the prevailing year. The review shall include, at a minimum, the following:
- analytical reports from the Attorney General's Use of Force Portal;
 - an audit of body worn cameras and other videos on a risk-based and randomly selected basis;
 - any internal affairs complaints;
 - an analysis of all vehicle pursuits to ensure that they are being conducted without discrimination based on race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic.
 - an analysis of all vehicle pursuits to identify any broad patterns or trends that could indicate policy ineffectiveness, training needs, equipment upgrade needs, and/or policy modification needs; and
 - an analysis of all vehicle pursuits to identify any pattern or practice of behavior by particular officers that could warrant intervention, remediation, and/or re-training.

- an analysis of all pursuits determined to not be in compliance with the Attorney General's Use of Force Policy, or department policy, and the steps taken to address the non-compliance.

12.8.1. Examples of some analytical categories may include, but are not limited to:

- Pursuits by time of day;
- Pursuits by shift;
- Pursuits by officer(s) involved;
- Pursuits by reason;
- Location of pursuit initiation (business, residential, or industrial);
- Location of pursuit termination;
- Pursuits resulting in injury to police personnel;
- Pursuits resulting in crashes;
- Pursuits resulting in crashes to police vehicles;
- Pursuits from other jurisdictions.

13. **TRAINING**

13.1. Training in the application of this directive shall be conducted annually. At a minimum, pursuit training shall consist of the following:

- A review of applicable statutes;
- A familiarization with Attorney General and Prosecutor guidelines and directives;
- A review of this directive;
- Forcible stopping options;
- Decision making skills (if available).

13.2. All police personnel, prior to operating any police vehicles on patrol or participating in any forcible stopping, must be provided with this mandatory training.

- 13.3. Nothing contained within this directive shall preclude supervisors from conducting additional training in the responsibilities and procedures set forth in this directive.
- 13.4. Internal Affairs shall file an annual report with the Camden County Prosecutor's Office confirming in-service pursuit training of all police officers in conjunction with semiannual firearm requalification and the use of force training.

OTHER PROVISIONS

All personnel are responsible for adhering to the requirements of this written directive until rescinded or amended by written order of the Chief of Police. Employees have an ongoing and continuous responsibility to seek guidance and verify their understanding of this and all directives including orders, policies, procedures, and rules. This directive shall take effect 12/31/2021 and remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Chief of Police. All directives not expressly altered by this order remain in full force and effect.

The provisions of this directive shall be severable. If any phrase, clause, sentence or provision of this directive is declared by a court of competent jurisdiction to be invalid, the remainder of the directive shall not be affected.

Non-enforceability by third parties. This Directive is issued pursuant to the Chief of Police's authority to ensure the uniform and efficient enforcement of the laws and administration of criminal justice by department members. This Directive imposes limitations that may be more restrictive than the limitations imposed under the United States and New Jersey Constitutions, and federal and state statutes and regulations. Nothing in this Directive shall be construed in any way to create any substantive right that may be enforced by any third party.

By Order of

X

/Gabriel Rodriguez/

Gabriel Rodriguez #12
Chief of Police