

DAYTON POLICE DEPARTMENT  
GENERAL ORDER  
VEHICLE PURSUIT



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Rev. 05/20

**POLICY STATEMENT**

The operation of a police vehicle in response to an emergency or in pursuit of another vehicle is the most hazardous situation routinely confronted by a police officer. **The safety of citizens and personnel is the first concern in a pursuit.** Therefore the Dayton Police Department authorizes officers in a patrol vehicle to initiate a vehicular pursuit under specific guidelines

Officers found civilly liable for actions during a vehicular pursuit are personally liable for punitive damages. The Civil Rights Act of 1991 provides that punitive damages are the responsibility of the officer and not the City.

**DEFINITIONS**

**PURSUIT** - an attempt by a law enforcement officer, on duty, in a marked police vehicle, to apprehend one or more occupants of a moving vehicle when the operator is operating the vehicle so as to actively resist apprehension by using evasive tactics and/or by ignoring the law enforcement officer's attempt to apprehend.

**CATCHING UP** - a police officer is not required to use emergency equipment when attempting to "catch up" with a violator or suspect, clocking a speeder, or while attempting to maintain a constant speed to clock a violator. "Catching up" is **not** to be confused with pursuing a violator as defined above. Officers must proceed with extreme caution and at a reasonable speed to avoid endangering the life and property of others.

**EMERGENCY EQUIPMENT** – audible and visual emergency equipment includes a siren and flashing, oscillating or blinking red and blue overhead lights.

**MARKED VEHICLE** – a police vehicle that displays the required overhead and audible emergency equipment and the appropriate markings indicating that it is a Dayton Police Department vehicle.

**PRIMARY UNIT** – the police vehicle that initiates a pursuit or any unit that assumes control of the pursuit.

**SECONDARY UNIT** – the police vehicle that becomes involved as a back-up to the Primary Unit.

**HIGHWAY** – any roadway which has been designated as a highway, interstate or state route with limited access. This does not include surface streets that run through business or residential areas that have posted speed limits below 55 miles per hour and have various traffic control devices at close-spaced intersections.

**I. VEHICULAR PURSUITS**

- A. As defined above, drivers must be actively resisting apprehension to qualify as a pursuit. Some indicators of willful conduct of the operator indicating that the driver knows they are being pursued include, but are not limited to the following:
  1. Creating risk of serious physical harm to persons or property
  2. Disobeying traffic Laws
  3. Maintaining or increasing speed of the pursuit
- B. Situations in which an offender refuses to stop, but continues to adhere to applicable traffic laws, are generally considered a pursuit by the courts.
- C. **Officers are prohibited from engaging in a pursuit without activating their emergency equipment (overhead lights and siren).**
- D. This policy does not prohibit officers from initiating a traffic stop for a non-felony offense, but once the driver's actions meet the definition of a pursuit as listed in the DEFINITIONS section, the attempt to initiate the stop must be terminated.
- E. Felonies that occur as a direct result of the pursuit itself (e.g. Fleeing and Eluding) are not justification for continuing a pursuit.

## II. LEGAL REQUIREMENTS IN POLICE PURSUIT

### A. Ohio Revised Code § 2744.02 (B)(1)(a)

1. A political subdivision is liable for the negligent operation of any motor vehicle by its employees upon the public roads, highways or streets when the employees are engaged within the scope of their employment and authority. However, one full defense to such liability is when a member of the municipal corporation police department is operating a motor vehicle "while responding to any emergency call and the operation of the vehicle did not constitute willful or wanton misconduct."
2. Under 2744.01 (A) "Emergency call" means: a call to duty, including, but not limited to, communications from citizens, police dispatches, and personal observations by peace officers of inherently dangerous situations that demand an immediate response on the part of a peace officer.

### B. Ohio Revised Code § 4511.24

The prima-facie speed limitations set forth in section 4511.21 of the Revised Code do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls and are equipped with and displaying at least one flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle and when the drivers thereof sound audible signals by bell, siren, or exhaust whistle. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons using the street or highway.

## III. EVALUATING CIRCUMSTANCES

A. Officers and Supervisors must be able to articulate their reasoning for engaging in a pursuit. Dayton police officers are permitted to become involved in pursuits under one or more of the following circumstances involving a felony crime:

1. The pursuit is **reasonable** in light of the facts and circumstances because if the officer does not apprehend the suspect immediately, the suspect would pose a **clear** and **present** threat to law enforcement officers and others.
2. The pursuing officer has probable cause to believe that the suspect has committed a **FELONY** as listed below:
 

<ol style="list-style-type: none"> <li>a. 2903.01 - Aggravated Murder</li> <li>c. 2903.03 - Voluntary Manslaughter</li> <li>e. 2903.06 – Aggravated Vehicular Homicide</li> <li>g. 2903.12 – Aggravated Assault</li> <li>i. 2905.02 – Abduction</li> <li>k. 2907.03 – Sexual Battery</li> <li>m. 2909.24 - Terrorism</li> <li>o. 2921.34 - Escape</li> <li>q. 2923.13 – Having Weapons under Disability</li> <li>s. 2923.17 – Possession of Dangerous Ordnance</li> </ol>	<ol style="list-style-type: none"> <li>b. 2903.02 - Murder</li> <li>d. 2903.04 - Involuntary Manslaughter</li> <li>f. 2903.11 – Felonious Assault</li> <li>h. 2905.01 – Kidnapping</li> <li>j. 2907.02 - Rape</li> <li>l. 2909.02 – Aggravated Arson</li> <li>n. 2911.01 – Aggravated Robbery</li> <li>p. 2911.11 – Aggravated Burglary</li> <li>r. 2923.161 – Improperly discharging a firearm</li> <li>t. 2923.32 – Engaging in a Pattern of Corrupt Activity (Violent Crime/Drug Trafficking only)</li> </ol>
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3. Vehicles Used in a Felonious Assault - An officer will not initiate a pursuit on a vehicle that almost strikes or swerves at another occupied vehicle (including a police cruiser) or person. Officers may initiate a pursuit only if a vehicle *intentionally* strikes another occupied vehicle or person.
4. Stolen Police Cruisers - Stolen police vehicles pose a great danger to the public due to the weapons inside them and the amount of trust that the public instills into the police.
  - This does not include unmarked vehicles unless exigent circumstances exist (vehicle contains SWAT equipment, weapons, etc.).
5. The pursuing officer has probable cause to believe that the suspect has committed the offense of kidnapping, abduction, child enticement, or is a suspect in an AMBER ALERT and the victim is at large or presumed to be held by the suspect and the matter is not a child custody dispute or has a warrant for their arrest on these charges.

6. Vehicles traveling in the wrong direction on the highway - This will allow oncoming vehicles to have an audio and visual warning about the dangerous situation approaching them and provide an attempt to get the suspect driver to stop their vehicle immediately.
7. **Special Circumstances** - Pursuits may be approved by a lieutenant prior to any pursuit being initiated due to circumstances surrounding a continuing investigation into targeted individuals/specific/described vehicles or during pre-planned operations based upon any of the following guidelines:
  - a. Authorization will be granted on a case-by-case basis and no blanket authorization exists to pursue under special circumstances without prior authorization from a Lieutenant.
  - b. Targeted Individual
    - The targeted individual is in a specific identified or described vehicle,
    - The targeted individual is a suspect in a felony offense of violence and/or an drug trafficking offense AND is believed to be armed or has a history of felony offenses of violence (as active intelligence from the Violent Crimes Bureau, Narcotics Bureau, Patrol detectives, or supervisory personnel indicates),
  - c. Specific or Described Vehicles
    - After the suspect or described vehicle has fled from one traffic stop attempt and is documented by Failure to Comply DIBRS report and the vehicle occupants are likely involved in felony crimes of violence, and/or weapon offenses, and/or repeat drug complaints within specific areas previously identified by Division Commanders to reduce gun crimes, an upgrade can be made on the vehicle. After being upgraded, officers will be authorized to pursue the vehicle on the second occasion of fleeing from an attempted traffic stop.
    - Failure to Comply Incidents must be documented to include all of the elements of the crime.
      - A visual and/or audible signal must be given to the driver
      - Determine whether the element exist for Misdemeanor or Felony Fleeing & Eluding.
      - Complete a DIBRS report for Failure to Comply
    - Misdemeanor Complaints
      - Make a broadcast for the vehicle requesting a tow and hold
      - If the vehicle is located within 48 hours the crime will be fully investigated
      - If the vehicle is not located with 48 hours, the broadcast will be considered expired and automatically cancelled.
    - Felony Complaints
      - Make a broadcast for the vehicle requesting a tow and hold.
      - The case detective will fully investigate the incident
    - Determining Special Circumstances
      - Initial officers or the case detectives may determine that special circumstances exist to upgrade a Failure to Comply vehicle to a pursuable vehicle
      - All documentation should be compiled and presented for a Watch Commander to Review in order to upgrade a broadcast to pursuable.
        - ❖ Previous Failure to Comply reports
        - ❖ Fleeing Vehicle Cards
        - ❖ Field Interviews
        - ❖ Maps of incident locations (Previously identified High Gun Crime Areas)
        - ❖ Supporting evidence that the driver/occupants are likely involved in:
          - Felony Crimes of Violence and/or
          - Weapons Offenses and/or
          - Repeated Drug Complaints

- Procedures for Special Circumstances
  - Present all documentation to a Watch Commander or higher rank.
  - Once approved, update the broadcast with teletype as a pursuable vehicle, listing the approving commander's crew number.
  - Enter a Vehicle Locator Hit into MIS with an expiration of 48 hours from the time of upgrade.
  - After 48 hours, the broadcast and locator hit should expire unless circumstances have been reviewed by a Watch Commander or higher rank.
  - If after review, it is determined to extend the broadcast, repeat the broadcast/locator hit procedures listed in this section.
- d. Pre-planned Operations
  - During pre-planned operations, conducted in collaboration with either the Narcotic's Bureau, Violent Crimes Bureau, or Patrol Operations, to address felony offenses of violence and/or an aggravated drug trafficking offenses AND the vehicle is believed to contain individuals who may be armed or have a history of felony offenses of violence.
- e. Aerial Support
  - With supervisory approval and when aerial support is readily available during an enforcement operation in a predetermined location to reduce violent crime, and the operation is being monitored by a lieutenant, officers will be permitted to pursue a vehicle that flees a traffic stop until aerial support can locate the vehicle.
    - As soon as aerial support acknowledges that they observe the target vehicle, the pursuing police vehicles will immediately terminate their pursuit. Pursuing marked cruisers will turn off the emergency lights and siren, immediately pull to the curb or turn a different direction, and acknowledge termination of the pursuit over the radio. In these circumstances, officers should leave the MVR operating until the target vehicle has stopped or there is no more surveillance on the target vehicle.
  - When there were no accidents, injuries, or allegations of improper conduct, the investigating supervisors will complete a brief BlueTeam Internal Investigation Incident Report detailing the events. The investigation should include an interview of the suspect (when applicable), witness information (if any), pictures of the fleeing vehicle, cruiser video, and a brief synopsis of the incident.
- f. Patrol Operations Division personnel will manage these pursuits as outlined in this policy:
  - A Patrol Operations Division supervisor will manage the pursuit upon notification of authorization and must be made aware of the facts surrounding the targeted pursuit prior to initiating the pursuit.
  - Either the Patrol Operations Division officers engaged in the pursuit or their supervisor can terminate the pursuit based upon the criteria throughout this policy.
- B. Officers must evaluate the totality of the circumstances before initiating a pursuit. Some factors to consider while evaluating the circumstances are:
  1. Does the severity of the crime warrant the danger to the public that a pursuit could cause?
  2. What is the possibility of apprehension?
  3. Will the pursuit travel through school zones, on residential streets, business districts, highways, or off-road?

4. What are the traffic conditions? (i.e. volume, speed, and direction of traffic; type – pedestrian, rush hour, holiday, or weekend)
  5. What are the weather conditions?
  6. What are the conditions of the police vehicle and the vehicle that is fleeing?
  7. Is immediate assistance available?
  8. Is the identity of the person known to the point that later apprehension is possible?
  9. How familiar is the officer with the area roads and road conditions?
  10. What is the time of day and lighting conditions?
  11. If the vehicle is an entered vehicle, how long has it been entered and under what circumstances.
- C. Officers and Supervisors must continuously balance the need to apprehend the suspect with the risk of injury to the general public and re-evaluate the reasons for and the conditions of the pursuit as they receive new information and/or circumstances change.
- D. Officers must terminate vehicular pursuits whenever the risk to personal safety, and the safety to the general public, exceeds the danger to the community if the fleeing person is not apprehended.
- E. When entering a vehicle into L.E.A.D.S. and/or broadcasts for violent felony offenses (i.e. aggravated robbery, felonious assault, etc.), the officer taking the report must have authorization from their supervisor prior to entering in the broadcast to Teletype. This will ensure that a vehicle being entered meets all of the elements necessary to place it in the category that would authorize a pursuit.
1. Supervisors will ensure that there is sufficient information from the victim relating to the crime (i.e. was the person in the area for a legitimate reason?). If the facts of the case do not support the victim's claim, this information must be weighed versus entering the vehicle in for a violent felony that may result in a pursuit under false pretenses.
  2. Each workday, all detectives are required to review the daily broadcast sheets for vehicles listed as **being stolen** or **used in violent felony crimes (i.e. robbery, homicide, abduction, etc)**. If no corresponding Criminal Incident Report was received that morning, reasonable attempts are to be made that same morning by the appropriate detective or supervisor to verify that the elements of the crime remain factual and accurate as initially reported for the LEADS entry and the broadcast sheets."
- If the broadcast is not accurate, then it must be changed or cancelled immediately to reflect the correct elements of the crime reported. On weekend processing, the on duty detective supervisor will be required to complete this assignment.
- F. Crews have the ability to type in a specific FIC types related to pursuits.
1. For suspect vehicles involved in a pursuit of a Fleeing Vehicle – Pursuit (PUR) FIC type should be used. The location should be the starting point of the pursuit. Officers should complete as much information on the vehicle and occupants as possible. The caution indicator for fleeing from police officers should also be marked.
  2. For incidents where a vehicle flees and where there was **NO** pursuit, the Fleeing Vehicle – No Pursuit (FLV) FIC type should be used.

#### IV. PURSUIT PROCEDURE

- A. When a vehicular pursuit is initiated, the following procedures will be implemented:

1. OFFICER RESPONSIBILITY:
  - a. Immediately notify the dispatcher of the pursuit.
  - b. Advise the dispatcher of the reason for the pursuit.
  - c. Advise the dispatcher of the location and direction of the pursuit.
  - d. Advise the dispatcher of the vehicle description and if possible the driver.
  - e. Advise the dispatcher of the speeds during the pursuit.
  - f. Advise the dispatcher of traffic violations as they occur, if possible.
  - g. If the pursuit is canceled, immediately acknowledge the order to terminate over the radio (see section IV.G).
  - h. The officer operating the primary vehicle should be relieved of the responsibility of radio communication by his/her passenger officer.
  - i. If the primary vehicle has no passenger officer, the secondary vehicle's driver or passenger should complete this task.
  - j. **The pursuing officer has the prerogative to terminate a pursuit at any time if it is perceived the risk of injury outweighs the necessity to apprehend the suspect.**
  - k. After the pursuit is canceled, the officer will **NOT** be permitted to continue following the suspect vehicle.
2. REGIONAL DISPATCH CENTER (RDC) RESPONSIBILITY:
  - a. Pursuits will be treated as Priority One Emergency Calls.
  - b. Initiate an Alert Tone, restrict the channel, and patch channels together when necessary.
  - c. Immediately notify the pursuing officer's supervisor, or covering supervisor, and the Watch Commander (if on duty) of the pursuit and reason for pursuit, and assign the officer's immediate supervisor to monitor the pursuit.
  - d. Inquire as to crew number(s) of immediate back up crew(s).
  - e. Monitor pursuit.
  - f. Notify other jurisdictions when appropriate.
  - g. The officer's supervisor is responsible for closely monitoring the radio traffic during the pursuit.
3. SUPERVISOR RESPONSIBILITY:
  - a. Acknowledge notification and assignment of the pursuit by the dispatcher.
  - b. Monitor radio traffic of crews involved in pursuit.
  - c. Respond to the area of the pursuit in order to observe road conditions, speeds of the vehicles involved, other traffic in the area and any other factors pertinent to continuing or canceling the pursuit.
    - One supervisor (sergeant or lieutenant) may follow the pursuit in order to supervise and will not count as any of the vehicles involved in the pursuit. This will allow the supervisor to directly observe pursuit conditions in real time, to include observing road conditions, number of cruisers in pursuit, and all other relevant factors without tying up the radio.
  - d. Direct responding crews not involved in the pursuit as primary/backup to parallel the pursuit and establish location of deployment of Stop Sticks, if applicable.

- e. Cancel the pursuit if not in compliance with the policy, or if conditions suggest that risk of serious physical harm to persons or property outweighs the need to apprehend the offender.
  - f. The supervisor has the authority to cancel all units not deemed necessary to the pursuit and/or to order termination of the pursuit altogether. The **Watch Commander or assigned supervisor** will have the ultimate authority in continuing or canceling a pursuit.
  - g. Authorize which crews can continue a pursuit if it leaves the Dayton city limits.
  - h. Initiate and complete a Pursuit Investigation in a *BlueTeam Internal Investigation Incident Report* and route it through the system.
  - i. Complete necessary incident logs.
- B. Number of Cruisers and their Tasks:
1. It is the responsibility of all backup units to identify themselves to the dispatcher as soon as possible.
  2. Except when exigent circumstances exist, no more than three (3) Dayton Police vehicles will engage in a vehicle pursuit on non-highway roads. When a pursuit enters a highway, a fourth cruiser will be allowed to join. The second, third and fourth (when permitted) cruisers will only serve as a backup to the primary cruiser. Supervisors, in determining whether to permit more vehicles to engage in any pursuit will consider the number of suspects, types of weapons involved, and crime involved. A backup unit becomes the primary pursuit vehicle if the original unit is forced to stop or slow down due to mechanical or other problems.
  3. Watch Commanders or Supervisors in marked police vehicles are permitted to respond to the area utilizing emergency equipment in order to ensure compliance with this policy. Watch Commanders or Supervisors may follow behind the pursuing vehicles in order to supervise the pursuit.
- C. Officers are permitted to become involved in a pursuit with a civilian rider; however, they will immediately turn over the pursuit to another officer as soon as possible. Officers will not pursue another vehicle while transporting a prisoner or witness. Police Recruits assigned to Field Duty and other sworn law enforcement personnel (i.e. Parole/Probation Officers, DEA, FBI, ATF, etc....) are an exception.
- D. A Dayton Police supervisor must authorize crews continuing a pursuit outside of the Dayton city limits. The supervisor must indicate which crews will remain in the pursuit. Any crews not indicated must terminate their pursuit at that time.
- E. Pursuit Intervention Technique (PIT)
1. The PIT maneuver is a technique utilizing a moving police vehicle to intentionally contact another moving vehicle in order to induce a rear rotational spin of the violator vehicle into a position so it can be blocked by other police vehicles.
  2. PIT may only be performed by trained officers, sergeants, or lieutenants unless the criteria in section IV.F.1 are met.
    - a. Sworn members must successfully attend and pass the PIT course to become certified.
    - b. Officers who are certified in PIT will be required to recertify every two years.
  3. PIT should be utilized as soon as practical to limit the danger that the suspect vehicle poses.
  4. Trained officers may use PIT on any motor vehicle that meets the pursuit criteria, except:
    - a. Vehicles that are not designed for highway use (ATV).
    - b. Vehicles that are top heavy due to a roll hazard (cargo vans, busses).
    - c. Vehicles with less than four wheels.

5. In addition to the circumstances set forth in Section III, trained officers may also use the PIT on vehicles under the following circumstances:
  - a. Suspected OVI driver who is not actively fleeing but is refusing to comply with a traffic stop and is a danger to the public.
  - b. Driver of vehicle who is believed to be experiencing a medical condition.
  - c. Wrong way driver on or about to enter highway or one way road.
6. Trained officers should communicate their intention to use the PIT so that following vehicles in the pursuit can be prepared for boxing in the vehicle after the technique is used.
7. Trained officers are not required to obtain permission from a supervisor prior to using the PIT.
8. The preferred speed for conducting a PIT maneuver is between 30 MPH and 45 MPH. PIT should be performed at 45 MPH or under unless exigent circumstances exist.
  - a. Examples of exigent circumstances include but are not limited to the following:
    - Suicidal driver (needs to be stopped before someone is seriously injured or killed)
    - In order to end a pursuit prior to it approaching an area with a large crowd or children present (i.e., driving towards a large community event or towards schools where kids will be at bus stops or walking in the area).
    - Medical emergency or person overdosing behind the wheel where if police discontinue the pursuit, the person is still a threat to the community.
    - Wrong way driver
    - Driver poses such a danger to the public that the need to immediately stop them outweighs the risk to the driver of the suspect vehicle.
    - Any situation where the officer or supervisor deems that waiting for the opportunity for the suspect to slow down will cause greater danger to the general public than utilizing the PIT at a higher speed.
9. Three cruisers are recommended during a PIT maneuver in order to box in the suspect after the vehicle has been stopped.
10. After the suspect vehicle has been stopped, the three pursuing cruisers should box in the suspect vehicle to prevent it from fleeing again.
  - a. Boxing in cruisers should be inches away from the suspect's vehicle to prevent them from accelerating should they choose to flee.
  - b. Officers may have to take cover to avoid crossfire.
  - c. Unintentional contact with the suspect vehicle may occur.
    - Minor contact is not considered a cruiser accident and will be documented in the pursuit investigation by a supervisor.
      - If there is no pursuit investigation, the incident will be documented in a "documented report" by a supervisor.
11. Criteria for PSB and CRU callouts for PIT technique will be the same as explained in section VIII. B.
  - Because PIT is intentional contact between the police and suspect vehicle, no OH-1 is needed for their contact.

## F. Tactical Considerations:

1. **Offensive Tactics** - In the course of the pursuit, deliberate contact to forcibly stop a fleeing vehicle is permissible if such actions are **reasonable** in light of the facts and circumstances because if the officer does not stop the fleeing vehicle immediately, the suspect would pose a **clear** and **present** threat to law enforcement officers and others and the action does not create a substantial risk of serious physical harm or death to uninvolved persons.
2. **Passing** - There shall be no attempt by officers to pass other units involved in the pursuit unless the passing officer receives specific permission from the primary unit or the supervisor. Officers who are PIT certified may pass in order to become the primary unit in order to use the PIT to stop the suspect vehicle. The PIT officer must communicate with the other crews prior to passing. Canine officers may also pass to become the third unit in the pursuit after communicating with the other officers. When these crews overtake or join in the pursuit, it will not increase the number of units involved in the pursuit (3 in the city or 4 on the highway). The last units in the pursuit will turn off if the number of vehicles is too many.
3. **Rolling Roadblock** – A technique in which three or more police vehicles are positioned around a moving vehicle and gradually slow all vehicles to a stop.
  - a. Will not be used on vehicles where the occupants are believed to be armed.
  - b. Should not be used on vehicles driving erratically.
  - c. If reasonable, a supervisor should authorize the rolling roadblock.
4. **Stationary Roadblocks** - Unless there is imminent danger to persons, or unless specifically authorized by a supervisor, crews will not initiate a stationary roadblock.
5. **Paralleling**- Officers not actively involved in the pursuit may respond to the area of the pursuit with their emergency equipment activated. They should attempt to get ahead of or parallel the pursuit with their lights and sirens on in order to slow down and stop traffic.

This will serve several purposes:

- a. To slow down civilian traffic,
  - b. To notify the public of the danger posed by the suspect vehicle,
  - c. To ensure the DVR is recording (in case needed for evidence in a criminal case),
  - d. To give the suspect the appearance that more crews are in the area than actually are.
6. **Disabling Devices** - Disabling devices shall be employed whenever possible to immobilize a pursued vehicle. (See section VII. STOP Sticks).
  7. **Shooting at or From a Moving Vehicle** - An officer will not discharge firearms from or at a moving vehicle unless they reasonably believe that such an action is in defense of human life.

## F. Termination of pursuits

1. The pursuing officer(s), an immediate supervisor, or any Police supervisor can terminate the pursuit at any time.
2. If the pursuing officer loses sight of the fleeing vehicle or the officer determines that the risks are too great, they will terminate the pursuit.
3. If there is more than a momentary loss of radio contact with the RDC, the officer will terminate the pursuit unless discontinuing the pursuit would pose a **clear** and **present** threat of loss of life to law enforcement officers and/or others.
4. Upon termination of a pursuit, all units involved will, in the following order:

- a. Turn off emergency lights and siren,
- b. Immediately pull to the curb or turn in a different direction,
- c. Acknowledge termination to the dispatcher.
- d. Officers should leave their MVR's on for at least a minute after the termination of the pursuit by all police vehicles involved.

#### V. QUALIFIED PURSUIT VEHICLES

- A. Only marked police vehicles equipped with functioning audible and visual emergency equipment (siren and emergency lights visible from at least three directions) will participate in emergency runs or vehicle pursuits.
- B. Police officers operating squadrols, trucks, vans, Forensic Services trucks, motorcycles or SUV's (with the exception of Ford Pursuit – Rated SUV's) and other specialized vehicles equipped with operable lights and siren are prohibited from participating in pursuits.
  1. Police officers in unmarked police vehicles or specialized marked vehicles, except motorcycles, who observe the necessary criteria for a pursuit to develop, may attempt to maintain surveillance until a marked vehicle, properly equipped, intervenes and only if the surveillance can be conducted safely.
  2. Specialized marked vehicles, may respond to emergency calls using emergency equipment, but may not engage in vehicle pursuits.

#### VI. PURSUITS FROM OTHER JURISDICTIONS, ESCORTS AND MISCELLANEOUS EMERGENCY OPERATION

- A. When a single-unit pursuit is initiated by another jurisdiction and continues into the City Limits of Dayton, the closest appropriate (marked cruiser) crew will respond to assist that agency as backup, to ensure the safety of that officer. A Dayton Police supervisor must authorize Dayton Police personnel to participate in other jurisdiction initiated pursuits. Only Dayton Police supervisors have the authority to direct Dayton Police personnel to engage in other jurisdiction vehicle pursuits.
  1. Dayton Police Department officers will remain in the pursuit only until appropriate crews from the original jurisdiction joins in.
  2. If the pursuit leaves the city limits, a Dayton Police supervisor must authorize continuation of the pursuit.
  3. Dayton Police units will not assume the role of primary unit in any other jurisdiction pursuit, unless the pursuit meets the evaluating circumstances discussed in Section III AND a supervisor approve.
- B. The RDC supervisor will contact the pursuing agency to establish the reason for the pursuit (original violation) and number of units involved.
- C. A Dayton Police Department supervisor will respond to the scene of any pursuit by another agency that ends in the City of Dayton.
- D. Escorts of civilian vehicles for emergencies will not occur.

#### VII. STOP STICK™

- A. Stop Stick is the brand name of a tire-deflating device designed to assist in stopping a fleeing vehicle or prior to attempting to stop a vehicle likely to flee. Only officers who have been trained in the use of Stop Sticks are authorized to use them.

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B. Storage, Stocking, and Care of Stop Sticks

1. Stop Sticks will be placed in the specially designed mounting tray in the trunk/rear compartment area of each marked cruiser.
2. Never bend a Stop Stick.
3. Avoid allowing a Stop Stick to become wet.
4. Keep objects away from the Stop Stick and mounting tray and be sure that objects in the trunk will not make contact when shutting the trunk lid.
5. Each Division will maintain a supply of at least six spare Stop Sticks to replace those that are used.

C. Use of Stop Sticks

1. Whenever possible, obtain a supervisor's permission prior to use.
2. There are situations where it is prudent to disable a vehicle with the device before making a suspect aware of police presence and before a pursuit begins. Such use is likely to constitute a seizure so both state and federal constitutional requirements must be taken into consideration. Therefore, the device may be utilized in situations to stop or disable a vehicle without first signaling or otherwise ordering the suspect to stop in order to maintain safety (i.e., suspect is wanted for a felony crime of violence, suspect involved in previous weapon offenses, fleeing & eluding, abduction, etc.). If utilized on a vehicle that is not pursuable under policy, officers will not be allowed to pursue the vehicle.
3. Use only in compliance with the training received. (e.g. finding a safe location – the front of your cruiser may not be a safe location.)
4. Use only on vehicles with four or more tires.
5. Inform pursuing officers of the location of the Stop Sticks so they can avoid them.
6. Remove the Stop Sticks from the roadway as soon as possible.
7. Attempt to divert other traffic away from the site where the Stop Sticks are being used.
8. Stop Sticks, used successfully to stop a motor vehicle, will be treated as evidence.
9. After the successful deployment of stop sticks, only tag the actual stop stick section that was successfully deployed into the Property Room. The remaining unused stop stick sections, stop stick sleeve and the reel should be provided to the District Coordinator so the used section can be replaced. If there is a subsequent crash with serious or life threatening injuries after successful deployment of stop sticks, consideration should be given to tagging the entire stop stick system.

D. Reporting Procedures

1. **Officers:** An OH-1 is not required when Stop Sticks are used unless a vehicle crashes after driving over the device. Damage caused by Stop Sticks will be documented in the Pursuit Report on the *BlueTeam Internal Investigation Incident Report*.
  - a. Officers will also report the usage using the STOP STICK online reporting form located at [REDACTED]. See Attachment A for example.
  - b. Once this form is submitted, the Officer will print out the responding email and include it with their special report to their supervisor.
2. **Supervisors:** Supervisors will comment on the appropriateness and effectiveness of each use of Stop Sticks in their investigative report. Should a deployment of StopSticks take place and the vehicle flees and is not immediately located, the incident should be documented on a *Blue Team Internal Investigation Incident Report, (Documented Report)*.

**VIII. INVESTIGATING SUPERVISOR'S RESPONSIBILITY**

- A. The supervisor of the initiating crew will be the primary investigator of the event. In the event of the absence of that supervisor, the supervisor covering will assume this responsibility. Special unit (Community Problem Response Team, GDPM, Crash Reconstruction Unit, etc.) supervisors are responsible for investigating pursuits involving personnel in their command. In the absence of the special unit supervisor, the supervisor responsible for the geographical area where the pursuit started will complete the investigation.
1. The investigating supervisor will initiate an Administrative Investigation and add the results of their investigation and conclusions. The report, along with other documents pertinent to the investigation (OH-1, copy of dispatch tape, photographs, DIBRS reports, etc.) are to be attached to the file and forwarded through the appropriate Division Commander to the Professional Standards Bureau.
  2. The supervisor will interview, and attempt to get written statements from, the driver and all occupants of the pursued vehicle. Specifically, attempt to determine at what point during the incident the driver realized the police were trying to stop him/her. It should be remembered, however, the Supervisor must advise the driver of his Miranda Rights before attempting to interview him regarding the pursuit. Even though the purpose of the interview is administrative in nature, the interview necessarily requires the defendant to make admissions that could be used in the criminal investigation. Any incriminating statements made by the driver will be documented in the officer's DIBRS report.
- B. The Watch Commander will notify Professional Standards and the Crash Reconstruction Unit when, during a vehicle pursuit, a crash occurs causing:
- 1) Serious injuries to a police officer.
  - 2) Injuries to any occupant of the pursued vehicle, which requires admission to a hospital.
  - 3) Serious injuries to a third party.
  - 4) Extraordinary property damage (other than the suspect owned vehicle).
  - 5) Death.
- The ultimate decision as to whether or not Crash the Reconstruction Unit is called to the scene rests with the Watch Commander or, in their absence, the appropriate supervisor at the scene.**
- C. Traffic crash reports (OH-1's) will be completed in all cases where there was an accident that occurred during the pursuit except in cases where it can be proven that the offender acted intentionally to cause a crash.

Attachment A

Deployment Report

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**STOP STICK DEPLOYMENT REPORT** [Home / Deployment Report](#)

Agency Name \*  Date of Offense \*

Telephone \*  Email Address \*  Street \*

Country \*  States

City \*  Zipcode \*

Originating Agency  Assisting Agencies

Time Started    Time Ended

Which device was used? \*  
 STOP STICK  Terminator  Piranha  Barracuda

Reason for pursuit?  
 Traffic  Drunk Driving  Warrant  Assault  Kidnapping  Theft  Drug Related  Murder  Felony Vehicle  Other

Was this pursuit initiated as a result of a traffic stop?

Additional Charges

Deployment Report

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Miles covered during chase  MPH when STOP STICKS were hit

Miles covered after spiked  Road Surface  Number Of Tires Flattened

Which Tires Flattened  R/Front  L/Front  R/Rear  L/Rear STOP STICK deployed

Make of target vehicle  Model  Year

Was there property damage as a direct result of deployment of Stop Stick?  Were there any injuries as a direct result of the deployment of Stop Stick?

If you would like to be contacted in regards to replacement status, please provide contact information.

IMPORTANT - LIST SERIAL NUMBER(S) OF DAMAGED STOP STICK(S)\* \*

COMMENTS

Deploying Agency  Deploying Officer \*

Case #  Badge #

Reporting Agency  Reporting Officer \*