

MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> VEHICLE PURSUITS		
<i>Effective Date:</i> 4/25/2018	<i>Original Date:</i> 06/13/2002	<i>Next Review:</i> 4/25/2019
<i>Chapter</i> 9	<i>Policy #</i> 9.20	<i>Distribution:</i>
<i>References:</i> <i>Use of Force; Mutual Aid, 61-9-402, 44-11-101, 61-8-346</i>		

I. Purpose

The purpose of this policy is to establish guidelines for making decisions with regard to vehicle pursuits.

II. Policy

Vehicle pursuits of fleeing suspects can present a danger to the lives of the public, officers and suspects involved in the pursuit. It is the responsibility of the Missoula Police Department to assist officers in the safe performance of their duties. To fulfill these obligations, it shall be the policy of this agency to regulate the manner in which vehicle pursuits are undertaken and performed.

III. Definitions

Vehicle Pursuit: An active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.

Failure To Yield: A failure to yield is not the same as eluding. If a driver is driving at or close to the speed limit and otherwise generally obeying traffic laws an officer may follow such vehicle as long as needed to get the driver to stop.

Police vehicle: A vehicle used in the service of the police department which is equipped with a siren and flashing or rotating red and blue lights.

Authorized Emergency Vehicle: A vehicle of this agency equipped with operable emergency equipment as designated by state law:

Fleeing vehicle: A vehicle that has increased its speed and continues at a speed that is 10 or more miles an hour above the applicable speed limit, extinguishes its lights, or otherwise fleeing from, eluding, or attempting to flee from or elude the peace officer.

Primary Unit: The police unit which initiates a pursuit or any unit which assumes control of the pursuit.

Secondary Unit: Any police vehicle which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

IV. Procedures

A. Initiation of Pursuit

1. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
 - a. The driver of a police vehicle may not operate the vehicle with reckless disregard for the safety of others.
 - b. An officer may not engage in a pursuit if the initial offense is not an arrestable offense, unless there are other circumstances that make immediate apprehension necessary to protect a person from serious injury or death.
2. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicle pursuit when the conditions in the preceding section are met.
3. In deciding whether to initiate pursuit, the officer shall take into consideration:
 - a. Road, weather and environmental conditions
 - b. Population density and vehicle and pedestrian traffic
 - c. The relative performance capabilities of the pursuit vehicle and the vehicle being pursued.
 - d. The seriousness of the offense
 - e. The presence of other persons in the police vehicle
 - f. Visibility conditions
 - g. Speeds involved

B. Pursuit Operations

1. All emergency vehicle operations shall be conducted in strict conformity with applicable traffic laws and regulations.
2. Upon engaging in a pursuit, the pursuing vehicle shall activate appropriate warning equipment, (audible and visual signals).
3. Upon engaging in pursuit, the officer shall notify communications of the location, directions and speed of the pursuit, the description of the pursued vehicle and the initial purpose of the stop. The officer shall keep communications updated on the pursuit. Communications personnel shall notify any available supervisor of the pursuit, clear the radio channel of non-emergency traffic and relay necessary information to other officers and jurisdictions.
4. When engaged in pursuit, officer shall not drive with reckless disregard for the safety of other persons.

5. Unless a supervisor directs otherwise, a pursuit shall consist of no more than two police vehicles, a primary and a secondary unit.
6. If a second police vehicle is involved, the secondary vehicle should take over communications with the dispatch so primary officer can concern themselves with driving.

C. Supervisory Responsibility

1. When made aware of a vehicle pursuit, the appropriate supervisor shall monitor incoming information, coordinate and direct activities as needed to ensure that proper procedures are used and shall have the discretion to terminate the pursuit.
2. When possible, a supervisory officer shall respond to the location where a vehicle has been stopped following a pursuit.
3. If a supervisor is actively involved in chasing a pursued vehicle (as opposed to monitoring and directing the pursuit), he should disengage from the pursuit as soon as another officer can take his place, as long as there is an adequate number of officers involved in the pursuit.
 - a. If a shift commander must leave the city, either to respond when a pursuit has ended or because they are actively involved in chasing the pursued vehicle, and there is no other supervisor available the shift commander will designate an officer to be in charge in his absence.
4. If a pursuit leaves the jurisdiction of the Missoula Police Department the shift commander should make an effort to turn over the pursuit to an agency in the current jurisdiction. The shift commander must also re-evaluate the need to continue the pursuit, particularly in light of the seriousness of the offense.

D. Pursuit Tactics

1. Officers shall not normally follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicle or pedestrian traffic. Officers may move to strategic locations where intervention tactics, such as stop sticks, would most likely be effective and also where they can assist in the apprehension of fleeing suspects should the pursuit end.
2. When feasible, available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit, such unit shall disengage when a marked unit becomes available.

3. Motorcycles may be used for pursuit in exigent circumstance and when weather and related conditions allow. They shall disengage when support from marked patrol units becomes available.
4. Any intervention tactics, short of deadly force, such as use of stop sticks should only be used when it is possible to do so safely and when the officers utilizing them have received appropriate training in their use.
5. Decisions to discharge firearms at or from a moving vehicle, or to use roadblocks, shall be governed by this agency's use of force policy, and are prohibited if they present an unreasonable risk to bystanders. They should first be authorized, whenever possible, by a supervisor.
6. Once the pursued vehicle is stopped, officers shall utilize appropriate officer safety tactics and shall be aware of the necessity to utilize only reasonable and necessary force to take suspects into custody.
7. Tactics such as intentionally ramming a vehicle constitutes a use of force. Personnel will comply with use of force policy.

E. Termination of the Pursuit

1. The primary pursuing unit shall continually re-evaluate and assess the pursuit situation including all of the initiating factors and terminate the pursuit whenever he or she reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
2. The pursuit may be terminated by the primary pursuit unit at any time.
3. A supervisor may order the termination of the pursuit at any time.
4. A pursuit may be terminated if the suspect's identity has been determined; immediate apprehension is not necessary to protect the public or officers, and apprehension at a later time is feasible.

F. Inter-jurisdictional Pursuits:

1. The pursuing officer shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line.
 - a. When a pursuit enters this jurisdiction, the action of officers shall be governed by the policy of the officers' own agency. Prior to assisting another jurisdiction with a pursuit, officers will obtain approval from a supervisor.

G. After action reports

1. Whenever an officer engages in a pursuit, the officer shall file a written report detailing the circumstances. This report shall be critiqued by the appropriate supervisor or supervisors to determine if policy has been complied with and to detect and correct any training deficiencies.
2. The department shall periodically analyze police pursuit activity and identify any additions, deletions or modifications warranted in departmental pursuit procedures.
3. The supervisor shall complete an After Action Report discussing the successes and failures of the incident, along with any corrective actions taken. The After Action Report will be forwarded to the Division Captain.

H. Training

1. Officers who drive police vehicles shall be given initial and periodic update training in the agency's pursuit policy and in safe driving tactics.

V. **Montana State Codes**

61-9-402. Audible and visual signals on police, emergency vehicles, and on-scene command vehicles -- immunity. (1) A police vehicle must be equipped with a siren capable of giving an audible signal and may be equipped with alternately flashing or rotating red or blue lights as specified in this section.

(2) An authorized emergency vehicle must be equipped:

(a) with a siren and an alternately flashing or rotating red light as specified in this section; and

(b) with signal lamps mounted as high and as widely spaced laterally as practicable that are capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight.

(3) A bus used for the transportation of school children must be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, displaying to the front two red and two amber alternating flashing lights and to the rear two red and two amber alternating flashing lights. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight. The warning lights must be as prescribed by the board of public education and approved by the department.

(4) A police vehicle and an authorized emergency vehicle may, and an emergency service vehicle must, be equipped with alternately flashing or rotating amber lights as specified in this section.

(5) The use of signal equipment as described in this section imposes upon the

operators of other vehicles the obligation to yield right-of-way or to stop and to proceed past the signal or light as provided in [61-8-346](#) and subject to the provisions of [61-8-209](#) and [61-8-303](#).

(6) An employee, agent, or representative of the state or a political subdivision of the state or of a governmental fire agency organized under Title 7, chapter 33, who is operating a police vehicle, an authorized emergency vehicle, or an emergency service vehicle and using signal equipment in rendering assistance at a highway crash scene or in response to any other hazard on the roadway that presents an immediate hazard or an emergency or life-threatening situation is not liable, except for willful misconduct, bad faith, or gross negligence, for injuries, costs, damages, expenses, or other liabilities resulting from a motorist operating a vehicle in violation of subsection (5).

(7) Blue, red, and amber lights required in this section must be mounted as high as and as widely spaced laterally as practicable and be capable of displaying to the front two alternately flashing lights of the specified color located at the same level and to the rear two alternately flashing lights of the specified color located at the same level or one rotating light of the specified color, mounted as high as is practicable and visible from both the front and the rear. These lights must have sufficient intensity to be visible at 500 feet in normal sunlight. Except as provided in [61-9-204](#)(6), only police vehicles, as defined in [61-8-102](#), may display blue lights, lenses, or globes.

(8) A police vehicle and authorized emergency vehicle may be equipped with a flashing signal lamp that is green in color, visible from 360 degrees, and attached to the exterior roof of the vehicle for purposes of designation as the on-scene command and control vehicle in an emergency or disaster. The green light must have sufficient intensity to be visible at 500 feet in normal sunlight. Only the on-scene command and control vehicle may display green lights, lenses, or globes.

(9) Only a police vehicle or an authorized emergency vehicle may be equipped with the means to flash or alternate its headlamps or its backup lights.

(10) A violation of subsection (5) is considered reckless endangerment of a highway worker, as provided in [61-8-301](#)(4), and is punishable as provided in [61-8-715](#).

History: En. Sec. 129, Ch. 263, L. 1955; amd. Sec. 1, Ch. 40, L. 1959; amd. Sec. 1, Ch. 250, L. 1965; amd. Sec. 4, Ch. 153, L. 1975; R.C.M. 1947, [32-21-132](#); amd. Sec. 1, Ch. 361, L. 1985; amd. Sec. 1, Ch. 503, L. 1985; amd. Sec. 116, Ch. 370, L. 1987; amd. Sec. 27, Ch. 431, L. 1997; amd. Sec. 5, Ch. 520, L. 1999; amd. Sec. 46, Ch. 352, L. 2003; amd. Sec. 5, Ch. 379, L. 2003; amd. Sec. 218, Ch. 542, L. 2005; amd. Sec. 43, Ch. 449, L. 2007; amd. Sec. 2, Ch. 520, L. 2007.

44-11-101. Mutual assistance authorized -- powers and duties of assisting officers. A peace officer or any law enforcement entity of any county or municipality or a state government law enforcement entity may request the assistance of a peace officer from another law enforcement entity within the state of Montana. A peace officer, while in the jurisdiction of the requesting officer or entity and while on such request for assistance, has the same powers, duties, rights, privileges, and immunities as a peace officer of the requesting entity and is under the authority of the requesting officer or entity.

History: En. 11-1851 by Sec. 1, Ch. 337, L. 1977; R.C.M. 1947, 11-1851; amd. Sec. 1, Ch. 22, L. 1985

61-8-346. Operation of vehicles on approach of authorized emergency vehicles or police vehicles -- approaching stationary emergency vehicles or police vehicles. (1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of [61-9-402](#) or of a police vehicle properly and lawfully making use of an audible signal only, the operator of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle or police vehicle has passed, except when otherwise directed by a police officer or highway patrol officer.

(2) This section does not relieve the driver of an authorized emergency vehicle or police vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(3) Except as provided in subsection (4), upon approaching a stationary authorized emergency vehicle or police vehicle that is displaying visible signals of flashing or rotating amber, blue, red, or green lights, the operator of the approaching vehicle shall:

(a) reduce the vehicle's speed, proceed with caution, and, if possible considering safety and traffic conditions, move to a lane that is not adjacent to the lane in which the authorized emergency vehicle or police vehicle is located or move as far away from the authorized emergency vehicle or police vehicle as possible; or

(b) if changing lanes is not possible or is determined to be unsafe, reduce the vehicle's speed, proceed with caution, and maintain a reduced speed, appropriate to the road and the conditions, through the area where the authorized emergency vehicle or police vehicle is stopped.

(4) Upon approaching a stationary authorized emergency vehicle or police vehicle that is displaying visible signals of flashing or rotating amber, blue, red, or green lights on a public highway with a posted speed limit of 50 miles per hour or greater when driving in a lane that is directly next to the emergency vehicle or police vehicle, the operator of the approaching vehicle shall reduce the vehicle's speed by at least 20 miles per hour below the posted speed limit.

History: En. Sec. 72, Ch. 263, L. 1955; amd. Sec. 4, Ch. 169, L. 1957; amd. Sec. 3, Ch. 153, L. 1975; R.C.M. 1947, 32-2175; amd. Sec. 1, Ch. 217, L. 1989; amd. Sec. 1, Ch. 157, L. 2001; amd. Sec. 28, Ch. 352, L. 2003; amd. Sec. 1, Ch. 520, L. 2007.