



TOWN OF MACEDON POLICE DEPARTMENT

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| General Order: 546 | Effective Date: March 3, 2021 |
| Subject: Pursuit Driving | |
| Reference Standards: 43.4 | |
| Rescinds: G.O issued April 29, 2019 | |
| Page 1 of 10 | Attachments: Appendix A, Attachment 1: Post Pursuit Form, Attachment 2: Release of Liability |

I. DEFINITIONS

- A. Emergency Operation – “The operation or parking of an authorized emergency vehicle, as defined by Section 101 of the NYS V&T Law, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual or potential release of hazardous materials or other emergency. Emergency operation will not include returning from such service.” (V&T§114-b).
- B. Emergency Response – When an officer responds to:
 - 1. A request to a possible life-threatening situation or serious in progress crime, or
 - 2. An unusual incident/event that requires an immediate response by a supervisor.
- C. Pursuit – Attempted apprehension by a police officer operating an emergency equipped police vehicle, of occupant(s) of another motor vehicle, whose operator refuses to comply with a lawful directive to stop and attempts to flee or takes other evasive action.
- D. Terminate – To immediately stop or cease the pursuit by turning off emergency equipment and returning to non-emergency driving operation by all personnel involved in the pursuit.

II. POLICY

- A. NYS Vehicle and Traffic Law exempts authorized emergency vehicles involved in emergency operations from some restrictions of the Vehicle and Traffic Law. This exemption, however, “will not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of others” (V&T §1104-4 e).

- B. During an emergency response or pursuit, officers will:
1. Drive with due regard for the safety of all persons and property.
 2. Terminate a pursuit as instructed by a supervisor, or when a pursuit or emergency response is causing a dangerous and/or hazardous condition to the officer and/or others.
- C. Officers will not initiate or continue a pursuit or emergency response if not in accordance with this order. Officers must constantly evaluate the risks involved in initiating or continuing a pursuit or emergency response. A pursuit may only be initiated if there is reasonable suspicion to believe that the operator of (or a passenger in) the vehicle pursued has committed or is about to commit an act, as listed in Appendix "A", attached hereto.
- D. Even if a pursuit may be initiated or continued because there is reasonable suspicion to believe that the operator of, or a passenger in, the vehicle pursued has committed or is about to commit an act, as listed in Appendix "A", the pursuit shall not be initiated or continued if the risks associated with the pursuit outweigh the possible benefits as determined by a review of the following factors:
1. reason for the response or pursuit, seriousness of the incident or charges
 2. traffic density/pedestrian volume
 3. weather/road conditions
 4. speed involved
 5. officer's driving skill/specialized training
 6. time of day
 7. type of area (business vs. residential)
 8. type of road
 9. condition of police vehicle
 10. availability of additional police vehicles to assist at the scene or to intercept pursued vehicle
 11. knowledge of the offender's identity and danger to the community if the suspect is not immediately apprehended
 12. danger caused by the operation of vehicle being pursued
- E. Marked police vehicles engaged in an emergency response, day or night, will utilize emergency red lights, siren and alternating headlights. Only unmarked vehicles equipped with alternating headlights, siren and an authorized emergency red light will engage in an emergency response. In cases of crimes in progress, etc., the siren will be utilized up to the point where it may be heard at the scene of the crime; the lights will be utilized until they may be visible at the scene. Once the emergency response is terminated and when the use of lights and siren are discontinued, members will respond in obedience to all traffic laws.
- F. Unmarked police vehicles not equipped with alternating headlights, siren and an emergency red light will not undertake an emergency response. If dispatched to a high priority incident, they will respond in obedience to all traffic laws. Officers operating unmarked vehicles (provided the vehicle is equipped with alternating headlights, siren and an emergency red light) may engage in pursuit

only when the fleeing vehicle is wanted for an act, defined in Appendix "A", and only until a marked vehicle becomes available to take over the pursuit. Once the marked vehicle has taken over, the unmarked vehicle will withdraw from the pursuit.

- G. Non-sworn employees will not engage in emergency response or pursuit driving.
- H. Officers will not engage in an emergency response or pursuit driving while transporting non-departmental persons (prisoners, witnesses, parents of juveniles, etc.) unless:
 - 1. The passenger is a ride-along observer who has signed a Liability Release Form, (Attachment "2"); or
 - 2. When necessary to preserve life when a timely ambulance transport is not available.
 - 3. The officer's supervisor will be responsible for the management of any emergency response, including the responsibility to terminate same.

III. PROCEDURE

A. Emergency Response to Assignments

- 1. The responding officer(s) and back-up units will have the discretion, based on the nature of the assignment, meeting the definitions in Section I and the criteria in Section II.C., to respond to a call in an emergency response mode.
- 2. Officers will limit their vehicular speed, taking into consideration the safety of self and others and the factors listed in Section II.C.
- 3. Officers will use extreme caution in operating police vehicles and come to a complete stop and assure safety prior to continuing at intersections where they do not have clear right-of-way.
- 4. Distance to the location of incident alone will not be a determining factor to engage in an emergency response.

B. Pursuit Driving

- 1. Initiation. When a motor vehicle pursuit is initiated, the pursuing officer will immediately report same to the Wayne County 911 dispatcher by stating the officer has a pursuit and advise the following:
 - a. the officer's assigned radio call number
 - b. the reason for pursuit (officer will clearly articulate this)
 - c. route, direction of travel and areas being approached (to be reported as frequently as safety permits)
 - d. description of pursued vehicle and license plate number
 - e. number of occupant(s) and description
 - f. weapons involved, if any
 - g. speed of pursuit
 - h. operation of pursued vehicle, e.g., reckless, slow, etc.
 - i. request the Road Patrol Supervisor be notified of pursuit

2. All employees on the same channel will refrain from radio transmissions during the pursuit, except for short transmissions of their locations as safety permits. A secondary channel will be utilized for other emergencies.
3. The Wayne County 911 Dispatcher, upon notification of a pursuit, will:
 - a. Clear the channel except for vehicles involved in the pursuit. All other transmissions will be sent to a secondary channel.
 - b. As time allots, notify other agencies operating on the Macedon Police Department channel and surrounding police agencies if the pursuit may enter their jurisdiction.
 - c. Initiate registration and criminal record searches as soon as possible and broadcast when time permits.
 - d. Notify the Road Patrol Sergeant of the Pursuit.
4. Road Patrol Sergeant will:
 - a. Acknowledge responsibility for command of the pursuit and respond to the area to manage the pursuit (if on duty).
 - b. If on duty, assume sole supervisory responsibility for monitoring and managing the pursuit until termination, regardless of what geographic area the pursuit enters, or which MPD personnel are involved, until or unless relieved by a higher-ranking authority.
 - c. Determine: the reason for the pursuit, direction of travel, speed, description of vehicle, description of occupant(s), weapons involved, if any.
 - d. Terminate any pursuit that does not involve a felony offense, as defined in Appendix "A", or any pursuit that does not conform to the restriction of this policy as outlined herein.
 - e. Constantly evaluate risks in continuing pursuit as outlined in Section II.D. and terminate any pursuit where the risks to continue same outweighs the benefits.
 - f. Complete the Post Pursuit Form (Attachment "1") and review attached reports.
 - g. Document car numbers of those vehicles involved in the pursuit and all those who respond to the apprehension site.
 - h. Attach the Wayne County 911 call for service printout to Post Pursuit Form and submit both to the Chief of Police, or designee, prior to ending the tour of duty. (This information is available through MDT data.)

- i. Submit an intra-departmental correspondence (IDC) to the Chief of Police for any pursuit that does not conform to policy with an explanation as to why the pursuit did not conform and what corrective action was taken or is recommended. Report to be submitted by the Road Patrol Sergeant by the end of business of the following workday.

5. Termination

A pursuit will be terminated under any of the following conditions:

- a. When circumstances develop, taking into account the factors set forth in II.D., whereby continuance would cause reckless disregard for the safety of the officer or the public (pursuing officer or supervisory discretion).
- b. When a vehicle is pursued for a traffic violation alone or other act not listed in Appendix "A".
- c. Under those circumstances wherein the offender can be identified and an arrest made at a later time without risk of creating an unreasonable danger to the public.
- d. When so ordered by any Macedon Police Department supervisor.
- e. When the pursued vehicle's location is no longer known by pursuing officers.
- f. When radio contact is lost.
- g. When the pursuing officer is unfamiliar with the area and is unable to accurately notify Wayne County 911 of his/her location and the direction in which the pursuit is proceeding.

6. Pursuit Tactics

a. Number of Police Units

(1) The primary unit in pursuit and one back-up unit will be responsible for the actual pursuit. Other assisting units may:

- (a) Parallel the chase vehicles on side streets.
- (b) Calculate where chase may be heading and attempt to restrict non-involved traffic.
- (c) Anticipate the direction of the chase and deploy a tire deflation device (Stop Sticks) and advise officers

involved.

- (d) Determine the locations, if known, where suspect(s) may go and respond there.
- (e) Advise all units and supervisors of potential hazards or risk variables.

(2) The back-up unit will assume radio communications responsibility, allowing the primary pursuing unit to devote full attention to driving.

EXCEPTION: The back-up unit will maintain a safe distance behind the primary pursuing unit that is reasonable and prudent under the existing conditions. Other than a supervisor, no other units will follow behind these two units.

(3) Pursuits Initiated in the Town that Extend Outside the Town of Macedon.

- (a) Unless otherwise directed by the on-duty Sergeant, when the pursuit leaves Town, only the primary and back-up vehicles will continue. Assisting units will not pursue unless so directed by a Sergeant. Assisting units directed to monitor the will remain in the area adjacent to the pursuit.
- (b) Pursuing drivers and the Sergeant will constantly evaluate the pursuit to determine if continuance of the pursuit is justified and/or if assistance from other police agencies is available.
- (c) If a pursuit extends beyond the Wayne County limits, the continuance of the pursuit shall be approved by a Sergeant.

b. Passing Primary Pursuit Vehicle

There shall be no attempt by officers to pass the primary pursuing unit unless a request is made to do so by the primary pursuing unit or unless directed by a Sergeant.

c. Overtaking Pursued Vehicle

Overtaking or attempts to overtake a pursued vehicle is prohibited.

d. Controlled Access Highways

Pursuit vehicles shall not pursue a vehicle the wrong way on a controlled access highway. The following options are to be considered:

- (1) Maintain visual contact with the suspect vehicle by paralleling it on the correct side of the highway.

- (2) Request assisting units to observe the exits available to the suspect vehicle.

e. Forcible Stops

- (1) Road blocking, ramming and boxing-in stop techniques are prohibited.
- (2) The deployment of the tire deflation device (road spikes) by assisting units is acceptable and will be used when deemed appropriate by the coordinating pursuit supervisor.
 - (a) Only officers trained in the use of the tire deflation device (Stop Sticks) will use it for deployment, and only at the direction of a supervisor or command officer.
 - (b) Officers will make every effort to deploy the tire deflation device from a position of safety, utilizing protective barriers, such as guardrails, trees, etc.
 - (c) Tire deflation devices will **not** be used to terminate the pursuit of a motorcycle or three-wheeled vehicles.
 - (d) Officers using the tire deflation device will return the device to proper storage/deployment ready condition, following training directives.
 - (e) The tire deflation device will be inspected monthly by the fleet manager, or designee, to ensure its readiness and serviceability.
 - (f) Repairs to the device and the ordering of replacement parts will be coordinated through the office of the Chief of Police.

f. Pursuit initiated by Another Jurisdiction

- (1) If requested by another jurisdiction and when in accordance with the Macedon Police Department policies for pursuit engagements, Macedon Police Department officers may assist in a pursuit within the Town limits provided all other provisions of this order are complied with.
- (2) If the pursuit is not in accordance with this order, MPD Sergeants or officers will notify the pursuing agency, over the air that they will not participate in the actual pursuit.
 - (a) MPD officers may, with permission of a supervisor, parallel the pursuit on side streets to assist in any eventual apprehension.

- (b) Calculate where the chase may be heading and attempt to restrict non-involved traffic.
- (c) Determine locations, if known, where suspect(s) may go and if within the town, respond to the location.
- (d) Advise all units and supervisors of potential hazards, or risks.
- (e) The deployment of the tire deflation device (Stop Sticks) by assisting units is acceptable and may be used when deemed appropriate by the coordinating pursuit supervisor.

(3) Sergeants or officers will also advise the pursuing agency of any known event(s) (e.g. a parade or block party) that might be in the imminent path of the pursuit.

(4) Macedon Police Department vehicles shall not leave the Town limits while assisting another jurisdiction without permission of an MPD Sergeant.

g. Traffic Control Devices

Extreme care will be used when passing traffic signs or signals. Police vehicles will stop (at all red lights and stop signs) and slow at all other intersections in order to insure that all vehicular and pedestrian traffic is aware of and yielding to the emergency vehicle. When two or more emergency operated vehicles approach an intersection at the same time from different directions where traffic control devices are installed, the right-of-way will be determined by said devices and New York State Vehicle and Traffic Law.

h. Apprehension

The primary and backup units and on-duty Sergeant are responsible for the activities at the apprehension site. No other units will respond unless requested by the primary unit or supervisor as dictated by the situation.

IV. POST PURSUIT REPORTING

- A. Each officer involved in the pursuit will submit an addendum narrative in the original SJS report detailing all actions taken, including (but not limited to) the deployment of tire deflation devices, blocking side streets, etc.
- B. The Road Patrol Sergeant or Administrative Sergeant will advise the Chief of Police of the details of the pursuit.
- C. Road Patrol Sergeant will:

1. Review all pursuits occurring in their command in detail.
2. Conduct a review of the audio-tape of the pursuit (obtained through the Wayne County 911 Center).
3. Hold a “debriefing” session with the involved members after the pursuit.
4. Prepare and IDC for any pursuit that does not conform to policy, outlining what occurred and the corrective measures taken or recommended.
5. Forward the pursuit package containing the Post Pursuit Form to the Chief of Police or designee and the Administrative Sergeant within five business days of the pursuit unless otherwise directed.

D. The Chief of Police will:

1. Review the pursuit package for policy compliance and will make appropriate recommendations for follow-up.
2. Make suggested changes to policy if the policy is found to be deficient.

By Order of the Chief of Police

John P. Colella

John P. Colella (Mar 1, 2021 09:01 EST)

John P. Colella

Chief of Police

Dated this 3rd day of March, 2021

APPENDIX A**Commits or attempts to commit the following crimes:**

Murder/Manslaughter

Forcible Rape/Sodomy

Robbery

Kidnapping/Unlawful Imprisonment

Felony Assault

Burglary in progress or immediate flight there from

Arson

Felony Criminal Possession or Use of a Weapon or Menacing with a Firearm

Class "A" felony drug offense

Leaving the Scene, Personal Injury Motor Vehicle Accident

"Warrant Suspects" and "Wanted People" if they are wanted for any of the above acts

*Exigent Circumstances, with the permission of a supervisor/command officer

*An exigent circumstance involves an incident where the apprehension of a fleeing suspect, while not falling in a listed crime category, is of an equally serious nature and the apprehension of the suspect outweighs the risks associated with the pursuit. A supervisor/command officer must clearly document the exigent circumstances that lead to permission to pursue.