

<b>University of Pennsylvania Police Department</b> 4040 Chestnut Street, Philadelphia, Pa 19104		 
<b>Directive:</b> 12	<b>Subject:</b> Vehicular Pursuits	<b>Effective Date:</b> 04/09/1996
<b>Order of:</b> Gary Williams, Chief of Police		<b>Amended Date:</b> 8/01/2023

### I. Purpose

The purpose of this directive is to provide police personnel with clearly understandable regulations governing motor vehicle pursuits. Guidelines are necessary for the law enforcement officers, supervisors and dispatchers to follow during a motor vehicle pursuit.

### II. Policy

It is the policy of this Department that a motor vehicle pursuit is justified only when the necessity of immediate apprehension outweighs the level of danger created by the pursuit. Vehicular pursuit of fleeing suspects presents a danger to the lives of the public, officers and suspects involved in the pursuit. It is the policy of the University of Pennsylvania Police Department (UPPD) to protect all persons' lives to the extent possible when enforcing the law. In addition, it is the responsibility of the UPPD to assist officers in the safe performance of their duties. To affect these obligations, it shall be the policy of the UPPD to regulate the manner in which vehicular pursuit is undertaken and performed. UPPD police officers may engage in pursuit operations **only** when there is probable cause to believe that the suspect has committed, or was attempting to commit, one of the following felonies: Murder, Rape, Robbery, Aggravated Assault, Kidnapping, or Arson.

### III. Scope

This directive shall affect all sworn police officers.

#### IV. Definitions

- A. Motor vehicle pursuit: an active attempt by a police officer operating a motor vehicle to apprehend one or more occupants of a motor vehicle when the driver of the vehicle is resisting the apprehension by maintaining or increasing his speed or by ignoring the police officer's audible or visual signal to stop.

#### V. 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 public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
2. An officer in an authorized emergency vehicle may initiate a vehicular pursuit when all of the following criteria are met:
  - a. the suspect exhibits the intention to avoid arrest by using a vehicle to flee apprehension for one of the following alleged forcible felonies:
    - 1) Murder
    - 2) Rape
    - 3) Robbery
    - 4) Aggravated Assault
    - 5) Kidnapping, and
    - 6) Arson
  - b. the suspect operating the vehicle refuses to stop at the direction of the officer; and
  - c. the suspect, if allowed to flee, would present a danger to human life, or cause serious injury.

##### B. Responsibilities of pursuing officers (primary and secondary)

1. When a motor vehicle pursuit is initiated, the pursuing officer shall immediately notify the PennComm Center and provide the following information:
  - a. Unit Identification;
  - b. Reason for the pursuit;
  - c. Description and license plate number of the fleeing vehicle;
  - d. Number of occupants and description;
  - e. Location and direction of the pursuit;
  - f. Approximate speeds involved;
  - g. Weapons involved, if any.

**Note:** Failure to announce the pursuit, or choosing not to use the term "pursuit," will not alleviate an officer from the responsibility of complying with all of the provisions of this directive and may subject the officer to disciplinary action, up to and including termination.

2. The pursuing officer must constantly consider the risks created by the pursuit. The pursuit may be terminated by the primary pursuit unit at any time. The following factors shall be considered when determining to initiate, continue or terminate a pursuit:
  - a. The performance capabilities and physical condition of the pursuit vehicle;
  - b. Time of day;
  - c. Volume of vehicular and pedestrian traffic;
  - d. Location of pursuit;
  - e. Weather conditions;
  - f. Road conditions;
  - g. Speeds involved.
3. Officers are permitted to suspend conformance with normal traffic regulations during pursuit as long as reasonable care is used when driving in a manner not otherwise permitted, and the maneuver is reasonably necessary to gain control of the suspect.

4. The provisions of the vehicles law of Pennsylvania, section 3105, will not relieve the driver of an emergency vehicle from the duty to drive with "due regard for the safety of all persons", nor will such provisions protect the driver of an emergency vehicle from the consequences of careless disregard for the safety of others.

#### C. PennComm center responsibilities

1. Upon notification that a pursuit is in progress, PennComm Center personnel shall immediately advise a Shift Commander/Supervisor of essential information regarding the pursuit.
2. PennComm Center personnel shall carry out the following activities and responsibilities during the pursuit:
  - a. Receive and record all incoming information on the pursuit and the pursued vehicle;
  - b. Control all radio communications and clear the radio channels of all non-emergency calls;
  - c. Notify the Philadelphia Police Department (PPD) via "J Band" and any other neighboring jurisdictions and inform them of the pursuit;
  - d. Coordinate and dispatch back-up units under the direction of the Shift Commander/Supervisor; and
  - e. Obtain vehicle status checks (stolen/wanted information).
3. Once the secondary unit has arrived to assist the primary unit, PennComm Center personnel will use the secondary unit as the communications car, unless the primary unit is a two-officer vehicle.
4. When the PennComm Center is assured that the secondary unit has joined the pursuit, an announcement will be made by the dispatcher telling all vehicles except the primary, secondary, and monitoring supervisor not to join the pursuit.

#### D. Supervisor's Responsibilities During Vehicular Pursuit

1. Upon notification that a vehicular pursuit incident is in progress, the Shift Commander/Supervisor will evaluate the circumstances surrounding the pursuit, make a decision to allow the pursuit to continue or terminate the pursuit, and transmit that decision to the PennComm center and operator.
2. Should the pursuit be allowed to continue, the Shift Commander/Supervisor shall assume responsibility for monitoring and control of the pursuit as it progresses.
3. The Shift Commander/Supervisor shall continuously review the incoming data to determine whether the pursuit should be continued or terminated.
  - a. The Shift Commander/Supervisor shall have full discretion to terminate the pursuit.
4. In controlling the pursuit incident, the Shift Commander/Supervisor shall be responsible for coordination of the pursuit as follows:
  - a. Directing pursuit vehicles into or out of the pursuit;
  - b. Re-designation of primary, secondary, or other back-up vehicle responsibilities;
  - c. Approval or disapproval, and coordination of pursuit tactics; and,
  - d. Approval or disapproval to leave the department's patrol area to continue pursuit.
5. The Shift Commander/Supervisor may approve and assign additional back-up vehicles to assist the primary and secondary pursuit vehicles based on an analysis of:
  - a. The nature of the offense for which the pursuit was initiated;
  - b. The number of suspects and any known propensity for violence;
  - c. The number of officers in the pursuit vehicles;
  - d. Any damage or injuries to the assigned primary and secondary vehicle or officers;
  - e. The number of officers necessary to make an arrest at the conclusion of the pursuit; and
  - f. Any other clear and articulable facts that would warrant the increased hazards caused by numerous pursuit vehicles.

6. The Shift Commander/Supervisor monitoring the pursuit will proceed immediately to the termination of a pursuit when a vehicle is stopped. The monitoring supervisor will take command and supervise the handling of the suspect/prisoner(s).
7. The Shift Commander/Supervisor shall verify the pursuing vehicle(s) mileage and sign the pursuing officer(s) log(s).

#### E. Pursuit Tactics

1. Headlights, emergency lights and siren shall be used at all times when engaged in a pursuit.
2. Unless expressly authorized by a shift supervisor, a pursuit shall be limited to the assigned primary and secondary vehicles only. Officers are not otherwise permitted to join the pursuit team, or follow the pursuit on parallel streets.
3. The primary unit will cease radio communications once the secondary unit is directly behind the primary unit and has informed the PennComm Center they have joined the pursuit unless the primary officer has important information to convey to the PennComm Center.
4. Any primary or backup unit sustaining damage to, or failure of, essential vehicular equipment during pursuit, shall not be permitted to continue in the pursuit. The unit shall notify the PennComm Center so that another unit may be assigned to the pursuit.
5. The assisting unit will maintain a safe distance behind the primary unit. All units shall space themselves at a distance that will ensure proper braking and reaction time in the event that the lead vehicle stops, slows, or turns.
6. If the primary unit becomes disabled, the assisting unit will become the primary unit and the patrol supervisor will assign another car as backup.
7. Officers operating an unmarked police vehicle **shall not** initiate or become involved in a pursuit unless the fleeing vehicle represents an immediate threat to life.

- a. If an officer(s) operating an unmarked vehicle initiates a pursuit, a marked vehicle shall be immediately dispatched to take over the pursuit. A second marked unit will be dispatched to serve as the backup unit.
  - 1) The unmarked unit will yield to the first arriving marked unit and then assume responsibility of a backup unit until another marked unit arrives to relieve the unmarked unit. The unmarked unit will completely disengage from the pursuit once two (2) marked units are in place.
8. Officers shall not become involved in a pursuit if he/she has a passenger on board, other than another police officer.
9. The following methods may be construed as a use of deadly force (See Directive 1, "USE OF FORCE") and will not be used as a means to stop a fleeing vehicle:
  - a. Ramming: The deliberate act of hitting a moving violator's vehicle with a pursuit vehicle for the purpose of forcing the violator's vehicle off the roadway or to force the vehicle out of the control of the operator.
  - b. Roadblocks: Any method of restricting or obstructing a roadway intended to prevent free passage of motor vehicles on a highway in order to affect the apprehension of a pursued violator in a motor vehicle.
  - c. Spikes or Sharp Instruments: To deflate tires or re-direct the path of a pursued vehicle.
10. Shooting a firearm at a vehicle is considered a use of deadly force and is only justified if the vehicle or its occupants present an immediate threat of death or serious bodily injury to an officer or another person. Shooting at a vehicle or its occupants merely to prevent flight is not justified at any time. (See Directive 1).

#### F. Termination of Pursuit

1. A decision to terminate pursuit may be the most rational means of preserving the lives and property of both the public, and the officers and suspects engaged in pursuit. Pursuit may

be terminated by the pursuing officer, the Shift Commander/ Supervisor, or any other higher authority at any time.

2. A pursuit shall be immediately terminated under any of the following circumstances:
  - a. In the opinion of the pursuing officer or the Shift Commander/ Supervisor, the level of danger created by the pursuit to the lives and property of the public, the officer, or the pursued suspects is greater than the value of apprehending the suspects.
  - b. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspects;
  - c. The pursuing officer loses visual contact with the violator or the distance between the pursuit and fleeing vehicles is so great that further pursuit is futile;
  - d. The pursuing unit loses radio contact with the PennComm Center;
  - e. The suspect(s) identity has been established to the point that later apprehension can be accomplished and there is no longer a need for immediate apprehension.
  - f. The involved police vehicle's emergency lights or siren are not functioning properly.
3. Upon termination of a pursuit, the involved officers shall notify the PennComm Center of their exact location and vehicle mileage and remain at the location until the Shift Commander / Supervisor arrives.
4. No other units shall respond to the termination point unless requested by the Shift Commander / Supervisor.

#### G. Interjurisdictional Pursuits

1. The initial pursuing officer will notify the PennComm Center when is likely that a pursuit will continue into another jurisdiction.
2. If a pursuit appears to be headed towards, or has crossed into another jurisdiction, PennComm Center personnel will alert the law enforcement agency within that jurisdiction of the pursuit, its progress, and the reason/s for the pursuit. The PennComm Center dispatcher will also notify the Shift Commander/Supervisor that the pursuit has entered into another jurisdiction. In all cases, the Shift Commander/Supervisor will determine if the pursuit will continue from one jurisdiction to another.
3. Officers will not engage in pursuits initiated by other law enforcement agencies that enter our area of patrol unless instructed to do so by a supervisor. In addition, all guidelines and restrictions regarding pursuits described in this directive shall be followed.
4. PennComm Center personnel will, immediately upon receiving information that a pursuit has entered our area of patrol, determine from the pursuing agency the reason/s for the pursuit. This information will be relayed to a Shift Commander/Supervisor.

#### H. Limitations

1. Officers will not pursue a violator the wrong way on an interstate highway, divided highway, or divided roadway. In the event that a police officer is in pursuit and the vehicle being pursued enters an interstate highway, divided highway, or divided roadway the wrong way, the following options will be used by the pursuing officer:
  - a. Terminate the pursuit;
  - b. Maintain visual contact with the violator by paralleling the violator vehicle on the lawful side of the highway; or
  - c. Request that other officers be assigned to observe exits available to the violator.
2. Officers operating police bicycles or motorcycles will not engage in pursuits.

## I. Post Pursuit Reporting

1. After each pursuit, it shall be the responsibility of the primary pursuing officer to complete an incident Report (UPPD-10) and a Pennsylvania Police Pursuit Report (PPPR) which will be forwarded to his/her supervisor. The following shall be detailed on both reports:
  - a. Reason for the pursuit;
  - b. Speed during chase;
  - c. Number of UPPD vehicles involved and outside agency vehicles involved and their unit identifications;
  - d. Road, traffic, and weather conditions;
  - e. Route of pursuit.
2. The primary officer's supervisor shall review the PPPR and incident report for completeness and forward the completed original reports to the Chief of Police no later than the next business day for managerial review and signature. After review, the Chief of Police will forward the original reports to the Records Unit as soon as possible.
3. The Pennsylvania Police Pursuit Report (PPPR) will be completed by the primary pursuing officer under the direction of the monitoring supervisor. In the event of the unavailability of the primary pursuing officer, the monitoring supervisor will complete the report no later than the completion of his/her tour of duty.
4. Pennsylvania Police Pursuit Reporting System
  - a. Section 6343 of the Pennsylvania Vehicle Code Title 75 mandates that all police departments shall maintain records of all motor vehicle pursuits and that these records are transmitted to the Department.

5. All department motor vehicle pursuits shall be reported electronically via the web-based Pennsylvania Police Pursuit Reporting System (PPRS) at <http://ucr.psp.state.pa.us>, by the designee of the Captain of Patrol. within five (5) days of the pursuit.
6. A copy of all completed reports will be maintained on file by the Records Unit.
7. FTO's are required to review the UPPD pursuit policy with all new officers and obtain a signature of understanding. (CALEA 41.2.2.m).
8. Annually, a documented review of the policy shall be conducted and all sworn personnel will receive refresher training. (CALEA 41.2.2.n).
9. The Captain of Patrol or designee will, on an annual basis, conduct a documented analysis of all UPPD pursuit reports. This review will help to reveal patterns or trends that may indicate training needs and/or policy modifications.
10. The Chief of Police shall have final determination as to the propriety of all pursuits and arrange remedial training or apply corrective disciplinary action if warranted.

#### J. Compliance

Violations of this directive, or portions thereof, may result in disciplinary action.

#### K. Officers Assigned to Other Agencies

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this directive.

#### L. Application

This directive constitutes departmental policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher

legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law. Violations of policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.