



**Policy Number: 306 – Vehicle Pursuits**  
**Effective Date: May 10, 2020**  
**Revision Date: May 10, 2020**  
**Approved By: Denis Otterness, Chief of Police**

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## **306.1 PURPOSE AND SCOPE**

This policy provides vehicle pursuit guidelines for officers employed by the Montana State University Billings Police Department (Department) in order to protect the safety of officers, the public and fleeing suspects.

### **306.1.1 DEFINITIONS**

Definitions related to this policy include:

**Blocking or vehicle intercept** - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

**Boxing-in** - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Pursuit Intervention Technique (PIT)** - A low-speed maneuver designed to cause the suspect(s) vehicle to spin out, stall and come to a stop.

**Ramming** - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

**Roadblocks** - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

**Terminate** - To discontinue a pursuit or stop chasing fleeing vehicles.

**Tire deflation device** - A device designed to puncture the tires of the vehicle being pursued.

**Trail** - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

**Vehicle pursuit** - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

## **306.2 POLICY**

It is the policy of this Department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

## **306.3 OFFICER RESPONSIBILITIES**

Vehicle pursuits shall only be conducted using authorized Department emergency vehicles that are equipped with, and displaying, emergency lighting or sirens as required by law. Whenever practicable, during an emergency call response the officer should continuously operate emergency lighting equipment and sound the siren (§ 61-9-402, MCA).

Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (§ 61-8-107, MCA):

- a. Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- b. Exceed the speed limit.
- c. Disregard regulations governing direction of movement or turning in specified directions.

### **306.3.1 WHEN TO INITIATE A PURSUIT**

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

- a. The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- b. Pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are **not** allowed.
- c. The importance of protecting the public and balancing the known or reasonably suspected offense, and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- d. The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

- e. The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and City/County dispatch and/or Department supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- f. Whether traffic, weather and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- g. Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- h. The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- i. Emergency lighting and siren limitations on unmarked Department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.
- j. Vehicle speeds.
- k. Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- l. The availability of other resources, such as canine assistance.
- m. Whether the pursuing vehicle is carrying passengers other than on-duty police officers.

Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

### **306.3.2 WHEN TO TERMINATE A PURSUIT**

Pursuits should be terminated whenever the totality of objective circumstances known, or which reasonably ought to be known, to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

When a supervisor directs a pursuit to be terminated, officers will immediately terminate the pursuit.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

- a. The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- b. The pursued vehicle's location is no longer known.
- c. The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

- d. The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- e. Hazards posed to uninvolved bystanders or motorists.
- f. The danger that the continued pursuit poses to the public, the officers or the suspect, balanced against the risk of allowing the suspect to remain at large.
- g. The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- h. Pursuits of violators for misdemeanors not involving violence or weapons (independent of the pursuit) are **not** allowed.

### **306.4 PURSUIT VEHICLES**

When involved in a pursuit, unmarked Department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three Department emergency vehicles (two pursuit vehicles and the supervisor vehicle, when applicable). However, the number of vehicles involved will vary with the circumstances.

An officer or supervisor may request that additional vehicles join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the pursuit termination point at legal speeds, following the appropriate rules of the road.

#### **306.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT**

Officers operating vehicles not equipped with emergency lights and siren are prohibited from initiating or joining any pursuit. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicle is operated in compliance with all traffic laws. Those officers should discontinue such support immediately upon arrival of a sufficient number of authorized emergency vehicles.

#### **306.4.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES**

The initial pursuing officer will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless s/he is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself, or others.

The primary pursuing officer should notify City/County Dispatch, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

- a. The location, direction of travel and estimated speed of the suspect's vehicle.
- b. The description of the suspect vehicle including the license plate number, if known.
- c. The reason for the pursuit.

- d. The use of firearms, threat of force, violence, injuries, hostages or other unusual hazards.
- e. The number of occupants and identity or description.
- f. The weather, road and traffic conditions.
- g. The need for any additional resources or equipment.
- h. The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a Department supervisor or a secondary pursuing officer, the officer in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to an officer in a secondary pursuit vehicle to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

### **306.4.3 SECONDARY PURSUIT VEHICLE RESPONSIBILITIES**

The second officer in the pursuit will be designated as the secondary pursuit vehicle and is responsible for:

- a. Immediately notifying City/County Dispatch of his/her entry into the pursuit.
- b. Remaining a safe distance behind the primary pursuit vehicle unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.
- c. Broadcasting information that the primary pursuing officer is unable to provide.
- d. Broadcasting the progress of the pursuit, updating known or critical information and providing changes in the pursuit, unless the situation indicates otherwise.
- e. Identifying the need for additional resources or equipment as appropriate.
- f. Serving as backup to the primary pursuing officer once the suspect has been stopped.

### **306.5 PURSUIT DRIVING**

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for officers who are involved in the pursuit:

- a. Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.
- b. Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available officers not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - 2. Pursuing officers should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.
  - 3. As a general rule, officers should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

- a. Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.
- b. Request other officers to observe exits available to the suspect.
- c. Notify the Montana Highway Patrol, or other law enforcement agency, if it appears that the pursuit may enter another jurisdiction.
- d. Officers involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise, or they are requested to do so by the pursuing officer, with a clear understanding of the maneuver process between the involved officers.

### **306.5.1 PURSUIT TRAILING**

In the event that initial pursuing officers relinquish control of the pursuit to another agency, the initial officers may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting of the incident.

### **306.5.2 OFFICERS NOT INVOLVED IN THE PURSUIT**

Officers who are not involved in the pursuit should remain in their assigned areas, should not parallel the pursuit route and should not become involved with the pursuit unless directed otherwise by a supervisor. Uninvolved officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Those officers should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or if the suspect intentionally tries to ram the police vehicle.

Non-pursuing members needed at the pursuit termination point should respond in a non-emergency manner, observing all rules of the road.

The primary pursuit vehicle, secondary pursuit vehicle and supervisor vehicle should be the only vehicles operating under emergency conditions (emergency lights and siren) unless other officers are assigned to the pursuit.

## **306.6 SUPERVISORY CONTROL AND RESPONSIBILITIES**

Available supervisory control will be exercised over all vehicle pursuits involving officers from this Department.

The supervisor of the officer initiating the pursuit, or if unavailable, the senior officer will be responsible for:

- a. Immediately notifying involved officers and City/County Dispatch of supervisory presence and ascertaining all reasonably available information to continuously assess the risk factors associated with the pursuit. This is to ensure that the pursuit is conducted within established Department guidelines.
- b. Engaging in the pursuit, when appropriate, to provide on-scene assistance/supervision.
- c. Exercising management and control of the pursuit even if not engaged in it.

- d. Ensuring that no more than the required law enforcement vehicles are involved in the pursuit under the guidelines set forth in this policy.
- e. Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- f. Ensuring that assistance from additional agencies, or other additional resources (i.e. canine unit) is requested, if available and appropriate.
- g. Ensuring that the proper radio channel is being used.
- h. Ensuring that a Department supervisor is notified of the pursuit, as soon as practicable.
- i. Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this Department.
- j. Controlling and managing Montana State University Billings Police Department officers when a pursuit enters another jurisdiction.
- k. Preparing a post-pursuit review and documentation of the pursuit as required.

#### **306.6.1 PATROL SERGEANT RESPONSIBILITIES**

Upon becoming aware that a pursuit has been initiated, the Patrol Sergeant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Patrol Sergeant has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command. The Patrol Sergeant shall review all pertinent reports for content and forward them to the Chief of Police, or their designee.

### **306.7 LOSS OF PURSUED VEHICLE**

When the pursued vehicle is lost, the involved officers should broadcast pertinent information to assist other officers in locating the vehicle. The primary pursuing officer or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

### **306.8 INTERJURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the primary pursuing officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency assume primary responsibility for the pursuit.

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary pursuing officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether the jurisdiction is expected to assist.

#### **306.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

Officers will relinquish control of a pursuit when another agency has assumed primary responsibility for the pursuit, unless continued assistance of this Department is requested by the agency assuming primary responsibility. Upon relinquishing control of the pursuit, the involved officers may proceed to the termination point of the pursuit to assist

in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of officers at the termination point of a pursuit initiated by this Department shall be coordinated with appropriate consideration of the needs of the agency assuming responsibility for the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local law enforcement agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this Department, the other agency should relinquish control.

### **306.8.2 PURSUITS EXTENDING INTO DEPARTMENT JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Officers from this Department should not join a pursuit unless specifically requested to do so by the pursuing agency, and with approval from a supervisor, when available. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, an officer from this Department may immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit, or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this Department to assist or take over a pursuit that has entered the jurisdiction of this Department, the officer and/or supervisor should consider:

- a. The public's safety within this jurisdiction.
- b. The safety of the pursuing officers.
- c. Whether involvement in the pursuit conforms to Department policy (i.e. seriousness of the offense).
- d. Whether there is adequate staffing to continue the pursuit.
- e. The ability to maintain the pursuit.

As soon as practicable, a supervisor or senior officer should review a request for assistance from another agency. The supervisor or senior officer, after considering the above factors, may decline to assist in or assume the other agency's pursuit.

In the event that the termination point of a pursuit from another agency is within our primary jurisdiction, officers shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.



## 306.9 PURSUIT INTERVENTION

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, Pursuit Intervention Technique (PIT), ramming or roadblock procedures.

### 306.9.1 WHEN USE IS AUTHORIZED

Whenever practicable, officers shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

### 306.9.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle **is not** an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

### 306.9.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be considered a use of force, including deadly force, and are subject to policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- a. Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained officers and after giving consideration to the following:
  1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or others.
  2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
  3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public.

4. The suspect vehicle is stopped or traveling at a low speed.
  5. Only law enforcement vehicles should be used in this tactic.
- b. The PIT is limited to use by **properly trained officers** and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.
- c. Ramming a fleeing vehicle should be done only after all other reasonable tactical means at the officer's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
  2. The suspect is driving with willful or wanton disregard for the safety of other persons, or is driving in a reckless and life-endangering manner, or using the vehicle as a weapon.
- d. Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle. Officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- e. Tire deflation devices should be deployed only after notification of pursuing officers and the supervisor of the intent and location of the intended deployment, and in a manner that:
1. Should reasonably only affect the pursued vehicle.
  2. Provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
  3. Takes into account the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle.
  4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.
- f. Because roadblocks involve a potential for serious injury or death if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed, or reasonably appear ineffective, and the need to immediately stop the pursued vehicle substantially

outweighs the risks of injury or death to occupants of the pursued vehicle, officers or the public.

### **306.10 CAPTURE OF SUSPECTS**

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and the apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer, at the time of the event, to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspect.

### **306.11 REPORTING REQUIREMENTS**

All appropriate reports shall be completed to comply with appropriate laws and policies or procedures.

- a. The primary pursuing officer shall complete appropriate crime/arrest reports.
- b. The primary pursuing officer, or supervisor, shall complete the appropriate pursuit report.
- c. After first obtaining the available information, the involved, or if unavailable, on-duty supervisor shall promptly complete an interoffice memorandum, briefly summarizing the pursuit to the Chief of Police, or their designee. This memorandum should include, at a minimum:
  1. Date and time of the pursuit.
  2. Initial reason and circumstances surrounding the pursuit.
  3. Length of pursuit in distance and time, including the starting and termination points.
  4. Involved vehicles and officers.
  5. Alleged offenses.
  6. Whether a suspect was apprehended, as well as the means and methods used.
  7. Any use of force shall be reported and documented in compliance with Department Policy 300 – Response to Aggression and Resistance.
  8. Arrestee information, if applicable.
  9. Any injuries and/or medical treatment.
  10. Any property or equipment damage.
  11. Name of supervisor at the scene or who handled the incident.
  12. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
- d. After receiving copies of reports, and other pertinent information the Chief of Police, or their designee, shall conduct or assign the completion of a post-pursuit review, as appropriate.

- e. Annually, the Chief of Police should direct a documented review and analysis of Department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

### **306.12 REGULAR AND PERIODIC PURSUIT TRAINING**

In addition to initial and supplementary training on pursuits, all officers will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

### **306.13 POLICY REVIEW**

Officers of this Department shall certify in writing that they have received, read and understand this policy initially, upon any amendments, and whenever training on the policy is provided.