

RENO POLICE DEPARTMENT GENERAL ORDER

This directive is for internal use only and does not enlarge this department's, governmental entity's and/or any of this department's employees' civil or criminal liability in any way. It is not to be construed as the creation of a particular standard of safety or care in an evidentiary sense, with respect to any complaint, demand for settlement, or any other form of grievance or litigation. Violations of this directive, if substantiated, can only form the basis for intra-departmental administrative sanctions.

Chief of Police: Steve Pitts /s/		
Approving Deputy Chief: Thomas Robinson V /s/		
General Order No: P-372-05	Issued: January 24, 2009	Revised: March 5, 2013
General Order Title: VEHICLE PURSUITS		

I. POLICY

The Reno Police Department recognizes that the preservation of life and public safety is more important than either property or the immediate apprehension of non-violent criminals. However, enforcement of the law may necessitate the initiation of a vehicle pursuit in order to apprehend violators. Officers should anticipate the possibility of a pursuit situation each and every time a vehicle stop is initiated and plan accordingly. Decisions to initiate, continue, or discontinue a pursuit require evaluation of all factors outlined in this general order, to include the nature of the offense(s), and with respect to the overall safety of the public. As such, pursuits require sound and reasonable judgment by personnel involved.

The following procedures are provided to clarify responsibilities in vehicle pursuits from initiation to termination. Any deviation will be fully justified in writing by the officer/supervisor involved. These procedures are to be followed as a general rule although the facts and circumstances of a particular situation may require a different response. The decision to pursue will be limited to the facts known at the time. The ultimate responsibility for a vehicle pursuit or legal intervention lies with the officer/supervisor involved.

Liability is a major concern in today's legal environment, both for the agency and for the individual employee. These guidelines are intended to afford the employee guidance, and, to the extent possible, protection from litigation, while permitting the Department to enforce the law and apprehend violators.

II. DEFINITIONS

Due Regard – The consideration of existing circumstances to determine if one's actions are valid as they relate to existing or potential hazards.

Emergency Status – A police vehicle operating with emergency lights and siren activated simultaneously.

Failure to Yield – A driver fails to bring the vehicle to a stop pursuant to a given visual/audible signal of a law enforcement officer, but does not display any specific action or intent to elude or otherwise flee from the officer.

Legal Intervention – The termination of a pursuit through the use of physical force or presence.

Primary Unit – The pursuing police vehicle, operating in emergency status, in closest proximity to the suspect vehicle; this unit may be other than the initiating unit.

Pursuit – A pursuit is an active attempt by a law enforcement officer operating a police vehicle to apprehend one or more occupants of another moving vehicle, where the driver of the fleeing vehicle is attempting or may reasonably be perceived as attempting to elude the officer. The premise that lights or the siren were off, meaning that a pursuit didn't occur, is invalid.

Reasonable Care – The degree of care an officer with ordinary prudence would exercise in the same or similar circumstances.

Reasonably Necessary – Continuance of the pursuit is of less immediate danger to the public than termination of the pursuit resulting in the escape of the fleeing vehicle and its occupants.

Secondary Unit – A pursuing police vehicle operating in emergency status, in close proximity to, and immediately following, the primary unit.

Support Units – Police back-up units not actively involved in the pursuit and not operating in emergency status mode.

III. PROCEDURES

A. Guidelines to Initiate, Continue, or Terminate a Pursuit

Officers may pursue a suspect when they reasonably believe the suspect has committed a felony or poses an immediate threat to human life. Unless exigent circumstances exist, officers will normally not pursue a suspect who has committed a misdemeanor. Officers must articulate justifiable cause necessitating immediate apprehension of the suspect when pursuing for any offense.

During a pursuit, officers will not be relieved from the duty to drive with due regard for the safety of all persons, nor are they protected from the consequences of reckless disregard for the safety of human life and property.

The following factors will be considered, along with any other known information, when making the decision to initiate, continue, or terminate a pursuit:

1. Environmental factors such as rain, fog, ice, snow, or darkness;
2. The officers' ability to accurately notify Communications of their location and direction of travel;
3. Road or traffic conditions, pedestrian presence, school zones, type of area;
4. Officers will **NEVER** pursue suspects the wrong way on a freeway or divided highway;
5. Nature of the violation.

Pursuits will be immediately terminated under the following conditions:

1. When any supervisor or the primary unit orders the pursuit terminated;
2. When the suspect's identity is known and there is no immediate threat to the safety of human life;
3. When the primary officer loses visual contact with the suspect for an extended period of time;
4. When the pursuit creates a clear and unreasonable danger to human life;
or
5. When it is determined that the suspect is a juvenile, and said juvenile is not wanted for a violent felony or an immediate threat to the safety of human life.

Following a vehicle after terminating a pursuit is specifically not authorized.

B. Reinstating a Pursuit

The same criteria used to initiate a pursuit are used to reinstate a terminated pursuit.

C. Unit Involvement and Responsibilities

Police units not equipped with emergency lights and sirens are prohibited from becoming involved in vehicle pursuits. No more than three marked units will be involved in the immediate pursuit unless authorized by a supervisor. Other police units will be support units and will not become actively involved in the pursuit or operate in an emergency mode unless authorized by a supervisor.

Specific marked vehicles are equipped with lights and siren yet are not suited for pursuit driving. Vehicles fitting this category are the Prisoner Transport Vehicle (PTV), the full size trucks and any vehicle equipped with 4 wheel drive. Engaging in a vehicle pursuit, while operating a "specialty purpose vehicle", is generally prohibited unless an immediate, eminent threat is articulated by the officer at the time pursuit is initiated. Officers operating one of these vehicles will turn over the pursuit to appropriate marked units as soon as possible. PTV's shall not be permitted to participate in vehicle pursuits.

Any department vehicle that is not pursuit rated will be identified with markings on the instrument panel in clear view of the driver.

Officers will not operate their vehicles as either primary or secondary unit when their vehicles are occupied by any non-law-enforcement passengers.

The initiating unit will give Communications the following information:

1. Unit identifier;
2. Location, speed, and direction of travel;
3. License number, vehicle description, number of occupants, identity, if known, of the occupant(s) of the vehicle being pursued;
4. Information concerning use of firearms, threat of force, or other hazards concerning the pursuit; and
5. The reason/criminal charge(s) resulting in the pursuit.

The **primary unit** will keep Communications informed of the progress of the pursuit, with specific attention to vehicle speeds, routes of travel, and other data pertinent to monitoring the pursuit and coordinating the involvement of assisting units.

The **secondary unit**, upon joining the pursuit, will activate emergency lights and siren, notify Communications of their active involvement, and take over radio communications. The secondary unit will follow the primary unit at a safe distance and will **not** pass the primary unit during the pursuit unless requested to do so.

Support units will cover possible routes and warn traffic of the approaching pursuit. Marked support unit will be available to assume the secondary or primary role when requested or needed. If a support unit inadvertently intercepts the suspect vehicle, it will **not** attempt to intervene, but will attempt to obtain additional vehicle and occupant information.

Motorcycle units may act as primary units only when they initiate the pursuit. The pursuit will be turned over to a marked unit as soon as possible.

Unmarked units will **not** become involved in pursuits unless the pursuit involves a violent felony or poses an immediate threat to others, and the unmarked unit is equipped with both emergency lights and siren. Unmarked units will turn over the pursuit to marked units as soon as possible.

Aircraft should be considered to monitor and direct a prolonged vehicle pursuit, using the following guidelines:

1. A supervisor must request the aircraft.
2. If departmental aircraft are not available, other law enforcement aircraft may be requested. Only one aircraft should be utilized at any one time.
3. The flight crew will be responsible for the following:

- a. Attempt to keep the suspect vehicle under surveillance until termination of the pursuit;
 - b. Advise of traffic, road conditions, possible hazards, and other information that may affect officer or public safety; and
 - c. As soon as possible, advise the supervisor in charge of the pursuit of the number of law enforcement units involved.
4. Aircraft personnel may be directed to maintain observation of a suspect vehicle while ground units terminate their immediate involvement.

D. Supervisor Responsibilities

Upon hearing about or being advised of a pursuit, the area sergeant will immediately take command. Absent the area sergeant, other on-duty sergeants are responsible for supervision of the pursuit.

When a supervisor is engaged as either the primary or the secondary unit, primary control and authority over the pursuit will be vested in and exercised by a non-involved supervisor regardless of the relative ranks of the participants. This does not relieve the involved supervisor from his supervisory duties, but gives the non-involved supervisor final authority over the decision as to whether to continue or terminate the pursuit. The supervisor will continually monitor the pursuit until it is terminated. Failure to obey an order from the non-involved supervisor may result in disciplinary action.

Pursuing vehicles will be taken off-line for a safety check if stressed during the pursuit.

E. Shooting at a Moving Vehicle

Firearms shall not be discharged at a moving vehicle unless a person in that vehicle is immediately threatening the officer, or another person, with deadly force by means other than the vehicle, or if a driver is using a vehicle as an instrument of deadly force and the officer or others are in immediate threat of death or serious physical injury based on the manner in which the vehicle is being driven. The moving vehicle itself shall not presumptively constitute a threat justifying an officer's use of deadly force. An officer threatened by an oncoming vehicle shall attempt to move out of the vehicle's path instead of discharging a firearm at it or any of its occupants.

F. Shooting from a Moving Vehicle

Firearms shall not be discharged from a moving vehicle except in exigent circumstances and in the immediate defense of life.

G. Legal Intervention/Emergency Tactics

Setting up roadblocks, using immobilization techniques, boxing in, firing weapons at or from moving vehicles, surrounding a suspect vehicle, as well as forcing vehicles off the road, are all extremely hazardous tactics and should be used only as a last resort when necessary to protect an officer or others from an immediate threat of death or serious physical injury, or to prevent a crime where the suspect's actions place persons in immediate jeopardy of death or serious physical injury.

H. Vehicle Intervention Techniques

Officers should obtain approval from the supervisor in command of the pursuit prior to employing a Vehicle Intervention Technique (VIT). In rare instances where exigent circumstances exist that require immediate action and preclude officers from seeking prior supervisor approval, a VIT may be employed. The supervisor in command of the pursuit or the Watch Commander may authorize a pursuit's termination by employing a VIT. The decision to employ a VIT shall be based on careful consideration of the situation, while maintaining significant regard for public and officer safety.

A VIT may be employed when the officer believes that the continued movement of the vehicle would place persons in imminent danger of great bodily harm or death and/or the risk of harm to persons outweighs any risks created by the application of a VIT.

Only officers who have successfully completed Department-approved training are authorized to employ these methods. Currently, the Department authorizes the following Vehicle Intervention Techniques:

1. Tire Deflation Devices

A Tire Deflation Device (commonly referred to as a "Piranha") is used to prevent or limit the movement of a vehicle by deflating the tires.

Deployment of the Piranha:

- a. The Piranha is a pursuit prevention device for use on a stationary target vehicle, which if moved will result in tire deflation in approximately three to five seconds.
- b. Potential uses could include any situation when the target vehicle is stationary, such as warrant service, SWAT situations, stake-out of stolen vehicle, or vehicle checkpoint areas.
- c. The Piranha is designed to be used on vehicles with four or more tires.
- d. The Piranha may be deployed on paved surfaces, soft ground, gravel or sand surfaces.

2. Pursuit Intervention Technique (PIT)

The PIT is designed to be executed by a pursuing police vehicle. The PIT is a technique in which the officer's vehicle makes contact with the rear quarter panel of the suspect's vehicle, causing it to rotate and come to a stop. If the technique is properly executed, damage to the officer's vehicle should be minor or negligible. The location chosen to implement a PIT is of paramount importance. The area should be clear of pedestrians and other occupied vehicles, and roads should be in good condition, e.g., free from loose gravel, significant road repair, etc. Unless exigent circumstances exist, the PIT should **not** be attempted when the following exists:

- a. The pursued vehicle is traveling in excess of 35 mph.
- b. The size of the pursued vehicle is significantly heavier than the primary unit's police car, e.g., bus, motor home, semi-truck, dual-rear-wheel pickup truck, etc.
- c. The pursued vehicle is transporting hazardous material.
- d. Since employing the PIT will cause officers to be in close proximity to the suspect, a PIT should not be used on a suspect who is known to be armed.
- e. The pursued vehicle is a motorcycle, motor scooter, or three-wheeled cycle.

3. Vehicle Blocking Techniques (VBT)

The VBT is commonly referred to as "boxing or pinching." The VBT is designed to be executed by two or more police vehicles. The VBT is a technique in which the officers' vehicles form a perimeter around the suspect vehicle in an attempt to stop or prevent the movement of the suspect vehicle. If the technique is properly executed, damage to the officers' vehicles should be minor or negligible. The location chosen to implement a VBT is of paramount importance. The area should be clear of pedestrians and other occupied vehicles, and roads should be in good condition, e.g., free from loose gravel, significant road repair, etc. Since employing the VBT will cause officers to be in close proximity to the suspect, a VBT should not be used on a suspect who is known to be armed.

Vehicle blocking techniques should only be used when officers can later articulate facts that would reasonably lead to the conclusion that the risk to the public and to officers of non-intervention is greater than the risk associated with the use of such techniques.

4. Temporary Roadblocks

Temporary roadblocks may only be established with the permission of a supervisor. Temporary roadblocks will be in compliance with NRS 484.3591.

I. Inter/Intra Jurisdictional

When a pursuit approaches or enters another jurisdiction, the primary unit will advise Communications, which will notify the affected agency of the location and direction of the pursuit, number of units involved, nature of the offense, suspect vehicle description, and whether or not there is a request for assistance and if so, what kind.

J. Pursuits Initiated by Other Agencies

When another agency becomes involved in a pursuit within the City of Reno, the following guidelines will be followed:

1. Notification by another agency of a pursuit in progress will **not** be interpreted as a request to join or otherwise assist in the pursuit. The agency making the notification will be specifically asked if they are merely providing notification or if they are requesting assistance, and if so, the nature of the assistance being requested and the nature of the offense. Absent a specific request and subsequent approval by an RPD supervisor, officers will not become actively involved.
2. If the pursuing agency is operating without backup assistance, one RPD unit is authorized to assume secondary status without specific supervisory approval. When the other agency's backup unit arrives, the RPD unit will terminate active pursuit and cease emergency operation.
3. An RPD Supervisor may assign additional units to an outside agency pursuit as requested and as necessary.
4. The direction of the pursuit will be monitored, and Communications advised on the progress of the pursuit.

K. Supervisory Review and Report Format

Immediately following all pursuits, whether completed or terminated, the responsible supervisor will conduct an on-shift debriefing with all involved officers and may include dispatch personnel. The supervisor responsible for the pursuit will submit the appropriate administrative report, including recommendations, to the appropriate Commander as soon as practicable.

The purpose of the review is to determine if:

1. The pursuit was necessary and within departmental policy;
2. There are training needs to be considered; and
3. Any policy changes need to be considered.

All officers involved in the pursuit, whether the pursuit was terminated or not, will complete a report detailing their involvement prior to the end of their shifts, or by the end of their next shift with supervisor approval.

The responsible supervisor will review the reports for accuracy and policy

compliance, and will complete a report using the Blue Team reporting program.

The report will include, but not be limited to, the following items and documents:

1. Officers' reports
2. Arrest reports
3. Medical treatment information
4. Computer printout of the dispatch record
5. Sergeant's evaluation
6. Employee Injury reports
7. Communications' tape

The completed report will be forward through the chain of command.

L. Internal Affairs Responsibilities

On an annual basis, Internal Affairs will complete a "Reno Police Department Pursuit Summary Report". This report will be forwarded to the Chief of Police and Command Staff.