

• **BAINBRIDGE PUBLIC SAFETY DEPARTMENT
EMERGENCY VEHICLE OPERATIONS
PURSUIT POLICY**

- 1. The purpose of this general order is to make known within the Bainbridge Public Safety Department the correct standard operating procedures to be adhered to by **all** members of the Bainbridge Public Safety Department. This general order and its contents supersedes all previously issued rules, regulations, orders and other Bainbridge Public Safety Department directives which are in conflict with this general order concerning operation of Bainbridge Public Safety Department vehicles by members of the Bainbridge Public Safety Department.
- Note: Sworn members of the Bainbridge Public Safety Department have a responsibility to identify perpetrators of criminal acts and to apply whatever means that are lawful, reasonable, and appropriate to effect their apprehension, and appearance before a court of law. This task is made more difficult by the present day mobility of criminals. The natural tendency of wanted persons to avoid arrests often results in motorized pursuit at dangerously high speeds.
- The Bainbridge Public Safety Department recognizes its obligations and that of its members to minimize the hazards of motorized flight and pursuit to those involved as well as to innocent persons in the area. The officer pursuing a person who, if not apprehended, presents a serious danger to the community must weigh carefully the duty, not only to remove that danger, but to do so without a great and more immediate danger.
- **Motorized pursuit is clearly inappropriate when the pursuit itself endangers life more than the escape of the wanted subject.**
- **Policy says that each pursuit must be immediately reported to and approved by a supervisor, unless there is no supervisor available. The supervisor is to decide whether to authorize the pursuit based on the following factors:**
 - The nature of the offense committed.
 - Whether the driver has been identified.
 - The traffic volume and weather conditions.
 - The capabilities of the officer involved.
 - The alternative to chasing the offending driver
 - Whether the driver's reckless operation is putting others at "unacceptable risks."

- The policy says the supervisor will order the pursuit to be either abandoned
- Or continued at a reduced speed “when ever the hazard of its continuance exceeds the relative value of an apprehension.
- Officers should chase violator’s “only when the need for immediate capture outweighs the danger created by the pursuit itself.”
- **Chasing People for traffic violations, misdemeanors and most property crimes alone is to be avoided.**
- **Pursuits should be limited to instances in which police are trying to apprehend suspects in violent felonies.**
- The pursuing officer will be accountable for their actions in a pursuit, and must be able to articulate why they believe someone is a suspected felon to a commander according to policy.
- **Engaging in Pursuits**
- The law permits an officer who is engaged in pursuit to exceed the speed limit and to violate other traffic regulations as necessary in apprehending the violator, but only if:
- The emergency lights and siren are employed, **OCGA 40-6-6. Authorized Emergency Vehicles.**
- The driver of an authorized emergency vehicle or law enforcement vehicle, when responding to an emergency call, when in the pursuit of an actual or suspected violator of the law, or when responding to, but not upon returning from a fire alarm, may exercise the privileges set forth in this code section.
- The driver of an authorized emergency vehicle or law enforcement vehicle may:
- Park or stand, irrespective of the provisions of this chapter.
- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operations.

- Exceed the maximum speed limits so long as he or she does not endanger life or property; and
- Disregard regulations governing direction of movement or turning in specified directions.
- (c) The exception granted by this **Code section** to an authorized emergency vehicle shall apply only when the vehicle is making use of an **audible siren** and use of a **flashing or revolving red light** visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that a vehicle belonging to a federal, state, or local law enforcement agency and operated as such shall be making use of an **audible signal** and a **flashing or revolving blue light** with the same visibility to the front of the vehicle.
- (D)(1) The foregoing provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with **due regard** for the safety of all persons.
- (2) When a law enforcement officer in a law enforcement vehicle is pursuing a fleeing suspect in another vehicle and the fleeing suspect damages any property or injures or kills any person during the pursuit, the law enforcement officer's pursuit shall not be the proximate cause or a contributing proximate cause of the damage, injury, or death caused by the fleeing suspect unless the law enforcement **officer acted with reckless disregard** for proper law enforcement procedures in the officer's decision to initiate or continue the pursuit. Where such **reckless disregard exists**, the pursuit may be found to constitute a proximate cause of the damage, injury, or death caused by the fleeing suspect, but the existence of such reckless disregard shall not in of itself establish causation.
- (3) The provisions of this subject shall apply only to issues of causation and duty and shall not affect the existence or absence of immunity, which shall be determined as, otherwise provided by law.
- (4) *Claims arising out of this subsection which are brought against local governments entities, their officers, agents, servants, attorneys, and employees shall be subject to the procedures and limitations contained in chapter 92 of Title 36.*
- (e) It shall be unlawful for any person to operate an authorized emergency vehicle with flashing lights other than as authorized by

subsection (c) of this Code section. (Chg. By Ga.L2002 Act 763(4), eff. 1/1/2005.

- **PROCEDURES FOR PURSUITS**

- The following procedures do not relieve the responsibility of officers involved in a pursuit situation, but are designed to clarify command level decisions.

- **GENERAL PROCEDURES**

- An officer will not engage in high-speed pursuit when his/her vehicle is occupied by non-law enforcement personnel or authorized passengers.
- An officer should not endanger the public or him/herself as a result of his/her driving techniques.
- During a pursuit, no more than two Agency Vehicles should become actively involved unless specifically directed by the shift supervisor or designee.
- Upon the initiation of the pursuit, all emergency equipment (siren, revolving or flashing blue lights, emergency flashers and headlights) shall be engaged.
- An officer driving under emergency conditions should roll up the vehicle windows to ensure that the communications officer understands all transmissions.
- All other vehicles (excluding primary) will cease radio traffic except that of an emergency nature. Secondary pursuit officers and supervisors will communicate only when necessary.
- Vehicle(s) not directly involved in the pursuit or apprehension efforts will not act as emergency vehicles and will not directly pursue the fleeing vehicle, unless otherwise directed by the supervisor.
- To avoid being arrested, some violators will take unnecessary risks. The pursuing officer shall not duplicate these hazards regardless of the extenuating circumstances.
- The type of stop to be employed shall be a **felony stop** as opposed to an ordinary traffic stop. Pursuing units shall not “swarm” around the pursued vehicle.
- Once the fleeing vehicle is stopped and the violator apprehended other officers will respond to or remain at the scene only as directed by a supervisor.

- **PROHIBITED PRACTICES**

- Discharging a firearm from or at a moving vehicle is prohibited, unless the occupants of the vehicle are using deadly force against the officer or another person and there is no alternative means of protecting life.
- An officer will not pursue violators the wrong way on a freeway or entrance/exit ramps.
- An officer will avoid intersecting the path of an on-coming high- speed vehicle.
- An officer will not attempt to force the pursued vehicle from the roadway by driving along side or in front of the pursued vehicle, unless ordered to do so by the field supervisor.
- An officer will not attempt to force the pursued vehicle, unless otherwise ordered to do so by the field supervisor.
- Except for the primary and secondary vehicles directly involved in the pursuit, no other vehicles shall join the pursuit.
- There will be no attempt to pass the primary pursuit unit unless the passing officer receives specific permission from the primary pursuit officer or the supervisor.

PRIMARY/SECONDARY UNIT RESPONSIBILITIES

Engagement in Pursuit

- When the violator of a pursued vehicle increases speed or drives in such a manner as to endanger the safety of others, the pursuing officer shall immediately activate the siren and blue lights, and shall continuously use both throughout the pursuit.
- Other Vehicles involved in a pursuit will maintain a distance that will allow for proper braking and reaction time should the lead vehicle turn, slow down, or come to a stop.
- Vehicles responding to assist should concentrate on covering streets parallel to the pursuit, thus creating a “boxing in” effect.
- During pursuit, a safe distance will be maintained between both vehicles, enabling the pursuing officer to duplicate any sudden

turns and lessen the possibility of a collision should there be a sudden stop.

- Because of the potential dangers involved, the pursuing officer will not pull alongside a fleeing violator in an attempt to force the violator's vehicle into a ditch, curb, parked car, or other obstacle.
- If the primary vehicle becomes disabled, the secondary vehicle will become the primary and the communications center will advise the field supervisor and other vehicles that a new back up is needed.
- The primary vehicle may abandon the pursuit at any time and the field supervisor may order the termination of the pursuit at any time.

COMMUNICATONS

When safe to do so, the pursuing officer will update the situation with the Communications Center. Information relating to the identity of his/her vehicle, location, direction of travel, and other details, which enables other officers to assist. Information initially supplied on the violator's vehicle should be verified regularly.

CROSSING STATE LINES

Crossing state lines is prohibited.

USE OF ROADBLOCKS

The use of roadblocks is prohibited.

FIREARMS

In a pursuit, firearms will only be used if the officer is fired upon, and only if no other traffic or pedestrians are visible anywhere around the area of the pursuit.

UNMARKED VEHICLES

Unmarked vehicles will summon a marked unit to take over pursuit if possible. An unmarked unit will not pursue a vehicle into concentrated areas. As soon as a marked unit can take over pursuit, the unmarked until will cut off

pursuit unless the person involves a serious felony. The unmarked vehicle must yield at all intersections.

COMMUNICATIONS CENTER RESPONSIBILITIES

- Once the Communications Center is notified, a dispatcher will broadcast all pertinent information on direction, license numbers, offense, descriptions, etc., to all units.
- Assistance from other agencies and officers will be coordinated by the Communications Center under a field supervisor's direction. The field supervisor and the primary unit will be advised of the identity and location of back-up vehicle(s).
- The Communications Center will receive and record all incoming information on the pursuit, keep the supervisor informed, clear and control the communications channel and coordinate assistance under the direction of the field supervisor and monitor the pursuit until terminated.
- The Communications Center will advise other jurisdictions that might be affected by the pursuit.

FIELD SUPERVISOR'S RESPONSIBILITIES

- The field supervisor is responsible for the coordination of the pursuit. Only the field supervisor may authorize more than two units to be in active pursuit.
- Deliberate physical contact between vehicles at any time will not be justified.
- Upon notification of the pursuit, the field supervisor will:
 - Ascertain the location and direction of travel;
 - Ascertain the reason for the pursuit;
 - Monitor the pursuit and proceed in the direction of its progress in a non-emergency mode;

- Ensure that no more than the required or necessary number of vehicles are involved in the pursuit;
- Ensure that proper radio frequency/communications is being utilized;

- Ensure that other affected emergency agencies are being notified if the pursuit appears to be entering another jurisdiction;

- Ensure the pursuit is terminated if adequate information by the pursuing officer is not provided or the risk factor is too great to the officer or the general public to continue the pursuit.

The field supervisor will continue to direct the pursuit, and approve or order alternative tactics as required to maintain control, as with any tactical problem, the field supervisor need not be physically present to assert control. The field supervisor will review and approve all reports filed by the pursuing officer. These reports will be forwarded to supervisor's commanding officer for review.