



**CHEVY CHASE
VILLAGE
POLICE
DEPARTMENT**

Police Chief: John Fitzgerald

GENERAL ORDER: 5-9; VEHICULAR PURSUIT

DATE: 11/27/2017 Pages: 3 ◇ New ◇ Amended ◆ Rescinds 5-9 dated 07-24-14

I. POLICY

- A. Vehicular pursuits are dangerous to the public and to pursuing police officers. This policy strictly limits vehicular pursuits to very narrow circumstances where the fleeing suspect presents a significant threat of violence to the public. Among other restrictions, pursuits are permitted only when the fleeing suspect has committed a felony of a violent type (a felony in which the suspect has threatened or inflicted serious physical injury or death).
- B. This policy is designed to protect officers of this department and the public from the hazards of high-speed pursuits and to provide legal and departmental guidelines for the benefit of officers. Maryland law does not relieve the operator of an emergency vehicle from driving with due regard for the safety of all people.
- C. Sworn supervisors will take immediate control of pursuits in progress to ensure adherence to state law and departmental regulations. All sworn officers will receive periodic training on the policies and guidelines in this directive.

II. DEFINITIONS

- A. **Vehicular Pursuit** -An active attempt by an officer in a vehicle to detain an occupant of a moving motor vehicle who exhibits a clear intention to avoid apprehension by:
 - 1. Maintaining elevated speed.
 - 2. Increasing speed.
 - 3. Using evasive tactics.

This does not include a driver who is maintaining a safe and legal speed and following all rules of the road but fails to stop at police direction. Additionally, officers should be reasonably certain that the fleeing driver knows of the officer's presence.

- B. **PMARS** - Police Mutual Aid Radio System; a radio system providing direct agency – to – agency communications.
- C. **Felony of a Violent Type** - A felony that involves the infliction or threatened infliction of serious physical injury or death.

D. Serious Physical Injury - Physical injury that:

- 1. Creates a substantial risk of death, or
- 2. Causes permanent or protracted serious:
 - a. Disfigurement; or
 - b. Loss or impairment of the function of any bodily member or organ.

III. JOINING/ENGAGING IN PURSUITS IN PROGRESS IS PROHIBITED

- A. Village officers are prohibited from engaging in or joining a pursuit that has been initiated by any other police agency.
- B. If a vehicular pursuit from another agency is headed toward the Village, officers shall position themselves within the Village in order to assist allied officers in the event the pursuit ends within the Village, however, Village officers shall not join in the vehicular pursuit.

IV. AUTHORIZED REASONS FOR INITIATING A VEHICULAR PURSUIT

Village police officers are authorized to initiate a pursuit of a vehicle in the following narrow circumstances. *All* of the below conditions must be met before a Chevy Chase Village police officer may become involved in a vehicular pursuit:

- A. Officers must have probable cause to believe that an occupant of the fleeing vehicle has committed a **Felony of a Violent Type**; **and**
- B. There is no police officer from any other law enforcement agency already engaged in the pursuit or in a position to initiate pursuit; **and**
- C. The pursuit remains in Montgomery County, Maryland (officers may drive on Western Avenue during a pursuit, but driving any further into the District of Columbia is prohibited); **and**
- D. The pursued vehicle is NOT a motorcycle (pursuits of motorcycles is prohibited); **and**
- E. Radio communication with Montgomery County is begun immediately and maintained continuously.

V. SAFETY

- A. Deciding to pursue requires a process of weighing the hazards of the pursuit against the hazards created by the violator; good judgment in weighing these risks is essential. Officers must continuously weigh several factors to include:
- Weather conditions
 - Traffic and pedestrian conditions
 - Time of day
 - Condition of the roadway
 - Speed of the fleeing vehicle
 - Degree of recklessness of the fleeing motorist
 - Condition and limitations of the police vehicle
 - Skill and experience of the pursuing police officer
- B. The seriousness of the offense involved does not lessen the officer's liability and/or duty to all people to drive with due regard for the safety of all.
- C. Officers will not, under any circumstances, pursue at a speed so great as to render their vehicles uncontrollable.

VI. PURSUIT PROCEDURES

- A. Immediately upon initiating a pursuit, officers shall activate the vehicle's emergency lights and siren. Such lights and siren shall be continuously utilized for the duration of the officer's involvement in the pursuit.
- B. Officers shall immediately notify ECC of the pursuit using the police radio on the 2nd District's talkgroup. The notification shall include all of the following information items:
1. The reason for the pursuit (the specific violent felony for which the occupant(s) of the vehicle is being pursued); and
 2. Description (tag number, make/model/color) of the fleeing vehicle; and
 3. Location of the pursuit and direction of travel; and
 4. Speed of the pursuit; and
 5. Vehicular and pedestrian traffic conditions in the area.
- C. To ensure that all personnel are receiving the most accurate and up to date information and in accord with MCPD policy, pursuits will be conducted using only the 2nd District talkgroup.

D. Units with Non-Police Passengers

Officers who have people other than law enforcement officers in their vehicle are prohibited from becoming engaged in vehicular pursuits.

E. Unmarked Police Vehicles

An operator of an unmarked police vehicle with emergency equipment activated may initiate a pursuit for the same criteria as marked police vehicles. Due to the increased danger created by the less visible unmarked units, officers operating unmarked cruisers during a pursuit will withdraw at the earliest possible time. Whenever two or more marked police vehicles become engaged in the pursuit, the unmarked vehicle will withdraw from active pursuit and serve in a support role unless authorized by a sworn supervisor to continue in the pursuit.

F. Arrests Outside of Chevy Chase Village

Officers may arrest an individual for a violent felony that occurred in Maryland after a legal pursuit that leaves the Village.

1. If the arrest occurs within Maryland, officers will retain custody of the individual unless the jurisdiction entered places charges of its own.
2. If the arrest occurs outside of Maryland*, officers will relinquish the individual to the law enforcement agency of the entered jurisdiction. In this situation, custody of the individual should be processed through extradition procedures.

***NOTE:** With the exception of driving on Western Avenue, vehicular pursuits are prohibited from leaving Maryland. It is possible that a vehicular pursuit for a violent felony could end on Western Avenue. It is also possible that a foot pursuit for a violent felony might lead to an arrest in Washington DC; in such a case, an arrest in DC would be within policy and DC would take custody of the arrestee.

G. Supervisor's Responsibility

When, in the sworn supervisor's judgment, the dangers created by a vehicular pursuit outweigh the advisability of continuing, the supervisor shall direct discontinuance of the pursuit.

H. Senior officers. Senior officers who are passengers in pursuing vehicles, as well as the operators of the vehicles, will be held responsible for decisions made related to the pursuit.

VII. ENDING A PURSUIT

- A. **Officers have the authority to stop pursuing at any time; officers do not need to obtain permission from any supervisor to stop pursuing.**
- B. Officers have the duty to stop pursuing whenever they feel that the danger caused by the pursuit is greater than the danger posed by the failure to apprehend the violent criminal.
- C. Officers must abandon a vehicular pursuit if elements such as weather, road, and traffic conditions make further pursuit unduly hazardous or when the distance from the pursued vehicle is too great to justify continuing the pursuit.
- D. Officers shall immediately stop pursuing as soon as two (for officer safety purposes) police vehicles from any other law enforcement agency have joined the pursuit. The only exception to this is if an MCPD supervisor directs that more than two pursuing vehicles are required. In the absence of an expressed direction from an MCPD supervisor, Village officers shall end their pursuit as soon as two non-Village police vehicles have joined the pursuit.
- E. If an MCPD supervisor has directed that more than two vehicles are needed in the pursuit, Village officers shall immediately stop pursuing once the required number of non-Village police cars become engaged in the pursuit.
- F. Village officers are prohibited from engaging in or joining a pursuit that has been initiated by any other police agency.
- G. Officers shall immediately stop pursuing if directed to end the pursuit by a police supervisor from any police agency.
- H. When an officer stops pursuing, and/or whenever an officer is directed to stop pursuing, officers are prohibited from continuing to follow the suspect in any manner whatsoever, and officers shall:
 1. Turn off all emergency lights and siren on their police vehicle;
 2. Stop the police car in a safe location;
 3. Notify ECC using the police radio and provide the last known location and direction of travel of the fleeing vehicle;

4. As soon as it is safe to do so, turn and drive in a direction different from that of the fleeing vehicle;
5. Notify the Village using the Village talkgroup that you have stopped pursuing, provide your location and odometer mileage to the Village dispatcher, and inform the dispatcher that you are returning to the Village;
6. Return to Chevy Chase Village;
7. Notify the Chief of Police and the Lieutenant as soon as possible after returning to the Village; and
8. Document the event thoroughly and assist investigators as needed.

VIII. ROADBLOCKS & RAMMING PROHIBITED

- A. Officers are prohibited from participating in any form of roadblock (rolling or stationary).
- B. Ramming (the intentional striking of a suspect's vehicle) of any kind, in any manner and by any name (PIT maneuver, etc.) is prohibited.

IX. NOTIFICATION & REPORTING PROCEDURES

- A. As soon as practical after the pursuit, the highest ranking on-duty officer shall notify the Chief of Police of the pursuit and the surrounding circumstances. If the officer involved in the pursuit is the highest ranking officer on duty, he/she shall make the notification.
- B. The Lieutenant shall fully complete a CCV 520, *Vehicle Pursuit Report*, for every pursuit involving a Village officer.
- C. The Lieutenant shall forward the completed CCV 520 and the incident report to the Chief of Police by the end of the Lieutenant's tour of duty.

This directive voids the previous version dated 07/24/2014.