I. Purpose

This Directive establishes basic rules of operation regarding the circumstances in which a pursuit may be initiated.

II. Policy

The pursuit of any violator is a serious situation which involves a myriad of situations and issues. It is the policy of this Division that all officers will observe the below listed laws, regulations and guidelines for the hot pursuit of fleeing felons, misdemeanants and traffic law violators.

A police vehicle pursuit has the potential of being one of the most dangerous activities a police officer is called upon to engage in. This activity is dangerous to the police officer, the general public and the fleeing person. A police officer, in these instances, has two conflicting concerns to balance. The first is to apprehend the fleeing person. The second, and equally important concern is to minimize the dangers related to a police vehicle pursuit.

This directive does not, nor is it intended to, provide all the knowledge or skills necessary to successfully carry out any pursuit of a fleeing person in a vehicle.

III. Definitions

A. Assisting Unit - Any unit assisting in the pursuit by: maintaining a parallel course, positioning to intercept the fleeing person, positioning to relieve or assist a primary or secondary pursuit unit, positioning to provide observation of the fleeing vehicle, or by providing any other assistance to the primary pursuit unit in apprehending the fleeing person.

B. Civilian Vehicle - A vehicle, regardless of ownership, which has not been approved as an emergency vehicle by the Maryland Motor Vehicle Administration.

C. Emergency Lights - Some form of flashing or oscillating light, blue, white and/or red in color, conforming to the Maryland Transportation Article.
D. **Forced Stopping** - The intentional maneuvering of a police vehicle in close proximity to a fleeing vehicle, or to contact the fleeing vehicle, in order to force it to stop. Forced stopping should *only be used in circumstances where deadly force would be justified*.

E. **Marked Unit** - A police vehicle prominently displaying divisional markings and one designated as an authorized emergency police vehicle.

F. **Paralleling** - Maintaining a course and speed which approximates that of the fleeing vehicle, but on another roadway. Paralleling may occur a considerable distance from the fleeing vehicle's location with the intent of being in a position to intercept the fleeing vehicle's course should it turn toward the paralleling unit.

G. **Primary Pursuit Unit** - The police vehicle closest to the fleeing vehicle. This unit is typically the initiating unit in the pursuit, and may be changed as pursuit continues.

H. **Vehicular Pursuit**: An active attempt by an officer in an emergency vehicle to apprehend one or more fleeing occupants of vehicle who are attempting to avoid apprehension.

I. **Police Team** – Any police official or communications personnel involved in a vehicle pursuit

J. **Pursuit Supervisor** - The on duty supervisor of the primary pursuit unit or any other senior officer who assumes control of the pursuit, including the Watch Commander.

J. **Rolling Roadblock** - A technique designed to stop a fleeing vehicle by surrounding it with pursuit vehicles and intentionally slowing until stopped.

K. **Secondary Pursuit Unit** - The police vehicles assigned to assist the primary pursuit unit by remaining in close proximity to the primary pursuit unit and the fleeing person. There are normally no more than one or two secondary pursuit units.

L. **Stationary Roadblocks** - Devices used to prevent movement of vehicles past a point on the roadway where the roadblock is constructed. The roadblock could be in the form of vehicles or barrier devices of any sort. Division policy prohibits the use of civilian vehicles or property in roadblocks. Any vehicle used in such a capacity must be unoccupied. Traffic checkpoints, which are used to gather information or screen passing vehicles, are not considered roadblocks under this section.

M. **Unmarked Unit** - An emergency police vehicle which does not display visible police markings, but is equipped with a siren and visible emergency lights in the grille, rear deck, dashboard or temporarily mounted to the roof of the vehicle, or a combination of these lights.

IV. **Initiation of Vehicle Pursuit**

A. **Fresh Pursuit of a Misdemeanant (Criminal Procedure Article 2-301 (c-2))**

*All vehicular pursuits of persons operating a motor vehicle wanted for misdemeanor offenses by officers of this Division are prohibited. (This does not limit an officer from pursuing a fleeing person who has committed a misdemeanor in the presence of the*
officer on foot, bicycle, ATV and/or horse back.) The officer will attempt to obtain the tag number and description of the vehicle and/or offender before leaving the State and contact Communications who shall alert the jurisdiction into which the fleeing offender has gone. If needed, an investigation of the incident will continue and a warrant may be obtained.

B. Fresh Pursuit of Felons

Fresh pursuit is only allowed when an officer has probable cause to believe that the fleeing suspect has committed or is attempting to commit the following:

a. Any felony involving the use of force or threat of physical force or violence against a person, and
b. A hit and run traffic accident resulting in death or serious injury.
c. All other pursuits are prohibited, except non-motor vehicle pursuits.

C. The pursuing officer will consider the following factors in determining whether to initiate pursuit:

1. The performance capabilities of the pursuit vehicle;
2. The condition of the road surface upon which the pursuit is being conducted;
3. The amount of vehicular and pedestrian traffic in the area; and
4. Weather conditions.

D. The pursuit will be terminated when the danger posed by the fleeing person(s) escape is less than the dangers imposed by the pursuit.

V. Responsibilities For Vehicle Pursuits:

A. Officer’s Responsibilities

1. An officer intending to initiate a pursuit must make a judgment as to the danger posed by the fleeing person in relation to the danger of the pursuit. It is recognized that this judgment must be made, in most cases, with only a brief evaluation of the emerging situation. Officers are required to make their best judgment under the circumstances and then continue to evaluate the evolving situation.

2. The pursuit is only authorized if the pursuit poses a lesser danger than would the fleeing person’s escape. In determining relative danger, the officer will use all information known to the officer or relayed to the officer by the police team.

3. The officer must at all times continue to evaluate the dangers of the pursuit.

4. Officers engaged in pursuit will use lights, siren and headlights at all times throughout the pursuit.

5. All officers will also comply with the provisions of The Maryland Vehicle Law pertaining to Emergency Vehicles. The driver of an emergency vehicle may:
   a. Park or stand without regard to the other provisions of this title;
b. Pass a red or stop signal, a stop sign, or a yield sign, but only after slowing down as necessary for safety;
c. Exceed any maximum speed limit, but only so long as the driver does not endanger life or property;
d. Disregard any traffic control device or regulation governing direction of movement or turning in a specified direction; and
e. Should be aware that this section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

B. Supervisory Responsibilities

1. A supervisor or command officer not directly involved in the pursuit will assume supervisory control of all pursuits.

2. The supervisor controlling the pursuit will ensure that Division rules, policy and procedures are followed during the pursuit.

3. The supervisor will limit the number of vehicles involved in the pursuit to the number necessary to maintain the pursuit and apprehend the fleeing person. Secondary pursuit vehicles should normally be limited to one or two by the supervisor controlling the pursuit. Supervisors may have units not assigned as a primary or secondary pursuit unit, in positions to lend assistance in the pursuit should they be needed (see section VI G).

4. In controlling the pursuit incident, the supervisor will be responsible for coordination of the pursuit as follows:
   a. Directing pursuit vehicles and air support units into or out of the pursuit;
   b. Re-designation of primary, support or other back-up vehicle responsibilities;
   c. Approval or disapproval, and coordination of pursuit tactics; and
   d. Approval or disapproval to leave the county to continue pursuit.

5. In making the decision concerning the number of secondary pursuit units to allow, the supervisor will consider such factors as:
   a. The number of suspects and any known propensity for violence;
   b. The felony crime for which they are pursued, and
   c. The known or probable weapons accessible to the fleeing suspects, and
   d. The danger posed by the fleeing suspects when they are finally stopped.
   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. Supervisors must evaluate the nature of the vehicle pursuit, including:
   a. The fleeing person and the felony offense for which he is wanted,
   b. The pursuing officers and their skills,
   c. The nature of the roadways upon which the pursuit is being conducted,
d. The weather and time of day as it may affect the pursuit,
e. The character of the neighborhoods through which the pursuit is proceeding, or may proceed, and
f. Any other condition or circumstance which may affect the safety of the pursuit.

7. If at any time the supervisor determines that the danger posed by the pursuit is greater than the danger posed by the escape of the fleeing person(s), the supervisor will terminate the pursuit.

8. The supervisor will ensure that at the conclusion of any pursuit a Pursuit Analysis form is prepared prior to the end of the shift and that any necessary notifications are made.

C. Communications’ Responsibilities

1. Communications personnel will 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 channel(s) of all non-emergency traffic;
   c. Obtain criminal record and vehicle checks of the vehicle and suspects;
   d. Coordinate and dispatch back-up assistance and air support units under the direction of the pursuit supervisor; and
   e. Notify and coordinate with other jurisdictions when the pursuit may extend into their area.

2. Communications personnel will provide assistance to the primary pursuit unit and the pursuit supervisor in the coordination of the pursuit. Communications will make, or cause to be made, an immediate notification of the pursuit to the on duty supervisor or Watch Commander.

3. In the event that another agency involved in the pursuit determines the need to use stop sticks, Communications will assist in the notification of the placement of Stop Stick devices. They will utilize the alert tone and notify all units involved in a pursuit, about the deployment and exact location of the devices.

4. In cases where Communications receives a notification of a pursuit being conducted by another law enforcement agency that is anticipated to enter, has entered or has culminated in our jurisdiction, the person receiving the notification will immediately notify the on duty supervisor. Communications will obtain all relevant information concerning the pursuit including the reason the law enforcement agency is pursuing the fleeing vehicle, any lookout and weapon information.

5. Communications will immediately relay all information, regarding a request for assistance in a pursuit from another jurisdiction, to the on duty supervisor. The supervisor will make the decision regarding participation in the incident by this agency.
VI. Vehicle Pursuit

A. Once an officer has evaluated the factors associated with an incident and decided to pursue a fleeing person, the officer will, as soon as is practical, notify Communications of the pursuit. The following information will be provided to Communications:

1. Unit identification number;
2. Location, speed and direction of travel of the fleeing vehicle;
3. Description and license plate number, if known, of the fleeing vehicle;
4. Number of occupants in the fleeing vehicle and descriptions, when possible; and
5. Reason(s) supporting the decision to pursue

B. The pursuing officer (primary pursuit unit) will broadcast a lookout for the person or persons being pursued. The lookout will include as much of the following information as is available:

1. a description of the person or person(s) being pursued in as much detail as possible, and
2. a description of the vehicle and license information if known, and
3. the direction the vehicle is traveling and the street or highway it is currently on, and
4. the crime or offense for which the person(s) is being pursued.

C. It will be the responsibility of the primary pursuit unit to keep Communications informed of the location of the fleeing vehicle.

D. Units involved in the pursuit will not pass each other except for some specific, planned and coordinated purpose. Each unit involved in the pass should be aware of the other's intentions, and the pass should be coordinated verbally over the radio. Note: This section does not prevent or preclude passing required because of safety issues necessitated by unexpected movements of any vehicle.

E. Radio transmissions from all units other than the primary pursuit unit will be limited to emergency and/or pursuit pertinent information. Normally, all units will maintain radio silence unless acknowledging transmissions from the primary pursuit unit, Communications, or a supervisor.

F. Only marked vehicles will engage in pursuit as a primary or secondary unit, except when the initiating unit is an unmarked vehicle. If an unmarked vehicle initiates the pursuit a marked unit will replace that vehicle as soon as practical. Unmarked vehicles may be used as assisting or secondary units if enough marked units are not available. Civilian vehicles may not be used in any capacity and only police vehicles with emergency lights and siren in operation will be used for pursuits.

G. Units not assigned a primary or secondary role in the pursuit may position themselves to lend assistance in the pursuit should they be needed. Officers attempting to assist in this manner must obtain supervisory approval by indicating their present location and the intersection or area in which they wish to proceed. Once approval is obtained any unassigned unit may proceed in a priority mode (lights and siren) and using the utmost caution to the area. Unassigned units will report their positioning when the pursuit nears their location. At no time may an unassigned unit attempt to “tail” the pursuit in a priority
mode. If the pursuit proceeds through their area they may only continue to assist by heading in the direction of the pursuit obeying all traffic laws until such a time as requested to do otherwise.

H. No vehicle containing a passenger who is not a police employee will engage in a pursuit as a primary or secondary vehicle. Any exceptions to this policy required by unforeseen and extreme circumstances will require written justification be submitted to the Chief immediately following the incident.

I. Only in extreme circumstances will Division motorcycles be used in a pursuit. These circumstances generally will be life threatening and require a written justification be submitted to the Chief immediately following the incident.

VII. Foot Pursuits

A. The doctrine of "Fresh Pursuit" applies to officers engaged in any non-vehicular pursuits. This doctrine applies when the pursuit is continuous and without unreasonable delay, but does not require instant pursuit.

B. Fresh pursuit is authorized when the suspect;

1. Has committed or is reasonably believed to have committed a felony in the jurisdiction in which the law enforcement officer has the power of arrest; or

2. Has committed a misdemeanor in the presence of the officer and in the jurisdiction in which the officer has the power of arrest.

VIII. Vehicle Pursuit Tactics

A. Unless expressly authorized by the supervisor, pursuit will be limited to the assigned primary and back-up vehicles. Officers are not otherwise permitted to join the pursuit team or follow the pursuit on parallel streets.

B. Division policy pertaining to the use of deadly force will be adhered to during the pursuit.

C. Officers will not continue direct pursuit if the pursued vehicle begins to travel the wrong way on a one-way roadway. Units may continue to travel on the parallel roadway going the correct direction of travel.

D. At the request of a supervisor monitoring a pursuit, communications will notify any available police aircraft to monitor a pursuit in progress. At the point where police aircraft are in place and monitoring pursuit, pursuing units will decrease their speed and increase following distance, even to the point of losing direct sight of the pursued vehicle. If there is a canine unit assigned to the pursuit or available they will be assigned as primary pursuit vehicle.

E. Stationary roadblocks are strictly prohibited unless:

1. Authorized by a sergeant or above, and
2. To be used to apprehend fleeing felon(s):
   a. who have committed crime(s) of a very serious and/or life threatening nature; and/or
   b. who is operating and, facts indicate, would continue to operate his vehicle in a life threatening manner even if the pursuit were abandoned.

3. The following guidelines will be followed for all roadblocks:
   a. Roadblock must be positioned so as to provide sufficient visibility to allow adequate time and distance for vehicles to stop.
   b. The roadblock must provide for other traffic on the roadway to be directed to a safe location. The location will be such that there is little danger of injury to anyone other than the fleeing person(s).
   c. If time permits, emergency road flares, barricades, signs or other markings can be used to provide a lightweight roadblock.
   d. When vehicles are needed for roadblocks, only unoccupied Division vehicles with activated emergency equipment will be used.
   e. Communications and all vehicles in the pursuit will be made aware of the location of the roadblock; and all officers in the pursuit will slow and prepare to stop at a point well before they reach the roadblock.

F. Forced stops and rolling roadblocks are strictly prohibited unless:
   1. Authorized by a sergeant or above, and
   2. To be used to apprehend fleeing felon(s):
      a. who have committed crime(s) of a very serious and/or life threatening nature; and/or
      b. who is operating and, facts indicate, would continue to operate his vehicle in a life threatening manner even if the pursuit were abandoned.
   3. Forced stopping as defined in this section is considered use of force and shall require the completion of a Use of Force Report. Depending on the specifics of the situation (speed, environment, types of vehicles, previous observations, etc.) forced stopping may be considered as various levels of force up to and including deadly force and as such should only be considered as an extreme measure.

IX. Risk Assessment

It is recognized that individual officers, as well as, individual Division vehicles have different levels of performance. The decision to abandon a pursuit must be considered in light of these individual factors. No officer should feel compelled to continue a pursuit when personal and/or vehicle limitations would be exceeded. No officer will be punished or otherwise admonished for determining to terminate a pursuit.

X. Conclusion/Termination

A. Safety is critical after a fleeing vehicle is stopped. Therefore, officers at the scene of the stop will handle the situation in the same manner as a high-risk felony stop.
B. A decision to terminate may be the most rational means of preserving the lives and property of both the public, and the officers and suspects engaged in the pursuit. Pursuit may be terminated by the pursuing officer, the supervisor, the Watch Commander or any other command staff officer who is fully aware of all the pertinent details of the pursuit.

C. Pursuit will be immediately terminated in the following circumstances:

1. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect;

2. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile; or

3. The danger posed by continued pursuit to the public, the officers or the suspect is greater than the value of apprehending the suspect(s).

4. The pursuing officer will relay this information to communications personnel along with any further information acquired which may assist in an arrest at a later date.

XI. Pursuit Analysis

A. The supervisor will prepare a Vehicular Pursuit Analysis Report prior to the end of his/her tour of duty and forward it to the Chief, Park Police Division, via the chain of command. This review will address the following issues, at minimum:

1. The reason for the pursuit;

2. The conditions of the pursuit (time of day, traffic, weather, vehicle speeds, number of officers involved, etc);

3. During the pursuit, did the actions of the involved officer(s) conform to established policy?;

4. Were there any exceptions to policy? If so, what were they and why did they occur?;

5. Was any action taken against the suspects vehicle? If so, what circumstances necessitated the use of this action?;

6. What roles, if any, did units from any other police agency have in the pursuit? and

7. Based on the information compiled for this report, did the reporting supervisor find that the pursuit was handled properly or should it have been handled differently and how?

B. All completed and reviewed Pursuit Analysis forms will be maintained by the Professional Standards Office.

C. The Professional Standards Office will complete, and forward to the Chief, Park Police Division, an annual analysis of all pursuit reports to determine whether:

1. The pursuits were necessary and within Division policy;

2. There are any training needs to be considered; and

3. Any changes in Division policy need to be considered.
XII. Jurisdiction

A. Pursuit Outside Montgomery County But Within Maryland

1. The crossing of the County boundary will be immediately reported to Communications. Once outside of Montgomery County, Division units will abandon the pursuit as units from the entered jurisdiction replace them. However, if there is an identification issue to be considered and the crime is of a serious nature, the single unit needed for identification may continue the pursuit. The pursuit supervisor will authorize this continued pursuit if warranted. In all situations the initiating officer or other officer with knowledge of the original incident will ensure they are readily available to the arresting agency.

2. Individuals arrested in other Maryland counties may be returned to Montgomery County without further legal process. Requests for processing of the arrested person(s) in the arrest jurisdiction will be evaluated by a senior officer and approved only if such processing will not jeopardize the Division case or the Division case is not significant when compared with events that may have occurred in the arresting jurisdiction.

B. Pursuit Outside Maryland

1. Officers may pursue a fleeing person wanted for a serious felony into another state or the District of Columbia. However, supervisors may order a pursuit discontinued if, in their opinion, the pursuit is unwarranted for the offense committed. In all other cases, pursuing Division officers must abandon a pursuit at the state line. Once outside of Maryland, Division units will abandon the pursuit as units from the entered jurisdiction replace them. However, if there is an identification issue to be considered and the crime is of a serious nature, the single unit needed for identification may continue the pursuit. The pursuit supervisor will authorize this continued pursuit if warranted.

2. In all situations the initiating officer or other officer with knowledge of the original incident will ensure they are readily available to the arresting agency. When arrests are made in another state or the District of Columbia, the person arrested must be taken before a judicial officer in the jurisdiction in which the arrest is made. The Division officer must then begin extradition procedures to have the person returned to Montgomery County for prosecution.

C. Pursuits Initiated By Officers of Other Agencies

1. Whenever a request is received by the Park Police, Montgomery County Division to assist in the pursuit of a person who is fleeing from another law enforcement agency, the on duty supervisor will evaluate the request in the light of this entire policy. The fact that another jurisdiction has already joined the pursuit does not relieve personnel of this Division from the requirements of this policy.
2. In order to make a decision to join or continue in a pursuit initiated by another agency, the on duty supervisor will need to ascertain the reason(s) for the pursuit as articulated by the agency initiating or requesting assistance in the pursuit. Lacking any information regarding the reason(s) for the pursuit, the on duty supervisor will make decisions as if the pursuit were for traffic violations only. If continuing violations of law occur in our primary jurisdiction, officers of this division may then pursue in accordance with this directive, in light of those violations, regardless of the reasons for the initiation of the pursuit.

3. If the pursuing officers do not have jurisdiction in Montgomery County, the on duty supervisor will coordinate further actions with the initiating agency to insure a coordinated and efficient response to the incident is maintained. If it is determined that the most significant event occurred in our jurisdiction then the Division will assume the primary role in investigating and processing the incident consistent with established procedures. If the most significant event occurred in another jurisdiction then the on duty supervisor will determine the extent to which we may render assistance to that agency.

4. If at anytime in the pursuit there are sufficient units from the initiating or other controlling agency to handle the pursuit, the most significant event has not occurred in our jurisdiction, and the initiating or controlling agency has not relinquished control to this division, the Park Police will discontinue any participation in the pursuit. In the absence of the on duty supervisor, or prior to reception of notification and assumption of control by the on duty supervisor, any officer who becomes aware of the possible need of assistance in a pursuit, will be governed by the dictates of this directive in making a decision to join a pursuit.

XIII. Training

Roadblock and forcible stopping tactics training is conducted at the police academy.

XIV. Applicable Laws

A. Criminal Procedure Article, Subtitle 3 Fresh Pursuit;

1. Pertaining to authority of duly organized agency to pursue within state and/or jurisdiction.

Article 2-305 states:

Any member of a duly organized State, County or Municipal peace unit of another State of the United States who enters this State in fresh pursuit, of a person in order to arrest him/her on the ground that he/she is believed to have committed a felony in such other State, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized State, County or Municipal peace unit of this State, to arrest and hold in custody a person on the ground that he/she is believed to have committed a felony in this State.
2. Pertaining to requirement that an out-of-state pursuing officer present arrestee to judiciary.

*Article 2-306 states:*

*If an arrest is made in this State by an officer of another State, in accordance with the provisions of [Article] 2-305, he/she shall, without unnecessary delay, take the person arrested before a judge of the Circuit Court of the County in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the judge determines that the arrest was unlawful, he/she shall discharge the person so arrested."

3. Defining District of Columbia as a state as it pertains to pursuits

*Article 2-304(c) states:*

"State" means a state of the United States or the District of Columbia.

**B. District of Columbia**

District of Columbia code provides that a police officer from another jurisdiction may enter the District of Columbia in fresh pursuit in order to arrest a person "on the ground that he is believed to have committed a felony in the pursuing officer's state: and, that he has the same powers to arrest the person and hold him in custody as has the D.C. officer. The arresting officer must appear before a judge of the Superior Court of the District of Columbia without unnecessary delay after the arrest to determine the lawfulness of the arrest.

**C. Commonwealth of Virginia**

The Commonwealth of Virginia, Title 19.2, Virginia State Code, provides that a police officer may enter Virginia in close pursuit in order to arrest a person "On the ground that he has committed a felony" in the pursuing officer's state or the District of Columbia and that he has the same power to arrest that person and hold him in custody as a Virginia officer. The arrested person must be taken before a judge of a county, municipal, circuit or corporation court of the county or city where the arrest was made without unnecessary delay for a hearing to determine the lawfulness of the arrest.

*Note:* It should be noted that the State of Maryland permits fresh pursuit of a person who has committed a felony, or who is reasonably suspected of committing a felony, whereas, the Commonwealth of Virginia permits fresh pursuit of a person solely on the ground that he/she has committed a felony.

Approved Park Police Document
Signed Original on File

End of Directive