



## **2-45 PURSUIT BY MOTOR VEHICLE**

### **Related SOP(s):**

- 2-6 Use of Emergency Equipment**
- 2-12 Pursuit Intervention Technique**
- 2-13 Starchase Pursuit Management System**

### **2-45-1 Purpose**

The purpose of this policy is to provide guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, property, and to be in compliance with NMSA 29-20-4 (Law Enforcement Safe Pursuit Statute).

### **2-45-2 Policy**

It is the policy of the Department to initiate a motor vehicle pursuit only when an officer has reasonable grounds to believe the individual presents a clear and immediate threat of death or serious injury to others or who the officer has probable cause to believe poses a clear and immediate threat to the safety of other motorists or the public, that is ongoing and existed before the pursuit began, or the individual has committed or is committing a violent felony.

### **2-45-3 Definitions**

#### **A. Assisting Unit(s)**

Police unit(s) in the vicinity or location where the pursuit is occurring who have supervisor authorization and direction to assist with the pursuit or assistance with the high risk stop.

#### **B. Clear and Immediate Threat**

For the purposes of this policy a clear and immediate threat is conduct present before the motor vehicle pursuit is initiated in which there is an immediate threat of great bodily harm and/or death to others.

#### **C. High Risk Stop**

A method of stopping, removing, disarming, and detaining occupants of a vehicle who are believed to be dangerous, violent, and/or armed with a deadly weapon while reducing the risk of danger to citizens and the responding officers.



D. Initiating/Primary Pursuit Unit

The police unit initiating a pursuit or any other unit assuming the position behind the vehicle which is being pursued.

E. Marked Unit

A vehicle displaying a government license plate, equipped with roof mounted emergency lights, siren, and other emergency warning devices required by New Mexico State Statute and used for emergency response situations.

F. Motor Vehicle Pursuit

An active attempt by a law enforcement officer operating a Department vehicle, with engaged authorized emergency warning equipment, to apprehend one or more occupants of another moving vehicle, and the driver of that vehicle is driving in a manner endangering the life of other(s). It shall be reasonably apparent the driver of that vehicle is aware of the attempted apprehension and is fleeing by refusing to stop, disobeying traffic laws, or attempting to flee from the officer through evasive driving maneuvers.

G. Participating

For purposes of this policy, participating is defined as pursuing the vehicle as either the primary unit or the secondary unit.

H. Pursuit Immobilization Technique (PIT)

The forced rotation of a moving vehicle. The PIT is a precision maneuver, which involves intentional, vehicle-to-vehicle contact and consists of a pursuing officer applying lateral pressure with the front corner of their vehicle to the rear quarter panel of the fleeing suspect's vehicle resulting in a predictable spin. See SOP – Pursuit Intervention Technique (PIT).

I. Secondary Unit

The second police unit in a department vehicle to become involved in the pursuit of a motor vehicle.

J. Tire Deflation Device



A device that uses sharp, hollow spikes to penetrate the tires of a vehicle. The spikes remain in the tire(s) of the vehicle, allowing air to pass through the spikes for a rapid and controlled deflation of the tires. Tire deflation devices include stop sticks or spike belts.

**K. Violent Felony**

Violent felonies for the purpose of this policy are as follows: homicide, criminal sexual penetration, robbery with a deadly weapon, kidnapping/false imprisonment, felony aggravated battery inflicting great bodily harm and/or death and aggravated assault with a deadly weapon.

**2-45-4 Rules and Procedures**

**A. Initiating/Primary Pursuit Unit**

5 1. An officer may initiate a pursuit when at least one of the following factors exists:

a. It is the policy of the Department to initiate a motor vehicle pursuit only when an officer has reasonable grounds to believe the individual presents a clear and immediate threat of death or serious injury to others or who the officer has probable cause to believe poses a clear and immediate threat to the safety of other motorists or the public, that is ongoing and existed before the pursuit began. The offender has committed or is committing a violent felony and allowing escape would put the public in immediate danger of great bodily harm and/or death.

2. If one of the factors above are present, the officer shall also consider the following risk factors before initiating the pursuit:

- a. The nature of the offense for which the pursuit was initiated;
- b. The current driving behavior exhibited by the offender(s);
- c. The time of day;
- d. Road, weather, environmental, and vehicle conditions;
- e. Any other risk presented by the pursuit itself;
- f. Knowledge of the offender's identity, possible destination, and previous activities that may make apprehension at a later time feasible; or
- g. The risk of harm to others should the offender(s) escape.

3. Before engaging any authorized emergency warning equipment, the officer shall identify the license plate information and/or vehicle description, occupant status



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(number of occupants, descriptors) and relay that information immediately to dispatch, if/when feasible.

4. Any officer after initiating a pursuit shall immediately notify the dispatcher via radio that a pursuit is in progress, and provide the following information:
  - a. Reason for the pursuit;
  - b. Present location and direction of travel;
  - a. Vehicle speeds from the pursuing units certified speedometer;
    - i. The secondary pursuing unit will be responsible for providing dispatch with updated speeds when they become involved.
  - c. Any safety factors needing to be noted; and
  - d. If a hostage is involved.
5. An initiating primary pursuit unit shall continually relay over the radio, the present location and direction of travel, vehicle speeds, and any safety factors for the duration of the pursuit..
6. The dispatcher is responsible for notifying the on-duty supervisor of the pursuit after being notified by the initiating/primary unit.
7. Air support will be requested as soon as possible by officers initiating a pursuit .
8. Starchase certified officers should be requested to respond to the area by officers initiating a pursuit.
  - a. The initiating/primary pursuit unit and the unit equipped with star chase shall coordinate as necessary to allow for deployment of the GPS tracking device.
  - b. Where there is a Starchase activation on a vehicle officers will follow procedures in accordance with SOP Starchase pursuit management systems.
9. After a supervisor is notified of the pursuit, it may only continue with specific authorization from the supervisor.
10. Request any additional necessary resources, to include additional police units or department authorized resources to assist with the pursuit.

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B. Secondary Pursuit Units:

1. Engage all authorized emergency warning equipment



2. Notify dispatch of their identity over the radio.
3. Assume radio communications responsibility, allowing the initiating/primary unit to devote complete attention to the pursuit.
4. Assist with the high risk stop

C. Assisting unit(s)

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1. Not parallel or caravan a pursuit; however, officers may proceed into the area of a pursuit if directed by the supervisor in command to assist at the termination point of the pursuit and assist with the high-risk stop.
2. No more than two police vehicles will become actively involved in a pursuit unless specifically authorized to do so by a supervisor. Assisting officers will be alert to the pursuit progress and location.

D. Officers involved in a pursuit will not attempt to pass the initiating/primary unit unless instructed to do so by that unit or the initiating/primary unit is unable to continue.

E. Officers involved in pursuits must continually question whether the seriousness of the crimes(s) reasonably warrants continuation of the pursuit.

1. At any time during a pursuit when an officer or supervisor determines the danger to the public or officer(s) outweighs the need for immediate apprehension, the officer will immediately discontinue the pursuit.
2. Officers terminating a pursuit for safety considerations is not subject to discipline for making this decision.
3. When terminating a pursuit, the officer will make all reasonable efforts to go in the opposite direction of the pursued vehicle, so not to give a sense of a pursuit continuing.

F. Officers radio transmissions on the progress of the pursuit:

1. The initiating/primary pursuing unit is responsible for broadcasting the progress of the pursuit until the arrival of a secondary unit, who will then assume that responsibility.



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- a. When the initiating/primary pursuit unit is occupied with two officers the passenger officer will be responsible for radio transmissions until the arrival of the secondary pursuit unit.
  2. Communication for any pursuit will remain on the pursuing officer's original dispatch channel, even if the pursuit changes area commands and/or jurisdictions.
  3. If a pursuit is initiated on a radio frequency other than an area command dispatch channel, officers will move to the area command dispatch channel in relation to their present location as quickly and safely as possible.
- G. Vehicles involved in pursuits:
- a. Motorcycles, slick-top, and unmarked units may initiate a pursuit only if the unit is equipped with a siren and red flashing lights.
  - b. When a marked unit with a roof mounted light bar joins the pursuit, all motorcycle, slick-top and, unmarked units will assume a secondary pursuit position.
  - c. Once a second marked unit joins the pursuit, all motorcycle, slick-top, and unmarked units shall not actively participate in the pursuit, but may monitor the pursuit and be available to assist in the apprehension if necessary.
  - d. Officers with a prisoner in their vehicle will not initiate or join a pursuit
- H. Supervisor
1. If the initiating/primary pursuit officers on duty supervisor is not available, the next available on-duty supervisor will assume command of the pursuit.
    - a. Pursuits initiated by an officer outside their area command or while off-duty will be under the command of the supervisor responsible for the area command where the pursuit was initiated.
    - b. It is essential on-duty area command supervisors constantly monitor radio communications within their area command to ensure all motor vehicle pursuits meet the proper criteria and the pursuit is managed according to this SOP.
  2. Upon being notified of a pursuit, the supervisor shall:
    - a. Assume command from origination through conclusion;
    - b. Ensure the pursuit is in compliance with this section;
    - c. Ensure air support has been requested;
    - d. Ensure the affected public safety agencies are notified;



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- e. Assist the primary unit with the necessary support requested;
  - f. When necessary, direct the pursuing officers to abandon the pursuit.
  - g. When necessary for the protection of the public, call for the establishment of a location to disable the fleeing vehicle by using PIT, and/or Tire Deflations Devices.
  - h. The supervisor monitoring and/or notified of the pursuit must continually evaluate the pursuit to allow its continuation, or to order termination of the pursuit.
3. If a supervisor orders a pursuit be terminated, he/she will direct the officers involved to meet immediately with him/her at a designated location.
- I. Use of Air Support During Pursuits
1. Once air support has responded and has a visual on the pursued vehicle, the Air Support Unit shall be the primary unit of the authorized pursuit and will relay the direction of travel of the pursued vehicle to ground units.
  2. Pursuing unit(s) will stop the motor vehicle pursuit and provide enough distance so as not to affect the driving of the pursued vehicle.
    - a. The supervisor will determine how many units are needed to form a perimeter around the vehicle based on the information from air support.
    - b. With direction from air support, the supervisor will continuously direct and control ground units in a manner, which increasingly constricts the perimeter surrounding the vehicle to apprehend the offender(s).
      - i. Ground units may use emergency equipment on an as needed basis to maintain the reasonable distance needed from the pursued vehicle.
    - c. The Air Support Unit will notify the supervisor in charge if units are still following the suspect vehicle when distance should have already been made. The police units following the vehicle will be identified by unit number on the vehicle by air support when possible.
  3. If there is a successful Starchase activation, air support will still be primary and will update the location to ground units.
    - a. Should air support lose visual, radio dispatch, or the supervisor monitoring the Starchase activation will provide updated location information for the vehicle.
- J. Stopping a Pursued Vehicle





1. Officers will use high-risk stop procedures when the vehicle has stopped or been disabled.
2. Tire Deflation Device
  - a. The tire deflation device is an acceptable method of disabling a pursued vehicle when authorized by a supervisor. Only those officers who have received training in the device are authorized to deploy it.
  - b. The tire deflation device will not be deployed on two-wheeled vehicles unless the use of deadly force is justified.

N/A

3. PIT
  - a. The PIT may be used to end a pursuit when authorized by the supervisor in command.
  - b. The PIT will not be used at speeds greater than 35 Miles per Hour unless deadly force is warranted.
  - c. Every effort will be made to use a high-risk stop (felony stop) with additional units after PIT has been completed.
  - d. Only those officers who are trained and certified in the PIT are authorized to deploy it.
  - e. The PIT will not be deployed on two (2), or three (3) wheeled vehicles unless the use of deadly force is justified.

4. Use of Deadly Force (Firearms)
  - a. Officers will not use firearms to disable tires of a vehicle that is being pursued reference SOP Use of Force General.

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K. Jurisdictional Issues

1. When a pursuit leaves the city limits of Albuquerque, the officer will stop the pursuit if:
  - a. Directed to do so by a supervisor;
  - b. A supervisor is no longer in command of the pursuit;
  - c. Requested to do so by the jurisdictional agency; or
  - d. Proper communications become a safety issue.
2. When a pursuit by another agency enters the city limits of Albuquerque, the responsible supervisor will:





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- a. Ensure Department pursuit policy is adhered to by Department personnel.
  - b. Ensure every attempt is made to assist the pursuing agency as resources and safety factors allow. This assistance must remain within the guidelines of this policy.
  - c. Request the pursuing agency to stop the chase if the pursuit is not in compliance with Department policy.
3. When another public safety agency's pursuit does not meet the standards of this policy, limited departmental participation may be provided if resources allow. However, such participation is restricted. Department personnel will not actively participate in the pursuit but may provide the following safety measures:
- a. Blocking of intersection(s) to allow unrestricted and safe passage of vehicles involved in the pursuit.
  - b. Communications support will be used to coordinate the movements of the pursuit and facilitate the timely response of assisting units to the areas involved.
  - c. Containment and preservation of the location where a pursuit is stopped, if it is within the city service area.

**6** L. Post pursuit

1. Officer Responsibilities:

- a. Complete and submit report before the end of their shift.
  - i. If an officer is unable to write an initial report because of physical injury, involvement in an officer involved shooting, or the officer is the victim of a crime, then the on-duty supervisor will assign another officer to document the incident.
- b. Upload videos per SOP Use of On Body Recording Devices before clearing from the incident

2. Authorizing Supervisor responsibilities:

- a. Complete and submit the Police Pursuit Post Incident Review, in Blueteam.
- b. A supervisor who was involved in pursuit, by participating in a pursuit or ordering or participating in a use of force, or who was a witness of an officer involved shooting shall not complete the police pursuit post incident review.
- c. In the event the authorizing supervisor is unable to work their next shift (due to injury or administrative leave) or had involvement listed as mentioned from the section above, another on-duty Sergeant or the authorizing supervisor's



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Lieutenant is responsible for completing and submitting the Police Pursuit Post Incident Review.

- d. Review all of the initiating/primary and secondary unit audio and video recordings.
  - e. Review all computer aided dispatch (CAD) information related to the pursuit.
  - f. Supervisors shall complete and submit the Police Pursuit Post Incident Review within five (5) scheduled working days.
    - i. Where a supervisor is unable to complete and submit a review within the initial five working day deadline the supervisor may request a 10 scheduled work day extension by completing the extension request via email, outlining the reason(s) for an extension, to the involved officer's commander.
  - g. Provide copies of the Police Pursuit Post checklist, police reports from all officers involved in the pursuit, recording of radio transmissions, video from air support (if available). The Police Pursuit Post Review will include reason for pursuit with a brief synopsis of the pursuit highlighting pertinent information to include references of any pertinent (standard operating procedures) SOP and any identified policy, training, equipment, and tactics concerns. If any policy violations are identified, the reviewing supervisor will ensure they are documented in the review and ensure an "IA Request" in Blue Team is completed and sent through the area command's chain of command per SOP Complaints Involving Department Policy or Personnel.
  - h. Once the reviewing supervisor has completed their review, it should be sent to the affected officers Lieutenant for review.
  - i. If at any point a Lieutenant is the authorizing supervisor, he/she will complete the authorizing supervisor's responsibilities and ensure another Lieutenant from the affected officer's area command completes the Lieutenant review.
3. Lieutenant Responsibilities:
- a. Review all audio/video recordings for involved assisting officers.
  - b. Review all CAD information related to the pursuit.
  - c. Review the Blueteam entry and provided items in Blueteam within five (5) scheduled work days upon receipt of the BlueTeam entry and ensure the pursuit was within in policy.
    - i. Where the Lieutenant is unable to complete and submit a review within the initial five working day deadline the Lieutenant may request a 10 scheduled work day extension by completing the extension request via email, outlining the reason(s) for an extension, to the involved officer's commander.
  - d. Lieutenants of the initiating/primary and secondary units involved in a pursuit shall hold an open critique session of the pursuit.



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- e. Ensure the pursuit was in compliance with this SOP section. Review the entry for completeness and complete a review in Blueteam
  - f. If there are any policy, training, equipment, tactics, and supervision concerns identified during the review, the Lieutenant will ensure that it is documented in their review and an "IA Request" must be completed in BlueTeam and sent through the area command's chain of command per SOP Complaints Involving Department Policy or Personnel.
4. The Division/Area Commander responsibilities:
- a. Area Commanders can approve up to ten (10) scheduled work days extension, and include the new due date in the approving correspondence.
  - b. Review the pursuit to determine compliance with this SOP Section. The Division/Area commander will also check for completeness.
  - c. The Division/Area Commander may conduct a meeting with the supervisor and officers involved to thoroughly review the pursuit.
  - d. The Area Commander will have (5) scheduled work days from receipt of the entry to enter comments in the BlueTeam whether the pursuit was within or out of guidelines per SOP Pursuit by Motor Vehicle. If any, policy, training, equipment, tactics, and supervision concerns are found during the review, they will be referred per SOP Complaints Involving Department Policy and Personnel.
  - e. Post Pursuit will not exceed 35 working days.
5. The Operations Review Section will annually prepare an analysis of pursuits for the calendar year and distribute the analysis to the Chief of Police, Civilian Police Oversight Agency Board, and Internal Affairs Division.
- a. Analysis will include the following:
    - i. Number of pursuits for the year;
    - ii. Number of pursuits out of policy SOP Pursuit by Motor Vehicle and why they were considered out of policy;
    - iii. Number of vehicle accidents which were the cause of officer negligence;
    - iv. Any policy change requests of SOP Pursuit by Motor Vehicle which were identified during the annual review and the follow-up if any;
    - v. Any negative trends involving supervision, training, equipment and/or tactics identified to include the follow-up.