

AN ORDINANCE ADOPTING A STANDARD MODEL PURSUIT POLICY AND DESIGNATING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

WHEREAS, police pursuits have become an increased focus of attention for public safety officials, the new media and the public at large; and

WHEREAS, the City of St. Mary, Missouri has no uniform reporting criteria or system in place to accurately account for all pursuits; and

WHEREAS, there is a need to adopt a generic policy that can serve as a guideline for the City of St. Mary police personnel involved with pursuits; now therefore,

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. MARY, MISSOURI, AS FOLLOWS:

I. PURPOSE:

The purpose of this policy is to establish guidelines for making decisions with regard to vehicular pursuit.

II. POLICY:

Vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the responsibility of the agency to assist officers in the safe performance of their duties. To fulfill these obligations, it shall be the policy of this law enforcement agency to regulate the manner in which vehicular pursuits are undertaken and performed.

III. DEFINITIONS:

A. Vehicular Pursuit: An active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.

B. Authorized emergency vehicle: A vehicle of this agency equipped with operable emergency equipment as designated by state law.

C. Primary unit: The police unit which initiates a pursuit or any unit which assumes control of the pursuit.

D. Secondary unit: Any police vehicle which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

IV. PROCEDURES

A. Initiation of pursuit:

1. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
2. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so. Pursuit may also be justified if the officer reasonably believes that the suspect, if allowed to flee, may present a danger to human life or cause serious injury.
3. In deciding whether to initiate pursuit, the officer shall take into consideration:
 - a. road, weather and environmental conditions;
 - b. population density and vehicular and pedestrian traffic;
 - c. the relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
 - d. the seriousness of the offense; and
 - e. the presence of other persons in the police vehicle.

B. Pursuit Operations:

1. All emergency vehicle operations shall be conducted in strict conformity with applicable traffic laws and regulations.
2. Upon engaging in a pursuit, the pursuing vehicle shall activate appropriate warning equipment.
3. Upon engaging in a pursuit, the officer shall notify communications of the location, direction and speed of the pursuit, and the description of the pursued vehicle and the initial purpose of the stop. The officer shall keep communications updated on the pursuit. Communications personnel shall notify any available supervisor of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.
4. When engaged in pursuit, officers shall not drive with reckless disregard for the safety of other road users.
5. Unless circumstances dictate otherwise, a pursuit shall consist of no more than two police vehicles, a primary and secondary unit. All other personnel shall stay clear of the pursuit unless instructed to participate by a supervisor.
6. The primary pursuit unit shall become secondary when the fleeing vehicle comes under air surveillance or when another unit has been assigned primary responsibility.

C. Supervisory Responsibilities:

1. If the City of St. Mary shall have more than one officer, the appropriate supervisor shall monitor incoming information, coordinate and direct activities as needed to ensure that proper procedures are used, and shall have the discretion to terminate the pursuit.
2. If the City has more than one office, a supervisory officer shall respond to the location where a vehicle has been stopped following a pursuit.

Pursuit Tactics:

1. Officers shall not normally follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
2. When feasible, available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit, such unit shall disengage when a marked unit becomes available.
3. Motorcycles may be used for pursuit in exigent circumstances and when weather and related conditions allow. They shall disengage when support from marked patrol units becomes available.
4. All intervention tactics short of deadly force such as spike strips, low speed tactical intervention techniques, and low speed channeling (with appropriate advance warning) should be used when it is possible to do so in safety and when the officers utilizing them have received appropriate training in their use.
5. Decisions to discharge firearms at or from a moving vehicle, or to use roadblocks are prohibited if they present an unreasonable risk to others. They should first be authorized, when possible, by a supervisor.
6. Once the pursued vehicle is stopped, officers shall utilize appropriate officer safety tactics and shall be aware of the necessity to utilize only reasonable and necessary force to take suspects into custody.

E. Termination of the Pursuit:

1. The primary pursuing unit shall continually re-evaluate and assess the pursuit situation including all of the initiating factors and terminate the pursuit whenever he or she reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
2. The pursuit may be terminated by the primary pursuit unit at any time.
3. A supervisor may order the termination of a pursuit at any time.

4. A pursuit may be terminated if the suspect's identity has been determined, immediate apprehension is not necessary to protect the public or officers, and apprehension at a later date is feasible.

F. Interjurisdictional Pursuits:

1. The pursuing officer shall notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across county or state line.
2. Pursuit into a bordering state shall conform with the law of both states and any applicable inter-jurisdictional agreements.
3. When a pursuit enters St. Mary, the action of officers shall be governed by the policy of the officer's own agency, specific inter-local agreements and state law as applicable.

G. After-Action Reporting:

1. Whenever an officer engages in a pursuit, the officer shall file a written report on the appropriate form detailing the circumstances. This report shall be critiqued by the appropriate supervisor to determine if policy has been complied with and to detect and correct any training deficiencies. **(If there is no supervisor the report shall be presented to the Board of Aldermen.)**
2. The supervisor or Board of Aldermen shall periodically analyze police pursuit activity and identify any additions, deletions or modifications warranted in departmental pursuit procedures.

H. Training:

Any officer of this city who drives a police vehicle shall be given initial and periodic update training in the agency's pursuit policy and in safe driving tactics.

I. Severability:

If any section or other part of this Ordinance, whether large or small, for any reason held invalid, the invalidity thereof shall not affect the validity of the other provision of this Ordinance.

J. Passage:

This Ordinance shall be in full force and effect from and after its passage and approval.
Passed and approved this the 8th day of June, 2004.

ATTEST:

Jo Ann E. Douze


MAYOR CARLTON WYATT

CITY CLERK JOANN E. DONZE

<u>ALDERMEN</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gloria Bader	x			
Robert Bequette	x			
Roger Odem				x
Robert Schultz	x			

I, JoAnn E. Donze, Clerk of the City of St. Mary, Missouri, do hereby certify that the foregoing ordinance was duly passed and adopted by the Board of Aldermen at a regular meeting so convened on this the 8th day of June, 2004



CITY CLERK JOANN E. DONZE