



|   |                                       |   |   |
|---|---------------------------------------|---|---|
|  | <b>GAITHERSBURG POLICE DEPARTMENT</b> |   |  |
|   | <b>Vehicular and Fresh Pursuits</b>   |   |   |
|   | <b>GENERAL ORDER</b> <b>622.1</b>     | <b>Related CALEA Standards:</b><br>1.3.1, 1.3.2, 33.1.1, 33.5.2,<br>41.2.1, 41.2.2, 41.3.1, 41.3.3,<br>82.2.4, 81.2.5, 82.3.5 |   |
| <b>Effective Date</b> <b>10/28/2024</b>   |                                       |   |   |
| <b>Authorized by:</b> <b>Mark P. Sroka</b><br>CHIEF OF POLICE                     | SIGNATURE                             |   | DATE<br><b>10/28/2024</b>   |

**1. PURPOSE**

1.1. Due to the inherent dangers involved in pursuit situations, a policy regarding the operation of police vehicles under emergency circumstances requires the consideration of two basic issues – (1) the protection of the public by apprehending serious offenders who may not otherwise be caught if not pursued and (2) the safety of pursuing officers and others using thoroughfares where the pursuit is taking place. This policy and its accompanying procedures are intended to prescribe the actions of officers before, during and after pursuits, while maximizing safety.

**2. POLICY**

2.1. 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; the operator may be held liable for negligence. Sworn supervisors and duty commanders will take immediate control of pursuits in progress to ensure adherence to law and Departmental regulations. All sworn officers will receive annual training on the policies and guidelines in this directive.

**3. DEFINITIONS**

3.1. **Actively Elude** - Within the context of this directive, the term “actively elude” refers to a driver’s attempt to avoid being stopped by an officer by maintaining high speeds or increasing the speed of a vehicle and/or using evasive tactics such as but not limited to disobeying traffic control devices, sudden rapid lane changes at intersections, unsafe lane changes to pass other vehicles on the road, etc.

3.2. **Actively Participates** - Within the context of this directive, the term “actively participates” refers to an officer who is involved in a vehicle pursuit. This includes all types of participation in which the officer is pursuing the subject vehicle. This does not include officers who are not involved in pursuing the vehicle by blocking intersections or in a support role.

- 3.3. **Fresh Pursuit** – Within the context of this directive, the term “fresh pursuit” refers to a law enforcement officer who engages in a vehicle pursuit that is continuous and without unreasonable delay. Fresh pursuit need not be instant pursuit.
- 3.4. **Imminent** – Within the context of this directive, the term “imminent” refers to something that is likely to occur at any moment; impending.
- 3.5. **Imminent Threat to the Public** – Within the context of this directive, the term “imminent threat to the public” refers to a condition or situation that poses a clear and imminent risk to the public, rather than a category of crime.
- 3.6. **Serious Violent Felony** - Within the context of this directive, the term “serious violent felony” refers to a felony that involves the infliction or threatened infliction of serious physical injury or death.
- 3.7. **Serious Physical Injury** - Within the context of this directive, the term “serious physical injury” refers to any injury that:
- 3.7.1. Creates a substantial risk of death; or
  - 3.7.2. Causes permanent or protracted serious:
    - 3.7.2.1. Disfigurement;
    - 3.7.2.2. Loss of the function of any bodily member or organ; or
    - 3.7.2.3. Impairment of the function of any bodily member or organ.
- 3.8. **Support Role** - Within the context of this directive, the term “support role” refers to officers not actively participating in the pursuit but responding to assist in the incident.
- 3.9. **Surveillance Mode** - Within the context of this directive, the term “surveillance mode” refers to the tactic of pursuing a vehicle that is fleeing from officers without emergency lights and sirens activated.
- 3.10. **Unmarked Police Vehicles** - Within the context of this directive, the term “unmarked police vehicle” refers to any unmarked police vehicle with emergency equipment with a minimum of the department-authorized and installed four corner strobes, a dash light, and siren.
- 3.11. **Vehicular Pursuit** - Within the context of this directive, the term “vehicular pursuit” refers to an active attempt by an officer or officers in a vehicle(s) to apprehend an occupant of a moving motor vehicle who exhibits a clear intention to actively elude apprehension by:
- 3.11.1. Maintaining elevated speed;

3.11.2. Increasing speed; or

3.11.3. Using evasive tactics (i.e., disobeying traffic control devices, sudden rapid lane changes at intersections, unsafe lane changes to pass other vehicles on the road, etc.).

3.11.3.1. 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 driver knows of their presence.

#### **4. PROCEDURE**

##### **4.1. Authorized Reasons to Initiate a Fresh Pursuit**

4.1.1. Justification for engaging in a vehicle pursuit must be based on information known by the officer at the time the officer initiates the pursuit. Information not established at the time the pursuit was initiated or learned after the pursuit is initiated, concluded, or terminated cannot be used to justify the initial decision to pursue.

4.1.2. An officer who initiates a pursuit shall communicate the circumstances without unreasonable delay on the police radio upon the vehicle fleeing in order to receive authorization from a sworn supervisor or Duty Commander/Executive Officer to continue the pursuit. Authorization is required to continue the pursuit.

4.1.2.1. The process of obtaining authorization to continue a pursuit by a sworn supervisor or Duty Commander/Executive Officer is not immediate and will take a reasonable amount of time for the officer to communicate on the radio the situation allowing the supervisor or executive officer time to authorize the continuation of the pursuit.

4.1.3. The pursuit will be terminated if there is no response from a supervisor or Duty Commander/Executive Officer or if a supervisor or Duty Commander/Executive Officer is otherwise not available to monitor and direct the pursuit.

4.1.4. Pursuit of a vehicle is authorized only when the offense for which the subject(s) is being pursued is one of the following:

4.1.4.1. Reasonable articulable suspicion for serious violent felony;

4.1.4.2. Hit-and-run, personal injury collision resulting in death or confirmed serious physical injury; or

4.1.4.3. Special Circumstances Pursuit: There may be special situations where police intervention is warranted to protect the public from a driver who poses an imminent threat to the public.

4.1.4.3.1. Officers are authorized to initiate and continue a pursuit for special circumstances when the subject(s) pose an imminent threat of serious physical injury or death to another person(s), or the subject(s) demonstrate a wanton disregard for public safety that creates an imminent threat to the public if the subject is allowed to flee.

4.1.4.3.2. Examples of conditions or situations that create an imminent threat to the public are, but not limited to:

- Reasonable articulable suspicion of a person who has committed or attempted to commit any offense involving the unlawful discharge, display, possession, or use of a firearm or explosive device in such a manner as to provide an officer reason to believe the person presents an imminent threat to the public, even if such crime is classified as a misdemeanor;
- The escape of the subject would pose an imminent danger of death or serious bodily injury to the officer or to another person;
- A stolen law enforcement vehicle or Fire/Rescue vehicle (ambulance or fire truck);
- Reasonable articulable suspicion of a potential homicidal subject (who has not yet acted), etc.

4.1.4.3.3. The decision to initiate or continue a vehicular pursuit will be based on the pursuing officer's and the authorizing supervisor's or Executive Officer/Duty Commander's perception that the imminent danger to the public created by the pursuit is less than the imminent or potential danger to the public if the suspect remains at large.

## **4.2. Safety**

4.2.1. Deciding to pursue is a process of weighing the hazards of the pursuit against the hazards created by the violator; good judgment in weighing these risks is essential.

- 4.2.2. The seriousness of the offense involved does not lessen the officer's liability and/or duty to all people, including the officer and fellow officers, to drive with due regard for the safety of all.
- 4.2.3. Senior officers who are passengers in pursuing vehicles may be held responsible as well as the operators of the vehicles.

**4.3. Approval to Continue Pursuit**

- 4.3.1. The officer must receive approval from a sworn supervisor to continue the pursuit.
- 4.3.2. The supervisor should obtain the reason for the pursuit and the seriousness of the charge(s). The supervisor should then consider safety concerns to include, but not limited to:
  - 4.3.2.1. Reason for the pursuit;
  - 4.3.2.2. Seriousness of the crime; and
  - 4.3.2.3. Safety concerns, to include:
    - 4.3.2.3.1. Location of the pursuit;
    - 4.3.2.3.2. Time of day;
    - 4.3.2.3.3. Amount of vehicular and pedestrian traffic in the area;
    - 4.3.2.3.4. Weather conditions;
    - 4.3.2.3.5. Condition of the road surface;
    - 4.3.2.3.6. Speed of the pursuit, and
    - 4.3.2.3.7. Type of vehicle.
- 4.3.3. When notified of a pursuit, the Public Safety Communications Center (PSSC) will:
  - 4.3.3.1. Attempt to notify a sworn supervisor from the Gaithersburg Police Department and/or MCPD.
    - 4.3.3.1.1. The sworn supervisor will either approve or call off the pursuit based on the above criteria.
    - 4.3.3.1.2. If the (PSSC) is unable to raise a sworn supervisor, the officer will be advised that a sworn supervisor could not be contacted. The officer must acknowledge this message and terminate the pursuit.

4.3.3.2. Notify the appropriate district executive officer or the Duty Commander of the pursuit.

#### **4.4. Terminating Pursuit**

4.4.1. Danger to Officer and Public – Pursuits will be terminated when the dangers to officers and the public outweigh the advisability of continuing the pursuit.

4.4.2. Supervisor Responsibility – When, in the sworn supervisor’s judgment, the dangers outweigh the advisability of continuing, the supervisor shall direct the discontinuance of the pursuit.

4.4.3. Factors in a Pursuit – Pursuits will be terminated regardless of the seriousness of the crime when weather, traffic, road conditions, locale, or the hazards created by the pursuit (i.e., speed or driving on the wrong side of the road, etc.) make further pursuit unreasonably hazardous, or when the distance from the pursued vehicle is too great to justify continuing the pursuit.

4.4.4. Subject(s) Identity is Known –Unless a greater danger would result, pursuits should not be undertaken if the identity of the fleeing subject(s) is known or can be obtained with enough certainty that they can be apprehended later.

4.4.4.1. For example, to continue the pursuit in situations where the identity of the subject(s) is known, it is necessary to be able to articulate that the subject(s) presents an ongoing life-threatening danger to another person if not immediately apprehended.

4.4.5. Surveillance Mode is prohibited at any time when the officer is pursuing a vehicle that is attempting to actively elude them.

4.4.6. There is a process in place to evaluate whether a situation meets the requirements of a pursuit, to include situational evaluation by a supervisor, and if the pursuit is terminated at the end of that evaluation process (which may take several seconds to minutes to resolve) that is evidence of a successful process and is not an immediate finding of an out of policy pursuit.

#### **4.5. Driving Procedures**

4.5.1. Speed – An officer shall not, under any circumstances, pursue at a speed so great as to render the police vehicle uncontrollable.

4.5.2. Radio Communication

4.5.2.1. When a vehicle attempts to elude an officer or drives in a manner

endangering others, the pursuing officer shall start and maintain communication with the dispatcher, including identifying the unit, location, direction of travel, license number/description of the vehicle and the charges against the violator.

4.5.2.2. To ensure that all personnel are receiving the most accurate and up to date information, pursuits will be conducted only on the district talk group originating the pursuit. If applicable, any controlled units from other districts will advise their respective dispatcher they are assisting and switching to that talk group.

4.5.2.2.1. Officers actively participating in a pursuit of a vehicle that is eluding the police are prohibited from communications on the City Radio or county radio talk-groups other than the primary channel of the district where the pursuit is taking place.

4.5.2.3. Officers making transmissions relating to the pursuit on the improper talk group will be advised by the dispatcher to switch to the appropriate talk group.

#### 4.5.3. PSSC Responsibility

4.5.3.1. PSSC dispatchers will ensure that the pursuing talk group remains open by putting a restricted air in effect.

4.5.3.2. When geographically appropriate, PSSC dispatchers on the non-pursuing talk group may announce the specifics of the pursuit but will not continue to broadcast updates.

4.5.3.3. PSSC supervisors will ensure the pursuit is coordinated on the primary talk group only.

4.5.4. Helicopter or Drone Assistance – At the request of a supervisor, Public Safety Communications Center will request helicopter or drone assistance, if available.

4.5.5. Emergency Equipment – All emergency equipment will be used throughout a pursuit.

#### 4.5.6. Other Units Involved:

4.5.6.1. Once an officer announces a pursuit is in progress, units in the area should position themselves at locations thought to be helpful in the apprehension and shall notify the dispatcher of their locations.

4.5.6.2. Only a reasonable amount of police vehicles will be actively

engaged in the pursuit unless a sworn supervisor, based on the following, authorizes more units:

4.5.6.2.1. Seriousness of the charge;

4.5.6.2.2. Number of subjects in the pursued vehicle;

4.5.6.2.3. Known weapons in subject's possession; or

4.5.6.2.4. Increased hazards caused by numerous pursuit vehicles.

4.5.7. GPD Vehicles with Non-Police Passengers – Under no circumstance will an officer become involved in a pursuit situation with a civilian passenger who is not a certified police officer.

4.5.8. Unmarked Police Vehicles:

4.5.8.1. Officers utilizing these types of vehicles may initiate and maintain a pursuit if the criteria for pursuit described in sections 4.1.4. have been met.

4.5.8.1.1. Due to the increased danger created by the less-visible unmarked vehicles, officers operating unmarked vehicles during a pursuit will withdraw at the earliest possible time.

4.5.8.1.2. Whenever sufficient marked police vehicles become engaged in the pursuit, the unmarked vehicle will withdraw from the active pursuit and may serve in a support role unless authorized by a sworn supervisor to continue the pursuit.

4.5.8.2. Officers utilizing unmarked police vehicles and the on-duty supervisor will be cognizant of the additional risk involved with these vehicles in a pursuit situation and will consider that risk as an additional factor in determining whether a pursuit is to be terminated.

4.5.9. Driving on One-Way Streets – Officers are discouraged from driving their vehicles the wrong way on a one-way street or highway, unless necessary.

#### **4.6. Pursuits into Other Jurisdictions**

4.6.1. Other Jurisdictions – For the purpose of this directive, “other jurisdictions” refers to crossing the Montgomery County line into another Maryland County, Virginia, or the District of Columbia.



- 4.6.2. Hazards – When engaged in pursuit of a fleeing subject(s) across jurisdictional lines, officers face the hazards of unfamiliarity with the area and decreased communications capability.
- 4.6.3. Authorized Reasons for Continuing a Pursuit:
  - 4.6.3.1. Officers may continue a fresh pursuit into another Maryland jurisdiction if the criteria for pursuits within Section 4.1.4. are met, and the officer has approval from the on-duty supervisor to continue the pursuit into another jurisdiction.
  - 4.6.3.2. Officers may continue a fresh pursuit out of the State of Maryland only for a felony of a violent type, and the officer has approval from the on-duty supervisor to continue the pursuit out of the State.
- 4.6.4. Arrests Outside of the City – Officers may arrest an individual after a legal pursuit out of the City:
  - 4.6.4.1. If the arrest occurs within Maryland, officers will retain custody of the individual unless the jurisdiction entered places charges of its own. The driver of a vehicle involved in a pursuit will be taken before a Court Commissioner, rather than given the opportunity to sign criminal and/or traffic citations.
  - 4.6.4.2. 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.
- 4.6.5. Vehicle Use in Other Jurisdictions
  - 4.6.5.1. All emergency equipment will be activated while engaged in pursuits.
  - 4.6.5.2. No more than two GPD vehicles will cross into another jurisdiction while engaged in a pursuit, unless authorized by a sworn GPD supervisor.
  - 4.6.5.3. As soon as practicable, relinquish lead of the pursuit to the local jurisdiction, with the units from the initiating jurisdiction continuing in support.
  - 4.6.5.4. Vehicles will be operated with due regard for road conditions and public safety.
  - 4.6.5.5. The pursuit will be abandoned if elements such as weather, road, and traffic conditions make further pursuit unreasonably

hazardous.

4.6.6. Communications

4.6.6.1. PSSC personnel will coordinate the response.

4.6.6.2. The jurisdictions will be advised which Montgomery County talk group the pursuit is being conducted on and will be asked for the entered jurisdiction talk group so it may be forwarded to responding units.

**4.7. Pursuits Discontinued at the Montgomery County Line**

4.7.1. “Surveillance Mode” Prohibited

4.7.1.1. This does not prohibit unmarked police vehicles from conducting authorized surveillances in other jurisdictions during non-pursuit situations.

4.7.2. Notification to Other Jurisdiction

4.7.2.1. If a supervisor or duty commander terminates a pursuit at the Montgomery County line, officers will transmit a description of the subject/vehicle, the charge(s), and direction of travel to PSSC personnel.

4.7.2.2. PSSC will relay the information to the jurisdiction entered.

**4.8. Joining Pursuits Initiated by Other Agencies/Jurisdictions**

4.8.1. When there is a pursuit in the county that was initiated by another agency, including pursuits that enter the City from another jurisdiction, PSSC will advise the patrol supervisor of the pursuit and the name of the talk group the other agency is using. The GPD supervisor will determine if GPD officers are to join the pursuit based on the following:

4.8.1.1. The offense for which the subject is wanted; and

4.8.1.2. The offense meets the criteria for pursuits identified within Section 4. (Procedure) of this directive.

4.8.2. If the criteria for pursuits within Section 4.1.4. are not met, GPD officers will not join in the pursuit.

4.8.2.1. PSSC will monitor the pursuit and inform officers of the location of the other agency’s unit(s).

4.8.2.2. GPD officers should position themselves to ensure sufficient backup to the pursuing unit(s) should the subject(s) bail out,

wreck, resist or assault the pursuing officer(s), etc., while in the City.

#### **4.9. Vehicles That Fail to Stop but Do Not Meet Definition of Vehicle Pursuit**

- 4.9.1. This section provides guidance to officers on vehicles that fail to stop at the initiation of emergency equipment (i.e., traffic stop); however, does not make evasive movements to elude apprehension as defined by the Vehicle Pursuit definition of this policy, such as drivers who are maintaining a safe and legal speed and are following all rules of the road, but fails to stop at police direction.
- 4.9.2. Officers are permitted a reasonable amount of time to determine if the driver knows of or is aware of the police presence (i.e., potential cultural issues, age factors, etc.) and/or to gather intelligence to identify the driver or obtain information that a crime was committed.
- 4.9.3. If it is determined that the driver knows of or is aware of the police presence, and deliberately fails to yield after a reasonable passage of time (i.e., gathering intelligence to identify the driver and/or obtain information that a crime was committed), officers may disengage.

#### **4.10. Reporting and Administrative Review Process**

- 4.10.1. Completion of Pursuit Report will be done using Blue Team reporting.
  - 4.10.1.1. As soon as practical after the pursuit, a Pursuit Report will be completed and submitted for supervisory and administrative approval and review for:
    - 4.10.1.1.1. A pursuit as defined in Section 3.11. (Vehicular Pursuit definition);
    - 4.10.1.1.2. Any pursuit in which at least one GPD officer actively participates (no matter which agency initiates the pursuit).
  - 4.10.1.2. The shift supervisor's review of the Pursuit Report will ensure that the pursuit was initiated and conducted in accordance with Department policies and procedures, and to identify any training needs of an in-service or remedial nature. When reviewing the Pursuit Report, supervisors should review:
    - 4.10.1.2.1. Tactics used during the pursuit;
    - 4.10.1.2.2. Strategies employed by all involved officers;
    - 4.10.1.2.3. All in-car camera and body-worn cameras (BWC)

videos of involved officers in the pursuit as well as those officers responding to assist in the pursuit.

4.10.1.2.4. Any officer safety concerns identified during the pursuit;

4.10.1.2.5. PSSC involvement in the pursuit;

4.10.1.2.6. The contents of the telephone and/or radio tapes, and Pursuit Report as they relate to the pursuit; and

4.10.1.2.7. Anything else to be discussed as directed by the Chief of Police, other command staff member or supervisor.

4.10.1.3. Upon reviewing the Pursuit Report, the shift supervisor will forward it via the chain-of-command for further review by command staff.

4.10.1.4. If a pursuit directly results in a collision, a copy of the ACRS Report will be attached the Pursuit Report.

#### 4.10.2. Pursuit Report Review Process

4.10.2.1. Once the Pursuit Report is completed by the officer, the shift or unit supervisor will review it for accuracy and completeness, and then forward the Report to his or her bureau commander without unnecessary delay.

4.10.2.2. The bureau commander will also review the Pursuit Report for accuracy and completeness, and then forward the Report to the Pursuit Review Committee without unnecessary delay.

4.10.2.3. Pursuit Report Review Committee (consisting of the department bureau commanders) will review the Pursuit Report for the following:

4.10.2.3.1. Tactics used during the pursuit;

4.9.2.3.2. Strategies employed by all involved officers;

4.9.2.3.3. All in-car camera and body-worn cameras (BWC) videos of involved officers in the pursuit as well as those officers responding to assist in the pursuit.

4.9.2.3.4. Any officer safety concerns identified during the pursuit;

4.9.2.3.5. PSSC involvement in the pursuit;

- 4.9.2.3.6. The contents of the telephone and/or radio tapes, and Pursuit Report as they relate to the pursuit; and
- 4.9.2.3.7. The Pursuit Review Committee will make a recommendation on whether the pursuit was within policy or not and/or identify any training and/or policy issues.
- 4.9.2.4. The Chief of Police will conduct a final review of the Pursuit Report and decide whether the pursuit was within policy and if there were any training issues and/or policy issues.
  - 4.9.2.6.1. If the administrative review identifies the need for in-service or remedial training, a copy of the Pursuit Report, along with any recommendations concerning the training needed, will be forwarded to the Department's Training Coordinator, who will review the Pursuit Report and provide input to the Chief of Police regarding the type of training that would best suit the Department's needs.
  - 4.9.2.6.2. Any training associated with a review of the Pursuit Report will be documented and attached to the Report.
- 4.9.2.7. Officers involved in the pursuit will be notified of the Review findings.
- 4.9.3. PSSC Recordings
  - 4.9.3.1. As soon as practical after the pursuit, the shift supervisor will request a copy of the radio recording from the PSSC.
  - 4.9.3.2. See General Order 605.2 for procedures for acquiring PSSC recordings.
- 4.9.4. Critique of Pursuit
  - 4.9.4.1. As soon as practical after the pursuit, the GPD supervisor of officers involved in the pursuit, should arrange for an informal critique of the incident; and
    - 4.9.4.1.1. The purpose and scope of the critique is to identify both positive and negative aspects of the pursuit with officer and civilian safety as the primary consideration.
- 4.9.5. Documented Annual Analysis

4.9.5.1. The Operations Bureau Commander, or his designee, is responsible for conducting an annual documented analysis of vehicular pursuits, the pursuit policy and reporting procedures. The analysis is provided to the Chief of Police for review at the beginning of each calendar year, for the prior year.

4.9.5.1.1. Even if there are no vehicle pursuits there will still be a documented annual review of the policies, procedures and practices associated with the reporting process.

4.9.5.2. If the documented analysis indicates any cause for policy change, retraining or other action, it will be initiated by the Command Staff.

#### 4.10 Training

4.10.1. Initial training on this directive is accomplished during the Policy Phase of the FTO program, immediately following graduation from the academy and prior to going onto the street with a Field Training Officer.

4.10.1.1 This training is documented by the Operations Commander, or designee, by:

4.10.1.1.1. Use of a Policy Training form; or

4.10.1.1.2. Being signed off on in the FTO Handbook.

4.10.2. Annual In-Service training includes a review of this policy.