

NIAGARA FALLS POLICE DEPARTMENT GENERAL ORDER

EFFECTIVE DATE: 09/17/2013	SUBJECT: PURSUIT POLICY	Number 307.00 (NYSLEAP O-43-4; O-41-2)
RESCINDS: 09/10/2001		Number of pages 6

I. PURPOSE:

- A. This Order establishes and provides guidelines for the operation of police vehicles during a vehicular pursuit.

II. DEFINITIONS:

- A. Pursuit: an active attempt by a law enforcement officer, on duty, driving an authorized vehicle, using audible and visible emergency equipment, to apprehend one or more occupants of a moving vehicle, providing the driver of such vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing his speed or by ignoring the officer's attempt to stop him/her.

III. POLICY:

- A. The decision for initiating a pursuit rests solely with the individual officer. The officer must exercise sound judgement and weigh the possible consequences. The decision for the continuation or termination of a pursuit rests with;
1. The officer involved in the pursuit and /or;
 2. The officer's immediate supervisor.
- B. It is the policy of the Niagara Falls Police Department that pursuit at high speeds is justified only when the officer knows or has reasonable grounds to believe the offender has committed a felony or any offense involving the endangerment of human life.
- C. Violations of the Vehicle and Traffic Law, and other minor offenses do not justify high speed pursuits. An officer attempting to stop a motorist for a minor offense or V&T related offense may pursue at a reasonable speed for a reasonable distance. However, if it is determined by the officer or patrol

supervisor that the risk involved outweighs the justification for the pursuit, it shall be terminated.

- D. The fact that an officer is engaged in pursuit of a violator does not relieve him/her of, nor protect him/her from, the consequences of disregarding the safety of others.

IV. PURSUIT FACTORS:

- A. When initiating or continuing a pursuit, officers and supervisors must consider the following factors:
 - 1. Potential threat to public and personal safety;
 - 2. Possible alternative action;
 - 3. The seriousness of the criminal activity;
 - 4. Road and weather conditions (dry, wet, icy)
 - 5. Traffic conditions (heavy or sparse);
 - 6. Time of day or night.
- B. Since all pursuits involve some risk, an officer should always look toward possible alternatives.
- C. Officers shall not engage in vehicular pursuit when:
 - 1. A violator has too much lead time, or;
 - 2. The identity of the operator is known and his/her behavior is not endangering others.
- D. Following at safe speed:
 - 1. It will sometimes be advantageous to follow a vehicle at a reasonable speed and not initiate a pursuit until other back-up units are available and a tactical vehicle stop can be safely made (e.g. vehicle has been reported stolen, occupant(s) of vehicle have outstanding arrest warrants).

V. INITIATING A PURSUIT:

- A. No more than two vehicles will be directly engaged in the pursuit at any time unless otherwise directed by a superior officer.

- B. Upon initiating a pursuit, the officer will notify the police dispatcher by verbally transmitting the following information if possible:
 - 1. Officer's car number;
 - 2. Location and direction of travel;
 - 3. Description of vehicle being pursued, including license plate number, if possible;
 - 4. Reason for pursuit;
 - 5. Any identification of suspects in vehicle or weapons;
 - 6. Update location and direction of travel as often as safe and practical;
 - 7. Request notification to another jurisdiction if it becomes apparent that the pursuit will enter that jurisdiction.
- C. In every instance where a pursuit is initiated, the officer will immediately activate all of the vehicle's emergency equipment and will maintain the operation of such equipment throughout the entire pursuit.
- D. The desk lieutenant will be immediately advised of the situation by dispatch and monitor the pursuit. The desk lieutenant shall take command and responsibility for the pursuit until the patrol lieutenant responsible for the pursuing officer assumes command of the situation. It is understood that the appropriate patrol supervisor assumes command of the situation upon acknowledging the pursuit by radio.
- E. During the pursuit, other units will not use the radio for anything except emergency transmissions. The police dispatcher will advise all units of this.
- F. If an officer receives a command from a supervisor to terminate the pursuit, he/she shall do so immediately and report the final location and direction of travel of the pursued vehicle to the dispatcher.
- G. The pursuing officer shall terminate the pursuit if he/she determines his/her safety and/or the safety of the public is seriously in danger. Also, conditions of the road, weather, traffic or other factors may justify the termination of a pursuit. The pursuing officer shall notify the dispatcher of their decision and relay the final location and direction of travel of the pursued vehicle at the time of termination.

H. Other factors which may warrant abandonment of a pursuit are as follows:

1. When an officer loses visual contact with the suspect vehicle;
2. After a reasonable distance when the only known reason for the pursuit is commission of minor offenses or V&T violations not involving endangerment to human life;
3. When the violator can be identified to the point an apprehension can be made more safely at a later time;
4. When there is a clear and unreasonable danger to the officer and other users of the highway.

VI. FORCIBLE STOPPING:

- A. NFPD Officers are forbidden from using the technique known as “ramming” except in the most extreme circumstances. NFPD officers shall not use their patrol vehicle to physically stop or alter the course of a moving vehicle unless failure to act in this manner will most likely result in death or serious physical injury. Any officer engaging in this tactic must understand that this action may be viewed as deadly physical force as defined in Article 35 of the New York State Penal Law (refer to G.O. 122.00 Use of Force). Any ramming technique shall be considered a high-risk maneuver, and the higher the speed, the greater the risk.

VII. FIREARMS:

- A. Firearms shall not be used in an attempt to stop a pursued vehicle. However, nothing in this policy prohibits an officer from using deadly physical force in conjunction with the guidelines set forth in Article 35 of the New York State Penal Law (refer to G.O. 122.00 Use of Force).

VIII. PURSUIT INITIATED BY ANOTHER AGENCY:

- A. If a pursuit initiated by another jurisdiction enters the City of Niagara Falls, the NFPD may assist in the pursuit within city limits. Generally, assistance will be limited to one or two vehicles and a supervisor will be immediately notified. When instructed, NFPD personnel will disengage from the pursuit upon a supervisor’s command. If the pursuit leaves NFPD jurisdiction, NFPD officers will break off their involvement unless authorized to continue by a supervisor.

IX. DUTIES OF PATROL SUPERVISORS:

- A. Patrol supervisors shall assist in a pursuit to whatever extent is practical. The supervisor should be primarily concerned with preventing excessive response and loss of control of the pursuit. A patrol supervisor will assume personal control and coordinate all aspects of the pursuit once initiated by a patrol unit. All decisions, including when to continue or terminate the pursuit, request assistance from other jurisdictions or whether to deploy a tire deflation device, will be the responsibility of the on-scene supervisor. The supervisor will continuously evaluate conditions and circumstances of the pursuit. He/she shall order its immediate termination if no longer justified.
 - B. Patrol supervisors shall keep the Shift Commander apprised of the circumstances surrounding a pursuit.
 - C. Disciplinary action shall be initiated whenever officers unreasonably fail to comply with NFPD policy or fail to obey an order of a supervisor.
- X. UNMARKED POLICE VEHICLES:
- A. Unmarked police vehicles shall not engage in direct pursuit except in matters of immediate urgency. An unmarked unit will make every reasonable attempt not to initiate a pursuit. In the event it becomes necessary, all available emergency equipment (lights, siren) will be activated during the pursuit. When sufficient marked units become available the unmarked unit will discontinue.
- XI. ROADBLOCKS:
- A. Roadblocks are only to be used at the direction of a supervisor, and when:
 - 1. Other alternatives are inappropriate; or,
 - 2. Other alternatives have failed to be effective; or,
 - 3. The need to apprehend is very great or the need for apprehension is immediate due to the seriousness of the offense. (refer to G.O. 308.00 Roadblocks).
- XII. PUBLIC SAFETY:
- A. While section 1104 of the New York State Vehicle and Traffic Law exempts a police vehicle from certain V&T Law requirements, when involved in emergency operation, the operator has to be aware of his/her legal responsibilities.

- B. Subdivision 4(e) of Section 1104 states: "The foregoing provisions should not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect a driver from the consequences of his reckless disregard for the safety of others."
- C. Officers are directed to thoroughly familiarize themselves with section 1104 of the New York State Vehicle and Traffic Law.