

2016-2017 Safe Pursuit Act Biennial Training Instructor Guide



COURSE TITLE: Safe Pursuit Act

INSTRUCTIONAL GOALS:

1. This course will provide the student with information on the dangers associated with pursuit.
2. This course will provide information on why pursuit operation is distinctly different than other forms of emergency response.
3. This course will explain design, purpose and personnel associated with pursuit management
4. This course explains the elements of liability and other factors related to emergency response litigation.
5. This course will also explain the "Safe Pursuit Act" or NMSA 29-20-3 1978 NMSA legislative mandated basic & advanced training.

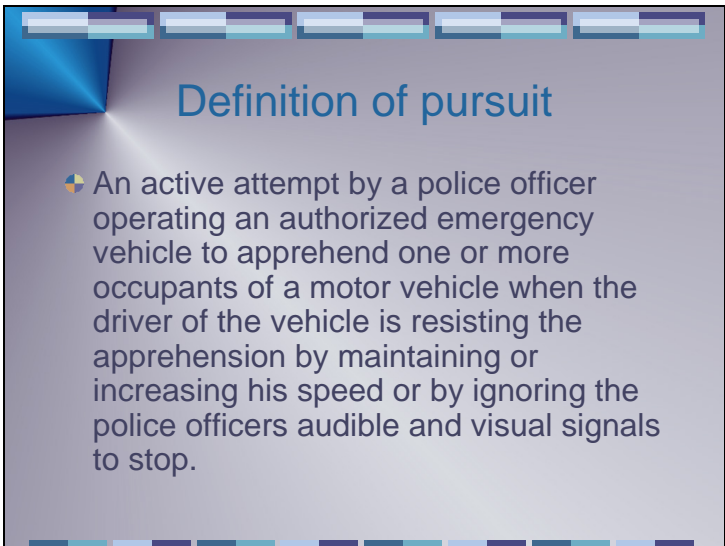
INSTRUCTIONAL OBJECTIVES: Upon completion of this block, the student will understand the following:

- (1) when to initiate a high speed pursuit;
- (2) when to terminate a high speed pursuit;
- (3) evaluating risks due to conditions of the vehicle, driver, roadway, weather and traffic during a high speed pursuit;
- (4) evaluating dangers to uninvolved motorists and bystanders during a high speed pursuit;
- (5) the number of law enforcement units permitted to participate in the high speed pursuit;
- (6) the responsibilities of primary, secondary and supervisory law enforcement units during a high speed pursuit;
- (7) proper communication and coordination procedures when a high speed pursuit enters another law enforcement agency's jurisdiction, including a tribal jurisdiction;
- (8) driving tactics during a high speed pursuit;
- (9) communications during a high speed pursuit;
- (10) capture of suspects following a high speed pursuit;
- (11) supervisory responsibilities during a high speed pursuit;
- (12) use of blocking, ramming, boxing and roadblocks as high speed pursuit tactics;
- (13) use of alternative methods and technologies for apprehending suspects during a high speed pursuit; and
- (14) preparing a report and evaluation and analysis of a high speed pursuit after it has conclude



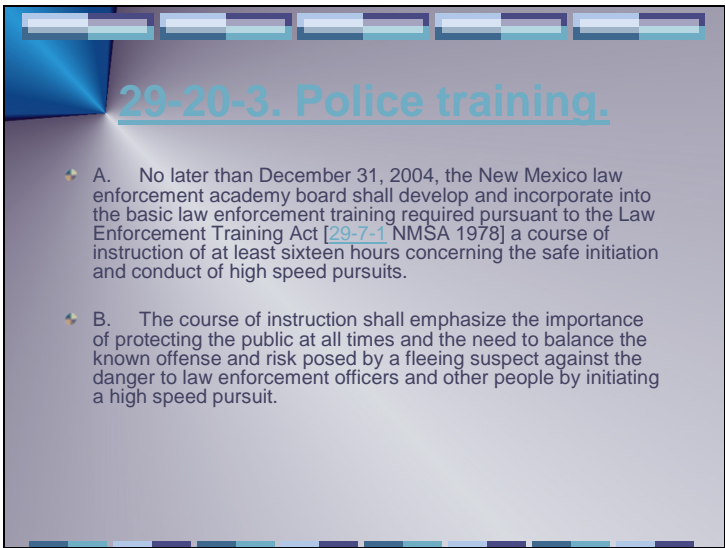
INSTRUCTIONAL METHODS:	Lecture, handouts, PowerPoint presentation, visual/audio aides, discussion, classroom participation, scenario based questions and answers.
COURSE DURATION:	4 hours
CURRICULUM REFERENCES:	NMSA 29-20-3 1978
SAFETY CONSIDERATION:	Classroom lecture based topic, emergency exits
TARGET AUDIENCE:	Currently Certified NM Peace Officers & Supervisors
INSTRUCTOR CERT.:	NMDPS Certified General Law Enforcement Instructor
INSTRUCTOR RATIO:	40:1
EVALUATION STRATEGY:	Evaluation of participation and correct decision making during discussions
REVISED:	December, 2009 by Brian Coss NMDPS ATB
REVISION / REVIEW DATE(S):	Mark R. Shea 04/11/12 (Reaccredited) Mark R. Shea 04/08/14 (Reaccredited)





Definition of pursuit

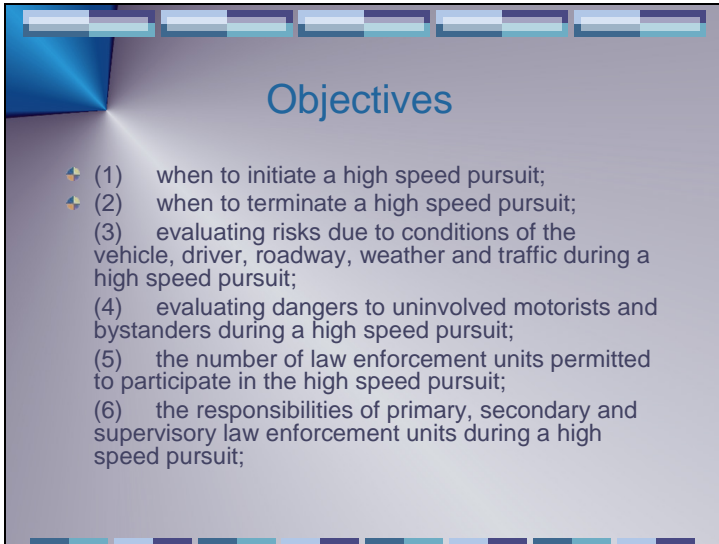
- ◆ An active attempt by a police officer operating an authorized emergency vehicle to apprehend one or more occupants of a motor vehicle when the driver of the vehicle is resisting the apprehension by maintaining or increasing his speed or by ignoring the police officers audible and visual signals to stop.



29-20-3. Police training.

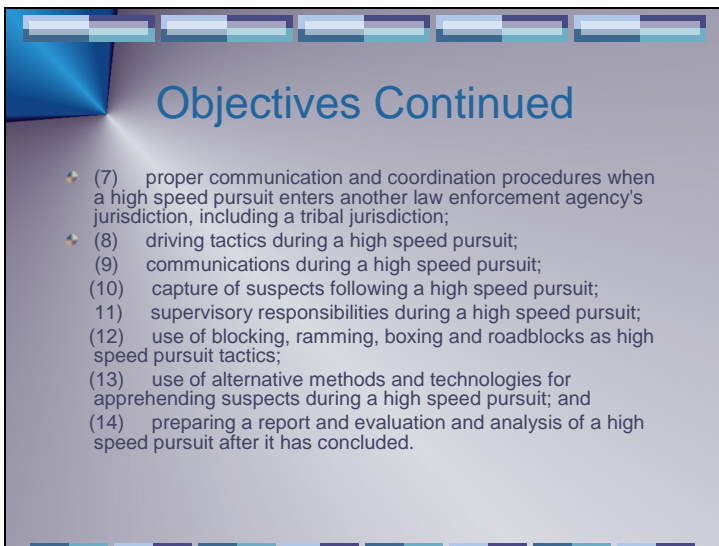
- ◆ A. No later than December 31, 2004, the New Mexico law enforcement academy board shall develop and incorporate into the basic law enforcement training required pursuant to the Law Enforcement Training Act [29-7-1 NMSA 1978] a course of instruction of at least sixteen hours concerning the safe initiation and conduct of high speed pursuits.
- ◆ B. The course of instruction shall emphasize the importance of protecting the public at all times and the need to balance the known offense and risk posed by a fleeing suspect against the danger to law enforcement officers and other people by initiating a high speed pursuit.





Objectives

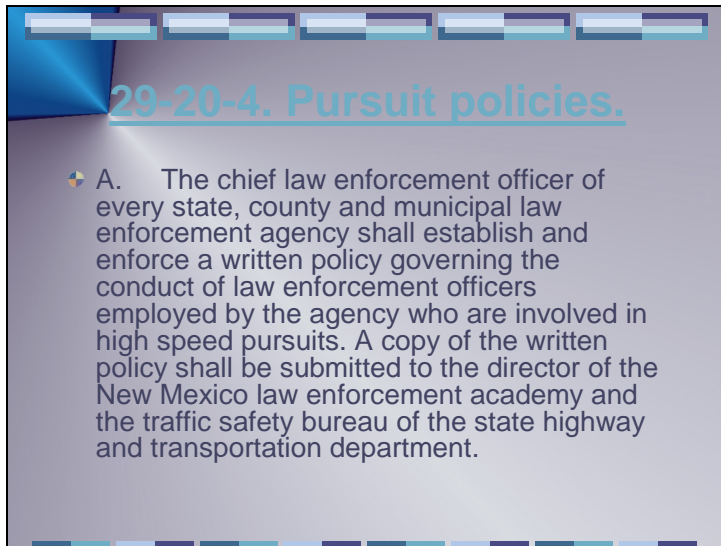
- ◆ (1) when to initiate a high speed pursuit;
- ◆ (2) when to terminate a high speed pursuit;
- (3) evaluating risks due to conditions of the vehicle, driver, roadway, weather and traffic during a high speed pursuit;
- (4) evaluating dangers to uninvolved motorists and bystanders during a high speed pursuit;
- (5) the number of law enforcement units permitted to participate in the high speed pursuit;
- (6) the responsibilities of primary, secondary and supervisory law enforcement units during a high speed pursuit;



Objectives Continued

- ◆ (7) proper communication and coordination procedures when a high speed pursuit enters another law enforcement agency's jurisdiction, including a tribal jurisdiction;
- ◆ (8) driving tactics during a high speed pursuit;
- (9) communications during a high speed pursuit;
- (10) capture of suspects following a high speed pursuit;
- (11) supervisory responsibilities during a high speed pursuit;
- (12) use of blocking, ramming, boxing and roadblocks as high speed pursuit tactics;
- (13) use of alternative methods and technologies for apprehending suspects during a high speed pursuit; and
- (14) preparing a report and evaluation and analysis of a high speed pursuit after it has concluded.





A. The chief law enforcement officer of every state, county and municipal law enforcement agency shall establish and enforce a written policy governing the conduct of law enforcement officers employed by the agency who are involved in high speed pursuits. A copy of the written policy shall be submitted to the director of the New Mexico law enforcement academy and the traffic safety bureau of the state highway and transportation department.

B. The policy shall specify, at a minimum:

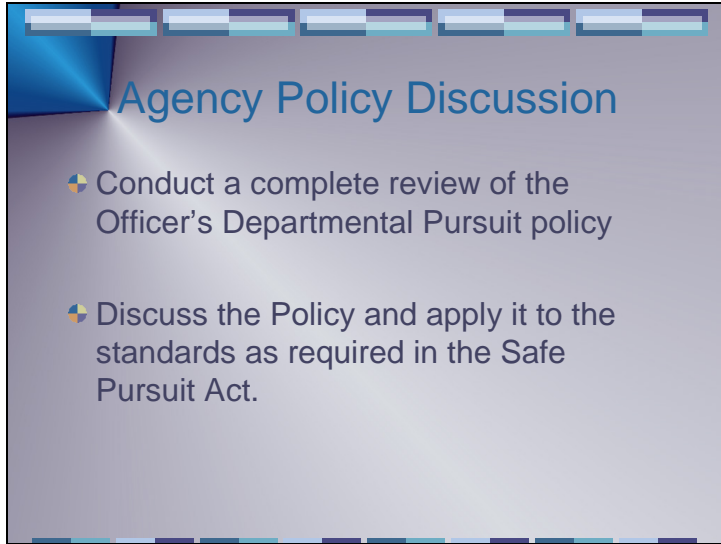
- (1) the conditions under which a law enforcement officer may engage in a high speed pursuit and the conditions when the officer shall terminate a high speed pursuit;
- (2) measures other than a high speed pursuit that may be employed to apprehend a suspect in a fleeing motor vehicle or to impede the movement of the vehicle;
- (3) the coordination and responsibility, including control over the high speed pursuit, of supervisory personnel and the law enforcement officers engaged in the pursuit; and
- (4) the procedures to be followed to notify and coordinate high speed pursuits with law enforcement agencies in other jurisdictions, including tribal jurisdictions.

C. The written policy shall, at a minimum, require that:

- (1) a law enforcement officer may initiate a high speed pursuit to apprehend a suspect who the officer has reasonable grounds to believe poses 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 others that is ongoing and that existed prior to the high speed pursuit;
- (2) a law enforcement officer shall not initiate or continue a high speed pursuit when the immediate danger to the officer and the public created by the high speed pursuit exceeds the immediate danger to the public if the occupants of the motor vehicle being pursued remain at large;
- (3) when deciding whether to initiate or continue a high speed pursuit, the following factors, at a minimum, shall be taken into consideration:
 - (a) the seriousness of the offense for which the high speed pursuit was initiated;
 - (b) whether a suspect poses a clear and immediate threat of death or serious injury to others;
 - (c) road, weather, environmental and vehicle conditions;
 - (d) the amount of motor vehicle and pedestrian traffic; and



- (e) knowledge of the suspect's identity, possible destination and previous activities that may make apprehension at a later time feasible; and
- (4) no more than two law enforcement vehicles shall become actively involved in a high speed pursuit, unless specifically authorized by a supervisor.



Enter into dialog with the students in comparing their policy to the requirements of the statutory requirements:

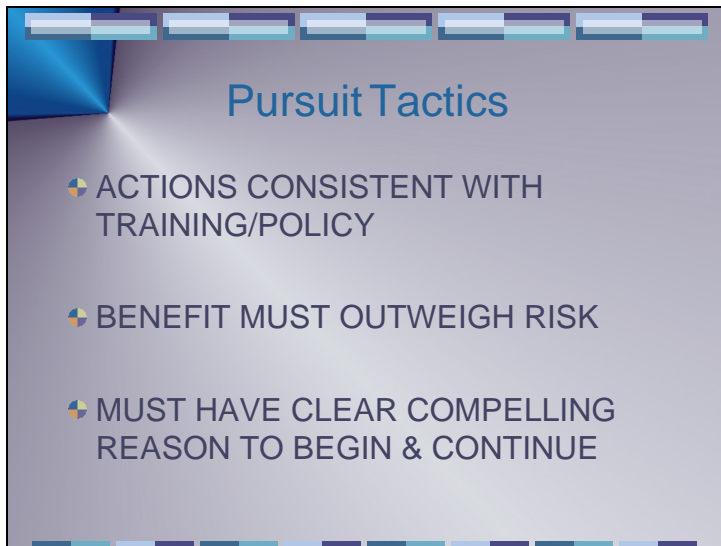
- (1) when to initiate a high speed pursuit;
- (2) when to terminate a high speed pursuit;
- (3) evaluating risks due to conditions of the vehicle, driver, roadway, weather and traffic during a high speed pursuit;
- (4) evaluating dangers to uninvolved motorists and bystanders during a high speed pursuit;
- (5) the number of law enforcement units permitted to participate in the high speed pursuit;
- (6) the responsibilities of primary, secondary and supervisory law enforcement units during a high speed pursuit;
- (7) proper communication and coordination procedures when a high speed pursuit enters another law enforcement agency's jurisdiction, including a tribal jurisdiction;
- (8) driving tactics during a high speed pursuit;
- (9) communications during a high speed pursuit;
- (10) capture of suspects following a high speed pursuit;
- (11) supervisory responsibilities during a high speed pursuit;
- (12) use of blocking, ramming, boxing and roadblocks as high speed pursuit tactics;
- (13) use of alternative methods and technologies for apprehending suspects during a high speed pursuit; and
- (14) preparing a report and evaluation and analysis of a high speed pursuit after it has concluded.

Each one of the 14 objectives of the Act will met and all questions answered as you work through each objective.

If there is a difference between Agency Policy and the statutory requirements; then the statutory requirements shall prevail.

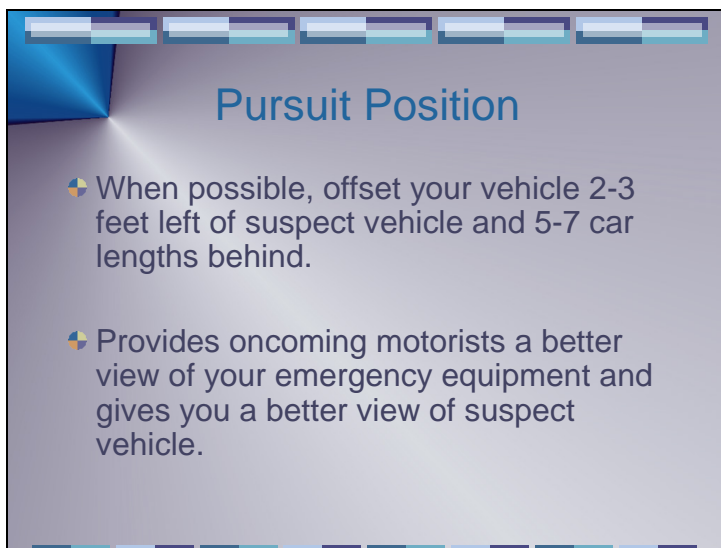
This section should take about 45 minutes to work through.





Pursuit Tactics

- ◆ ACTIONS CONSISTENT WITH TRAINING/POLICY
- ◆ BENEFIT MUST OUTWEIGH RISK
- ◆ MUST HAVE CLEAR COMPELLING REASON TO BEGIN & CONTINUE



Pursuit Position

- ◆ When possible, offset your vehicle 2-3 feet left of suspect vehicle and 5-7 car lengths behind.
- ◆ Provides oncoming motorists a better view of your emergency equipment and gives you a better view of suspect vehicle.

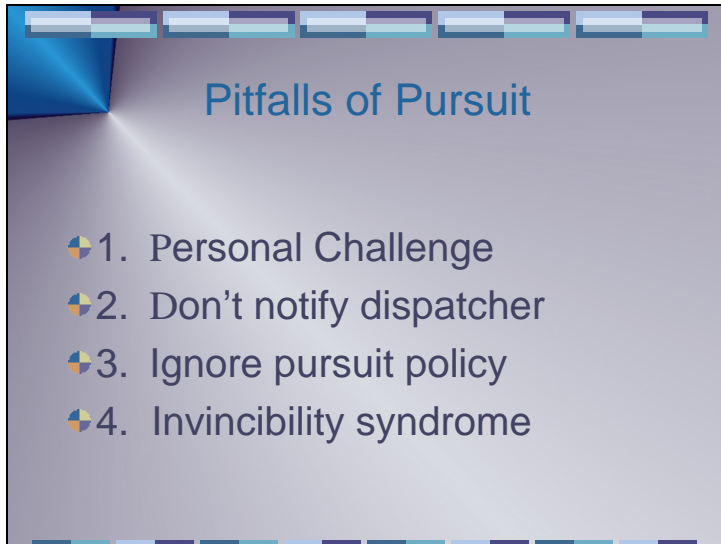
Understand that pursuit driving is one of the most dangerous activities associated with law enforcement.

Understand, evaluate and demonstrate when to initiate and when to terminate a pursuit, as illustrated in the students departmental policies.

When possible, offset your vehicle 2-3 feet left of suspect vehicle and 5-7 car lengths behind.



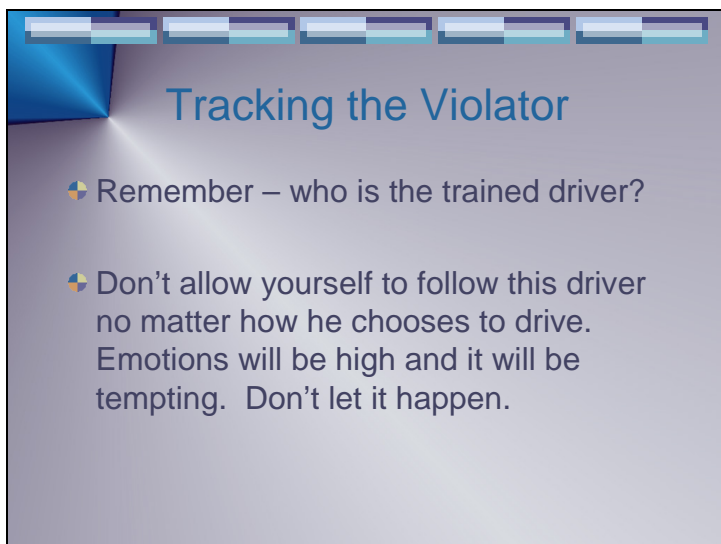
Provides oncoming motorists a better view of your emergency equipment and gives you a better view of suspect vehicle.



Pitfalls of Pursuit

- 1. Personal Challenge
- 2. Don't notify dispatcher
- 3. Ignore pursuit policy
- 4. Invincibility syndrome

If you have engaged your warning equipment and the violator refuses to stop, you are in a pursuit. Do not try and articulate your way around it. I.e: "Attempting to stop" or "trying to catch", etc.

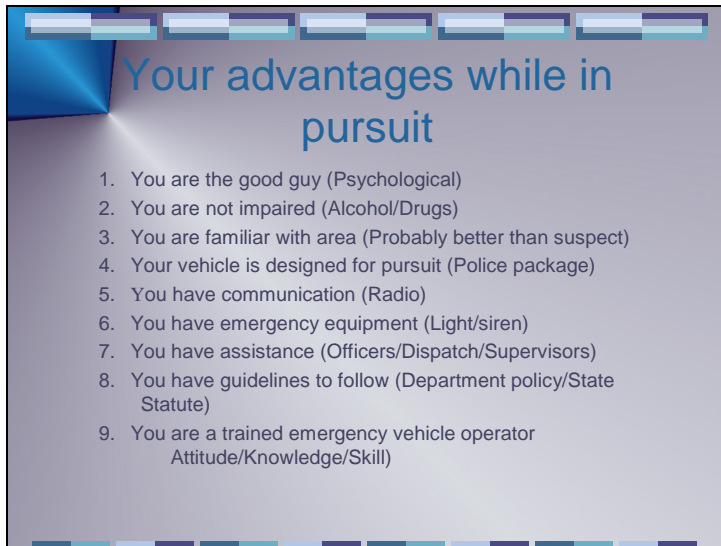


Tracking the Violator

- Remember – who is the trained driver?
- Don't allow yourself to follow this driver no matter how he chooses to drive. Emotions will be high and it will be tempting. Don't let it happen.



Understand, identify and evaluate risks of a pursuit due to the conditions of the vehicle, driver, roadway, weather, traffic, pedestrian traffic, and the potential dangers to uninvolved motorists or bystanders.



Understand that no more than two law enforcement units are permitted to participate in a pursuit, unless a departmental supervisor authorizes additional units.

Understand the responsibilities of the primary, secondary, and supervisor law enforcement units in a pursuit.

Understand and demonstrate the ability to properly communicate and coordination with other area law enforcement agencies, jurisdictions and tribal agencies.

Discuss the supervisory responsibilities during a pursuit.

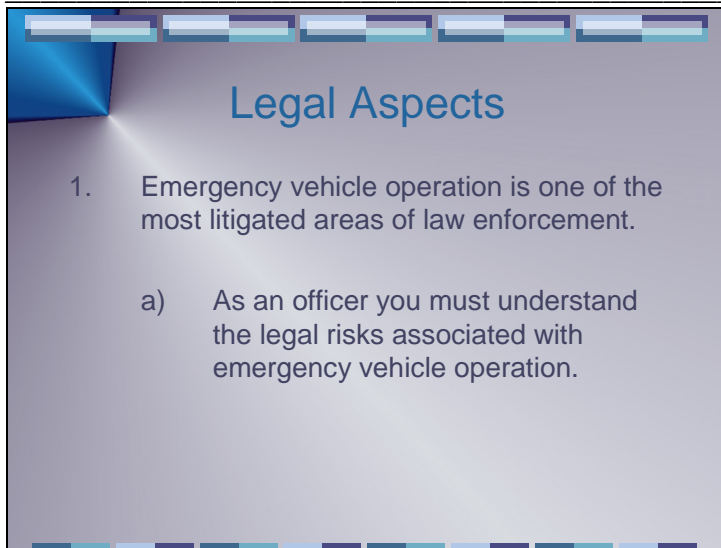
Discuss the use of blocking, ramming, boxing, roadblocks, and alternative methods or technologies for apprehending suspects during a pursuit.

Understand how to prepare a report and an after incident analysis or evaluation of a pursuit.

Understand department policy, agency resources and operational considerations associated with pursuit management.

Understand the psychological and emotional pressures of pursuit and how it can affect mental processing and physical behavior



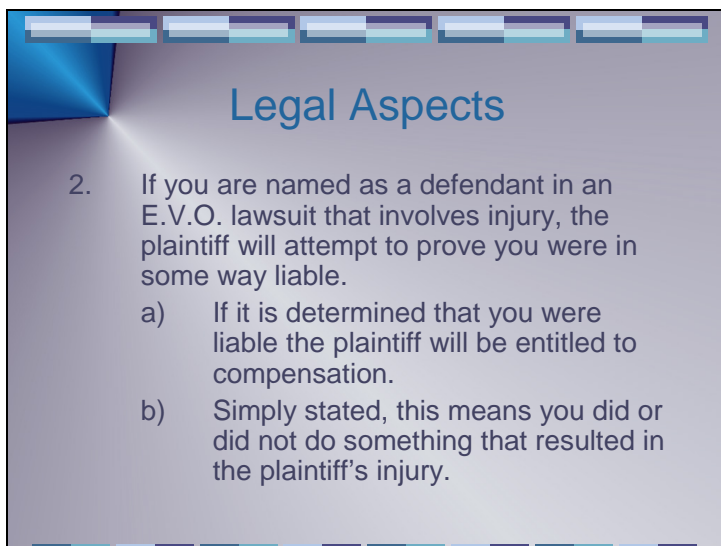


Legal Aspects

1. Emergency vehicle operation is one of the most litigated areas of law enforcement.
 - a) As an officer you must understand the legal risks associated with emergency vehicle operation.

Understand that officer's actions must be consistent with training and department policy.

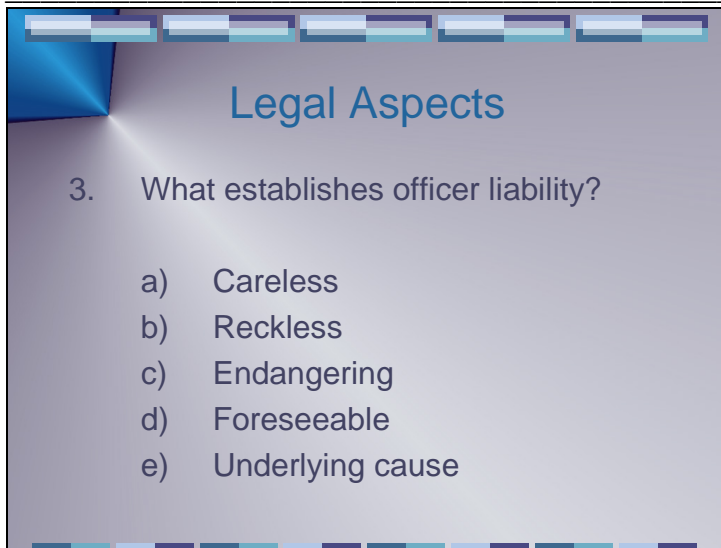
Understand that officers must adhere to specific tactically sound proven technique during pursuit operation.



Legal Aspects

2. If you are named as a defendant in an E.V.O. lawsuit that involves injury, the plaintiff will attempt to prove you were in some way liable.
 - a) If it is determined that you were liable the plaintiff will be entitled to compensation.
 - b) Simply stated, this means you did or did not do something that resulted in the plaintiff's injury.

EVO = Emergency Vehicle Operations

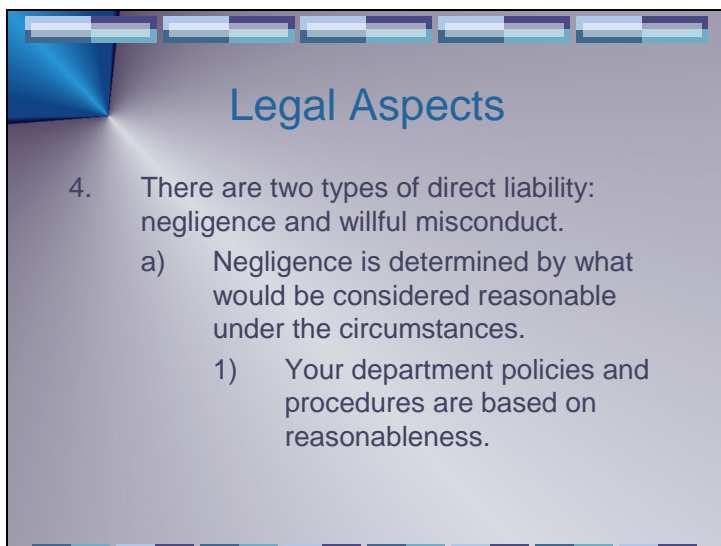


Legal Aspects

3. What establishes officer liability?

- a) Careless
- b) Reckless
- c) Endangering
- d) Foreseeable
- e) Underlying cause

Understand the pursuit position and the advantages it provides the officer and general public.
Understand the hazards of clearing intersections.
Understand the officer’s obligation to third party assists.

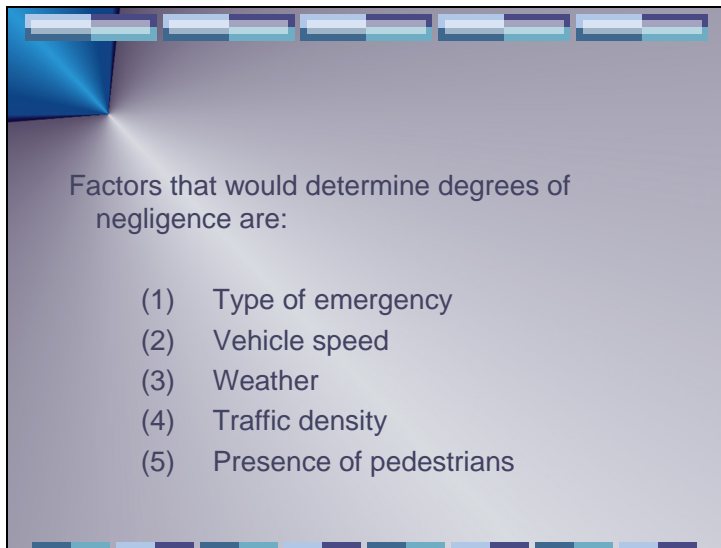


Legal Aspects

4. There are two types of direct liability: negligence and willful misconduct.

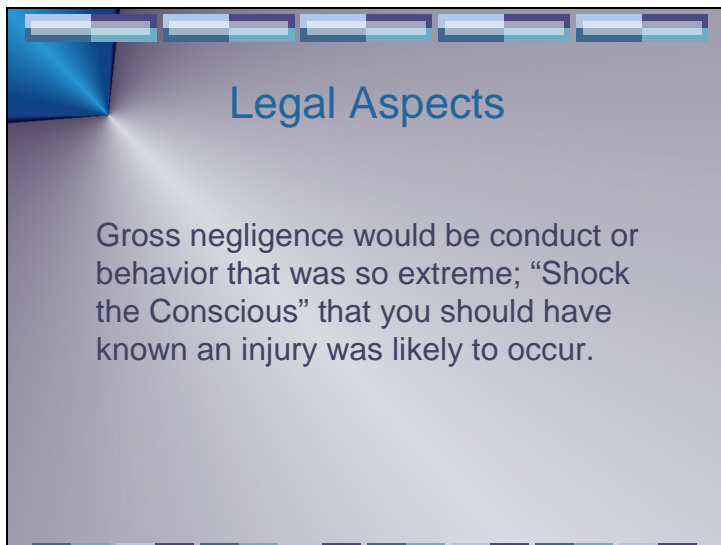
- a) Negligence is determined by what would be considered reasonable under the circumstances.
 - 1) Your department policies and procedures are based on reasonableness.

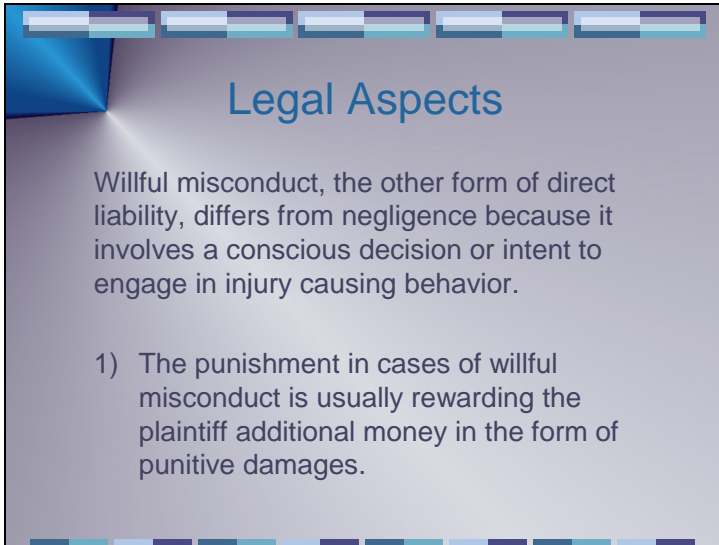




Understand the negative aspects of failing to follow pursuit policy, providing false information and loss of emotional control.

Understand violator tracking and the importance of driving consistent with training.

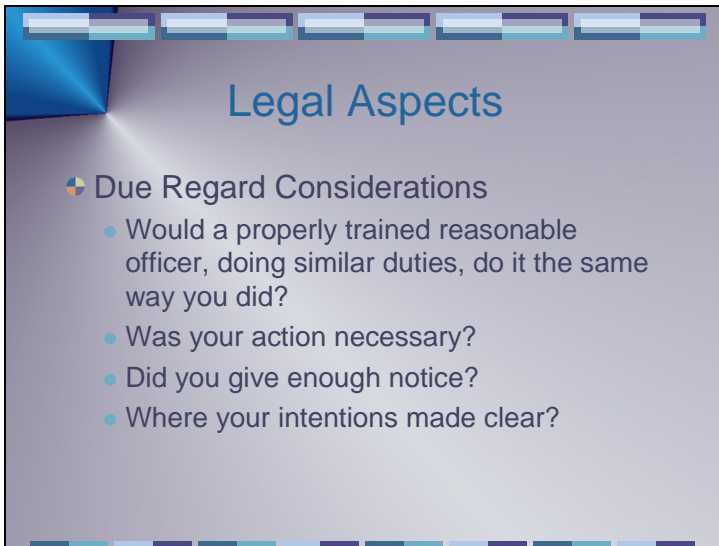




Legal Aspects

Willful misconduct, the other form of direct liability, differs from negligence because it involves a conscious decision or intent to engage in injury causing behavior.

- 1) The punishment in cases of willful misconduct is usually rewarding the plaintiff additional money in the form of punitive damages.



Legal Aspects

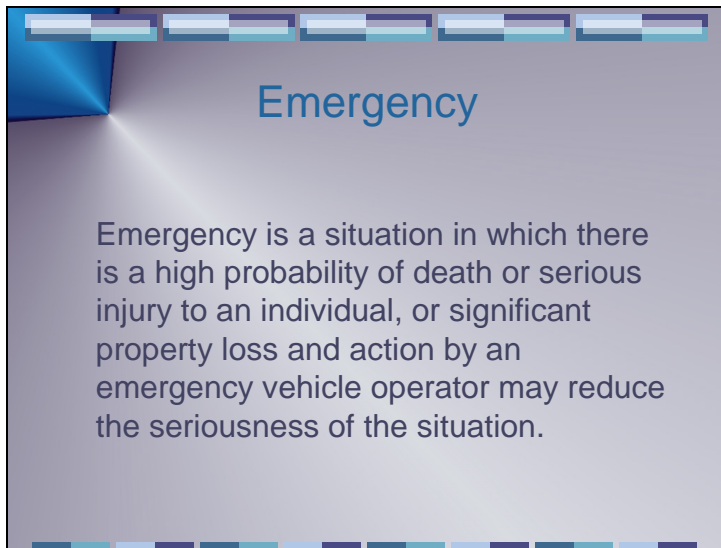
◆ Due Regard Considerations

- Would a properly trained reasonable officer, doing similar duties, do it the same way you did?
- Was your action necessary?
- Did you give enough notice?
- Where your intentions made clear?

Understand the importance of policy and multi-agency cooperation as it relates to jurisdictional boundaries.

Understand that officers do have many advantages in pursuit; VEHICLES, COMMUNICATION, KNOWLEDGE OF AREA, KNOWLEDGE OF PEOPLE WHO RESIDE IN THE AREA, SKILLED DRIVER.



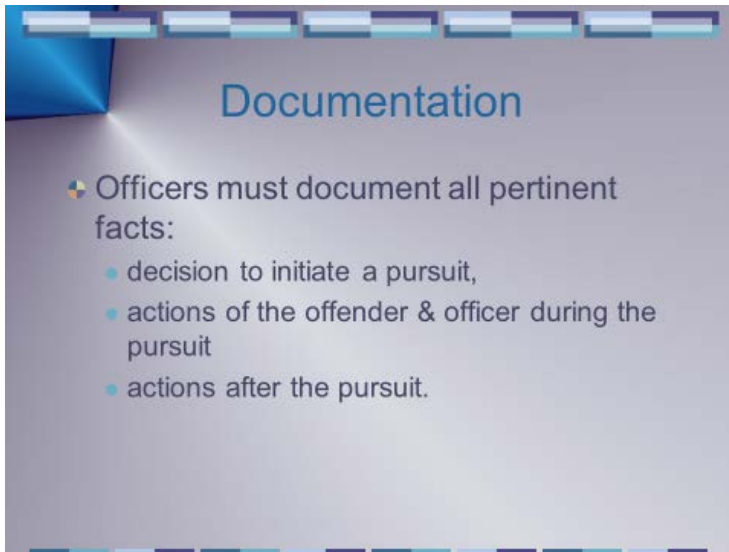
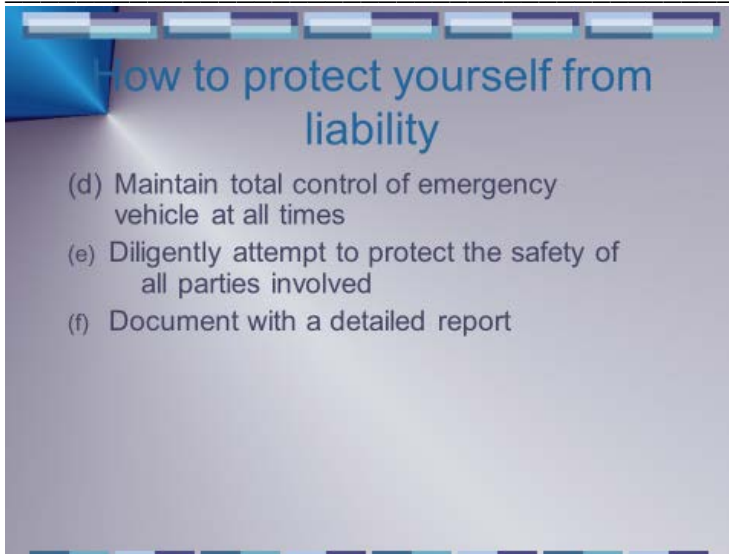


Understand tort process and legal risks associated with pursuit operation.

Understand elements of liability.

Understand justification of emergency operation.





Officers must be able to document all of the facts that led them to initiate a pursuit, continue the pursuit and any and all facts that happened at and after the conclusion of the pursuit.

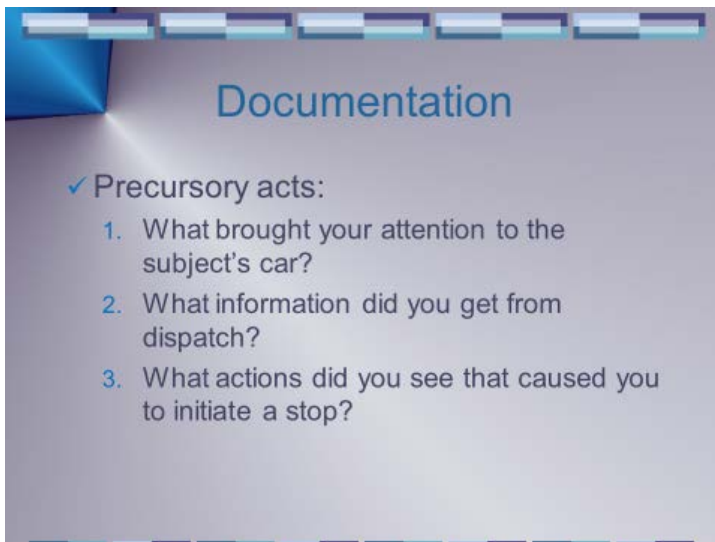
Facts vs. Conclusions

Facts are specific, detailed information that would lead a reasonable officer to believe or come to a conclusion or summary of actions.

For example: Conclusion – “The driver was operating his vehicle in an unsafe manner.”
Facts – “I followed Mr. Smith in his grey suburban driving 75mph in a 35mph zone. Mr. Smith’s suburban was swerving in and out of his lane, crossing the center line six times within approximately one mile. During that time I saw 4 cars in opposing traffic swerve out of their lane in an attempt to avoid

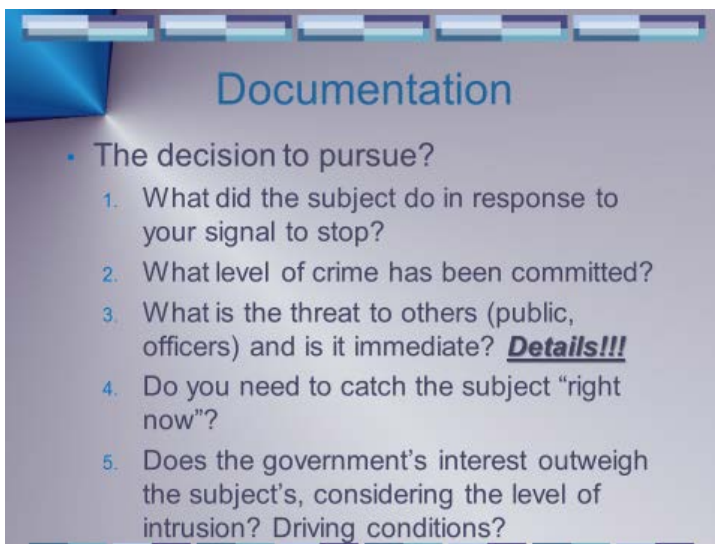


colliding with Mr. Smith's suburban. Because of this, I thought Mr. Smith was posing a danger to other motorists on the road.



Documentation

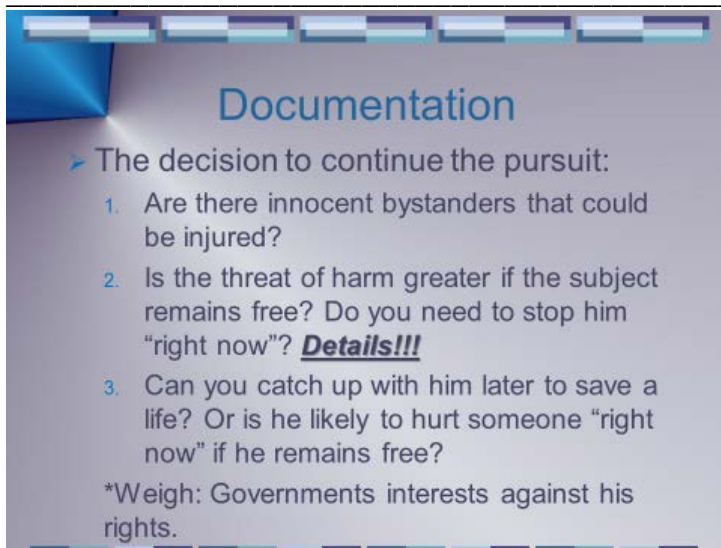
- ✓ Precursory acts:
 1. What brought your attention to the subject's car?
 2. What information did you get from dispatch?
 3. What actions did you see that caused you to initiate a stop?



Documentation

- The decision to pursue?
 1. What did the subject do in response to your signal to stop?
 2. What level of crime has been committed?
 3. What is the threat to others (public, officers) and is it immediate? ***Details!!!***
 4. Do you need to catch the subject "right now"?
 5. Does the government's interest outweigh the subject's, considering the level of intrusion? Driving conditions?

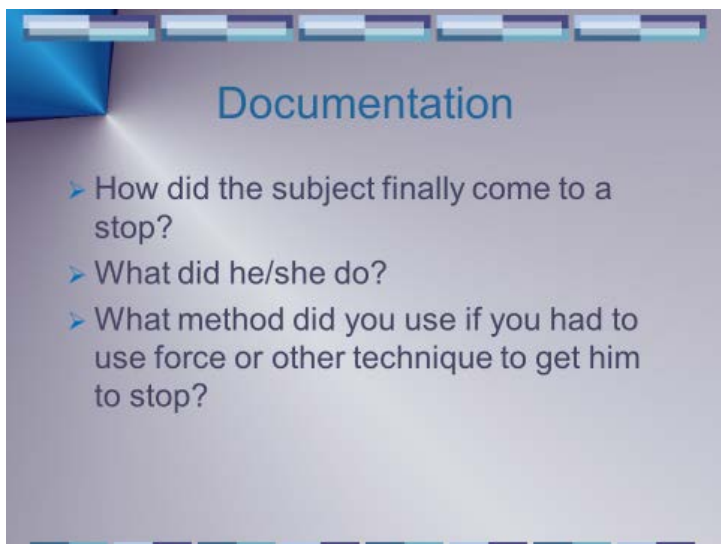




Documentation

- The decision to continue the pursuit:
 1. Are there innocent bystanders that could be injured?
 2. Is the threat of harm greater if the subject remains free? Do you need to stop him "right now"? ***Details!!!***
 3. Can you catch up with him later to save a life? Or is he likely to hurt someone "right now" if he remains free?

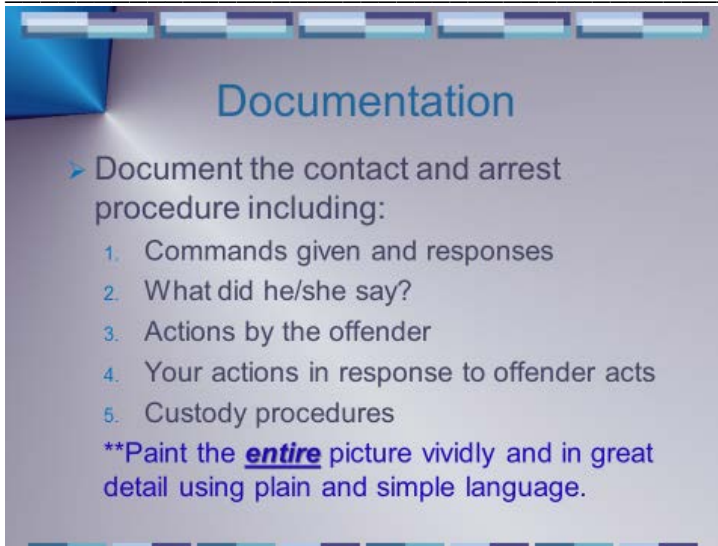
*Weigh: Governments interests against his rights.



Documentation

- How did the subject finally come to a stop?
- What did he/she do?
- What method did you use if you had to use force or other technique to get him to stop?



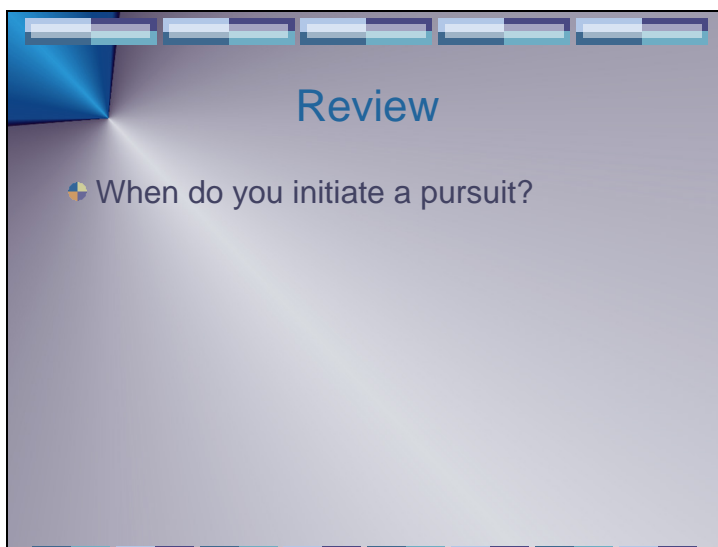


Be sure, as you document your pursuit or emergency operation of a vehicle, that you explain why you did what you did using as plain and simple language as you possibly can. Consider the totality of the circumstances, not only as you are making decision, but as you are writing your report.

Also consider who will be reading your report, from your chain of command, to defense attorneys, a judge, to a jury of your peers. Write your report so it's easy to understand (at a 9th grade level) and in chronological order.

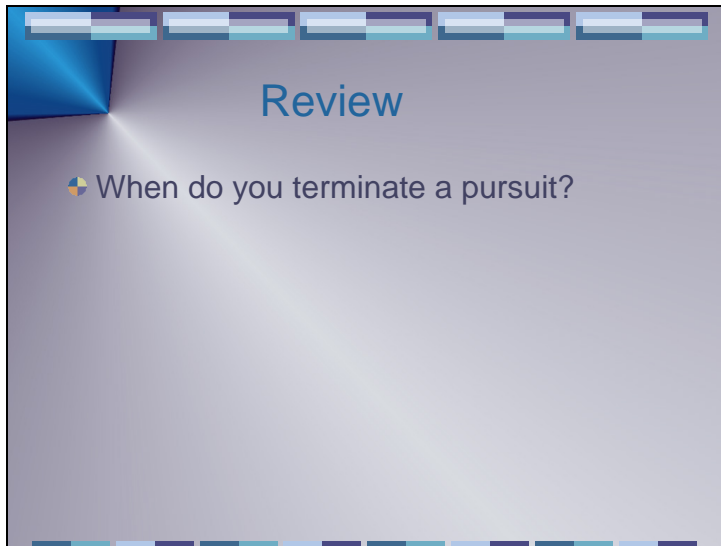
Document contacts you have made with your chain of command.

Document details that caused you to believe there was an emergency need to act right now. And if you can't or there isn't an emergency need to act right now, then you probably should slow down and come up with another plan.



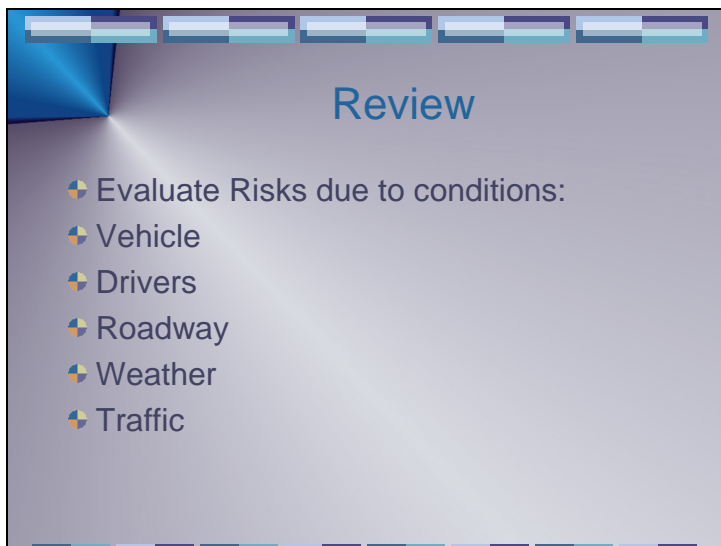
Policy and application question:

Have the students answer the question based on their policies, so they know the answer.



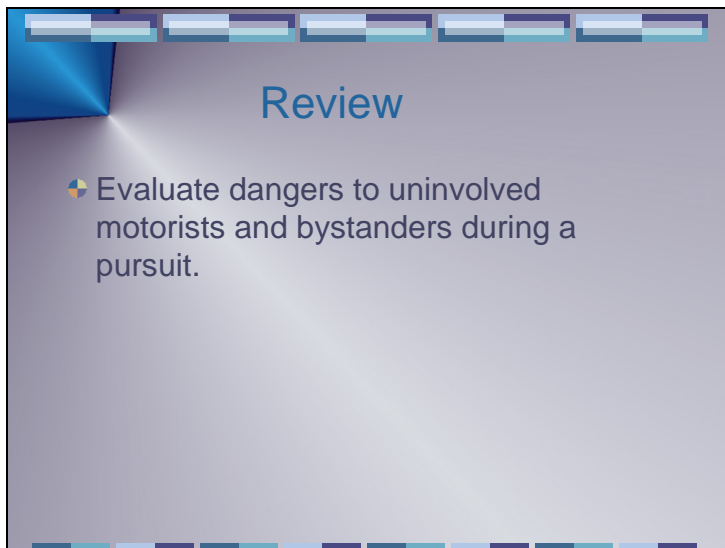
Policy and application question:

Have the students answer the question based on their policies, so they know the answer



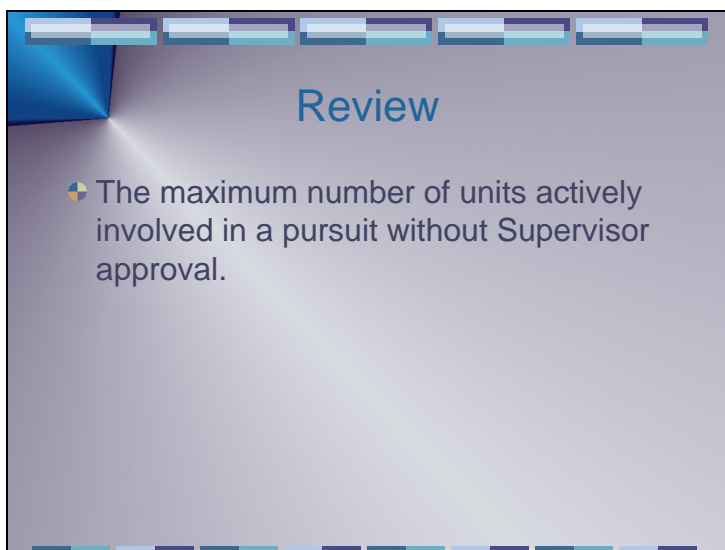
Policy and application question:

Have the students answer the question based on their policies, so they know the answer

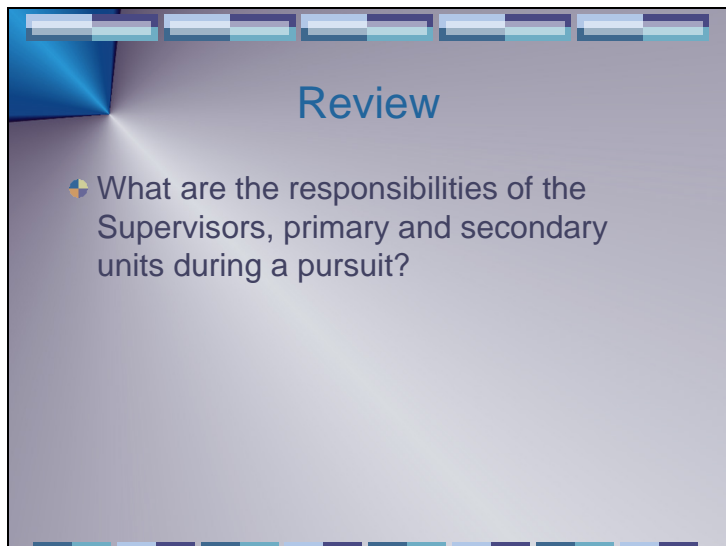


Policy and application question:

Have the students answer the question based on their policies and best practices, so they know the answer



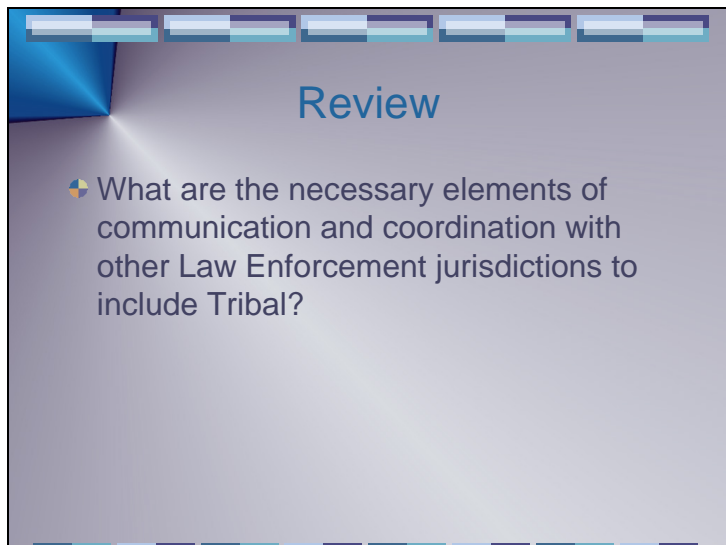
Two



Policy and application question:

Have the students answer the question based on their policies, so they know the answer

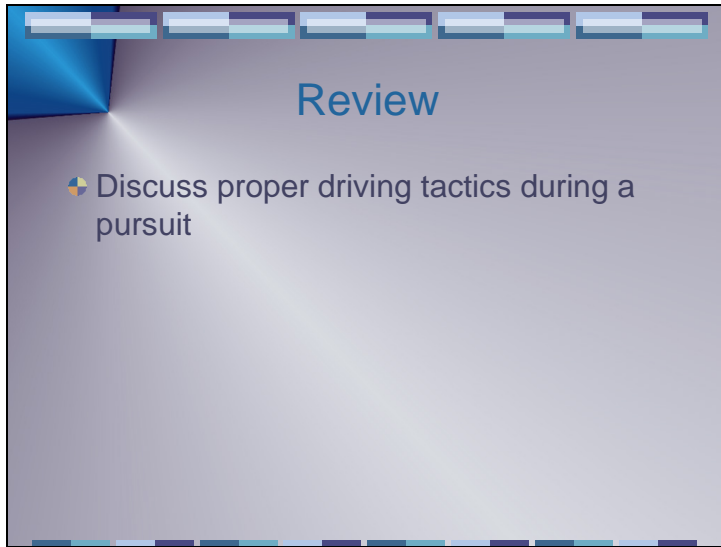
In general; Primary unit drives, secondary unit communicates and Supervisors manage



Policy and application question:

Have the students answer the question based on their policies, so they know the answer

Interoperability of radio communications, pre-planning of expectations of Tribal and other jurisdictions ahead of time at a minimum



Policy and application question:

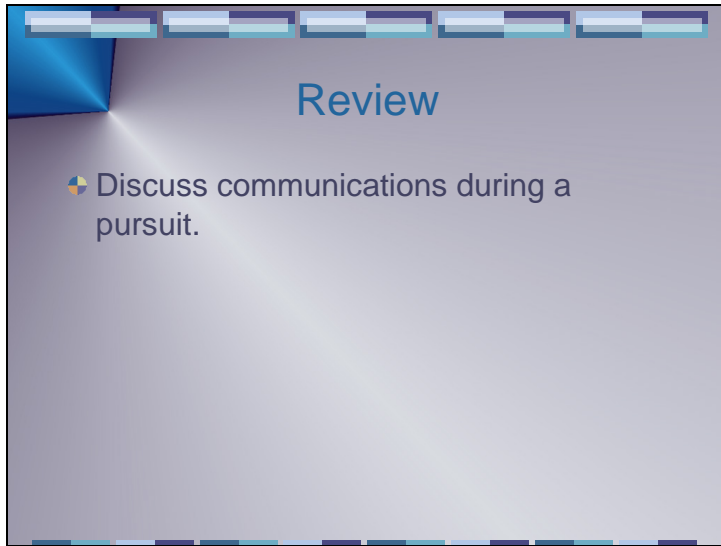
Have the students answer the question based on their policies, so they know the answer

Slide #9 will help answer this one if necessary:

When possible, offset your vehicle 2-3 feet left of suspect vehicle and 5-7 car lengths behind.

Provides oncoming motorists a better view of your emergency equipment and gives you a better view of suspect vehicle.

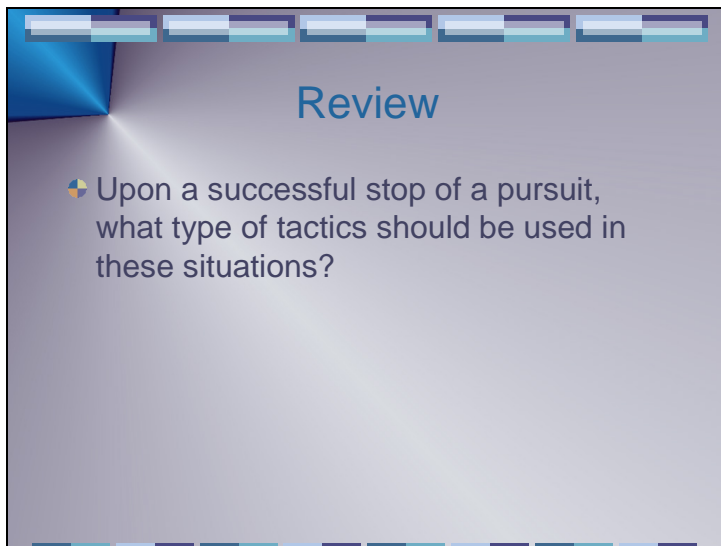




Policy and application question:

Have the students answer the question based on their policies, so they know the answer

Who, what, when, where and if known why? You may also add how as in how fast.

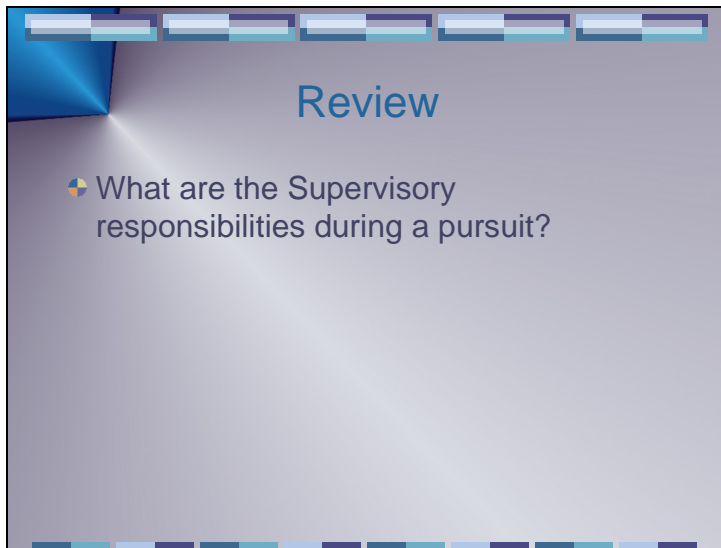


Policy and application question:

Have the students answer the question based on their policies, so they know the answer

High Risk Stop Tactics!

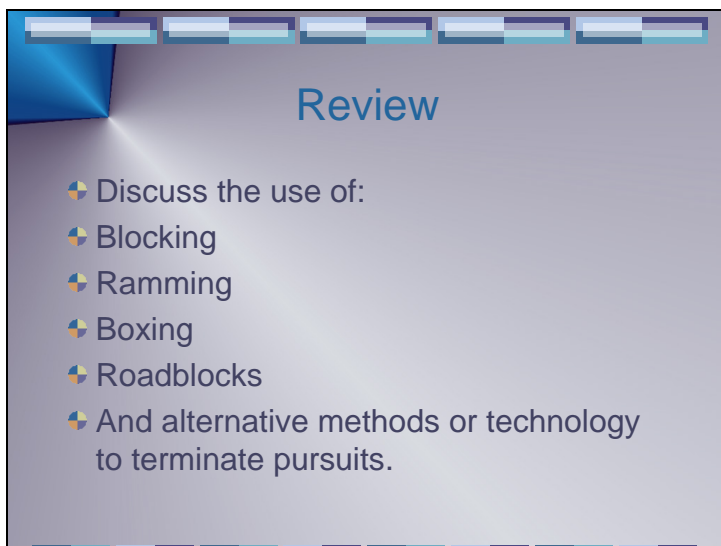




Policy and application question:

Have the students answer the question based on their policies, so they know the answer

If a Supervisor is in the room, have them discuss their responsibilities. If not, then reinforce the elements of who, what, where when and why (how) in the communication and absent of this necessary information a Supervisor will terminate the pursuit.

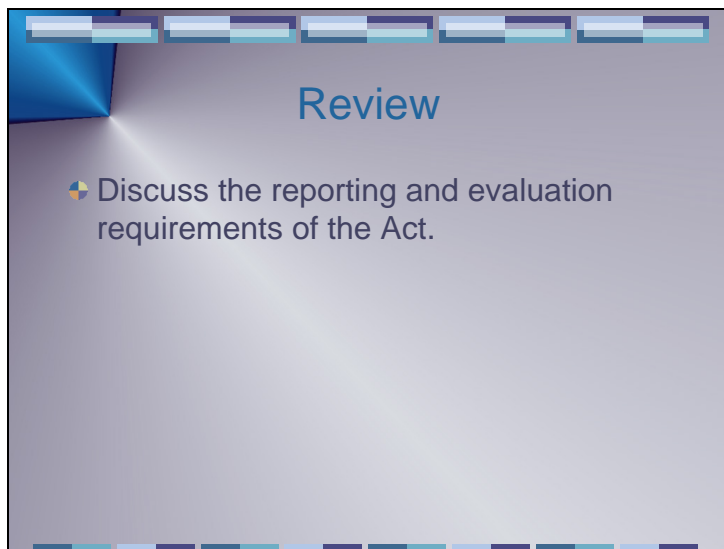


Policy and application question:

Have the students answer the question based on their policies, so they know the answer



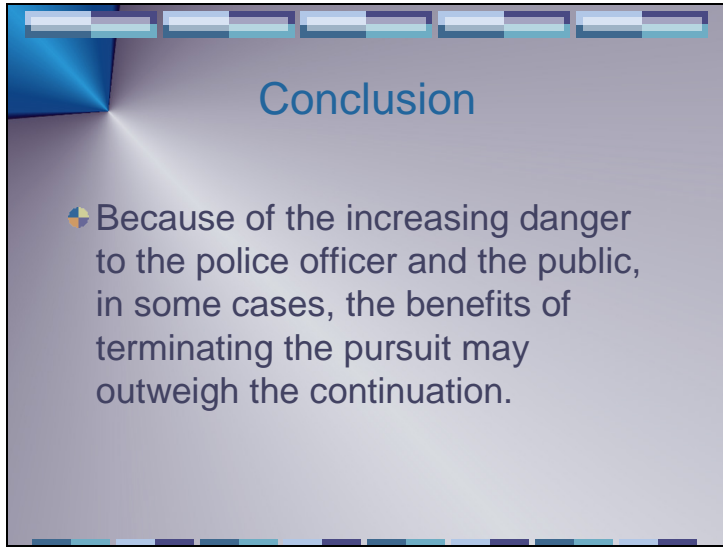
When discussing controlled tire deflation devices, make sure you discuss the training or lack there of on the devices used. They need to truly be trained in how/where to properly deploy these devices, rather than sitting in a room and watching a video for 20 minutes and then thinking they have it down...



Policy and application question:

Have the students answer the question based on their policies, so they know the answer

Every pursuit termination will be evaluated, either formally or informally (face to face discussion with Supervisor) and will be documented completely and thoroughly.



The slide features a blue and grey background with a light effect in the top-left corner. The title 'Conclusion' is centered at the top. A single bullet point is listed below.

Conclusion

- ✦ Because of the increasing danger to the police officer and the public, in some cases, the benefits of terminating the pursuit may outweigh the continuation.



COURSE AUDIT

PRIMARY INSTRUCTOR:

SECONDARY INSTRUCTOR:

SUPPORT STAFF (i.e.: Scenario Managers, Role Players, etc):

DATE(S)/ TIME(S) OF INSTRUCTION:

LOCATION OF INSTRUCTION:

RECOMMENDED CURRICULUM CHANGES: Identify inaccurate information, outdated information, new information to be added to update material, etc. (Use additional pages if necessary)



COURSE AUDIT (Continued)

ADDITIONAL INSTRUCTOR COMMENTS: (If any portion of the course content was not presented, indicate the specific content here)

If course content other than the NMDPS TRD approved Basic or PST academy curriculum is taught, the alternative curriculum must be submitted to the Law Enforcement Academy Deputy Director's office and approved prior to delivery of the alternative instructional materials.

Alternative curriculum was taught.

Accreditation number of alternative curriculum:

	SIGNATURE	DATE
Primary Instructor	<input type="text"/>	<input type="text"/>
Reviewed by Program Coordinator	<input type="text"/>	<input type="text"/>
Reviewed by Bureau Chief	<input type="text"/>	<input type="text"/>
Reviewed by LEA Director or Designee	<input type="text"/>	<input type="text"/>

