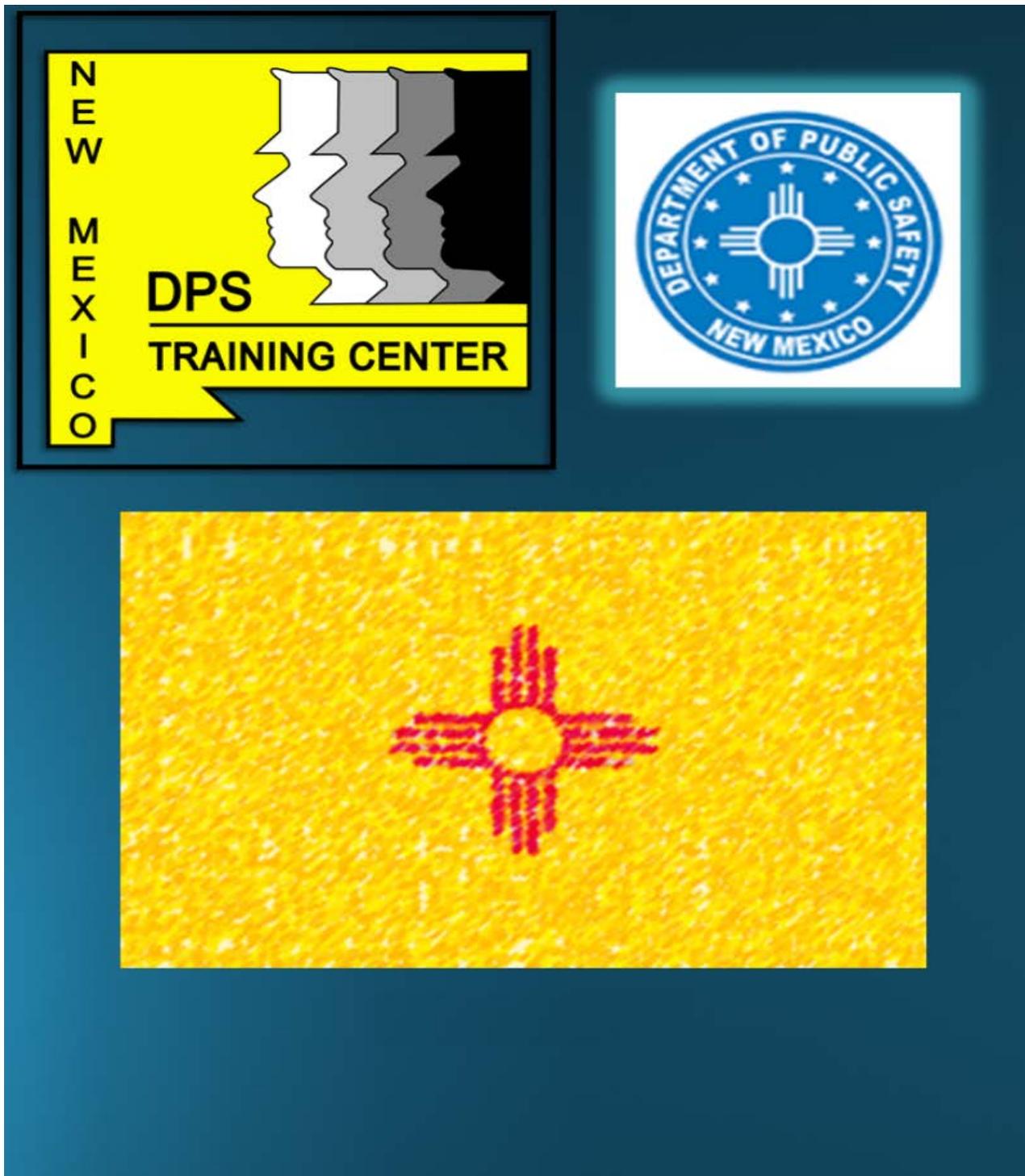


Lesson Plan / Instructor Guide



COURSE TITLE:
Biennium Safe Pursuit Refresher

INSTRUCTIONAL GOAL:

This course will refresh the student with regard to the Safe Pursuit Act and its requirements. This course will also provide information regarding the decision to initiate, continue and terminate a pursuit and how the interest in public safety weighs against that decision.

INSTRUCTIONAL OBJECTIVES:

Upon completion of this block of instruction the participant will:

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

INSTRUCTIONAL METHODS:

Lecture/PowerPoint, Discussion

This course allows time for additional driving skills refresher including the precision course, the overall course and any subskills i.e. lane change, serpentine, backing & apexing if available

HANDOUTS:

None

COURSE DURATION:

4 hours

CURRICULUM REFERENCES:

NMLEA, 2016-2017 Biennial Safe Pursuit Act Training

NMLEA, 2011 BPOT 16.2 Safe Pursuit Act

EQUIPMENT, PERSONNEL, AND SUPPLIES NEEDED:

Computer & projection equipment

TARGET AUDIENCE:

New Mexico Law Enforcement Officers

INSTRUCTOR RATIO:

1:30

EVALUATION STRATEGY:

Class participation

AUTHOR & ORIGINATION DATE:

NMLEA ATB Staff

January 2018

REVISION / REVIEW DATE(S):

[Dates of any reviews/revisions]

REVISED / REVIEWED BY:

[Your name or your agency name]

I. Introduction

- A. Introduce Instructor/Participants/Command Staff
- B. During this course we will discuss information on the dangers associated with pursuit, information on why pursuit operation is distinctly different than other forms of emergency response, design, purpose and personnel associated with pursuit management, and elements of liability and other factors related to emergency response litigation.

II. Pursuit dangers/consequences

- A. Pursuit driving is one of the most dangerous activities in law enforcement. Most officers feel their biggest threat is from assault.
- B. Statistics indicate that these situations are few when compared to dangerous driving situations such as emergency response and pursuit.
- C. Pursuit (Definition)
 - 1. 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.
- D. Pursuits are extremely dangerous due to very high speeds and the erratic and unpredictable actions of all motorists involved.
- E. Fleeing suspects are only concerned about avoiding apprehension and will jeopardize your safety with no regard to the consequences.
- F. The danger is that pursuits are highly charged emotional events.
 - 1. Officers must keep it professional not personal.
- G. A negative consequence is that officers allow their emotions to control their actions.
 - 1. Take uncharacteristic chances.
 - 2. Often results in injury and death to innocent third parties.
- H. Tort actions or lawsuits are another negative consequence of pursuit, which has resulted in millions of dollars being awarded to unwilling participants.

III. Pursuit Operation/Management

- A. Initiation
 - 1. Pursuits are distinctly different than any other form of emergency vehicle operation.
 - 2. In a normal response you are given information via a dispatcher and you respond accordingly.
 - 3. In a pursuit you make the decision to initiate action or not.
 - a) Type and level of crime
 - b) Danger to the public if the driver remains free
 - c) Presence of other motorists/bystanders
 - d) Driving conditions (road, weather, light)
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- e) Vehicle conditions
 - f) Skill
 - g) Do you know the driver/suspect?
 - h) Can you pick them up later?
4. Once initiated you must analyze the ever-changing conditions that determine whether you proceed or cancel.
 - a) Presence of other motorists/bystanders
 - b) Driving conditions
 - c) Speeds
 - d) Do you know the suspect's identity?
 5. You make judgments with the knowledge that your decision could be disastrous.
 6. You have little or no control as the suspect dictates direction and speed with no regard for others.
 7. A natural tendency for officers in the immediate area is to want to help by joining the pursuit.
 8. Multiple vehicle participation should be discouraged. This creates a more dangerous environment and does little to increase effectiveness.
 - a) No more than 2 vehicles – primary/secondary backup
 - b) Additional units at the discretion of the supervisor.
- B. Communications**
1. Communication personnel play a critical role in pursuit management. Maintaining lines of communication between officers and agencies can make the difference between safe resolution or a disastrous conclusion.
 2. If these support personnel are allowed to do their job, they can provide the necessary communication assistance that frees the officer up to do his job.
 3. Role of dispatch
 - a) Document all information
 - b) Clear airway, give pursuit priority status
 - c) Arrange for support units
 - d) Notify neighboring jurisdictions
 - e) Provide vehicle and identification checks of driver/occupants
- C. Police supervisor**
1. The supervisor plays a critical role in the pursuit function.
 2. In some instances a supervisor may not be immediately available, in which case the primary officer makes the decisions based on his/her department policy and knowledge of situation.
 3. Role of Supervisor
 - a) Monitor and control the pursuit
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- b) Direct all response units
- c) Approve and coordinate all tactics, especially anything involving deadly force.
- d) Final decision on initiation, continuation or termination of a pursuit.
- e) Conduct a post pursuit analysis/review according to policy.

D. Department Pursuit Policy

- 1. Department policies are drafted to provide all effected department personnel with guidelines to follow for specific tasks.
- 2. Policy must be strictly adhered to protect all parties involved.
- 3. Violation of policy will result in disciplinary action.
- 4. While department policy provides general parameters in which to operate, successful emergency vehicle operation is primarily dependant on an officers training and ability to make safe, knowledgeable decisions.

E. Pursuit Engagement Considerations

- 1. Having a clear understanding of policy and circumstances is essential in determining justification for a pursuit.
 - a) Is this pursuit reasonable or justified?
 - b) If I initiate this pursuit and it results in property damage, injury or death would a reasonable person justify my actions?
 - c) ANY DECISION YOU MAKE IN A PURSUIT DRIVING SITUATION WILL BE JUST AS IMPORTANT, IF NOT MORE SO, THAN ANY DECISION YOU MAKE IN A SHOOTING SITUATION.
 - d) Do you know and understand your department's pursuit policy?
 - e) There are not always supervisors immediately available to make the decisions on pursuits.
 - f) You must have a clear understanding of what is authorized. If you are unsure, do not initiate the pursuit.
 - i) What crimes have been committed?
 - (a) Felon or definite threat to the public.
 - ii) Is this a dangerous suspect?
 - (a) A probable risk that suspect will cause injury/death if allowed to flee.
 - 2. Is your vehicle pursuit ready?
 - a) Equipped with required equipment.
 - b) Good mechanical condition
 - 3. Other factors that must be considered prior to initiation and during pursuit are:
 - a) Time of day
 - b) Day of week
 - c) Type of vehicle involved
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- d) Direction of travel
- e) Weather
- f) Traffic density
- g) Available help

F. Initiating the pursuit

1. Upon activating a pursuit the officer should be prepared to provide communications with the following basic information.
 - a) Location and direction of travel.
 - b) Make, model, color and license of suspect vehicle.
 - c) Number and description of occupants.
 - d) Reason for pursuit (violation/crime)
2. No more than two units actively involved in the pursuit unless otherwise authorized.
3. Support units should be close enough to assist with primary and backup duties but more importantly cover escape routes, block traffic and prepare to assist with termination tactics like spike belt, road block, etc.

G. Termination

1. Each pursuit is unique and termination should be based on the facts surrounding the event. The following are some suggested guidelines.
 - a) When there are clear and unreasonable hazards.
 - b) When traffic or pedestrian traffic increases.
 - c) When you lose sight of the suspect.
 - d) A misdemeanor or traffic offense.
 - e) When suspect is known and can be identified.
 - f) When danger outweighs need for immediate apprehension.

IV. Psychology of Pursuit

- A. Everyone who flees is not a dangerous and violent criminal. Many people who flee have usually only committed minor violations.
 - B. The reality is that regardless of the original offense both officer and suspect may refuse to give up.
 - C. Lives are lost, injuries suffered and property destroyed because of needless pursuits.
 - D. Psychological pressures such as high emotion, social image, ego, stress and peer pressure can cloud an officer's judgement and make the pursuit a personal challenge.
 - E. Understand that choosing not to pursue is not a reflection of your courage or dedication to duty.
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- F. Your first obligation is to the public you serve, if a pursuit would cause you to ignore that obligation you should not engage and seek other alternatives.

V. Pursuit Tactics

- A. In a pursuit your actions should be consistent with your training and agency policy.
- B. The benefit must outweigh the risk. You must constantly evaluate the necessity as the pursuit changes. Your first obligation is the safety of everyone involved.
- C. You must call off the pursuit when you no longer have a clear, compelling reason for continuing.

VI. Safety Considerations

- A. Maintain a space cushion and always leave yourself an out.
- B. Do not pull in front or along side of suspect vehicle. This maneuver exposes you to excessive risk.
- C. Your driver training will give you the skill and knowledge to actually drive slower and more efficiently therefore making you safer to yourself and the public. Drive only 80% of your maximum, this will allow you a space cushion.
- D. If you display a style of driving that clearly exceeds your ability or vehicle limitations it could be construed as willful disregard and you could be held liable for your actions.

VII. Pursuit Position

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

VIII. Clearing intersections

- A. Make absolutely sure the intersection is clear before you proceed.
- B. If you are crossing against a control device you should stop and completely clear intersection before proceeding.
 - 1. Extreme caution
 - 2. Reduce speed, cover brake pedal
 - 3. Make sure all cross traffic has stopped
 - 4. Change pitch on siren
 - 5. Expect errors from other motorists

IX. Third party assist

- A. If a collision occurs or a pedestrian is struck you must disengage from the pursuit and render aid.

X. Pitfalls of Pursuit

- A. In some cases officers have held off notifying dispatch of pursuits. If there is a situation or accident they have no supporting documentation (radio log).
- B. In some extreme cases officers have willfully ignored policy or misrepresented the facts to avoid being told to terminate.
- C. The obvious problem with this mentality is that after the action and emotion subsides, if you cannot support your actions with fact, you will be held accountable.
- D. When a pursuit is between you and the suspect you will be more likely to view it as competition.
- E. By involving more people like dispatch, supervisors and other officers you will remain more focused on being a team member rather than a competition.
- F. This also gives you several people with varying skills and perspectives to help bring the pursuit to a safe resolution.

XI. Tracking the violator

- A. Tracking occurs when the officer becomes so involved in a pursuit that he takes the exact same path as the violator. This is dangerous and ineffective for several reasons.
 - 1. You have been trained in the principles and techniques of performance driving. The suspect has not.
 - a) Proper acceleration/braking
 - b) Apexing/corner entry
 - c) Steering
 - 2. If you mimic the suspect's actions you negate your training and you no longer have the advantage.
 - 3. The suspect's primary concern is to elude, in some cases he will risk the safety of others to do so. In extreme cases suspect may attempt to involve you or another motorist in a collision.
 - a) Wrong way in traffic
 - b) Median/shoulder
 - c) Through parking lots/public property
 - d) Private property
 - 4. Emotions are high and the temptation is to follow suspect wherever he goes. You could be compounding the problem by placing your vehicle where you too are a hazard to others.
 - a) Question: Would it be appropriate to place my vehicle here during normal conditions?
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5. As speeds increase, our eyes naturally focus on what is directly in front of us (our central vision) and have less ability to check our surroundings or peripheral vision.
 - a) See the whole picture; do not focus entirely on suspect.
6. You have little control over where a pursuit may take you, however you do have control over how you drive the pursuit.

XII. Jurisdictional boundaries

- A. Pursuits often lead to other jurisdictions and involves cooperation from multiple in-state and out-of-state agencies.
- B. Strictly adhere to your department policy.
- C. If you are the primary officer at the start, you will probably be primary at the end.
- D. Apprise effected jurisdictions as far in advance as possible.
- E. Some agencies may choose not to respond or assume any responsibility for the pursuit.
- F. When entering another jurisdiction you may also be told to cancel due to circumstances that make it too dangerous to continue.
- G. Upon entering another jurisdiction you may be relieved as primary officer by an officer representing the new jurisdiction.
- H. On any jurisdictional issues make sure you are within policy guidelines and have supervisor approval.

XIII. Your advantages in pursuit

- A. You are the good guy (psychological)
- B. You are not impaired (alcohol/drugs)
- C. You are familiar with area (probably better than suspect)
- D. Your vehicle is designed for pursuit (police package)
- E. You have communication capability (radio)
- F. You have emergency equipment (lights/siren)
- G. You have assistance (other officers, dispatch, supervisor)
- H. You have guidelines to follow (department policy/state statute)
- I. You are a trained emergency vehicle operator (proper attitude, knowledge, skills)

XIV. Legal aspects of emergency vehicle operation

- A. Emergency vehicle operation is one of the most litigated areas of law enforcement.
 1. As an officer you must understand the legal risks associated with emergency vehicle operation.
 - B. 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.
 1. If it is determined that you were liable the plaintiff will be entitled to compensation.
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2. Simply stated, this means you did or did not do something that resulted in the plaintiff's injury.
- C. What establishes officer liability?
1. Careless
 2. Reckless
 3. Endangering
 4. Foreseeable
 5. Underlying cause
- D. There are two types of direct liability: negligence and willful misconduct.
1. Negligence is determined by what would be considered reasonable under the circumstances.
 - a) Your department policies and procedures are based on reasonableness.
 - b) Why it's important to stay within your department's policies and procedures.
 - c) Defining negligence is difficult and based on the prevailing circumstances at the time.
 - i) Factors that would determine degrees of negligence are:
 - (a) Type of emergency
 - (b) Vehicle speed
 - (c) Weather
 - (d) Traffic density
 - (e) Presence of pedestrians
 - (f) Example: 50 mph in a 35 mph might be considered simple negligence.
 - (g) The same example during snow packed conditions might be considered gross negligence.
 - d) Gross negligence would be conduct or behavior that was so extreme that you should have known an injury was likely to occur.
 2. 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.
 - a) The punishment in cases of willful misconduct is usually rewarding the plaintiff additional money in the form of punitive damages.
 - i) Vicarious liability can be claimed when a plaintiff has suffered an injury at the hands of an officer who was improperly supervised, trained or allowed to cause the injury by the action of a senior official.
 - b) In cases where vicarious liability may occur it is generally the result of a supervisor failing to exercise control over a pursuit.
 - c) Municipal liability is another form of liability, which is generally the most costly.
 - d) To prove municipal liability the plaintiff must show that department policy or the lack of was the moving force behind the injury.
 - i) Normal patrol operation

- e) Police officers operating in non-emergency mode must obey the same laws that govern all drivers.
- f) If a police officer in non-emergency mode disregards these laws even in the performance of his job he/she can be held responsible for injury or damage.
- g) Every state has statutes that govern the operation of emergency vehicles and allow the operators certain exemptions under the law. In order to be exempt from these laws certain steps must be taken.
- h) Most states require that both lights and sirens be used in all emergency and pursuit situations unless there is a specific reason not to.

XV. Due Regard Considerations

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

XVI. Justification of emergency call

- A. Emergency (definition)
 - 1. Emergency is a situation in which there is a high probability of death or serious injury to an individual or significant property loss and action by an emergency vehicle operator may reduce the seriousness of the situation.
- B. Majority of emergency calls are dispatched.
 - 1. When dispatched an officer may conclude that an actual emergency does exist.
 - 2. If there is insufficient information that an emergency exists an officer may choose not to run in emergency mode.
 - 3. However, if an officer chooses to operate in emergency mode when there is insufficient information to support that there is an emergency, then that officers liability risks could increase drastically.

XVII. Elements of liability

- A. How to protect yourself and your department from liability from emergency response.
 - 1. Department approved E.V.O. Policy
 - 2. Adherence to E.V.O. policy
 - 3. Adherence to all laws related to E.V.O.
 - 4. Maintain total control of emergency vehicle at all times
 - 5. Ensure the safety of all parties involved

XVIII. Summary

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

- B. In this course we discussed that pursuit driving is one of the most dangerous activities associated with law enforcement, department policy, agency resources and operational considerations associated with pursuit management, psychological and emotional pressures of pursuit and how it can affect mental processing and physical behavior, that officer's actions must be consistent with training and department policy, that officers must adhere to specific tactically sound proven technique during pursuit operation, pursuit position and the advantages it provides the officer and general public, hazards of clearing intersections, officer's obligation to third party assists, negative aspects of failing to follow pursuit policy, providing false information and loss of emotional control, violator tracking and the importance of driving consistent with training, importance of policy and multi-agency cooperation as it relates to jurisdictional boundaries, that officers do have many advantages in pursuit, tort process and legal risks associated with pursuit operation, elements of liability, and justification of emergency operation.