



Rhode Island State Police
General Order - 51B

<i>Section:</i>	Law Enforcement Operations - Field Operations
<i>Article:</i>	51 - Use of Force
<i>Title:</i>	Pursuit Driving
<i>Special Instructions:</i>	

I. PURPOSE

To establish vehicular pursuit guidelines for sworn Division members.

II. DEFINITIONS

- A. **LETHAL FORCE** – Any use of force that is likely to cause death or serious bodily injury. Lethal force is also referred to as deadly physical force.
- B. **MARKED DIVISION VEHICLE** – A vehicle used by the Rhode Island State Police which is plainly and predominantly marked with the Rhode Island State Police shield and lettering identifying it as a police vehicle. Marked Division vehicles will also be equipped with emergency lighting, clearly visible when activated, and audible sirens.
- C. **UNMARKED DIVISION VEHICLE** - All vehicles used by the Rhode Island State Police not defined as marked vehicles which are equipped with emergency lighting, clearly visible when activated, and audible sirens.
- D. **UNMARKED NON-EMERGENCY DIVISION VEHICLE** - All vehicles not adequately equipped with visible emergency lighting, when activated, or audible sirens, which shall be prohibited from engaging in any motor vehicle pursuit.
- E. **PURSUIT** – The active attempt by an officer in an authorized emergency vehicle to apprehend the occupants of a running motor vehicle who clearly exhibit a refusal to stop said vehicle at the officer's direction and attempts to avoid apprehension through speed or evasive tactics.
- F. **HIGH SPEED PURSUIT** – A pursuit in excess of 15 MPH over the posted speed limit.
- G. **ROADBLOCK** – A physical blockage of a roadway with material, equipment or vehicles to stop the operator of a vehicle who is attempting to elude an on-duty member.
- H. **TERMINATION OF THE PURSUIT** – The member(s) operating the authorized Division vehicle shall turn off the cruiser's emergency lights and siren, and

immediately reduce his/her speed to no more than the posted or prima facie speed limit.

- I. VEHICULAR INTERVENTION – The deliberate striking or contact with a fleeing vehicle by an on-duty member with an authorized Division vehicle.

- J. ATTENDANT CIRCUMSTANCES – Those factors which might affect the decision to continue or discontinue a pursuit which must be communicated to the Patrol Commander/Night Executive Officer:
 - 1. The reason for the pursuit.
 - 2. Location and direction of travel.
 - 3. Speed.
 - 4. Traffic conditions.

- K. CRIME OF VIOLENCE - in part, by definition in the RI General Laws and for the purpose of this policy, shall be when a suspect has committed or attempted to commit:
 - 1. Murder
 - 2. Manslaughter
 - 3. First or Second Degree Sexual Assault
 - 4. First or Second Degree Child Molestation
 - 5. Kidnapping
 - 6. First or Second Degree Arson
 - 7. Mayhem
 - 8. Robbery
 - 9. Burglary
 - 10. Breaking and Entering
 - 11. Assault with a dangerous weapon (not to include suspect car v. police car that may occur during a pursuit)
 - 12. Assault or battery involving grave bodily injury
 - 13. Assault with intent to commit any offense punishable as a felony
 - 14. Escape from custody after being charged or convicted of one of the above offenses

III. POLICY

The vehicular pursuit of fleeing suspects presents a danger to the public, Division members, and suspects involved in such a pursuit. It shall be the Division's responsibility to assist members in the safe performance of their duties. To affect its obligations, the Division shall narrowly regulate the manner in which vehicular pursuits are undertaken and performed to protect all people's lives to the greatest extent possible when enforcing the law.

IV. PROCEDURES

A pursuit shall be undertaken by a Division member only after consideration is given to the following factors:

41.2.2a A. The type of crime committed. A high-speed pursuit or a continuation of a pursuit that becomes a high-speed pursuit shall be limited to those situations which involve:

1. The attempted apprehension of persons wanted for the commission or attempted commission of a Crime of Violence as described in this policy.
2. The attempted apprehension of a person who a member has probable cause to believe is driving under the influence of liquor and/or drugs and has committed flagrant moving motor vehicle violations which have endangered the lives and safety of others, and was operating in a reckless manner before the pursuit was initiated, and is continuing to operate in a manner that recklessly endangers the lives and safety of others.
3. Assault upon a police officer in the performance of his/he duties, to include battery, as described in § 11-5-5 of the Rhode Island General Laws.
4. The attempted apprehension of a person(s) who a member has probable cause and/or a reasonable belief that the person is in possession of firearms, explosives or hazardous materials (to exclude Class "C" fireworks as defined by Rhode Island General Law § 11-13-1).
5. Pursuits for all other non-violent felonies, other misdemeanor offenses, traffic, or civil infractions are prohibited.

41.2.2a B. The danger created by the following conditions:

1. Pedestrians;
2. Other vehicular traffic;
3. Location;

4. Weather conditions;
5. Time of day;
6. The member's knowledge of the road and surrounding area;
7. Performance capabilities of the pursuit vehicle and the vehicle being pursued;
8. Conditions of the road surface which pursuit is being conducted;
9. Any other conditions known to the member that may be potentially hazardous.

41.2.2a C. A reasonable assessment has been made regarding the potential advantage to law enforcement of apprehending the fleeing operator versus the potential danger to the member, other users of the highway, innocent bystanders, and the occupant(s) of the fleeing vehicle.

41.2.2h D. High Speed Pursuits Initiated by Other Law Enforcement Agencies:

1. Division members will not engage in pursuits initiated by other law enforcement agencies or leave their assigned area/post unless authorized by a Patrol Commander/Acting Patrol Commander/Night Executive Officer.
2. If a Division member observes a pursuit from another law enforcement agency pass his/her location prior to the barracks/supervisor being informed, the member shall immediately inform the Patrol Commander/Acting Patrol Commander/Night Executive Officer.
3. If a high-speed pursuit is initiated by a member of another law enforcement agency and that agency terminates pursuit of the vehicle, Division members will not pursue the vehicle unless authorized to continue by a Patrol Commander/Acting Patrol Commander/Night Executive Officer.
4. When the authorized assisting Division member observes the other law enforcement agency cruiser(s) relinquishing the lead of the pursuit or is informed the law enforcement agency is terminating the pursuit, the Division member shall immediately advise the Patrol Commander/Acting Patrol Commander/Night Executive Officer.

E. Accidents:

1. Unattended Vehicle or Object - During a pursuit when either the police vehicle or the pursued vehicle is involved in an accident with an unattended vehicle, fixed object or highway fixture, the member will communicate the incident and may continue the pursuit, if, in his/her

judgment, it is safe to do so, subject to the discretion of the OIC/Supervisor.

2. Attended Vehicle or Pedestrian - During a pursuit when either the police vehicle or the pursued vehicle is involved in a motor vehicle accident with an attended vehicle or any person, the member will stop to render aid, if needed, unless another member can be immediately dispatched or is available to render aid, in which case the pursuing member may continue the pursuit if, in the pursuing member's judgment, it is safe to do so, subject to the discretion of the OIC/Supervisor.
3. All other provisions of GO 56 C1 - Traffic Collision Investigation shall remain in effect. All accidents involving Division vehicles will be handled IAW GO 59A1 Section IV Procedures G(4) and subject to the provisions of the Collision Review Board outline in GO 56C2.

V. USE OF LETHAL FORCE

- 1.3.2 A. Any use of lethal force must meet the criteria established in Section IV-A of the Division's Use of Force Policy (GO 51A), which states "Division members are authorized to use lethal force in order to:

Protect him/herself, another law enforcement officer, or other person(s) when the member has a reasonable belief that an imminent threat of death or serious bodily injury exists to himself/herself, another law enforcement officer or other person(s), to include effecting the capture of or the prevention of the escape of a subject whose freedom represents an imminent threat of death or serious bodily injury."

- B. GO 51A - Section IV, A, 4, (c) further states:

1.3.2 "Division members will not fire their firearms at or from a moving vehicle, except for the following:

- (1) When firing their firearms at a moving vehicle is necessary to stop a threat as provided for in Section IV, A above, and member's focus will be to stop that person presenting the threat, not to disable the vehicle of which he/she is an occupant.
- (2) This provision will not preclude tactical responses in a SWAT operation by its members."

VI. DIVISION MEMBER RESPONSIBILITIES

- 41.2.2b A. Pursuing Member(s):
1. As soon as practical, notify the area barracks by Division-issued radio, and convey the attendant circumstances.
 2. As soon as practical, begin communicating updates on the Patrol Channel. All communications during a pursuit shall be transmitted over the Division's radio system. The use of cellular telephones is prohibited except in cases of radio failure.
 3. Communicate with the office trooper to ensure that updates are provided to the Patrol Commander/Acting Patrol Commander/Night Executive Officer of the attendant circumstances, as defined in section II of this policy, and any other pertinent data that might affect the decision to continue or discontinue the pursuit.
 4. The pursuing member must have lights and siren activated at all times during a pursuit and adhere to the provisions of RI Gen. Laws 31-12-6 through 31-12-9. As set forth in § 31-12-9, the pursuing member must operate with due regard for the safety of all persons and is not protected from the consequences of his or her reckless disregard for the safety of others.
 5. If a pursuit enters another state, the pursuing member shall notify his/her respective barracks that they have entered another state. If possible, the pursuing member shall allow the other state's law enforcement agency to become the pursuing vehicle.
 6. The pursuing member may, at his or her discretion, based upon the attendant circumstances, terminate a pursuit at any time.
- 41.2.2f B. Patrol Commander/Acting Patrol Commander/Night Executive Officer:
1. If in a barracks, respond to the radio console to monitor and control the course of the pursuit;
 2. If in a Division vehicle, respond toward the area of the pursuit, while monitoring and controlling the course of the pursuit;
 3. Continually evaluate the pursuit and the direction of vehicles into or out of the pursuit. If judgment dictates that the potential and real dangers of the pursuit begin to outweigh the advantage of arresting the fleeing operator, he/she shall order the termination of the pursuit.
- 41.2.2e

C. Office Member:

1. Upon being contacted over the Division radio that a pursuit has begun, obtain all possible information regarding such pursuit.
2. Instruct the pursuing member to use the Patrol Channel and clear the frequency in use from all radio traffic, except that radio traffic pertaining to the pursuit.
3. Immediately notify the Patrol Commander/Acting Patrol Commander/Night Executive Officer of the pursuit and attendant circumstances.
4. Re-transmit all information from the pursuing member, over the radio, to the second pursuit vehicle, supervisor, and back-up members.
5. Notify other departments of the pursuit, via telephone or radio, when appropriate.
6. Transmit over the radio when the pursuit has concluded and its location.

D. Assisting Unit Member - The assisting unit shall maintain a safe distance behind the primary unit sufficient to provide aid to the primary unit and shall assume the assume radio communication if requested by the primary unit or supervisor.

VII. TERMINATION

The decision to pursue is not irreversible. The pursuing member, the OIC/Supervisor or another ranking member shall constantly evaluate the advisability of continuing the pursuit and the pursuit shall be immediately terminated in any of the following circumstances:

- A. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth apprehending the suspect;
- B. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile;
- C. The danger posed by continued pursuit to the public, the member(s), or the suspect(s), is greater than the value of apprehending the suspect(s).
- D. If at any time during the pursuit, the pursuing member or supervisor determines that the chance of injury to private citizens, sworn personnel or the suspect outweighs the necessity for immediate apprehension, the pursuit shall be terminated.

VII. PURSUIT TACTICS

- 41.2.2c
41.2.2h
- A. No pursuit will be conducted by more than two (2) Division vehicles, unless the Patrol Commander/Acting Patrol Commander/Night Executive Officer directs additional vehicles to join the pursuit.
- 41.2.2d
- B. If a member of the Division, while operating an unmarked Division vehicle initiates a pursuit, that member will give way to the first marked Division vehicle that joins the pursuit. This marked vehicle will then become the pursuing vehicle.
- C. Vehicular intervention can be considered as lethal physical force and is allowed subject to the constraints of this policy and GO 51A Use of Force.

VIII. PROHIBITED ACTIONS

- A. No member shall pursue or follow a suspect vehicle the wrong way on a limited access roadway or on a one-way street.
- B. No member will conduct a pursuit while transporting a civilian in a Division vehicle.
- 41.2.2d
- C. Members operating the Crime Scene van, Tactical Team van, Dive Team van, mobile command center van, armored personnel carrier or any Unmarked Non-Emergency Division vehicle (including maintenance and undercover vehicles) are prohibited from initiating and/or participating in any motor vehicle pursuit.
- 41.2.2g
- D. No pursuit will knowingly be conducted by a member or knowingly allowed to be conducted by a superior into any school zone during school hours except to arrest for a crime of violence as defined in this policy. Due care shall be exercised by all members in such zones during pursuits under these circumstances.

IX. ROADBLOCKS & TIRE DEFLATION DEVICES

A. ROADBLOCKS

1. Roadblocks may be implemented in extraordinary circumstances, and only when:
 - a. The use of lethal force is authorized;
 - b. Permission has been received from an OIC/Supervisor;
 - c. All officers involved in the pursuit have been notified of the location of the roadblock;

- d. There is no civilian traffic in the immediate vicinity of the roadblock or between the roadblock and the vehicle being pursued.

2. Roadblocks may be established:

- a. Using governmental vehicles, fixed objects, or approved equipment, which is specifically designed to stop a moving vehicle;
- b. In a line of sight which would provide approaching vehicles an adequate distance to come to a stop;
- c. The emergency lights of the police vehicles involved in the roadblock are to be activated, so as to be visible to approaching vehicles;
- d. None of the blocking vehicles shall be occupied.

- B. TIRE DEFLATION DEVICES - For the use of tire deflation devices during a Division motor vehicle pursuit refer to GO 59D4 "Use of Tire Deflation Devices" (will hyperlink)

X. REPORTING

- 41.2.2i A. All Division members involved in a pursuit shall complete a "Post Pursuit Debriefing Report" and be debriefed by the Patrol Commander/Acting Patrol Commander/Night Executive Officer. Post Pursuit Debriefing Reports will then be promptly forwarded to the Lieutenant Colonel - Field Operations, OIC-Professional Standards, District Commander and the involved Patrol Commander/Acting Patrol Commander/Night Executive Officer. Supervisor of Division Members involved in the pursuit shall make a Guardian Tracking entry.
- 41.2.2i B. Following each pursuit, the Patrol Commander/Acting Patrol Commander/Night Executive Officer shall complete an all-encompassing "Post Pursuit Debriefing Report" in an Inter-Departmental format including the factual reasons for justifying the continuation or termination of the pursuit. Also included in this report will be the supervisor's determination if the pursuit adhered to policy and if not, recommendations for disciplinary action. This report will then be promptly forwarded to both District Commanders for administrative review. Upon completing their review, the District Commander(s) shall forward their findings and recommendations to the Lieutenant Colonel - Field Operations and OIC- Professional Standards.

- 41.2.2j.k C. The Patrol Commander/Acting Patrol Commander/Night Executive Officer shall document all pursuits within the Guardian Tracking system as soon as practical, but no later than twenty-four (24) hours from the incident. The narrative within this entry should be limited to the arrest and/or incident number. No reports shall be attached. The OIC- Professional Standards shall conduct an annual, documented analysis of these reports, and review Division pursuit policies and procedures, for submission to the Superintendent.



By Order of Colonel Assumpico

Ann C. Assumpico
Colonel
Superintendent