

New Castle County Division of Police
Patrol
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reevaluation, and/or remedial training. Progressive discipline under the Division's Collision Matrix will be applied. The Administrative Services Commander may approve the officer to resume normal operational status following reevaluation and/or the successful completion of remedial driver training.

The following policies will be closely observed:

- a. The placement of sufficient supervisors on each squad.
- b. Telephone communication available within the supervisors' vehicles.
- c. Placement within designated police vehicles of monitoring devices capable of evaluating the operator's driving.
 - 1) Global Positioning Satellite technology is installed in each of the Division's fleet vehicles. In-car audio/video camera systems, beyond their traditional use as an aid in traffic enforcement and other related patrol responsibilities, can also be deployed as a means of evaluating an officer's driving.
3. It is not sufficient that an officer merely utilizes good judgment and officer safety tactics while handling citizens' calls for police service. It is imperative that sound judgments, the safety of our officers, and the safety of our citizens become the priority during every moment that a New Castle County Police Officer is operating a police vehicle.
4. Criteria determining the dispatch of Patrol Officers, Patrol Supervisors and Foot Patrol Officers is discussed in detail in Directive 81 (Communications). **(41.2.1)**

B. Guidelines for Pursuit of Motor Vehicles:

1. Evaluating the circumstances:
 - a. A pursuit is defined as an active attempt by a law enforcement officer, who is identifiable by uniform or by motor vehicle; or by a clearly discernible police signal, to apprehend one or more occupants of another motor vehicle, who is/are suspected to have committed a crime when the officer can reasonably assume the driver of the vehicle is aware of that attempt to apprehend, and is

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resisting apprehension by maintaining or increasing speed; ignoring the officer, or attempting to elude the officer by continuing to commit violations of Delaware Traffic Code (Title 21).

- b. When it becomes apparent that a pursuit situation exists, it is necessary for the officer to make a preliminary decision as to the manner in which pursuit will be given. The seriousness of the offense must be considered prior to the initiation of the pursuit.

1) Violations for traffic offenses only:

- a) Using discretion, the officer will attempt to apprehend the violator.
- b) The pursuit will not continue beyond the officer's positioning himself or herself so that they can secure the registration number and a general description of the vehicle and operator.

2) Misdemeanor and non-violent felonies:

- a) Any criminal activity, excluding traffic violations, which satisfies DE Title 11, Section 1931 (Fresh Pursuit) may, in the officers discretion, be pursued.
- b) Once pursuit becomes imminent, the initiating officer shall advise the communications dispatcher, who will immediately notify the on-duty police supervisor who will determine if the pursuit will continue.
- c) Participants in felonies involving death or threat of physical harm will be pursued as long as the exigent circumstances do not expose non-involved persons to unreasonable risk.

Note: Under no circumstances will a pursuit be initiated with a civilian in the police vehicle. (41.2.2.a)

2. Initiating Officer's Responsibility:

- a. While a fleeing felon has no right to leisurely escape, an apprehension is to be constantly weighed against the

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likelihood of serious physical harm or death to the officer, innocent persons, or passengers in the pursued vehicle.

- b. Officers should consider the following factors when considering a pursuit:
 - 1) Road conditions.
 - 2) Weather conditions.
 - 3) Police vehicle condition.
 - 4) Personal abilities or limitations.
 - 5) Age of the pursued driver.
 - 6) Type of vehicle pursued.
- c. Once the decision to initiate a pursuit has been made, it is essential to communicate to the dispatcher the following information:
 - 1) Unit identifier, location, and the fact that a pursuit has begun.
 - 2) Direction of travel and reason for the pursuit.
 - 3) Description of the pursued vehicle and its occupant(s).
 - 4) Estimated speed of the fleeing vehicle.
 - 5) Update to communications dispatcher as to any changes in above items.
 - 6) Notification to other jurisdictions, if necessary, of a pursuit approaching their jurisdiction.
 - 7) The pursuing officer may request the assistance of a police helicopter.
 - a) If police aviation units become involved in the pursuit:
 - (1) The aviation unit shall maintain communication with the Communications Center concerning the path of the pursuit.

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- (2) The initiating officer or secondary officer, if one is present, shall communicate to the dispatcher the speed of the pursuit, and other relevant information not available to the aviation unit.
(41.2.2.b,c)

- d. After the initiation of the pursuit, the following additional considerations should be made:
 - 1) When speeds exceed 20 mph over the posted speed limit, officers should consider other alternatives to immediate apprehension.
 - 2) If the pursued vehicle is lost, the initiating officer shall broadcast that information to the communications center.
 - 3) Once the initiating officer's police vehicle is joined by a secondary police vehicle:
 - a) The initiating officer shall concentrate on following the suspect vehicle as safely as possible.
 - b) The primary unit shall control the pursuit tactics and communicate these to the other units involved. **(41.2.2 c)**
 - c) The secondary officer shall then maintain radio contact with the dispatcher.
- (1) Secondary Unit's Responsibilities:
 - (a) Only one assist officer or secondary unit shall directly assist the primary pursuit vehicle, unless extenuating circumstances prevail, where the safety of the officer or the public is compromised and must be approved by a supervisor.
 - (b) This secondary unit shall become the primary unit if the initial primary unit becomes disabled.
 - (c) All other secondary units will respond to probable parallel primary and secondary

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roads that may be utilized by the pursued vehicle. If the secondary pursuit vehicle becomes disabled, one secondary unit may then replace the initial secondary unit.

- d) Caravanning of more than two police vehicles is forbidden as it serves no practical purpose and increases the likelihood of a collision between police vehicles. **(41.2.2.d)**
 - e. If possible, pursuits should only be initiated by fully marked police vehicles, not to include police motorcycles. In cases when a pursuit is initiated by a semi-marked unit with emergency lights, an unmarked unit with emergency lights, or a specialized vehicle with emergency lights, a fully marked patrol car should take over the primary responsibilities of the pursuit at the earliest and safest opportunity. Under no circumstances should an undercover vehicle without emergency equipment initiate a pursuit.
 - 1) Officers operating specialized vehicles shall be aware of the vehicle's limitations, use discretion, and exercise caution when engaging in a pursuit. **(41.2.2.d,e)**
4. Dispatcher's Responsibilities:
- a. At the initiation of a pursuit, the dispatcher shall take the following steps:
 - 1) Activate a 10-100 alert tone.
 - 2) Initiate a broadcast restriction.
 - 3) Make a general broadcast to other Division units informing them the details of the pursuit.
 - 4) Notify other jurisdictions which may be affected by the pursuit.
 - b. Communications personnel shall ensure that a patrol supervisor is aware that a pursuit has been initiated.

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- c. The dispatcher shall continue to relay appropriate information to officers involved in the pursuit as needed. **(41.2.2.f)**
5. Supervisor's Responsibilities:
- a. A supervisor shall actively monitor all pursuits via the police radio or on-site observation.
 - b. When a supervisor determines the pursuit to be so dangerous as to outweigh the advisability of continuing, regardless of the seriousness of the crime, the supervisor shall order the pursuit to be discontinued. (41.2.2.i)
 - c. A supervisor shall:
 - 1) Complete all vehicle pursuit reports by utilizing the Blue Team Software Program. **(41.2.2.k)**
 - 2) Document the pursuit on the web-based pass-on system and forward the Blue Team report to the respective Squad/Unit Commander. The vehicle pursuit shall be documented on the Patrol Squad/Unit commander's monthly report.
 - 3) Meet with the involved officers following the completion of the pursuit review to discuss the pursuit's compliance with Division policy.
 - 4) Ensure all reports (L.E.I.S.S. and Blue Team) are completed prior to the duration of each involved officer's shift. **(41.2.2.g, k)**
6. Termination of Pursuits:
- a. The safety of the public and officers is almost always of greater concern than the necessity for immediate apprehension.
 - b. Pursuits shall be terminated when:
 - 1) The factors affecting the initial judgment to pursue have changed.
 - 2) The suspect's identity is known, or the suspect is likely to be identified.

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- 3) The fleeing vehicle is operated by a juvenile and the offense is limited to unauthorized use of a motor vehicle (if this is known at the time of the pursuit).
 - 4) The possibility for a successful conclusion appears futile.
 - 5) There is clear and present danger to the pursuing officers or to the public.
- c. An officer shall cease his/her involvement in a pursuit when the officer's vehicle, including its emergency equipment, i.e., siren, lights; experience any form of mechanical failure.
- d. Process of Termination:
- 1) The initial pursuing officer involved discontinues the pursuit based on the listed criteria; or,
 - 2) A supervisor determines the pursuit to be too dangerous to continue.
 - 3) In either case, the communications dispatcher shall be notified upon termination in order to lift radio restrictions and notify other jurisdictions.
(41.2.2.h)
7. Inter and Intra-Jurisdictional Pursuit:
- a. Should the pursuit approach or enter another jurisdiction:
 - 1) The Communication Center shall notify that jurisdiction of the pursuit and any relevant information.
 - 2) If necessary, the Northern Police Mutual Aid Network (N-PMA), Statewide Police Mutual Aid Network (SW-PMA), or National Law Enforcement Emergency Network (N-LEEN) may be utilized.
 - 3) Officers from this Division should continue to utilize the formal policies on pursuits even when outside this Division's jurisdiction.

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- 4) Officers of this Division should be additionally cautious when pursuing suspects into other jurisdictions due to:
 - a) Lack of familiarity with locations and road conditions; and,
 - b) Differences in pursuit policies of other jurisdictions.

- b. When pursuits by other agencies enter the jurisdiction of the New Castle County Police:
 - 1) Assistance shall be rendered when requested by the initiating Agency.
 - 2) Officers of this Division, even though involved with outside agencies, shall follow the standards of pursuit outlined in this Directive.

- c. Should the pursuit result in an apprehension in another jurisdiction:
 - 1) A supervisor of this Division shall respond to the apprehension scene.
 - 2) The Communications Center shall contact the Agency in whose jurisdiction the pursuit has ended and have a supervisor from that jurisdiction respond to the scene.
 - 3) Determination shall be made at the scene as to who will take custody of the suspect(s) and to what holding facility they will be transported. **(41.2.2.j)**

8. The Professional Standards Unit conducts an annual, documented analysis of all pursuits including all reports generated as a result of a pursuit. **(41.2.2.1)**

9. The Professional Standards Unit conducts an annual documented review of the pursuit policy and reporting procedures. **(41.2.2.1)**

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10. The documented review and analysis of the pursuit policy, the reporting procedures and pursuit reports will be reviewed and approved by the Chief of Police. **(41.2.2.1)**
11. Recruit officers will receive initial training regarding the pursuit policy during the Emergency Vehicle Operations Course conducted during the recruit academy. **(41.2.2.m)**
12. Annually, all officers will be required to review and acknowledge the pursuit policy via PowerDMS or equivalent system. **(41.2.2.n)**

C. Roadblocks and Ramming of Vehicles:

1. Roadblocks:

- a. It is the policy of this Division to neither implement nor participate in a roadblock. The following are exceptions to this policy and require supervisory approval prior to their implementation:

- 1) Sobriety checkpoints as specified in the Traffic Services Unit's Internal Operating Procedure.
- 2) Occupant restraint checkpoints.
- 3) Informational checkpoints related to gathering information related to a criminal investigation.
(41.2.3.a, b, c)

2. Ramming:

- a. It is the policy of this Division to neither implement nor participate in the ramming of a vehicle and the initiation of deliberate contact with suspect vehicles is to be avoided whenever possible. **(41.2.3.a, b, c)**
- b. Should such contact become absolutely necessary to stop a fleeing vehicle:
 - 1) Care must be taken to ensure that non-involved citizens are not placed in additional danger.
 - 2) All policies of deadly force as established in Directive #1 shall apply to this standard.