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Procedures for Responding to Emergency Calls, Making Vehicle Stops, and Conducting Pursuits

Directive: **6.8**

A. Responsibilities of Communications Personnel

The radio dispatcher and the complaint clerks in the Communications Center are the heart of the emergency response service of the Wilmington Department of Police. They are the link between the citizen who is requesting police service and the police. The procedures to be used by the complaint clerks in dealing with complainants on the telephone are detailed in chapter 3.3 (4) D of this manual. This Directive concerns itself primarily with those complaints that require an emergency response by police personnel.

1. Assessing Priorities of Complaints

In assessing priorities of complaints, the following factors should be considered:

- a. The more serious the actual or threatened injury, the higher the priority.
- b. The more people involved, the higher the priority.
- c. The more immediate the threat of injury, the higher the priority.
- d. A crime involving a threat to a person is normally more important

than one involving merely a threat to property.

- e. A crime in progress or about to be committed is of higher priority than one already committed where the perpetrators have left.
- f. If it is apparent that the complainant is in fear, a higher priority should be accorded the complaint than if he is not.
- g. Property crimes are accorded priority normally by: value threatened, the security provided, and the nature of the premises involved.

2. Color Codes

The following color code signals are to be used by the responding officer when responding to complaints:

Code "Red" - Emergency; use lights and siren.

Code "Yellow" - Emergency; do not use lights & siren.

Code "White" - Urgent, use lights and siren as required.

3. Whenever a unit is dispatched on a complaint, the dispatcher will provide the responding officers with all the information that he has relative to:

- a. The presence of potential danger.
- b. Whether it is a crime in progress or is a past crime presently being reported.
- c. The exact location and condition to which the unit should respond.
- d. The person or persons that the officer should meet.

Anything which is an allegation by the complainant and is not known to be a fact should be reported as such.

4. Response Criteria

- a. The following criteria will be met in the dispatch of patrol officers to complaints:

█ [REDACTED]

█ [REDACTED]

B. Emergency Call Where a Criminal Act is Taking Place

1. The responding officer(s) should, if possible, apprehend the criminal.
2. Promptness is essential in criminal investigation. The opportunity for apprehension decreases with the passage of time.
3. Crimes committed without an immediate call from the victim, where no bodily injury is administered, and where the perpetrator has left the scene, usually do not require immediate action.
4. In those cases necessitating promptness on the part of the responding unit, the dispatcher will:
 - a. Ensure that a force is sent which is adequate to meet the need.
 - b. Direct the force so that it will be deployed in such a manner as to increase the likelihood of apprehension of the criminal.
 - c. Ascertain, if possible, whether the crime is in progress, and if so, what is involved - a threat to life, or a threat to property.

- d. Inform the response unit when it is known that the crime is such that:
 1. The victim is not actually being subjected to physical injury, or that property only is at stake. The unit will respond with promptness without any warning devices so as not to warn the criminal of their approach and possible apprehension.
 2. The victim is in the process of being subjected to physical injury. The responding unit(s) will sound their siren and respond with promptness so as to deter the criminal from further injuring the victim. Only in this case will a warning be given to the criminal, since it is more important to ensure the personal safety of citizens than to apprehend the perpetrator. On arrival, the officer(s) will conduct an investigation so as to gather facts and information that will possibly lead to the apprehension of the perpetrator.

C. Responding on a Color Code

1. All color code runs, which are not pursuit situations, will be left to the discretion of the responding officer(s) subject to the following factors:
 - a. Communications personnel receiving the call for police service will obtain all information possible from the complainant enabling the responding officer to properly evaluate the need to utilize a color code.
 - b. When the information available clearly indicates that human life is in jeopardy, and that the amount of time saved by an emergency run response might be the difference between life and death, or prevent serious bodily injury, or prevent commission of a felony, responding officers may utilize a color code run.
 - c. In the instance that the responding officer uses emergency equipment, the senior Uniform Services Division supervisor on duty has authority to modify the code as circumstances warrant.
2. Upon using a color code run:
 - a. Regardless of color code, operators of the Department of Police vehicles will comply with Title 21 of the Delaware Code, which provides:

"This section shall not operate to relieve the driver of an authorized

emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway." 21 Del. C. Section 4134 (b).

- b. Officers will exercise extreme caution at all intersections, particularly when proceeding against the light.
 - c. Officers will exercise good judgment and adjust their speed in accordance with traffic conditions and existing hazards.
 - d. Officers should always consider the possibility that another emergency vehicle might be operating en route to the same emergency or another emergency in the area.
3. Normally, one unit will be authorized on an emergency run. Any unit closer (preferably marked) to the scene or emergency than the assigned unit will advise Communications so that the dispatcher may reassign the investigation.
 4. Back-up and supervisory units will proceed as expeditiously as possible.

D. Motor Vehicle Pursuit Policy

When an officer observes a vehicle and determines that pursuit may become necessary, he will observe the following procedures:

1. Purpose
 - a. Officers sometimes engage in operations that may require motor vehicle response or pursuit. Pursuit is used under certain circumstances, set forth below, to apprehend a suspect who refuses to comply voluntarily with the officer's command to stop.
 - b. Departmental vehicles shall be operated at all times, including during pursuit, with due regard for the safety of all persons including the officer. Always keep in mind that Wilmington is an urban area with high population density. Every pursuit requires consideration for the safety of citizens.
 - c. All pursuits will be transmitted on Channel A, the primary communications channel.
2. Preliminary Assessment

When an officer decides to undertake the pursuit of a vehicle after consideration of the items set forth in section No. 3, below, and that

pursuit begins to escalate, the following notification procedures shall become applicable:

- a. The officer shall immediately advise the dispatcher at the Communications Center of his unit number, the number of officers in his vehicle, the description of the vehicle being pursued and its license number, the number of occupants in the vehicle being pursued, the street location, and direction of travel of the chase. In addition, the officer shall communicate the on-going status of the pursuit at regular intervals.
- b. The officer shall indicate the criminal offenses and violations that he knows or has reasonable grounds to believe have been committed or were attempted to have been committed by the occupant of the vehicle being pursued.
- c. The Communications Supervisor shall notify the immediate supervisor of the officer in the pursuing unit and inform that supervisor of all pertinent information. The Communications Supervisor shall preserve the DVD (digital video disc) of the pursuit for review by the City Solicitor or his designee.

3. Consideration for Undertaking a Pursuit

- a. The apprehension of the suspect is not the sole factor which merits consideration in a motor vehicle pursuit. The officer has an important duty to evaluate the conditions and not to create a situation in which the pursuit becomes a greater danger to the public than the escape of the individual being pursued. In making the decision to initiate or continue pursuit, the officer's decision shall include a consideration of the following factors:
 1. Due regard for the safety of all persons;
 2. The level of seriousness of the suspected offense (example, greater speeds are warranted in pursuit of a murderer than in pursuit of a speeder)
 3. The pursuing officer's level of belief that the person(s) in the pursued vehicle has committed the offense;



[Redacted]

- [Redacted]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

4. Rules for a Pursuit

- a. In all situations in which an officer who is engaged in pursuits exceeds the speed limit or violates any rules of the road, the officer shall activate all of the vehicle's emergency equipment before exceeding the speed limit or violating any rules of the road. The rate of speed should be in accordance with the prevailing conditions and surrounding circumstances.
- b. While other drivers are required to yield the right-of-way to an authorized emergency vehicle, the driver of the authorized emergency vehicle has a duty to operate his vehicle with due regard for the safety of all persons using the roadway. See 21 Del. C. Section 4134 (b). In addition, under See 21 Del. C. Section 4134 (b), the operator of an emergency vehicle may exceed speed limits during the pursuit, as long as the conduct does not endanger life or property.
- c. Whenever practical, during a pursuit, if a two-officer car is involved in the chase, that vehicle's activity officer will transmit

the street location and direction of travel during the chase.

- d. An officer shall end a pursuit if the pursuit poses an unreasonable risk to the safety of persons, including the officer. All officers at this time will adhere to all rules of the road as stated in Title 21. Officers will not disregard traffic control devices.
- e. In the event a pursuit is terminated, the officer will immediately turn off all emergency equipment and disengage. All rules of the road will apply and officers are no longer authorized to disregard traffic control devices.

5. Supervisory Responsibilities

- a. Upon notification by the Communications Supervisor, the Supervisor of the Division initiating the pursuit (i.e., Sergeant) shall take steps to evaluate the prevailing pursuit. Based upon the information supplied by the officer engaged in the pursuit and the consideration of the factors listed in 3(a), the supervisor shall make a determination [REDACTED]

In the event the pursuing officers are from a specialized unit/division or the pursuit was initiated by a specialized unit, a supervisor from that specialized unit will make the evaluation and decision about the pursuit. In the event no supervisor (i.e. Sergeant, Lieutenant, Captain) is on the air and available, the decision will remain with the Uniform Services Division Supervisor.

- b. The supervisor shall notify the Commander (i.e., Lieutenant) of the pursuit and inform him/her of all relevant factors.
- c. The supervisor shall retain supervision of the pursuit unless:
 - 1. Specifically relieved by the Commander, or

[REDACTED]

- d. Whenever the Commander assumes direct supervision of the pursuit, he shall conduct an independent evaluation of the needs for continued pursuit. This determination shall include a review of the factors listed in 3(a), [REDACTED]

[REDACTED] Whenever the Commander or

immediate supervisor authorizes the continuation of a pursuit, in accordance with the provisions of this directive, he shall submit a report outlining his actions and providing the facts supporting his decision [refer to Section 3(a)]. Additionally, he shall order all the officers involved in the pursuit to submit reports outlining their actions.

6. Pursuit Beyond City Jurisdiction

█ [REDACTED]

- b. In these instances, the Commander must be notified immediately and informed of all the relevant facts. The Commander must make an independent evaluation of the issues in 3(a) and decide whether the pursuit shall continue. In the event the pursuing officers are from a specialized unit or the pursuit was initiated by a specialized unit, a Lieutenant/ Captain from that specialized unit will make the evaluation and decision about the pursuit. In the event no Lieutenant/ Captain of that division is on the air and available, the decision will remain with the Uniform Services Division Commander.

█ [REDACTED]

█ [REDACTED]

- e. The Commander will advise the Communications Center to notify surrounding jurisdictions of a pursuit instituted by officers of this Department if the possibility of the pursuit spilling into other jurisdictions exists.

7. Pursuit Beyond State Jurisdiction

█ [REDACTED]

- b. Pursuit beyond state boundaries must be authorized specifically by the commander or his/her designate. In making such an authorization, the commander must be able to point to subjective articulable facts which support his/her decision. This decision must be based on a new evaluation of the issues in 3 (a).
- c. Whenever the commander authorizes a pursuit beyond the state boundaries, he shall submit a report outlining his actions and providing the facts supporting his/her decision. Additionally, he/she shall order the supervisor and all the officers involved in the pursuit to submit reports outlining their actions.

8. Continuing Pursuit

Each officer engaged in a pursuit has an independent duty to evaluate continually the validity of his/her course of action. [REDACTED]

[REDACTED] and the officer shall use the factors in 3 (a) in making this decision. As mentioned previously, no pursuit is of such importance that it justifies a disregard for the safety of citizens.

9. Pursuit by Another Agency into The City of Wilmington

[REDACTED]

Based on the circumstances described in Directive 6.8 (D) (3) and the information received from the requesting agency, the supervisor will make a determination regarding the involvement of Wilmington Department of Police officers. [REDACTED]

10. Unmarked Police Vehicles

Officers in unmarked police vehicles may initiate a pursuit if the vehicle is equipped with audible and visual warning devices. [REDACTED]

[REDACTED] must follow the guidelines mentioned in this policy directive. [REDACTED]

11. Police Motorcycles

Officers operating motorcycles that initiate or continue pursuits must follow the guidelines mentioned in this policy directive. [REDACTED]

12. Alternatives

As a substitute for increased speeds, every effort shall be made to use other police vehicles and the communications center to ensure apprehension. Additionally, a police officer must always remember that attempting to stop the pursued vehicle by boxing-in, cutting off, ramming, or other force may constitute the use of deadly force and such attempts to stop the pursued vehicle are governed by the standards listed in the policy directive dealing with the authorized use of firearms, 6.7. As with any other attempt to stop the pursued vehicle, a police officer must act so as to minimize the risk of physical injury and property damage.

Consequently, boxing-in, cutting-off, ramming, or other force to stop a pursued vehicle should only be used in exceptional circumstances when no other reasonable means exist to apprehend the suspect.

Note: Section 4 (Rules for Pursuit) details the major safety considerations for engaging in pursuits. The same considerations should be exercised by all members of the department when responding on complaints where a "color code" has been authorized.

13. Pursuit Reporting

a. All law enforcement officers who operate law enforcement vehicles in vehicular pursuit situations shall be required to file a report of the incident utilizing one, or a combination of, the following forms:

- crime/vehicle report
- arrest report
- accident report

When an officer is involved in a pursuit where the vehicle is not stopped, (example; vehicle lost on I-95, or a supervisor

discontinues the pursuit) the officer will submit an incident report outlining his actions.

The officer's immediate supervisor will submit a supplement report addressing the officer's actions.

This report is to be filed immediately following the incident and should contain, at a minimum, the following information:

1. Location, date & time of pursuit initiation.
2. Location, date & time of pursuit termination.
3. Highest speed achieved, weather conditions, road surface and condition of pursuit area (highway, residential, business, etc.)
4. Reason for initiating and terminating pursuit.
5. Consequences of the pursuit, such as accidents, injuries or fatalities.
6. Whether or not the violator was apprehended.
7. The charges filed against the violator.

14. Vehicular Pursuit Review

The Department has established procedures for the review, by Office of Professional Standards, of all pursuit incident reports, as follows:

- a. Pursuit incidents will be reviewed for compliance with applicable policy and department procedures.
- b. Pursuit incidents will be reviewed to identify the need for remedial training of individual officers or specific areas of emphasis in agency-wide training regarding pursuit situations and the application of pursuit policies and procedures.
- c. An annual review of pursuit incidents and summary pursuit information will be conducted by the Office of Professional Standards in order to identify any additions, deletions, or modifications warranted in departmental pursuit procedures.

For purposes of filing a pursuit incident report by the officer, supervisor, or commander, as applicable, and for purposes of the

officer's notifying the Communication Center as set forth in Directive 6.8 (E)(2), a pursuit incident is defined as involving an active attempt by a law enforcement officer, operating a motor vehicle and utilizing emergency warning lights and an audible device, to apprehend one or more occupants of another moving vehicle when the officer reasonably believes that the driver of the fleeing vehicle is aware of the officer's attempt to stop the vehicle, and is resisting apprehension by increasing vehicle speed, ignoring the officer or otherwise attempting to elude the officer.

E. Stopping a Motor Vehicle for Any of the Following Reasons: Low Risk, High Risk/ Felony Stops.

1. Low Risk Traffic Stop

a. One Officer Stops

- [REDACTED]

6. Notify the Communications Center of:

- a. the location of the stop;
- b. the registration number and description of the vehicle;
- c. the number and description of any occupants; and

- d. reason for stop
- e. if necessary, request additional officers prior to approaching the vehicle

█ [REDACTED]

█ [REDACTED]

- 9. Officers should follow the procedures in Directive 6.32 (H) (officer's conduct with traffic violators) while conducting the stop.

b. Two Officer Stops

When two officers are present at the location of the stop:

- 1. The officers will follow the procedures outline in the one officer stop procedures until the approach of the vehicle (1(a)1-6).

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

- 4. Officers should follow the procedures in Directive 6.32 H (officer's conduct with traffic violators) while conducting the stop.

2. Stopping the Fleeing Traffic Violator:

█ [REDACTED]

- b. The police car must be kept under control at all times. Even with the siren and emergency lights an officer has a duty to protect the safety of all persons on the streets.
- c. Approach corners cautiously; the siren will not penetrate around corners.
- d. Broadcast the chase. (See D (2) "Preliminary Assessment").
- e. After the violator has been brought to a stop, the procedures outlined for normal stop will be followed, except that:

- [REDACTED]

3. High Risk/ Felony Vehicle Stops:

- a. When a vehicle wanted in connection with a felony is observed:

- [REDACTED]
- [REDACTED]

2. Broadcast the license number and vehicle description, number of occupants, direction of travel, and that you are in pursuit.

█ [REDACTED]

d. Assisting Unit Operation:

1. Assist the first unit as dictated by circumstances.

█ [REDACTED]

- e. After [REDACTED] suspects are secured, secure the suspect's vehicle and take the keys.