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I. Purpose

Vehicular pursuits are sometimes necessary in law enforcement in order to protect the community from known or perceived immediate threats. However, one of the most dangerous acts a police officer will participate in is a vehicular pursuit due to the uncertainty and inherent risks that are involved. Therefore, this Directive establishes rules of operation regarding the circumstances in which a vehicular pursuit may be initiated, conducted, and/or terminated. The ultimate *purpose of this Directive is to minimize the safety risks to officers and the public alike*. Regardless of the crime for which a suspect is being pursued, Maryland State law does not relieve drivers of an emergency vehicle from the duty to drive with **due regard for the safety of all persons**.

II. Policy

It is the policy of this Division that vehicular pursuits will only be allowed for **felonies of a violent nature**. Due to the inherent danger of vehicular pursuits, for both officers and the public, the decision to pursue must be assessed on a case by case basis since no two are exactly alike. The primary question must always be *is the immediate threat posed by the violator greater than or outweighed by the risks of the pursuit under the totality of circumstances?* Although circumstances may allow for the start of a pursuit, conditions may change that create an unacceptable risk to fellow officers and/or the public. Therefore, constant evaluation of the dangers posed must continue to be assessed as the pursuit unfolds.

III. Definitions

- A. Assisting Unit - a unit providing any assistance to the primary pursuit unit in apprehending the fleeing person.
- B. Emergency Vehicle – A police vehicle in accordance with §22-218 of the Maryland Transportation Code equipped with flashing or oscillating blue, white and/or red emergency lights and an audible siren.
- C. Felony of a Violent Nature - a violent felony is one that involves the threat or use of force against a person which could reasonably result in severe injury such as disfigurement or death. Examples include murder, rape, first and second-degree sex offenses, armed robbery, aggravated assault, kidnapping, and fleeing the scene of a vehicular collision which resulted in serious bodily injury or death.

- D. Forced Stopping - The intentional maneuvering of a police vehicle in close proximity to a fleeing vehicle, or to contact the fleeing vehicle, in order to force it to stop. Other common descriptions include “ramming or pit maneuver.”
  - E. Marked Unit - A police vehicle prominently displaying divisional markings and one designated as an authorized emergency police vehicle.
  - F. Paralleling - Maintaining a course and speed which approximates that of the fleeing vehicle, but on another roadway. Paralleling may occur a considerable distance from the fleeing vehicle's location with the intent of being in a position to intercept the fleeing vehicle's course should it turn toward the paralleling unit.
  - G. Pursuit Supervisor - The on-duty supervisor of the primary pursuit unit or any other senior officer who assumes control of the pursuit, including the Watch Commander.
  - H. Rolling Roadblock - A technique designed to stop a fleeing vehicle by surrounding it with pursuit vehicles and intentionally slowing until stopped.
  - I. Secondary Pursuit Unit - The police unit assigned to assist the primary pursuit unit by remaining in close proximity to the primary pursuit unit.
  - J. Stationary Roadblocks – Items or vehicles used to prevent movement of vehicles past a point on the roadway where the roadblock is constructed. Division policy prohibits the use of civilian vehicles or property in roadblocks. *At least one* vehicle used in such a capacity must be marked and unoccupied. *(Traffic checkpoints which are used to gather information, or screen passing vehicles, are not considered roadblocks under this section.)*
  - K. Unmarked Unit - An emergency police vehicle which does not display visible police markings, but is equipped with a siren and visible emergency lights.
- IV. Permitted Vehicular Pursuits
- A. Vehicular pursuits are only permitted when an officer has reason to believe a *felony of a violent nature occurred or is occurring*.
  - B. Any officer engaged in a vehicular pursuit, whether the primary or assisting unit(s), must be operating an emergency vehicle. For the entire duration of the pursuit, the vehicle's *emergency lights and audible siren will be activated*.
  - C. Upon initiation of a pursuit, the primary unit will provide their unit number. They will then attempt to convey the make, model, and tag number of the fleeing vehicle, as well as the nature of the offense, to Communications Personnel.
  - D. Communications Personnel will immediately ensure an on-duty supervisor or watch commander are made aware of the pursuit
  - E. When it is safe to do so, the *on-duty supervisor will acknowledge on the police radio that they are aware of the pursuit and taking control of the same*.

- F. Police Units will remain on the Park Police channel unless the vehicular pursuit was initiated by another agency on their channel or as directed by a supervisor. The primary determinant to stay on the Park Police channel or switch to another channel will be which option affords the pursuing unit a reasonable level of safety and assistance within a timely manner in the supervisor's judgement. The supervisor may also consider having the secondary pursuit unit switch to the County's channel if there are information update delays between our Communications Section and the County's dispatcher.
- G. If known, the primary unit will provide other pertinent information such as the presence of weapons, number of occupants, and descriptions of the occupants in the event of bailout.
- H. The primary unit will keep other units apprised of the location, direction of travel, relative speed, and any other important factor that aids in apprehension or officer safety. (Once an assisting pursuit unit is with the primary unit, the assisting unit may handle the location updates and direction of travel so that the primary unit can focus on the fleeing vehicle, upcoming road hazards, etc.)
- I. Generally, no more than the primary unit and two assisting units will participate in a vehicular pursuit. Supervisors may authorize more than that when considering various factors such as:
1. Nature of the offense
  2. Number of suspects
  3. Reason to believe the suspect(s) is armed
  4. Criminal history of the suspect if known
- J. When determining if the immediate threat of the fleeing suspect is outweighed by the danger posed to the community, the following factors will be considered:
1. Nature of the offense
  2. Relative speed
  3. Public area in which the pursuit will likely enter, i.e. urban or rural, blind curve or hill, school zone or 3 lane highway, etc.
  4. Amount of pedestrian or vehicular traffic
  5. Weather, lighting, and road conditions
  6. Is the suspect known? If so, do circumstances allow for the termination of the pursuit while surveillance is conducted at places for which the suspect is likely to respond to such as their residence or that of a local relative/friend? Would the acquisition of an arrest warrant provide a safer option in the near future to arrest the suspect in a non-pursuit circumstance?

V. Termination of the Pursuit

The pursuit will be terminated when the danger posed by the fleeing person(s) seeking to escape is less than the immediate dangers to the public due to the pursuit.

VI. *Prohibited Vehicular Pursuits*

- A. Vehicular pursuits involving *misdemeanor* offenses only are prohibited.
- B. Vehicular pursuits are prohibited for **property** crimes (even if a felony) such as a burglary in which no other felony of a violent nature took place, i.e. rape, armed carjacking, etc.
- C. *Forced stopping* (ramming, pit maneuver, etc.) is prohibited. (*This is not to be confused with a tactical block our Special Assignment Team may utilize at red lights, in parking lots, etc. to apprehend a felon during non-pursuit situations.*)
- D. Rolling roadblocks are prohibited. (*In a non-pursuit and low speed situation, a coordinated rolling stop may be considered if there is an immediate grave danger to the public due to a driver suffering from an apparent medical emergency who is unable to control their vehicle. Officers are encouraged to first seek the permission of a sergeant or above in a circumstance such as an apparent medical emergency, however if the immediacy of the situation requires action right away to prevent imminent danger to the public, an officer may use his or her best judgement to act.*)

VII. Supervisory/Executive Responsibilities

- A. When notified of a pursuit, a sergeant will acknowledge on the police radio that they are aware of the pursuit and take control of the same. (This responsibility will fall to the on-duty *executive officer* if a supervisor is not available.)
- B. The supervisor controlling the pursuit will ensure that State law and Division policy are adhered to at all times.
- C. The supervisor will limit the number of vehicles involved in the pursuit to that which is necessary to facilitate an apprehension and enhance officer safety. Secondary/assisting pursuit vehicles should normally be limited to one or two by the supervisor controlling the pursuit. Supervisors may allow other units to take up positions to lend assistance in the pursuit should they be needed.
- D. Assess the need for specialty assets such as a *canine unit* and/or *police helicopter*.
- E. Provide approval or disapproval of requested pursuit tactics
- F. Provide approval or disapproval to leave the county to continue to pursuit
- G. Complete the *Pursuit Analysis* form prior to the end of the shift and ensure all necessary notifications are made. (If the supervisor was a pursuing unit, the *Pursuit Analysis* form will be completed by an executive officer.) All completed Pursuit Analysis Forms will be filed with the Internal Affairs Section.

VIII. Communication Section Responsibilities

- A. Receive and record all incoming information on the pursuit and the pursued vehicle
- B. Control all radio communications and clear the radio channel(s) of all non-emergency traffic
- C. Obtain criminal record and vehicle checks of the suspect(s) and vehicle
- D. Coordinate and dispatch back-up assistance and air support units under the direction of the pursuit supervisor
- E. Maintain uninterrupted contact with the County's Emergency Communication Center (ECC) to provide real-time updates and minimize information transmission delays.
- F. Notify and coordinate with other jurisdictions when the pursuit may extend into their jurisdiction.
- G. Assist in the notification of the *placement of tire-deflating devices* regardless of the authorizing agency. They will utilize the alert tone and notify all units involved in a pursuit about the deployment and exact location of the devices.
- H. In cases where Communications receives a notification of a pursuit being conducted by another law enforcement agency that is anticipated to enter, has entered or has culminated in our jurisdiction, the person receiving the notification will immediately notify the on-duty supervisor. Communications will obtain all relevant information concerning the pursuit including the reason the law enforcement agency is pursuing the fleeing vehicle, any lookout, and weapon information.

IX. Vehicle Pursuit Tactics

- A. Division policy pertaining to the use of *deadly force* will be adhered to during pursuits.
- B. Officers will not continue direct pursuit if the pursued vehicle begins to travel the *wrong way on a one-way roadway*.
- C. At the point where *police aircraft* are in place and monitoring the pursuit, pursuing units will decrease their speed and increase following distance.
- D. Units involved in the pursuit will *not pass each other* except for some specific, planned and coordinated purpose. Each unit involved in the pass should be aware of the other's intentions, and the pass should be coordinated verbally over the radio.
- E. Radio transmissions from all units other than the primary pursuit unit will be *limited to emergency and/or pursuit pertinent* information.
- F. Only *marked vehicles* will engage in pursuit as a *primary or secondary* units, except when the initiating unit is an unmarked vehicle. If an unmarked vehicle initiates the pursuit, a marked unit will replace that vehicle as soon as practical. The unmarked vehicle may continue in the pursuit as a secondary unit or other as deemed necessary for officer safety.

- G. Units not assigned a primary or secondary role in the pursuit may position themselves to lend assistance in the pursuit should they be needed.
- H. *Use of Tire-Deflating Devices.* One of the most commonly used tire-deflating device in a pursuit are stop sticks.
1. Stop sticks will only be deployed by trained stop stick operators for authorized pursuits
  2. Prior to deploying stop sticks all known safety and tactical concerns are to be considered for the safety of the public and pursuing officers. For example, avoid deployment at the crest of a hill, upon approach to a blind curve, or prior to a bus stop occupied by several pedestrians.
  3. Efforts should be made to divert non-involved traffic from the planned deployment location when possible
  4. The *exact location* of the deployed stop stick, to include the direction and lane, will be provided to Communications and relayed to all pursuing units
  5. The deploying officer's police vehicle (emergency equipment activated) may be used to block a portion of the roadway prior to the stop stick; however, the entire roadway will *not* be blocked with the police vehicle.
  6. The deploying officer will position themselves in a safe location. At no time will the officer remain in the vehicle while the stop sticks are deployed. The stop sticks will be removed as soon as possible when the pursued vehicle has passed, but before pursuing units come through.
  7. Tire-deflating devices will only be used for vehicles with at least *four wheels*. They are prohibited for use on other non-passenger or two-wheel vehicles such as *motorcycles, mopeds, or ATVs* (three or four wheels).
- I. If a *canine unit* is available during a *bailout*, they should be the lead foot pursuit team as other assisting units take up supporting perimeter positions. At least one officer should join the canine dog/handler team to serve as their *cover officer*. Pursuing officers are encouraged to not charge in front of the canine or the handler during and active foot pursuit. This tactical spacing not only minimizes contamination of the scent trail, but also prevents an accidental "*blue on blue*" engagement by the canine.
- J. Stationary roadblocks are only allowed in a situation that permits *deadly force* to stop an extreme immediate threat to the public. Additional requirements for a stationary roadblock include:
1. Must be authorized by a *sergeant or above*
  2. Positioned so as to provide *sufficient visibility* to allow adequate time and distance for vehicles to stop. For example, a roadblock will not be placed over the crest of a hill, around a blind curve, etc.

3. Must provide for other traffic on the roadway to be directed to a *safe location*. The location will be such that there is little potential for danger of injury to third parties. Examples: Avoid locations that could potentially trap innocent third parties in a chokepoint and place them in harm's way. When possible, this policy discourages locations that contain a dense population of people in the immediate surrounding area such as commercial districts, school zones during normal school hours, or multi-dwelling residential complexes.
4. If vehicles are needed for roadblocks, only unoccupied Division vehicles will be used with activated emergency equipment. At least one of the vehicles used must be a marked vehicle.
5. The Communications Section will activate the alert tone and notify all vehicles in the pursuit the location of the roadblock.

X. Other Matters of Importance

- A. Officers will *avoid placing themselves in the direct path of a fleeing vehicle*. This action creates an elevated risk of death or serious bodily injury to the officer and oftentimes produces a deadly force response such as the firing of a weapon.
- B. A vehicular pursuit does *not* include a driver who is maintaining a safe and legal speed and following all rules of the road but fails to stop at police direction. Oftentimes, this entails a driver distracted by the vehicle radio or in the case of an unmarked police vehicle, a community member driving to a well-lit and populated location as instructed by officers at community meetings when they are unsure that the person seeking to stop them is in fact a police officer.
- C. No vehicle containing a passenger who is not a police officer will engage in a pursuit as a primary or secondary vehicle.
- D. Only in extreme circumstances will Division motorcycles be used in a pursuit. These circumstances generally will be life threatening.

XI. Pursuit Outside Montgomery County

- A. Before pursuing any vehicle *outside of Montgomery County*, pursuing officers must have *probable cause* and not just reasonable belief/suspicion that a felony of a violent nature has or is occurring.
- B. Only two vehicles will enter the foreign jurisdiction unless the pursuit supervisor authorizes more for safety reasons. Vehicle emergency equipment will remain activated and driven in a manner with due regard for public safety.
- C. Once outside of Montgomery County, all Division units will *relinquish the pursuit to host jurisdiction units*.
- D. The Communications Section will provide the foreign jurisdiction with the Montgomery County talk group the pursuit is being conducted on. In addition, the Communications Section will seek the talk group of the entered jurisdiction to share with pursuing units.

- E. If at any time pursuing Division units should determine that the circumstances of the pursuit have created an unacceptable risk to the public and/or pursuing units, Division units will cease from the pursuit regardless of whether or not the host jurisdiction units continue.
- F. Whether the pursuit is cut off before entering the foreign jurisdiction or during the pursuit while in the foreign jurisdiction, units will *not continue in a "surveillance mode."* (This does not apply to unmarked vehicles who are conducting approved surveillance in outside jurisdictions while not engaged in a pursuit.)
- G. Upon conclusion of the pursuit, Division units will consult with the senior ranking host agency officer to assess if he or she will take custody of the suspect(s) and return to Montgomery County if the foreign jurisdiction is in the State of Maryland. Although Maryland Law allows police officers engaged in fresh pursuit of a suspect to arrest them in an outside jurisdiction, generally, the agency that has jurisdiction over the most serious offense will take custody of the subject first.
- H. If a pursuit ends outside of the State of Maryland, the primary Park Police Officer, or Criminal Investigations Unit Detective, will need to begin extradition procedures in order to have the defendant returned to Montgomery County for prosecution at a later time.

XII. Pursuits Initiated by Officers from Other Agencies

- A. Whenever a request is received by the Park Police, Montgomery County Division to assist in the vehicular pursuit of a person who is fleeing from another law enforcement agency, the on-duty supervisor will evaluate the request in the light of this entire policy.
- B. At a minimum, the suspected offense for Park Police active pursuit assistance *must be a felony of a violent nature* regardless of the initiating agency and their policies.
- C. No member of the Park Police will assist in the vehicular pursuit for a misdemeanor or any other offense that does not conform to this policy. (This does not prohibit Park Police Officers from positioning themselves at strategic static locations to assist with an on-scene arrest, foot pursuit upon a bailout, or take up a perimeter post as necessary. It is also understood that the fast and dynamic nature of pursuits do not always allow for immediate supervisory approval, therefore officers are allowed to exercise discretion when there is an articulable need to assist a fellow officer or community member believed to be in immediate danger.)
- D. Park Police Officers will switch to the channel on which the pursuit is being conducted.
- E. If the pursuing officers do not have jurisdiction in Montgomery County, the on-duty supervisor will coordinate further actions with the initiating agency to ensure a coordinated and efficient response to the incident. If it is determined that the most significant event occurred in our jurisdiction then the Division will assume the primary role in investigating and processing the incident consistent with established procedures. If the most significant event occurred in another jurisdiction then the on-duty supervisor will determine the extent to which we may render assistance to that agency.

- F. If at any time in the pursuit there are sufficient units from the initiating or other controlling agency to handle the pursuit, the most significant event has not occurred in our jurisdiction, and the initiating or controlling agency has not relinquished control to this Division, the Park Police will discontinue any participation in the pursuit.
- G. In the absence of the on-duty supervisor, or prior to reception of notification and assumption of control by the on-duty supervisor, any officer who becomes aware of the possible need of assistance in a pursuit, will be governed by the dictates of this directive in making a decision to join a pursuit.

XIII. Non-Vehicular Pursuits

- A. This directive does not limit an officer from pursuing a fleeing person on *foot, bicycle, or horseback* when the officer has reason to believe the suspect committed a crime, whether a *misdemeanor or not*. However, the suspected nature of the offense, and whether one has probable cause or just reasonable belief/suspicion, will dictate the level of force that may, or may not, be used to affect an apprehension/detainment. (*See Division Directive 400.0 Use of Force for additional information.*)
- B. The doctrine of "Fresh Pursuit" is applicable to officers engaged in a *non-vehicular* pursuit that is continuous and without unreasonable delay but does not require instant pursuit. Fresh pursuit is authorized when the suspect:
  - 1. Has committed or is reasonably believed to have committed a felony in the jurisdiction in which the law enforcement officer has the power to arrest; *or*
  - 2. Has committed a misdemeanor in the presence of the officer and in the jurisdiction in which the officer has the power of arrest.

*\* This Directive replaces the previous version dated June 15, 2020.\**

**Issuing Authority:**



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**Chief Darryl W. McSwain**  
**Maryland-National Capital Park Police**  
**Montgomery County Division**

**End of Directive**