	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject **EMERGENCY AND PURSUIT DRIVING**	**Policy Number** **CP-4** **Effective Date** **07-03-24**
Related Information ARS 28-624 CP-1, *Use of Force* EA-7, *Use of Roadblock* EJ-2, *Aviation Operations* GD-19, *Injury or Death of an Employee or Volunteer* GE-4, *Use, Assignment, and Operation of Vehicles* GH-2, *Internal Investigations* GJ-35, *Body-Worn Cameras*	**Supersedes** CP-4 (12-16-21)	

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures to assist deputies in determining the reasonable need for emergency or pursuit driving against the safety of persons involved and members of the public.

POLICY

It is the policy of the Office to operate authorized emergency vehicles to apprehend those who commit illegal acts, while maintaining due regard for the safety of employees, suspects, and members of the public.

DEFINITIONS

Authorized Emergency Vehicles: Law enforcement vehicles, fire vehicles, ambulances, and emergency vehicles of the state, counties, municipalities, or public service corporations, as designated by local authorities.

Blue Team: The Early Identification System (EIS) application that allows employees and supervisors to record information in a database regarding incidents, performance, and conduct. The information from Blue Team is transferred to the IAPro Early Identification case management system.

Boxing-In: The surrounding of a suspect's vehicle with pursuit vehicles, which are then slowed to a stop along with the suspect's vehicle.

Deputy: Any sworn law enforcement officer employed by the Office and reserve deputies.

Early Identification System* (EIS)*: A system of electronic databases that captures and stores threshold events to help support and improve employee performance through early intervention and/or to identify problematic operating procedures, improving employee performance, identifying detrimental behavior, recognizing outstanding accomplishments, and to improve the Office's supervisory response. The computerized relational database shall collect, maintain, integrate, and retrieve information gathered in order to highlight tendencies in performance, complaints, and other activities. The database allows the Office to document appropriate identifying information for involved employees, (and members of the public when applicable), and the actions taken to address the tendencies identified. Blue Team, IAPro, and EIPro are applications of EIS.

Early Intervention Unit* (EIU)*: The EIU is part of the Bureau of Internal Oversight. The EIU is responsible for the implementation, maintenance, and operation of the EIS and for providing training and assistance to the EIS users. The

unit conducts data analysis, data input, and review of activities exceeding thresholds to address potentially problematic conduct, operating procedures, and recognizes positive attributes by reviewing employee awards. The Office shall ensure there is sufficient personnel to facilitate EIS input and training.

Emergency Driving: A deputy responding to life-threatening circumstances, a violent or potentially violent crime or other felony in progress, or engaging in pursuit driving while operating an authorized emergency vehicle with activated emergency equipment. While responding to emergencies, deputies are granted statutory exemptions from the observance of speed limits and other direction, control, and parking regulations so long as they do not unduly endanger life or property. **A deputy is never relieved from the duty to drive with due regard for the safety of all persons.**

Exigent Circumstances: The sum of the conditions and information available in any event which, taken in totality, dictates a need for immediate action.

Failure to Yield: The actions of a vehicle operator who fails to stop or respond to the emergency light(s) and siren of a law enforcement vehicle. Generally, the vehicle operator continues to travel forward and observes traffic control devices, and other applicable rules of the road, without the component of evasive action in an attempt to avoid apprehension.

Hazardous Driving: A person driving a vehicle in a manner likely to cause physical injury or death to themselves or others and includes, but is not limited to, going the wrong way on a controlled access highway or a driver who appears to be under the influence of drugs or alcohol.

Motor Unit: A law enforcement motorcycle, fully marked and equipped with emergency lights and sirens, operated by an Office deputy and deployed and operated under the guidelines of an authorized emergency vehicle.

Non-Violent Criminal Violation: Includes all property crimes and all misdemeanors.

Primary Unit: Normally the authorized law enforcement emergency vehicle and deputy initiating a pursuit, but always the authorized law enforcement emergency vehicle and deputy directly behind and in immediate pursuit of, the fleeing vehicle.

Pursuit Driving: An active attempt by a deputy operating an authorized emergency vehicle, with activated emergency equipment, to apprehend a fleeing vehicle and its occupants who are aware of the attempt, resist apprehension through failure to stop, and employ evasive driving tactics.

Pursuit Immobilization Technique* (PIT)*: Physical vehicle-to-vehicle contact initiated by the operator of the pursuing vehicle against the suspect vehicle for the purpose of causing it to deviate from its intended direction of travel, thereby terminating the suspect's flight. **Only personnel specifically trained in this tactic shall use it.**

Ramming: The deliberate act of hitting a suspect's vehicle with a pursuit vehicle for the purpose of functionally damaging or forcing the suspect's vehicle off of the roadway in an attempt to terminate the pursuit. This tactic is to be used only when a suspect has committed, or is committing, a felony involving serious injury or death, and there is a substantial risk of serious injury or death to others if apprehension is delayed.

Reckless Driving: A person who drives a vehicle in a reckless disregard for the safety of persons or property.

Roadblock: A restriction of the flow of traffic on a single roadway in order to contain or terminate a vehicular pursuit. It may be a planned activity involving a large number of deputies, or a tactical technique when personnel and equipment are limited, or the suspect has only one likely avenue of escape. There are two basic levels of roadblocks:

A. Level 1 Roadblock: Accomplished through the use of equipment such as lightweight barricades, tire deflation devices, pylons, or flares which would cause little or no damage if a vehicle were to strike them. The equipment is placed in the road for the purpose of stopping, diverting, or disabling an approaching vehicle.

B. Level 2 Roadblock: Accomplished by physically blocking the road with a fully marked patrol vehicle or heavy materials, for the purpose of stopping, diverting, or disabling an approaching vehicle. This roadblock is used only when a suspect has committed, or is committing, a felony involving serious injury or death, and there is a substantial risk of serious injury or death to others if apprehension is delayed.

Secondary Unit: The authorized law enforcement emergency vehicle and deputy closest behind the primary unit and approved by a supervisor as the unit responsible for providing immediate assistance to the primary unit during a pursuit.

Support Unit: Any authorized law enforcement emergency vehicle and deputy, not actively involved in the pursuit as the primary or secondary unit, which is available to offer assistance during or after the pursuit if required and approved by a supervisor.

PROCEDURES

1. **Completion of Approved Training:** The Training Division shall be responsible for developing, monitoring, and implementing training programs in vehicle emergency and pursuit driving for deputies and supervisors. **All authorized employees must successfully complete approved training before employing any of the authorized equipment or techniques approved by the Office**.

   A. Guidelines for the use and application of equipment and techniques are taught during training and should be followed barring exigent circumstances. Techniques include, but are not limited to, a Pursuit Immobilization Technique (PIT) maneuver, ramming, and boxing-in;

   B. The supervisor shall provide training and review, in the subject matter of this policy to ensure subordinates are able to make appropriate decisions regarding emergency or pursuit driving; and

   C. All required certifications and re-certifications will be obtained and maintained in TheHUB by the Training Division.

2. **The Decision to Engage in Emergency Driving:** The decision to engage in emergency driving shall ultimately be left to the discretion of the individual deputy. However, in order to justify emergency driving, the deputy must be responding to a life-threatening situation, a violent or potentially violent crime, or other felony in progress. When deciding to initiate or continue emergency driving, deputies shall consider factors including, but not limited to, the following:

   A. Traffic volume;

   B. Time of day;

   C. Weather and roadway conditions;

   D. The type of call being answered; and

   E. The potential hazard or liability to employees, suspects, and members of the public.

3. **Emergency Driving Procedures:** When the decision is made by a deputy to engage in emergency driving, the deputy shall place the body–worn camera (BWC) in Event Mode, as specified in Office Policy GJ-35, *Body-Worn Cameras*. **A siren shall be sounded, and emergency lights must be displayed on the authorized emergency vehicle.**

   A. Deputies engaged in emergency driving are permitted by this policy to do the following, provided due regard for the safety of all persons is considered:

      1. Park or stand, irrespective of the traffic code;

      2. Exceed the posted speed limit;

      3. Disregard regulations governing direction of movement or turning in specified directions; and

      4. Proceed with extreme caution through a red traffic signal or stop sign, but only after coming to a complete stop before entering any intersection to ensure, beyond any doubt, that the intersection is clear and all other traffic has yielded the right-of-way. **Emergency driving does not relieve deputies from the duty to drive with due regard for the safety of all persons.**

   B. To avoid alerting suspects, deputies may choose to deactivate the siren when approaching the emergency call location, but only when it is safe to do so.

   C. The use of emergency lights alone is **not** emergency response driving and requires the observance of all speed limits and traffic control devices.

   D. Deputies **shall not** operate sirens in manual mode in order to temporarily silence the siren.

   E. Employees will take necessary steps to assist the Communications Division in understanding their transmissions, such as closing windows and turning up radio volume while operating the siren.

   F. Employees operating vehicles not equipped with emergency lights and sirens shall not engage in emergency driving.

4. **The Decision to Engage in Pursuit Driving:** The decision to engage in pursuit driving shall be made by the deputy who is attempting to apprehend the occupants of the fleeing vehicle. The deputy shall consider the risk of the known offenses and the necessity to apprehend the offenders against the potential danger to members of the public.

   A. Deputies will only initiate a vehicle pursuit when the vehicle actively attempts to flee from the deputy **and** the deputy has reason to believe and can articulate that the suspect has committed or is attempting to commit a violent felony involving a crime against a person and/or the immediate apprehension of the suspect(s) is necessary to prevent further significant risk to the public.

   B. Deputies who attempt to stop a motorist for a traffic or non-violent criminal violation, in which the suspect vehicle fails to yield, **shall not** initiate a pursuit.

   C. Deputies **shall not** initiate a pursuit solely for reckless driving.

D. Deputies may consider initiating a pursuit when hazardous driving appears to be due to a wrong-way driver or a suspected driver under the influence of alcohol or drugs provided due regard for the safety of all persons is considered.

5. **Pursuit Driving Procedures:** When the decision is made by a deputy to engage in pursuit driving, the deputy shall place the BWC in Event Mode and continually evaluate the situation to determine the benefit or risk involved, and whether to continue or terminate the pursuit.

A. Factors to be considered by the pursuing deputy in making such a decision include, but are not limited to, the following:

1. Pedestrians in or approaching the roadway;

2. Unreasonable hazards to members of the public when entering a populated or congested area;

3. Adverse road and weather conditions;

4. Traffic volume;

5. Type and size of roadway such as, narrowing and winding roads and/or traveling against traffic on a divided highway;

6. The ability to maintain radio contact;

7. Whether the suspects can be identified, and future apprehension can be accomplished, and there is no imminent danger to members of the public;

8. The performance capabilities of the pursuit vehicle;

9. The nature of the alleged violation; and

10. The suspect's inability to safely control their vehicle, thereby posing increased risk to employees, suspects, and members of the public if not apprehended.

B. Due to the risk of injury to the deputies while using high risk maneuvers, pursuing units shall not engage in ramming, use of the PIT, or boxing in a suspect vehicle unless the pursued suspect has committed or is committing a felony involving serious injury or death, and there is a substantial risk of death or serious injury to others if apprehension is delayed. Supervisory approval shall be obtained prior to the use of these tactics.

6. **Pursuing Motorcycles, Side by Side (SxS), Utility Task Vehicle (UTV) and All-Terrain Vehicles (ATV):** Due to the risk of serious physical injury or death of the motorcycle, SxS, UTV or ATV operator, passengers, or the members of the public, pursuits of these types of vehicles shall not be initiated unless the subjects are known to have committed a violent criminal offense, such as aggravated assault or armed robbery.

7. **Responsibilities of Pursuing Units:** The types of units involved in a pursuit and their responsibilities shall be as follows:

A. Pursuits should be limited to a primary unit and a secondary unit. However, the number of units involved may be determined by the supervisor to accommodate the situation.

1. Where it is possible or practical to do so, the primary unit's responsibilities shall be as follows:

    a. Activate the authorized emergency vehicle's siren and emergency lights immediately.

    b. Advise the Communications Division of the following:

        (1) The unit identifier;

        (2) The statement "I am in pursuit;"

        (3) The location, direction of travel, and speed of the fleeing vehicle;

        (4) A description of the fleeing vehicle and license plate if known;

        (5) The known law violation or reason for the pursuit;

        (6) The number of occupants and, when available, their approximate description; and

        (7) If the pursuit is not quickly terminated, whether or not air support is needed.

    c. Evaluate critical information regarding the pursuit, such as traffic conditions and hazards to deputies.

2. The secondary unit's responsibilities shall be as follows:

    a. Activate the authorized emergency vehicle's siren and emergency lights immediately;

    b. Advise the Communications Division of the unit identifier participating in the pursuit as the secondary unit;

    c. Follow the primary unit at a safe distance;

    d. Take over routine radio transmissions to the Communications Division during the pursuit, thus freeing the primary unit to concentrate on driving; and

    e. Assume the primary pursuit position should the primary unit be unable or unauthorized to continue.

B. Support units may assist in or actively join a pursuit only at the direction of a supervisor. A caravan of support units behind the primary and secondary pursuit vehicles is strictly prohibited. Support units shall have the following responsibilities:

1. Advise the Communications Division of their unit identifier and their involvement in the pursuit;

2. Maintain a safe distance from the primary and secondary units;

3. Assume the role of the primary or secondary unit if one of these units is unable or unauthorized to continue the pursuit;

4. Activate emergency lights and sirens only when maintaining a mobile or stationary support position and it becomes necessary to warn other drivers and pedestrians of the approaching pursuit; and

5. Adhere to the provisions of the traffic code when emergency lights and sirens are not activated.

C. Air support, for pursuits not quickly terminated, should be requested by the supervisor through the Communications Division. The Communications Division shall contact the on-duty flight crew and advise them of the situation, as specified in Office Policy EJ-2, *Aviation Operations*.

1. When the aircrew makes visual contact with the fleeing vehicle, the aircraft shall become the advising unit and shall take over radio transmissions.

2. The air unit shall advise pursuing ground units that they have the fleeing vehicle in sight. When advised, pursuing ground units shall drop back and deploy for apprehension while proceeding at a lower speed.

3. Whenever possible, and if a potential issue has been observed, the aircrew should advise ground units of hazards, congested areas, or other factors that may endanger the safety of the deputies or members of the public, and coordinate ground unit movement to an eventual apprehension of the fleeing vehicle, as directed by the supervisor.

4. The procedure regarding air support specified in this policy is not applicable to another law enforcement agency when they are providing the air support assistance during a pursuit. Additionally, in the event the Office provides air support for another law enforcement agency, the aircrew can only advise and has no authority over the other agency or their policies or procedures.

D. Upon notification of a pursuit in progress, the immediate supervisor shall assume responsibility for the management and control of the pursuit until its termination, including the apprehension of the suspect and the completion of all necessary paperwork.

1. The supervisor shall manage the pursuit and take any and all necessary action to ensure compliance with this policy.

2. The supervisor shall ensure that no more than the required or necessary units are involved in the pursuit. The assignment of additional units shall be based on the following factors:

a. The nature of the known law violation or the reason for the pursuit;

b. The number of suspects and any known propensity for violence;

c. The number of deputies in the pursuit vehicles;

d. Any damage to the assigned primary and secondary vehicles or injuries to the deputies; and

e. Any other clear and articulable facts that would warrant the increased hazards caused by numerous pursuit vehicles.

3. The supervisor shall determine whether air support has been requested, if available.

4. The supervisor shall direct the positioning of units for apprehension.

5. The supervisor shall decide when a pursuit should be terminated. If, in the supervisor's judgment, the necessity of apprehension is outweighed by the risks created by pursuit driving, then the supervisor shall terminate the pursuit.

6. The supervisor shall proceed to the termination point of the pursuit and provide direct supervision.

E. Only in exigent circumstances shall an unmarked authorized law enforcement emergency vehicle equipped with emergency lights and sirens initiate or become involved in a pursuit.

1. When a marked authorized emergency vehicle enters a pursuit initiated by an unmarked authorized emergency vehicle, the marked vehicle shall become the primary unit.

2. The unmarked vehicle shall then become the secondary unit until a second marked authorized emergency vehicle joins the pursuit.

3. After the secondary marked authorized emergency vehicle joins the pursuit, the unmarked vehicle shall slow down to a safe operating speed, turn off emergency lights and siren, and become a support unit and follow the pursuit to the point of termination, unless exigent circumstances exist.

4. Office vehicles, marked or unmarked, not equipped with emergency lights and sirens, shall not become involved in pursuit driving in any capacity.

F. Motor Unit deputies may initiate a pursuit in accordance with state law, this policy, and consideration of the safety of the public.

1. When a marked authorized emergency vehicle enters a pursuit initiated by a Motor Unit, the authorized emergency vehicle will become the primary unit.

2. The Motor Unit shall then become the secondary unit until a second marked authorized emergency vehicle joins the pursuit.

2. After the secondary marked authorized emergency vehicle joins the pursuit, the Motor Unit shall participate in the pursuit as a support unit.

G. A deputy operating an authorized emergency vehicle with passengers, such as cadets, public observers, or prisoners, shall initiate or become involved in a pursuit only if the pursued suspect has committed or is committing a felony involving serious injury or death and there is a substantial risk of death or serious injury to others if apprehension is delayed. The immediate danger to any passengers presented by involvement with the pursuit cannot be justified once another unit becomes available to take up the pursuit. Therefore, they shall completely terminate involvement in the pursuit as soon as another unit is available to take up the pursuit.

8. **Pursuit Termination:** Pursuit may be terminated by either the primary unit or a supervisor.

A. Pursuits shall be terminated immediately when:

1. The risks and dangers to members of the public, deputies, and suspects posed by continued pursuit are greater than the need for capture, based on the factors specified in this policy;

2. A supervisor orders the pursuit terminated;

3. The distance between the primary unit and the fleeing vehicle is such that further pursuit would prove futile; or

4. The primary unit loses visual contact with the suspect for an extended period of time, no less than 15 seconds. Deputies may continue to search for the vehicle; however, they must do so at a safe operating speed.

B. Deputies ordered to terminate a pursuit shall immediately turn off all emergency equipment and reduce their speed to a safe operating level.

C. The termination of a pursuit does not prohibit following a vehicle at a safe distance and speed. The termination of a pursuit does not prohibit remaining in an area to reinitiate a pursuit if the opportunity and conditions permit.

D. If a previously terminated pursuit is reinitiated, the deputy shall immediately notify the supervisor who terminated the original pursuit or the on-duty supervisor.

9. **Communications Division Responsibilities:** In situations involving pursuits, the Communications Division shall:

A. Clear the radio frequency when emergency traffic is broadcast by a pursuing unit or assign an alternate channel;

B. Immediately inform the patrol supervisor that a pursuit has been initiated and advise them of pursuit information, including speed, direction of travel, traffic conditions, and reason for attempted stop;

C. Dispatch support units at the request of the patrol supervisor monitoring the pursuit;

D. Perform a vehicle registration and warrant check on the fleeing vehicle and a warrant check on the registered owner and occupants, if possible;

E. Provide all involved units with necessary information and continue to accurately relay and update this information for the duration of the pursuit; and

F. Notify other agencies when a pursuit may extend into their jurisdiction, and specify whether assistance is requested by the pursuing or supervising units. If assistance is requested, specify the type of assistance needed.

10. **Pursuing a Vehicle into Another Jurisdiction:** When a pursuit extends into another law enforcement agency's area of responsibility, the supervisor shall determine if the pursuit should continue or whether the other agency should be asked to assume the pursuit. The distance involved, the pursuing deputy's familiarity with the new area, and the seriousness of the violation shall be considered.

A. If a pursuit is assumed by another agency, the initiating deputy shall proceed to the termination point, if within a reasonable distance, to provide information which may be required for arrest.

B. In all cases, the Communications Division shall ensure the appropriate agencies are advised when a pursuit crosses jurisdictional boundaries.

11. **Roadblocks:** When used in compliance with the following guidelines, roadblocks may be used to stop a pursued vehicle, as specified in Office policy EA-7, *Use of Roadblocks*:

    A. Level 1 Roadblocks may be implemented without supervisory approval prior to use. However, the pursuit supervisor shall be notified of the use of a Level 1 Roadblock as soon as possible. The following additional restrictions apply only to tire deflation devices:

        1. Tire deflation devices shall be deployed only by deputies who have successfully completed the required training.

        2. Tire deflation devices are most effective when deployed on paved road surfaces but may be used on any hard surface. They shall not be deployed in loose gravel, mud, or similar soft surfaces, and shall be removed from the roadway, as soon as possible, after the suspect's vehicle has passed.

        3. Tire deflation devices shall not be deployed against a motorcycle, SxS, UTV, or ATV unless the use of deadly force is justified.

    B. A Level 2 Roadblock may be implemented with supervisor approval prior to use, when practical, and if the pursued suspect has committed, or is committing, a felony involving serious injury or death and there is a substantial risk of death or serious injury to others if apprehension is delayed. The use of private vehicles or equipment in such a roadblock is prohibited.

12. **Required Documentation:**

    A. The supervisor shall ensure that in all cases, every deputy whose vehicle had been the primary unit for any portion of a pursuit completes a *Vehicle Pursuit Report* within Blue Team. When a deputy uses a PIT maneuver or deliberately rams a suspect's vehicle, a Use of Force Blue Team entry shall be completed, as specified in Office Policy CP-1, *Use of Force*.

    B. The *Vehicle Pursuit Report* and any associated *Incident Reports* (IRs) or other documents related to the pursuit shall be forwarded through the chain of command through Blue Team to the appropriate bureau chief. The bureau chief may direct deputies and supervisors involved to submit a memorandum concerning the pursuit.

    C. Upon completion of their review, the bureau chief shall forward the EIS entry to the Early Intervention Unit (EIU).

    D. The EIU shall forward the *Vehicle Pursuit Report* and all other documentation in the EIS entry to the Pursuit Review Committee (PRC).

    E. Upon completion of the review, the PRC shall return the entry to the EIU for storage and retention.

    F. If any misconduct or violations of this policy are discovered at any stage of the review process, actions shall be taken, as specified in Office Policy GH-2, *Internal Investigations*.

    G. In the event an employee is injured, the supervisor and affected employee shall complete and submit all necessary paperwork, as specified in Office Policy GD-19, *Injury or Death of an Employee or Volunteer*.

H. In the event a vehicle is damaged or involved in a collision, supervisors shall ensure all necessary paperwork and Blue Team entries are completed, as specified in Office Policy GE-4, *Use, Assignment, and Operation of Vehicles*.

13. **Assisting Another Agency:** Upon notification of another agency pursuit entering Office jurisdiction, the Communications Division shall immediately ascertain from the pursuing agency the known law violation or reason for the pursuit, the number of other-agency units involved in the pursuit, and whether they are requesting assistance. The Communications Division shall then notify the Office supervisor so an appropriate decision can be made.

    A. Office units shall not become involved in other-agency pursuits unless directed to do so by their supervisor and at the request of the outside agency. However, there is one **EXCEPTION:**

        1. If the other-agency vehicle in pursuit is a one-man unit and there is no secondary unit, then Office units may become involved in the pursuit, with the permission of a supervisor. This action shall not extend past the boundaries of Maricopa County, unless authorized by a supervisor.

        2. **Upon the arrival of a second other-agency unit, the MCSO deputy shall discontinue the pursuit, unless the supervisor approves continuation at a reduced speed.**

    B. Deputies ordered to terminate a pursuit shall immediately turn off all emergency equipment and reduce their speed to a safe operating level.

14. **Pursuit Review Committee:** The PRC is comprised of a sworn lieutenant and sworn designated personnel who review BWC video of pursuits to identify any policy or training deficiencies. Upon completion of the review, the PRC submits a completed report to the EIU. The PRC does not hold hearings or impose discipline.