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**SUBJECT: POLICE VEHICLE PURSUITS**

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**APPROVED:** \_\_\_\_\_  
Chief's Initials Date

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4.05.01 POLICY

It is the policy of the Wheat Ridge Police Department to strive to protect the lives and property of all citizens to the extent possible when enforcing the law or otherwise providing police services. Consequently, vehicular pursuits will be narrowly defined and regulated by this policy. Police officers are instructed to be particularly cautious when engaging in police pursuits under conditions that would subject innocent bystanders to substantial danger.

Police officers shall comply with all related provisions of Colorado State Law which regulate the operation of emergency vehicles should they engage in a vehicular pursuit. Officers shall be familiar with inherent risk factors associated with a vehicular pursuit and will exercise due regard for life and property when engaged in a vehicular pursuit.

4.05.02 DEFINITIONS

- A. **Eluding** – The act of knowingly attempting to evade a peace officer while driving a motor vehicle.
- B. **Emergency operation** – The act of driving a police vehicle with the emergency lights and siren in operation. Emergency operation shall be in accordance with Colorado State Law and applicable city ordinances.
- C. **Officer** - Any commissioned peace officer in the State of Colorado, as defined by the Colorado Revised Statutes.
- D. **Originating jurisdiction** – The jurisdiction where a vehicular pursuit begins.
- E. **Primary jurisdiction** – The jurisdiction of the primary vehicle engaged in a vehicular pursuit.
- F. **Primary vehicle** – The vehicle driven by the officer who initiates a vehicular pursuit. It shall also mean the vehicle that assumes the lead position in a vehicular pursuit.
- G. **Pursuit** – An active attempt by an officer in an authorized emergency vehicle to apprehend the operator of a motor vehicle who, having been given an audible and visual indication to stop, attempts to avoid apprehension by maintaining or increasing speed or using other evasive tactics and ignoring the attempts of the officer to stop the driver.
- H. **Receiving jurisdiction** – A jurisdiction that is entered by a vehicular pursuit.
- I. **Secondary vehicle** – Secondary vehicle shall mean any police vehicle accompanying the primary vehicle in a vehicular pursuit.

- K. **Supervisor** – Any sworn officer holding a supervisory or command rank in the Wheat Ridge Police Department, or any sworn officer specifically charged with supervisory responsibilities.

#### 4.05.03 PROCEDURES

##### A. Pursuit Guidelines

1. Each officer possesses the authority and responsibility necessary to initiate a vehicular pursuit. The decision to initiate a vehicular pursuit must be based on the officer's conclusion that a pursuit is within policy and that the possible dangers and risk factors created by a pursuit are less than the immediate or potential danger to the public, should the offender being pursued remain at large. The objective risk factors present at the moment a pursuit is initiated must be considered and will be evaluated throughout the duration of a pursuit.
2. Officers are authorized to engage in police vehicle pursuits only in the following circumstances:
  - a. For the apprehension of a person when the officer reasonably believes that the person being pursued presents an imminent threat, coupled with the present ability, of killing or seriously injuring the officer or any other person, other than by the act of fleeing.
  - b. To affect the arrest, or to prevent the escape from custody, of a person whom the officer reasonably believes has committed a felony involving the use, or threatened use, of deadly force.

- B. Pursuits for violent felony crimes may be initiated in accordance with all provisions of this policy directive.

##### C. Continuation of a Pursuit

In addition to the factors listed above, the decision to continue a pursuit shall be based on the following factors, including, but not limited to:

1. Likelihood of successful apprehension
2. Whether the identity of the violator is known to the point where later apprehension is possible
3. Identifying characteristics and registration of the vehicle is known to the point where later identification is possible
4. Degree of risk created by pursuit
5. Volume, type, speed, direction of vehicular traffic and direction of the pursuit
6. Nature of the area: residential, commercial, school zone, open highway, etc
7. Population density and volume of pedestrian traffic
8. The degree of risk created by the actions of the pursued vehicle outside of any attempt to elude

9. Alternative methods of apprehension should be considered when making the decision to pursue. The results of any pursuit are irreversible and officers and supervisors shall evaluate all risk factors present to determine whether or not to allow the pursuit to continue.
  10. The pursuing officer may terminate the pursuit based upon a responsible assessment of the circumstances as the pursuit continues.
- D. Pursuits should not be initiated by a Wheat Ridge police officer outside the city limits of the City of Wheat Ridge except when a known violent felony suspect vehicle is observed and there are no other means of apprehension available.
- E. Unmarked police vehicles shall not be driven in pursuits unless:
1. No other viable means of apprehension exist.
  2. The unmarked police vehicle is in compliance with the definition of an “authorized emergency vehicle” as provided by Colorado Revised Statutes, requiring appropriate audible and visible signals.
  3. Supervisory approval is obtained.
  4. Pursuits by unmarked vehicles shall be immediately terminated if not in accordance with this policy.
  5. Pursuits by other police vehicles (other than marked police automobiles) such as motorcycles, vans, trucks and four-wheel drive vehicles shall have the same restrictions as those imposed on unmarked police vehicles.
- F. Conduct of Pursuits
1. Police vehicles engaged in a vehicular pursuit are required to have visual and audible emergency warning devices in full operation. If any of the emergency equipment becomes inoperable, the officer driving the police vehicle shall terminate involvement in the pursuit immediately.
  2. Officers are required to comply with provisions of CRS 42-4-106(4). The provisions of this section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of reckless disregard for the safety of others.
  3. Unless expressly authorized by a supervisor, a vehicular pursuit is limited to the primary and secondary vehicles. Additional vehicles are prohibited from joining the pursuit or following the pursuit on parallel roadways.
    - a. Other officers should assist with traffic control along the anticipated route of the pursuit and may render assistance at the termination or discontinuation point. Their response will be in accordance with state law and department policy on emergency response, including notification of dispatch that lights and siren are being utilized. There shall be no other emergency response other than traffic control units.
  4. Officers not involved in the pursuit are to restrict radio transmissions except for emergency traffic.

G. Tactical Vehicle Intervention

Due to the extreme dangers inherent in the use of roadblocks and forcible stopping, guidelines are necessary:

1. Officers will not "box-in" the offender's vehicle without specific permission from the supervisor.
2. Officers shall not intentionally use the police vehicle to bump or ram a fleeing vehicle unless specifically authorized by a supervisor.
3. The use of a roadblock is prohibited unless a supervisor authorizes a roadblock for the apprehension of an extremely dangerous felon, who, if allowed to escape, could create a substantial risk of another person being killed or seriously injured and the circumstances specifically warrant the use of a roadblock.
  - a. A roadblock may be established only where there is adequate distance to enable an oncoming driver to see the roadblock and safely stop his or her car, or safely exit the roadway.
  - b. At least one marked vehicle shall be at the location where a roadblock is established.

H. Use of tire deflation devices.

1. Tire deflation devices (stop sticks) will be used only upon supervisory approval, using the following procedures:
  - a. at least one parked police vehicle shall be at the location where a tire deflation device is deployed.
  - b. the deploying police vehicle shall not be occupied and the deploying officer must assume a safe position of cover. A patrol car will not be considered cover.
  - c. the portion of the roadway or location where the device is placed shall be restricted to deny access to unauthorized and unintended vehicles. The place of deployment shall be continuously monitored to ensure that the roadway is clear of pedestrians and excessive civilian traffic.
  - d. the location of deployment shall be communicated to the primary and secondary pursuit units.
  - e. under no circumstances shall a device be deployed on I-70 or I-76.
2. Tactical vehicle intervention presents use of force issues and, as such, is governed by Colorado Revised Statutes 18-1-701(2)(a), 18-1-702(1), 18-1-704, 18-1-707, and 18-1-901(3)(d); Policy 5.01.03, Use of Deadly Force, and Policy 5.01.04, Less-Lethal Weapons. Prior to initiating any tactical vehicle intervention, the initiating officer will notify dispatch of the technique to be utilized and the location of the intervention. The incident supervisor will acknowledge the transmission to dispatch, as well. The incident supervisor and the pursuing officers must assess the risks associated with a protracted pursuit as well as the risks associated with a tactical vehicle intervention. Risk factors associated with tactical vehicle intervention include, but are not limited to:
  - a. The original rationale for the pursuit;
  - b. The danger posed by the actions of the suspect;
  - c. The speed of the suspect vehicle;
  - d. The location where the tactical vehicle intervention is to occur; or
  - e. The presence of innocent third persons.

I. Primary and Secondary Officer Responsibilities

1. Officers shall evaluate prior to the initiation of any vehicle stop whether or not justification exists to engage in an “eluding” pursuit should the vehicle make some overt action to elude the officer’s attempted contact.
2. Once the officer determines that the vehicle is attempting to elude contact, or is failing to stop, the officer will either:
  - a. Advise dispatch of the initiation of a pursuit if justification to pursue exists; or
  - a. Advise dispatch of the vehicle’s elusive action and the termination of the attempted contact.
3. Should the vehicle take elusive action and justification to pursue does not exist, the officer shall turn off all emergency equipment and advise dispatch of what descriptive information is available and the last known direction of travel for the fleeing vehicle. The officer will remain stationary at the location the pursuit is terminated until cleared to leave by a supervisor.
  - a. If the vehicle eludes officer contact, the officer shall initiate an investigation for the crime of Vehicular Eluding as defined in CRS 18-9-116.5
4. Upon initiating a pursuit, the primary pursuing officer shall immediately notify dispatch that a vehicular pursuit is in progress. The officer shall provide the following information as a minimum:
  - a. Unit identification.
  - b. Location and direction of travel of the pursuit.
  - c. Speed of the pursuit.
  - d. Description of vehicle being pursued.
    - i. License plate; state, number and type if available.
    - ii. Other identifying characteristics, if available.
  - e. Occupant information of fleeing vehicle, if available.
  - f. Reason for attempting to contact the vehicle and type of violent felony information required for pursuit.
  - g. Any information required to keep communications and the supervisor up-to-date on the pursuit.
  - h. The inability to provide the above information serves, in the discretion of officers and supervisors, as a reason to terminate the pursuit.
5. The secondary officer shall use visual and audible warning devices (emergency lights and siren), and assume broadcasting the pursuit when in a position to do so.

J. Supervisor Responsibility

1. Once notified of a pursuit situation, the on duty supervisor will assume responsibility for monitoring and controlling the incident until terminated.
  - a. The incident supervisor will acknowledge the pursuit over the radio.
2. The supervisor will evaluate all information and make an on-going determination as to whether or not the pursuit should continue.
3. The supervisor will coordinate the pursuit, directing pursuit vehicles, air support, and all other units. The supervisor may re-designate primary and secondary units.

4. The supervisor is responsible for determining or authorizing the use of all pursuit tactics and termination tactics to be used.
5. The supervisor is responsible for authorizing a pursuit to leave the city limits.
6. The supervisor shall not become the primary or secondary vehicle in a vehicular pursuit.
  - a. Should a supervisor initiate a pursuit, the supervisor will yield supervisory authority to the next ranking officer not engaged in the pursuit.
  - b. The supervisor is responsible for all vehicular pursuits and may terminate the pursuit for any reason they deem appropriate.
7. Supervisors will terminate a pursuit immediately when (in the reasonable judgment of the supervisor) any one of the following conditions exists:
  - a. The fleeing vehicle comes under the surveillance of an air unit.
  - b. The supervisor possesses any information not known to the officer that would make the pursuit unsafe or unjustified if allowed to continue.
  - c. The risk factors created by the pursuit are greater than the need to apprehend, or become greater during a pursuit.
  - b. The violator does not present an immediate threat to the lives or property of another person.
  - c. The pursuing officer has not clearly stated what the violent felony was that the offender has committed.
  - d. The pursuing officer does not have the necessary information to initiate a pursuit, or has not provided detailed, timely information regarding the pursuit and its progress.

K. Inter-Jurisdictional Pursuits

1. Pursuits Leaving the City of Wheat Ridge
  - a. Dispatch will advise the receiving jurisdiction that a pursuit is entering their jurisdiction. They will provide all descriptive information, the reason for the pursuit and any requests for assistance.
  - b. The supervisor authorizing a pursuit to leave the City of Wheat Ridge will immediately contact the supervisor on duty of the jurisdiction where a pursuit is terminated and cooperate with any investigation initiated by the receiving jurisdiction.
2. Pursuits by Agencies Entering the City of Wheat Ridge
  - a. Wheat Ridge police officers will not participate in a pursuit initiated by another jurisdiction unless approved to do so by their supervisor; and only upon official request of the originating jurisdiction.
  - b. No more than one Wheat Ridge police vehicle will be allowed to directly assist in a pursuit by an outside agency.
  - c. Once a pursuit (initiated outside the city by another jurisdiction) leaves the city of Wheat Ridge, the Wheat Ridge officers will immediately terminate from the pursuit unless otherwise directed by a supervisor to continue.
  - d. Involvement of a Wheat Ridge police officer in an outside agency pursuit requires that the reason for pursuit and risk factors associated with the pursuit meet the requirements contained in this policy directive.

- e. Wheat Ridge officers may assist with measures such as traffic control along the path of the pursuit and render assistance at the conclusion of the pursuit.
- f. Overall command of a vehicular pursuit remains with the primary/originating jurisdiction.
- g. The on-scene supervisor of the originating jurisdiction is responsible for processing the arrest of any offenders and for the investigation of the offenses being charged. However, if there was a more serious violation in another jurisdiction, the on - scene supervisor from that jurisdiction shall assume the responsibility for coordinating the immediate investigation. Nothing herein shall preclude the investigation of any accident, criminal act, or other incident that occurred during the course of the pursuit by any jurisdiction in which such an incident occurred.
- h. The receiving jurisdiction shall direct and coordinate the actions of the officers covering the point of termination. Any foot pursuits, perimeter control and investigation of crimes committed at the point of termination of the pursuit will be the responsibility of the jurisdiction in which it occurs. Care and caution should always be utilized at the conclusion of the pursuit.

L. Documentation

- 1. All pursuits and eluding situations will be debriefed by involved personnel, including the involved supervisor, as soon as possible after the incident is resolved.
- 2. Officers involved in a vehicular pursuit or eluding shall prepare all required reports concerning the details of the action.
  - a. The supervisor monitoring the vehicular pursuit shall ensure that the proper reports and associated forms have been correctly completed and submitted.
  - b. When a tactical vehicle intervention has been utilized, the incident supervisor will complete the appropriate documentation for the incident; e.g., Pursuit Form, Use of Force form, City Incident Report, etc. Once the appropriate reports are completed they will be forwarded through the chain of command to the Chief of Police for administrative review.
  - c. Pursuits and eluding situations will be reviewed by the Chain of Command to ensure all policies and laws were complied with by officers involved in the pursuit.
  - d. The Professional Standards Unit supervisor shall be responsible for collecting and maintaining pursuit and eluding information. The Professional Standards Unit will, at a minimum, provide an annual documented analysis of those reports.

4.05.04 RULES

- A. Pursuits for traffic violations (of any degree of seriousness) are prohibited.
  - 1. This includes all traffic violations including, but not limited to DUI, DUS, and HTO.
- B. Pursuits for petty offenses and misdemeanors (of any degree of seriousness) are prohibited).
- C. Pursuits for felony property crimes are prohibited.
- D. Pursuits may not be initiated by a Wheat Ridge police officer that is operating a vehicle which is not owned by the City of Wheat Ridge.

- E. Police vehicles which contain civilian riders, non-sworn employees or prisoners shall not engage in vehicular pursuits.
- F. Police vehicles shall not travel in a direction opposite to the flow of traffic on a divided highway when engaged in a vehicular pursuit
- G. Wheat Ridge Police Officers shall use both emergency lights and siren when involved in vehicle pursuits.
- H. This policy shall be reviewed by all sworn members during annual in-service training pertaining to emergency vehicle operations. This review will be documented.
- I. Officers shall attend agency training on use of agency authorized roadblocks and forcible stopping techniques.