

Name _____

Date _____

FEBRUARY ROLL CALL TRAINING

High Risk Critical Task / Emergency Vehicle Operation / Pursuit

Vehicular pursuits present a danger to the public, law enforcement officers, and suspects involved. This risk is compounded by the fact that Nebraska's pursuit law holds officers strictly liable for injuries to any innocent third party during a vehicular pursuit, regardless of whether the officer's actions were otherwise proper or even necessary (NRS § 13-911).

It is the policy of the agency to regulate the way vehicular pursuits are undertaken and performed. The purpose of the policy is to provide guidelines and directions for the safe operation of law enforcement vehicles during pursuits. Officers should attempt to anticipate flight and utilize tactics to prevent vehicle pursuits when possible. If tactics to prevent a vehicle pursuit fail, tactics should be utilized to minimize the duration of the pursuit. The agency recognizes its responsibility to apprehend criminals and lawbreakers, but it also recognizes the higher responsibility to protect and foster the safety of all persons in the operation of police vehicles under pursuit conditions.

Officers operating under pursuit conditions shall be constantly aware that no assignment is too important, and no task is to be expedited with such emphasis that any of the basic principles of safety are jeopardized. Therefore, **officers shall only engage in pursuits when the need for immediate apprehension outweighs the risk to the officer and the public.** In initiating any pursuit, the officer shall take the following into consideration:

- The seriousness of the offense
- Known information on the suspect
- Road configuration (e.g. interstate, divided highway, work zone)
- Physical location and population density (e.g. residential area, school zone, business district)
- Existence of vehicular and pedestrian traffic
- Lighting and visibility
- Weather and environmental conditions
- The relative performance capabilities of the pursuit vehicle and the vehicle being pursued
- Officer training and experience
- Available equipment
- Speed and evasive tactics employed by the suspect
- The presence of other persons in the officer and suspect vehicle
- Any other condition or situation that would create an unreasonable risk

Scenario: You are on patrol and observe a vehicle that meets the description of a vehicle involved in an armed robbery (with a handgun) that occurred ten minutes ago at a gas station three miles from your location. You follow the vehicle as you wait for backup officers to conduct a stop. The driver of the vehicle realizes that you are following and accelerates to 85 mph in a 45 mph zone. It is 0400 hours and traffic is very light. You are on a four-lane divided highway that is relatively straight, conditions are dry, and visibility is clear. You notify dispatch, activate your emergency equipment (lights and siren), and begin to pursue the suspect.

Question: Based on the facts presented, is the decision to pursue the vehicle reasonable based on policy, i.e. does the need for apprehension outweigh the risk to the officer and the public?

Answer: Yes. Here, the need to apprehend the suspect is high because he committed a violent felony with a weapon. The risk posed by the pursuit is low as traffic is very light, the road is relatively straight with good visibility, and conditions are dry.

Scenario Update: Adding to the scenario above, after fleeing for three minutes, the suspect crosses the median into oncoming lanes of traffic (southbound in the northbound lanes).

Question: Should the officers continue the pursuit by following the suspect into oncoming lanes of traffic?

Answer: No. Pursuits shall not be conducted in a direction against the lawful flow of traffic on a one-way street or lane of a divided highway. The risk posed by continuing the pursuit on the wrong side of the highway outweighs the need to apprehend the suspect.