

IDAHO STATE POLICE PROCEDURE

06.13 PURSUITS

I. GENERAL

- A. These procedures are guidelines upon which to base sound decisions. State law does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor does the law protect the driver from the consequences of inappropriate exercise of these privileges.
- B. Vehicle pursuits are recognized as a valid law enforcement activity performed by troopers attempting to apprehend fleeing suspects under certain circumstances.
- C. Protection of life and property is of paramount concern.
- D. Pursuits are justified only when the necessity of immediate apprehension clearly outweighs the risks to the public.
- E. The trooper initiating a pursuit and/or the supervisor, are obligated to continuously weigh the gravity of the offense against the potential dangers posed to themselves, the public and the violator.
- F. The pursuing trooper must discontinue pursuit if the situation at any time poses a risk that outweighs the need to apprehend the suspect.

II. DEFINITIONS

- A. “Objectively Reasonable” means the legal standard used to determine the lawfulness of a use of force and is based on the Fourth Amendment to the United States Constitution. (See *Graham v. Connor*, 490 U.S. 386 (1989)). Graham states, in part, the reasonableness of a particular use of force “must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation...The test of reasonableness is not capable of precise definition or mechanical application.” The force must be reasonable under the circumstances known to or reasonably believed by the trooper at the time the force was used. Therefore, the Idaho State Police examines all uses of force from an objective standard rather than a subjective standard.
- B. “Pursuit” means an attempt by a trooper to stop a moving vehicle when the trooper reasonably believes the driver is knowingly resisting apprehension by fleeing or failing to stop when signaled.

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III. TROOPER CONSIDERATIONS

- A. When making the decision to initiate a pursuit, the trooper must take into consideration the following factors:
 - 1. the nature of the violation and the hazard that it creates;
 - 2. the likelihood of successful apprehension;
 - 3. the volume, type, speed and direction of all traffic in the area;
 - 4. the nature of the location (e.g., residential, business, school zone, etc.);
 - 5. the weather, road conditions and associated factors including the safety of third parties; and
 - 6. the trooper's driving skills and the condition of the trooper's vehicle.
- B. The above listed factors must be constantly considered during the pursuit. If at any time the factors create a risk to the trooper(s) or to the public that outweighs the need to apprehend, the pursuit must be discontinued.
- C. Pursuits in residential or business areas, pursuits of or by motorcycles, and pursuits of juveniles are typically more hazardous to the public and the trooper. More potential danger is involved, and a heightened level of caution and scrutiny is required.

IV. RESTRICTIONS AND RESPONSIBILITIES

- A. Initiating a pursuit:
 - 1. Only the unit initiating the pursuit and any assigned or acknowledged secondary or tertiary unit may pursue the suspect vehicle.
 - 2. No more than three units may be involved in the actual pursuit unless assigned by the supervisor.
 - 3. Other units close to the pursuit should attempt to position themselves to assist the pursuing unit if it becomes necessary but should do so in a reasonable and safe manner.
 - 4. Units must not parallel the pursuit at high speeds unless specifically authorized by the supervisor.
 - 5. In the event an unmarked vehicle, motorcycle, or non-pursuit rated vehicle initiates the pursuit:
 - a. the unmarked vehicle, motorcycle, or non-pursuit rated vehicle must relinquish he primary pursuit position when a marked patrol unit is in position to assume it;
 - b. the unmarked vehicle, motorcycle, or non-pursuit rated vehicle may continue in the pursuit if continuation is necessary for trooper safety reasons;
 - c. if not necessary, the unmarked vehicle, motorcycle, or non-pursuit rated vehicle may proceed to the point of termination in compliance with all traffic laws and in a reasonable manner;
 - d. after pursuit termination, the unmarked vehicle, motorcycle, or non-pursuit rated vehicle may assist in suspect identification, interview and other activities deemed necessary.

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6. The trooper initiating the pursuit must immediately engage both emergency lights and siren and notify the communications center as soon as possible that a pursuit is underway.
7. The trooper provides the communications center with as much of the following information as possible:
 - a. identification of the trooper;
 - b. the suspect's direction of travel, location and estimated speed;
 - c. a description of the suspect, and the suspect's vehicle, including license number, if known;
 - d. the specific reason for the pursuit, including known laws violated;
 - e. the number and description of passengers in the suspect vehicle,
 - f. traffic and weather conditions; and
 - g. continuing updates of circumstances, as the pursuit progresses, that might pose danger or risk to the general public.
8. The secondary unit, upon joining the pursuit, has the following responsibilities:
 - a. activate emergency lights;
 - b. immediately notify the communications center of its identity;
 - c. assume radio communications responsibility to allow the primary unit to devote full attention to the pursuit; and
 - d. watch for any potential danger(s) of which the primary unit may be unaware and relay that information to the primary unit.
 - e. Once a second marked unit joins the pursuit, the unmarked, motorcycle, or non-pursuit rated vehicle unit discontinues the pursuit, unless continuation is necessary for trooper safety reasons.
9. The tertiary unit, upon joining the pursuit, has the following responsibilities:
 - a. activate emergency lights;
 - b. replace the primary or secondary unit in the event that it becomes unable to continue the pursuit;
 - c. drop out of the pursuit and render immediate aid in the event of an accident involving third parties; and/or
 - d. be in position at the point of termination to:
 - i. implement a high risk stop, if appropriate;
 - ii. provide for containment or apprehension of fleeing suspects;
 - iii. provide necessary assistance in the containment or apprehension of multiple suspects; and
 - iv. provide traffic control as appropriate.
10. The assigned secondary and tertiary units maintain a safe distance behind the primary unit but must be close enough to render "back-up" if necessary.

V. CONTACT BETWEEN VEHICLES

- A. Excepting the PIT maneuver, deliberate contact between vehicles is prohibited, unless such action is specifically authorized under ISP procedure [06.15 Use of Force](#).
- B. Contact includes:
 1. forcing the pursued vehicle off the road or into an obstacle; and

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2. pushing and/or heading off the pursued vehicle.
- C. Troopers must not attempt to dislodge the rider of a motorcycle or similar vehicle unless the use of deadly force as defined in ISP procedure [06.15 Use of Force](#), is justified.
- D. Troopers must not pursue a vehicle the wrong way on a one-way road, unless specifically authorized by a supervisor.
- E. Alternative actions other than pursuing the wrong way are:
 1. maintaining visual contact with the suspect vehicle from a parallel road or the correct side of the freeway; and/or
 2. monitoring the suspect from on and off ramps if possible.
- F. Patrol vehicles engaged in prisoner transport must not become actively involved in any pursuit.

VI. COMMUNICATIONS CENTER RESPONSIBILITIES

- A. The communications center:
 1. receives and records all incoming information on the pursuit and the pursued vehicle;
 2. immediately notifies a supervisor when a pursuit is initiated;
 3. clears the radio channel of any unnecessary traffic and advises all other units and troopers in other affected jurisdictions that a pursuit is in progress;
 4. performs "records" and motor vehicle checks;
 5. controls all radio communications during the pursuit;
 6. coordinates assistance under the direction of the supervisor;
 7. continues to monitor the pursuit until its conclusion.

VII. SUPERVISORY RESPONSIBILITIES

- A. The supervisor having the most knowledge of the situation, either at the time the pursuit is initiated or as soon as he or she is notified of the pursuit, assumes overall command.
- B. The supervisor:
 1. verifies:
 - a. no more than the required or necessary units are involved in the pursuit;
 - b. the proper radio frequency is being used; and
 - c. the agencies in other jurisdictions involved in the pursuit have been notified;
 2. directs the pursuit;
 3. notifies dispatch that he or she has control of the pursuit;
 4. approves or orders alternative tactics;
 5. maintains control until the pursuit's conclusion.

VIII. DISCONTINUATION OF PURSUIT—THE PRIMARY RESPONSIBILITY TO DISCONTINUE A PURSUIT RESTS WITH THE TROOPER ENGAGED IN THE PURSUIT.

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- A. Pursuits are discontinued when:
 - 1. in the opinion of the pursuing trooper or the supervisor, the pursuit creates an unreasonable danger that outweighs the necessity for immediate apprehension of the suspect;
 - 2. the suspect's identity has been established to a point that he or she can be arrested later, unless the danger to the public warrants continued pursuit;
 - 3. the prevailing conditions indicate that the continued pursuit will be futile; or
 - 4. the location of the pursued vehicle is no longer known.
- B. When a pursuit is discontinued, the trooper(s):
 - 1. must slow down;
 - 2. deactivate emergency lights and siren;
 - 3. remove the unit from the pursued driver's field of vision as soon as possible:
 - a. pull over to the side of the road;
 - b. turn onto a side road; or
 - c. turn in to a parking lot, if possible.
 - 4. The trooper(s) may remain in an area to resume pursuit if the conditions permit.

IX. TERMINATION OF PURSUIT

- A. The hollow spike system is an effective means to safely stop pursued vehicles. Hollow spikes are used only by troopers trained in their use and deployment. The use of hollow spikes does not obligate the continuation of a pursuit.
- B. Generally, PIT may be used to terminate a pursuit when other methods have failed or are not practical. PIT is used only by troopers trained in the technique.
- C. PIT may not be used to terminate a pursuit without an assigned or acknowledged secondary unit.
- D. If the secondary unit is not an ISP unit, the trooper must receive a verbal acknowledgment from the other unit that he or she is willing to participate in the PIT procedure.
- E. Except when deadly force is justified consistent with ISP procedure 06.15 Use of Force or when a trooper reasonably believes his or her personal safety or the safety of others is in jeopardy, PIT may not be used under the following:
 - 1. vehicles with a combination of higher-than-normal suspension, short wheelbase and/or balloon tires;
 - 2. pickup trucks with campers;
 - 3. any vehicle whose tire(s) have been flattened and whose speed is 35 mph or higher or
 - 4. on ice covered or slick roads;

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- F. Where a trooper attempts a PIT in any of the above-referenced circumstances, he or she should be prepared to fully articulate why the increased risk taken was objectively reasonable under the circumstances.
- G. While there is no strict limit on speeds at which a PIT may be utilized, higher speeds require justification for the use of force. Depending on the speed of the vehicle, a PIT may be considered the use of deadly force.
- H. PIT or hollow spikes may not be used on motorcycle or similar vehicles unless deadly force is warranted and a trooper can articulate their reason for doing so.
- I. As a last resort, a supervisor may authorize alternate methods to terminate the pursuit consistent with ISP procedure 06.15 Use of Force.

X. POST PURSUIT SELF-CONTROL

- A. At the termination of a pursuit:
 - 1. whenever possible, troopers should use accepted “high risk” stop procedures;
 - 2. the responsibility of maintaining control and directing activities remains with the senior trooper present;
 - 3. non-uniformed troopers will ensure they are readily identifiable as police troopers; and
 - 4. safety is critical;

XI. PURSUITS INTO OTHER JURISDICTIONS

- A. Troopers may become involved in another agency’s pursuit only when:
 - 1. specifically authorized by a supervisor;
 - 2. it is clearly demonstrated that a unit from an outside agency is unable to request assistance; or
 - 3. the emergency nature of the situation dictates the need for assistance.
- B. If a pursuit approaches or crosses into another ISP district, the respective supervisors communicate with each other to determine if the pursuing units remain as assigned or whether responsibility shifts to the new district’s personnel.
- C. Pursuit into another state is only justified by a felony or the most serious continuing hazardous driving behavior (felony or misdemeanor) where apprehension is clearly necessary. No trooper may pursue into another state’s jurisdiction for an infraction.
- D. Troopers must not pursue a vehicle into Canada. Any pursuit approaching Canada must be turned over to Canadian authorities.

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XII. REPORTING AND REVIEW

- A. Every employee involved in the pursuit at any level, including communications, traffic control, termination or discontinuation, must submit a report to their supervisor.
- B. The pursuit is processed as defined in [03.01 Incident Review and Administrative Investigation](#) III and IV.