

City of Detroit


CITY COUNCIL

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TO: The Honorable City Council

FROM: David Whitaker, Director 
Research & Analysis Division Staff

DATE: December 4, 2009

RE: **Whether An Ordinance Related To Police Vehicle Chases Should Be Promulgated By The Detroit City Council**

At a recent evening City Council community meeting, a Detroit resident expressed a concern about police cars dangerously speeding through City neighborhoods. Council Member JoAnn Watson requested that Research and Analysis Division (RAD) investigate whether the Council should draft an ordinance addressing this issue for consideration. This memo is in response to that request.

After researching the issue, RAD has compiled and assembled the relevant state laws and City ordinances that are currently in effect which adequately address this matter. In addition, the Detroit Police Department's operations' manual, Web Manual v2, also provides procedures that officers and emergency personnel must follow during an emergency run and/or a police chase.

State Law

Pursuant to *MCL 257.603* of the *Motor Vehicle Code*, governmental/emergency vehicles are exempt from the normal traffic laws, particularly those pertaining to traveling at excessive speeds, but only under certain conditions. It states as follows in pertinent part:

- “(2) The driver of an authorized emergency vehicle when responding to an emergency call, but not while returning from an emergency call, or when pursuing or apprehending a person who has violated or is violating the law or is charged with or suspected of violating the law may exercise the privileges set forth in this section, subject to the conditions of this section.
- (3) The driver of an authorized emergency vehicle may do any of the following:

- (a) Park or stand, irrespective of this act.
 - (b) Proceed past a red or stop signal or stop sign, *but only after slowing down as may be necessary for safe operation.*
 - (c) Exceed the prima facie speed limits *so long as he or she does not endanger life or property.*
 - (d) Disregard regulations governing direction of movement or turning in a specified direction.
- (4) *The exemptions granted in this section to an authorized emergency vehicle apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren, air horn, or exhaust whistle as may be reasonably necessary, except as provided in subsection (5) and when the vehicle is equipped with at least 1 lighted lamp displaying a flashing, oscillation, or rotating red or blue light visible under normal atmospheric conditions.....*
- (5) A police vehicle shall retain the exemptions granted in this section to an authorized emergency vehicle without sounding an audible signal if the police vehicle is engaged in an emergency run in which silence is required.” (Attachment 1) (Emphasis Added)

Similarly, *MCL 257.632* also exempts police officers from having to observe the speed limit and other traffic violations prohibited by various sections of the motor vehicle code.¹ (Attachment 2) Although police vehicles are exempt from the speed laws when they are being driven at a high rate of speed during an emergency run or a police chase, the laws require that they be driven in a manner that does not endanger human life and only when an audible signal and oscillating lights are activated.

Detroit City Code

Section 55-4-46 entitled, *Exemptions from maximum speed limits*, of the Detroit City Code also exempts police vehicles from speed laws during a police chase or emergency run. (Attachment 3). It states as follows:

“The speed limitations set forth in this chapter shall not apply to vehicles *when operated with due regard for safety under the direction of the police in the chase or apprehension of violators of the law or of persons charged*

¹ Sec. 632. “The speed limitation set forth in this chapter shall not apply to vehicles when operated with due regard for safety under the direction of the police when traveling in emergencies or in the chase or apprehension of violators of the law or of persons charged with or suspected of a violation, nor to fire department or fire patrol vehicles when traveling in response to a fire alarm, nor to public or private ambulances when traveling in emergencies. This exemption shall apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary or when the vehicle is equipped with at least 1 lighted lamp displaying a flashing, oscillating or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicles, unless the nature of the mission requires that a law enforcement officer travel without giving warning to suspected law violators. This exemption shall not however protect the driver of the vehicle from the consequences of a reckless disregard of the safety of others.” (Emphasis Added)

with or suspected of any such violation, nor to fire department or fire patrol vehicles when traveling in response to a fire alarm, nor to public or private ambulances when traveling in emergencies. *This exemption shall not, however, protect the driver of any such vehicles from the consequences of a reckless disregard of the safety of others.*" (Emphasis Added)

This Section also requires that the vehicle be driven so as not to injure others.

Detroit Police Department Regulations

The Detroit Police Department Manual also has rules pertaining to police chases. The applicable *Section 303.2-4* of the manual entitled "*Procedures*" states as follows:

"Officers attempting to stop a vehicle shall activate their oscillating, flashing, or rotating roof light, as well as flashers, and direct the driver by visual or audible signal to bring the car to a stop. If the attempt to stop the vehicle fails, officers shall activate the headlights and siren of their vehicle prior to initiating a pursuit. Officers shall activate their oscillating, flashing, or rotating roof light and/or siren while attempting to catch up to a suspect vehicle." (Attachment 4)

In addition, *Section 303.2-6* entitled *Exemptions* gives further guidance to police officers and emergency personnel involved in police chases or emergency services. It quotes from the state law as follows:

"Officers should bear in mind that while they are exempt from adherence to certain provisions of the state and City vehicle code while performing emergency services. *This exemption does not protect the driver of any emergency vehicle and the department from the consequences of a reckless disregard of the safety of others. (Michigan Compiled Laws 257.603 and 257.632)*" (Attachment 4) (Emphasis Added)

Conclusion

Based on RAD's research and analysis of this issue, it appears that there are ample state laws, City Ordinances and Police Department policies and procedures which address the issue of the proper manner in which police emergency runs and chases are to be conducted. Based on the above information, in RAD's opinion, there is no need to promulgate a new ordinance.

ATTACHMENT 1

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§ 257.603. Applicability of chapter to government vehicles; exemption of authorized emergency vehicles; conditions; exemption of police vehicles not sounding audible signal; exemption of persons, vehicles, and equipment working on surface of highway.

Citation: mich. comp. laws @ 257.603

MCLS § 257.603

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CHAPTER 257 MOTOR VEHICLES
MOTOR VEHICLE CODE
CHAPTER VI.
OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

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MCLS § 257.603 (2009)

MCL § 257.603

§ 257.603. Applicability of chapter to government vehicles; exemption of authorized emergency vehicles; conditions; exemption of police vehicles not sounding audible signal; exemption of persons, vehicles, and equipment working on surface of highway.

Sec. 603. (1) The provisions of this chapter applicable to the drivers of vehicles upon the highway apply to the drivers of all vehicles owned or operated by the United States, this state, or a county, city, township, village, district, or any other political subdivision of the state, subject to the specific exceptions set forth in this chapter with reference to authorized emergency vehicles.

(2) The driver of an authorized emergency vehicle when responding to an emergency call, but not while returning from an emergency call, or when pursuing or apprehending a person who has violated or is violating the law or is charged with or suspected of violating the law may exercise the privileges set forth in this section, subject to the conditions of this section.

(3) The driver of an authorized emergency vehicle may do any of the following:

(a) Park or stand, irrespective of this act.

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

(c) Exceed the prima facie speed limits so long as he or she does not endanger life or property.

(d) Disregard regulations governing direction of movement or turning in a specified direction.

(4) The exemptions granted in this section to an authorized emergency vehicle apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren, air horn, or exhaust whistle as may be reasonably necessary, except as provided in subsection (5), and when the vehicle is equipped with at least 1 lighted lamp displaying a flashing, oscillating, or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet in a 360 degree arc unless it is not advisable to equip a police vehicle operating as an authorized emergency vehicle with a flashing, oscillating or rotating light visible in a 360 degree arc. In those cases, a police vehicle shall display a flashing, oscillating, or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle. Only police vehicles that are publicly owned shall be equipped with a flashing, oscillating, or rotating blue light that when activated is visible under normal atmospheric conditions from a distance of 500 feet in a 360 degree arc.

(5) A police vehicle shall retain the exemptions granted in this section to an authorized emergency vehicle without sounding an audible signal if the police vehicle is engaged in an emergency run in which silence is required.

(6) The exemptions provided for by this section apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but do not apply to those persons and vehicles when traveling to or from work. The provisions of this chapter governing the size and width of vehicles do not apply to vehicles owned by public highway authorities when the vehicles are proceeding to or from work on public highways.

HISTORY: Act 300, 1949, p 515; eff September 23, 1949.

Pub Acts 1949, No. 300, Ch. VI, § 603, eff September 23, 1949; amended by Pub Acts 1951, No. 270, eff September 28, 1951; 1958, No. 133, imd eff April 18, 1958; 1962, No. 188, eff March 28, 1963; 1964, No. 7, imd eff March 20, 1964; 1975, No. 100, imd eff June 2, 1975, by § 2 eff July 1, 1976; 1976, No. 347, imd eff December 21, 1976.

Amended by Pub Acts 1996, No. 587, by § 2 eff June 1, 1997 (see 1996 note below).

Former Acts.

As originally enacted, this section was substantially the same as former § 256.332 (Pub Acts 1927, No. 318, § 32), except that subsections (b), (c) and (d), relative to emergency vehicles, were added.

NOTES:

Editor's notes:

For current provisions, see §§ 333.20701-333.20773.

Pub Acts 1996, No. 587, § 3, by § 2 eff June 1, 1997, provides:

"Section 3. This amendatory act shall not take effect unless Senate Bill No. 378 of the 88th Legislature [Pub Acts 1996, No. 586] is enacted into law."

Effect of amendment notes:

The 1996 amendment in subsection (1), replaced "town" with "township, village"; in subsection (2), added "or when pursuing or apprehending a person who has violated or is violating the law or is charged with or suspected of violating the law"; in subsection (3), opening paragraph, added "do any of the following"; and made grammatical changes.

Cross References:

Speed limit not applicable to police and fire department vehicles or ambulances traveling on duty, § 257.632.

Right of way accorded such vehicles, § 257.653.

Liability of governmental agency for injury or damage resulting from negligent operation of motor vehicle, § 691.1405.

ATTACHMENT 2

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Citation: mcl 257.632

MCLS § 257.632

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CHAPTER 257 MOTOR VEHICLES
MOTOR VEHICLE CODE
CHAPTER VI.
SPEED RESTRICTIONS

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MCLS § 257.632 (2009)

MCL § 257.632

§ 257.632. Speed limitations, inapplicability to certain vehicles; audible signals, visual signals, necessity; driver liability.

Sec. 632. The speed limitation set forth in this chapter shall not apply to vehicles when operated with due regard for safety under the direction of the police when traveling in emergencies or in the chase or apprehension of violators of the law or of persons charged with or suspected of a violation, nor to fire department or fire patrol vehicles when traveling in response to a fire alarm, nor to public or private ambulances when traveling in emergencies. This exemption shall apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary or when the vehicle is equipped with at least 1 lighted lamp displaying a flashing, oscillating or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicles, unless the nature of the mission requires that a law enforcement officer travel without giving warning to suspected law violators. This exemption shall not however protect the driver of the vehicle from the consequences of a reckless disregard of the safety of others.

HISTORY: Act 300, 1949, p 515; eff September 23, 1949.

Pub Acts 1949, No. 300, Ch. VI, § 632, eff September 23, 1949; amended by Pub Acts 1976, No. 164, imd eff June 21, 1976.

Former Acts.

This section is substantially the same as former § 256.310 (Pub Acts 1927, No. 318, § 10).

NOTES:

LexisNexis(TM) Michigan analytical references:

Michigan Law and Practice, Automobiles and Motor Vehicles §§ 19, 222, 269

Research references:

7A Am Jur 2d, Automobiles and Highway Traffic § 208

10 Am Jur Proof of Facts 3d 203, Negligent Operation of Emergency Vehicle

LexisNexis 50 State Surveys, Legislation & Regulations

Speed Detection & Traffic Control Devices

CASE NOTES

Emergency vehicles must be driven with due regard for the safety of others; the existence of an emergency is but one factor to be considered in evaluating the reasonableness of a driver's conduct; other factors to be considered are the speed of the pursuit, the area of pursuit, weather and road conditions, pedestrian and vehicular traffic, the presence or absence of audible and visual warnings, and the reason for the pursuit. Fiser v Ann Arbor (1983) 417 Mich 461, 339 NW2d 413 (criticized on other grounds as stated in Frohman v Detroit (1989) 181 Mich App 400, 450 NW2d 59) and (criticized on other grounds in Ewing v City of Detroit (1995) 214 Mich App 495, 543 NW2d 1).

The driver of an emergency vehicle is not relieved of the duty to drive with due regard for the safety of others. Eggebeen v Red Top Cab Co. (1952) 334 Mich 490, 54 NW2d 725.

A voluntary passenger in a car fleeing from the police is not owed a legal duty by the police and therefore may not sue for personal injuries sustained as a result of the police chase. Robinson v City of Detroit (1997) 225 Mich App 14, 571 NW2d 34.

Police officers owe no duty to the fleeing driver of a motor vehicle; as a matter of public policy, fleeing drivers may not recover damages from the police for personal injuries occasioned by the driver's wrongful conduct. Robinson v City of Detroit (1997) 225 Mich App 14, 571 NW2d 34 (1997).

A police officer and the officer's employing municipality may be held liable for negligence in a police pursuit of a fleeing suspect in a vehicle where the officer does not exercise that care which a reasonably prudent man would exercise in the discharge of official duties of like nature under like circumstances; the required standard of care includes consideration of the statutes governing the operation of emergency vehicles that require emergency vehicles to be driven with due regard for the safety of others. Cooper v Wade (1996) 218 Mich App 649, 554 NW2d 919 (criticized in Robinson v City of Detroit (In re Estate of Henderson) (1997, Mich App) 1997 Mich App LEXIS 272).

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TOC: Michigan Statutes Annotated > /.../ > SPEED RESTRICTIONS > § 257.632. Speed limitations, inapplicability to certain vehicles; audible signals, visual signals, necessity; driver liability.

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ATTACHMENT 3

No operator shall drive through any alley at a speed exceeding fifteen (15) miles per hour.

(Code 1964, § 38-4-3)

Sec. 55-4-42. Freeways--Minimum and maximum speeds.

(a) Subject to the provisions of section 55-4-39, it shall be unlawful for the driver of any vehicle to drive the same at a speed exceeding fifty-five (55) miles an hour or lower than forty-five (45) miles an hour on any freeway; except, that if different speed limits are lawfully posted by signs, it shall be unlawful to exceed the posted speed limits.

(b) If different speed limits are lawfully indicated by illuminated signs mounted over the freeway roadways, they shall take precedence over the speed limits previously provided in this section and otherwise posted and it shall be unlawful to exceed the speed indicated by the illuminated signs.

(c) In every charge of a violation of this section, the complaint and the summons or notice to appear shall specify the speed at which the defendant is alleged to have driven, and the speed that is lawful at the time and place of such alleged violation.

(Code 1964, § 38-4-4)

Sec. 55-4-43. Same--Trucks.

No truck, tractor, tractor with trailer or any combination of such vehicles, with a gross weight, loaded or unloaded, in excess of five thousand (5,000) pounds, shall exceed a speed of fifty (50) miles per hour on any of the freeways of the city.

(Code 1964, § 38-4-5)

Sec. 55-4-44. Observance of speed limit in speed-control zones.

Where signs are erected at the beginning of a speed-control zone, officially established, stating the limit of speed, it shall be unlawful to exceed such stated speed while within such speed-control zone.

(Code 1964, § 38-4-6)

Sec. 55-4-45. Intersections and curves where specific speed posted.

Where signs are erected upon the approach to an intersection or curve directing operators to slow to a definite stated speed, every operator shall reduce the speed of his vehicle to the stated speed before entering the intersection or curve and shall not exceed the stated speed until past the intersection.

(Code 1964, § 38-4-7)

Sec. 55-4-46. Exemptions from maximum speed limits.

The speed limitations set forth in this chapter shall not apply to vehicles when operated with due regard for safety under the direction of the police in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to fire department or fire patrol vehicles

when traveling in response to a fire alarm, nor to public or private ambulances when traveling in emergencies. This exemption shall not, however, protect the driver of any such vehicles from the consequences of a reckless disregard of the safety of others.

(Code 1964, § 38-4-8)

Secs. 55-4-47--55-4-57. Reserved.

DIVISION 3. TURNING MOVEMENTS

Sec. 55-4-58. Right-hand turns generally.

Except as otherwise provided in this division, the operator of a vehicle intending to turn to the right at an intersection shall approach such intersection in the lane for traffic nearest to the right-hand side of the highway, and in turning shall keep as closely as practicable to the right-hand curb or edge of the highway.

(Code 1964, § 38-5-1)

Sec. 55-4-59. Left-hand turns generally.

When intending to turn to the left, the operator of a vehicle shall approach such intersection from either the designated left-turn lane or in the absence of such, from the lane nearest the center line thereof and shall leave the intersection to his left of opposing left-turning vehicles and to the right of the center line of the highway being entered. The approach for a left turn from a two-way street into a one-way street shall be made by approaching from either the designated left-turn lane, or, in the absence of such, the lane nearest the center line and, after driving at least to the center of the intersection, complete the turn by leaving the intersection in any moving traffic lane. The approach for a left turn from a one-way street into a two-way street shall be made in the moving traffic lane nearest the left curb and shall be completed by leaving the intersection to the right of the center line of the street being entered. The approach for a left turn from a one-way street into a one-way street shall be made in the moving traffic lane nearest the left curb and shall be completed into any moving traffic lane of the one-way street being entered.

(Code 1964, § 38-5-3)

Sec. 55-4-60. Against red light.

Vehicular traffic facing a steady red signal, after stopping before entering the crosswalk on the near side of the intersection or at a limit line when marked or, if none, then before entering the intersection, shall be privileged to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn unless prohibited by sign, signal, marking, light or other traffic-control device. The vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(Code 1964, § 38-5-2)

Sec. 55-4-61. Modifications of sections 55-4-58--55-4-60 by department of

ATTACHMENT 4



Detroit Police Web Manual v2

**DIRECTIVE
303.2
VEHICULAR PURSUITS****303.2 - 1 PURPOSE**

This directive outlines the responsibilities of sworn members in regards to vehicular pursuits. The Detroit Police Department places the highest value on the lives and safety of its officers and the public at large. The department also recognizes its responsibility to apprehend persons who endanger the public by fleeing to avoid prosecution. However, vehicle pursuits shall not be conducted in such a manner as to recklessly endanger the lives of officers and/or citizens.

303.2 - 2 POLICY

While operating department vehicles in emergency situations all members shall evaluate the seriousness of the offense and the risk of initiating the pursuit. Although police officers are exempted under state law from the observation of certain traffic regulations, in various circumstances, they are required by law and department policy to maintain control of their vehicle at all times, and must recognize that the safety of the public is a primary concern.

303.2 - 3 Definition**303.2 - 3.1 Vehicle Pursuit**

An active attempt by a uniformed officer operating a marked department vehicle to apprehend the operator and/or occupants of a motor vehicle who, having been given an audible and visual signal by the officer directing the operator to bring the vehicle to a stop, resists apprehension.

303.2 - 4 PROCEDURES

Resisting apprehension may include, but is not limited to, maintaining or increasing speed, disobeying traffic laws, or making some other overt action intended to avoid arrest. Routine traffic stops, or other instances in which officers activate their emergency lights and sirens and the vehicle operator complies by coming to a stop in a reasonably short distance, will not be considered a vehicle pursuit.

Officers attempting to stop a vehicle shall activate their oscillating, flashing, or rotating roof light, as well as flashers, and direct the driver by visual or audible signal to bring the car to a stop. If the attempt to stop the vehicle fails, officers shall activate the headlights and siren of their vehicle prior to initiating a pursuit. Officers shall activate their oscillating, flashing, or rotating roof light and/or siren while attempting to catch up to a suspect vehicle.

303.2 - 5 Pursuit initiation and/or continuation criteria

A pursuit shall **only** be initiated for the following:

1. If members have probable cause to believe a felony has been, is being, or is about to be, committed. The felony of Fleeing and Eluding alone cannot be the felony on which the chase is based.
2. If members observe offenses wherein the conduct of the offense poses such an imminent danger to the public at large that the anticipated hazards of pursuit are outweighed by the danger posed by allowing the conduct to continue.

In addition to the above criteria, the decision to initiate/continue a vehicle pursuit should be made after

consideration of the following factors:

1. Nature of the violation
2. Time of day;
3. Weather conditions;
4. Geographic location and population density;
5. Familiarity with the area;
6. Speed required to maintain the pursuit;
7. Proximity to school areas during school hours;
8. Quality of communications between pursuing unit(s), dispatcher and supervisor;
9. Performance capabilities of the police vehicle and fleeing vehicle;
10. When the pursued vehicle has outdistanced the officer to the extent that continuing the pursuit would require speeds that could endanger the officer and/or the public;
11. Driving skill and training of the officer, if known,
12. Whether the identity of the perpetrator is known and can an arrest reasonably be assured at a later date without potential risk of harm to the community.

The examples given above are not all-inclusive but are provided as a guideline.

303.2 - 6 Exemptions

Officers should bear in mind that while they are exempt from adherence to certain provisions of the state and city vehicle code while performing emergency services, this exemption does not protect the driver of any emergency vehicle and the department from the consequences of a reckless disregard for the safety of others (Michigan Compiled Laws 257.603 and 257.632).

This exemption requires the following:

1. That the emergency vehicle display a flashing, oscillating, or rotating red or blue light;
2. That the emergency vehicle sounds a siren or air horn when engaged in an emergency activity or pursuit.

Therefore, officers shall not initiate a vehicle pursuit if the mandated emergency equipment is not functional. Further, officers engaged in a vehicular pursuit shall immediately discontinue the pursuit should either the siren or rotating emergency lights fail.

303.2 - 7 Control of the pursuit

Officers initiating a pursuit shall immediately contact the zone dispatcher and provide the following information:

1. Reason for pursuit;
2. Location, direction and speed of the pursuit;

3. Description of vehicle, including license number, if known;
4. Description and number of occupants.

In general the initiating officer will become the primary unit and shall be responsible for broadcasting the progress of the pursuit, requesting additional police units if necessary, or deciding if the pursuit should be abandoned.

Members joining the pursuit shall immediately notify the zone dispatcher, who will determine which unit will be designated as the secondary unit. All other units shall stay clear of the pursuit, but remain alert to its progress and location.

303.2 - 7.1 Patrol supervisor's responsibility

The monitoring patrol supervisor shall constantly assess the circumstances surrounding the pursuit. Factors for consideration in the termination or continuation of the pursuit as previously delineated shall be considered in addition to any other factor the monitoring patrol supervisor deems appropriate. The monitoring patrol supervisor shall immediately terminate the pursuit when the circumstances warrant such action.

The monitoring patrol supervisor may designate additional units above and beyond the primary and secondary unit to enter the pursuit based on the following:

1. The suspect is armed;
2. Multiple suspects are in the fleeing vehicle, or
3. Extenuating circumstances heighten safety concerns for the arresting officers.

303.2 - 7.2 Zone dispatcher responsibilities

The zone dispatcher will be responsible for coordinating the pursuit and directing all vehicles other than the primary unit and secondary unit to resume normal patrol. The zone dispatcher is also responsible for the following:

1. Sounding an "alert tone" (3 rapid beeps) to make all officers monitoring the district aware a pursuit or "priority" is commencing;
2. Alerting a **patrol supervisor from the precinct of occurrence** to monitor the pursuit. Should the pursuit involve personnel from a different command, a supervisor from the involved member's command, if available, will be alerted to monitor the pursuit;
3. Reminding involved members to fasten their seat belts and activate vehicle emergency lights and siren;
4. Alerting the helicopter;
5. Checking the license number of the wanted vehicle;
6. Alerting other districts or outside jurisdictions a pursuit is heading their way and updating the progress of the pursuit for the safety of officers in those districts or jurisdiction;
7. If the pursuit enters another radio district the dispatcher shall notify the district dispatcher the pursuit is entering and advise the involved members in the pursuit and the monitoring patrol supervisor to switch their communications to the radio district entered. The zone dispatcher in the district entered shall then be responsible for pursuit communications;
8. Replacing the primary or secondary unit if the need arises.

303.2 - 7.3 Helicopter responsibility

Once the helicopter unit has established visual contact with the pursued vehicle, the helicopter unit shall notify the zone dispatcher it is in position, and has assumed the role of primary unit and shall begin assisting and coordinating the ground activities. The helicopter shall advise ground units of the following:

1. Road hazards;
2. Unsafe conditions;
3. Heavy pedestrian or vehicular traffic;
4. Any facts believed relevant in determining the continuation or termination of the pursuit;
5. Advise and update the dispatcher and monitoring patrol supervisor regarding the number of police vehicles engaged in the pursuit.

The ground units, upon being advised by the zone dispatcher the helicopter has assumed the role of primary unit, shall reduce their speed and proceed with caution as directed by the helicopter to the culmination point of the pursuit.

303.2 - 7.4 Prohibited acts

The following acts are strictly prohibited:

1. Initiating a pursuit for traffic or other violation not specifically delineated above;
2. Engaging in a pursuit when a prisoner or any other citizen is a passenger in the police vehicle;
3. Engaging in a pursuit while riding a motorcycle or driving a sport utility vehicle;
4. Engaging in a pursuit while driving unmarked vehicles. Officers may keep the vehicle under observation, if it is safe to do so, while requesting a marked unit to initiate the pursuit. The unmarked vehicle shall then proceed to the termination or culmination point using normal driving precautions.
5. Ramming;
6. "Caravanning" – no more than two police vehicles shall be actively involved unless specifically directed by a patrol supervisor or ranking member;
7. There shall be no paralleling of the pursuit route, unless the pursuit passes through a unit's assigned patrol area. A unit which is paralleling shall not join or interfere with the pursuit and shall stop all pursuit-related activity at the boundary of its assigned patrol area;
8. Passing of the lead unit unless as requested by the lead unit or directed by a supervisor;
9. Attempting to overtake the fleeing vehicle;
10. Rolling or stationary roadblocks;
11. Wrong way on controlled access highways – pursuing vehicles may proceed on a parallel course;
12. Discharging a firearm – unless the use of deadly force is justified in accordance with the Detroit Police

Department's Use of Force Directive;

13. Officers are strictly prohibited from becoming involved in vehicular pursuits for any reason while off duty and traveling in privately owned vehicles.

303.2 - 8 Authority to terminate a pursuit

A pursuit may be terminated by any of the following members:

1. The units engaged in the pursuit;
2. The monitoring patrol supervisor;
3. Ranking member of the department;
4. Communications supervisor only in the event a patrol supervisor has not acknowledged and assumed responsibility as the monitoring supervisor.

A monitored pursuit shall not be terminated in any manner that subverts the rank structure of the Detroit Police Department.

303.2 - 9 Discontinuing the pursuit

Members involved in a pursuit must question whether the seriousness of the violation warrants continuation of the pursuit. A pursuit shall be discontinued when, in the judgment of the primary unit, there is a clear and present danger to the public, which outweighs the need for immediate apprehension of the violator.

Officers must keep in mind that a vehicle pursuit has the same potential for serious injury or death as the use of fatal force. The danger to the public inherent in any vehicle pursuit must be carefully considered. Officers must place the protection of human life over all other considerations.

Therefore, the decision to terminate a pursuit may be the wisest course of action. **A member will not be criticized for terminating a pursuit when, in the member's opinion, the lives of others would have been at undue risk had the pursuit continued.**

303.2 - 9.1 Termination of the Pursuit

If a pursuit is terminated by the primary unit, patrol supervisor, or ranking member of this department the involved units shall discontinue the pursuit, acknowledge the termination of the pursuit via radio, turn off the roadway and advise dispatch of the termination point and stand by for the patrol supervisor. The patrol supervisor shall respond to the termination point, advise dispatch they are at the location and ensure the involved units have discontinued the pursuit.

303.2 - 9.2 Pursuit culminating in an arrest

The monitoring patrol supervisor shall respond to the culmination point of a pursuit whether or not an arrest is made. If the culmination point is in another precinct a supervisor from that precinct shall also respond. Involved officers shall wait at the culmination point; however, if conditions at the scene are such that officers believe a hostile situation exists or is imminent, officers may convey any prisoners from the scene prior to the arrival of a supervisor.

In addition to the required arrest reports, i.e. Preliminary Complaint Record (PCR), Traffic Warrant Request, if a department helicopter was involved in the pursuit, the members affecting the arrest shall contact Aviation to obtain the members' names, badge numbers, and the number of the helicopter unit. Aviation members shall be listed as

witnesses on the PCR and the warrant request. The names and badge numbers of all members responding to the termination point shall be included on the arresting officers' PCR.

303.2 - 10 Monitoring patrol supervisor's paperwork

The monitoring patrol supervisor shall be responsible for completion of the Police Action Incident Report (P.A.I.R.).

This report must be prepared to document every vehicle pursuit regardless of the outcome, i.e., pursuit terminated, vehicle escaped, arrest. The report shall be completed and forwarded through channels to the concerned deputy chief for processing and retention. If an accident, injury, or property damage results from a police pursuit a Summary Investigation and Report will be completed in addition to the Police Action Incident Report and forwarded through channels to the assistant chief, Operations Portfolio.

Communications Operations will routinely duplicate the chase related segments of the master dispatch tape for every police chase. Whenever a Police Action Incident Report is completed, supervisors preparing these reports shall insure that a copy of the pursuit tape is obtained from Communications Operations and placed into evidence at their command. Additionally the monitoring patrol supervisor shall remove the in-car videotape, if any of the involved vehicles were so equipped, and place the tape on evidence. The evidence tag number(s) shall be recorded on the Police Action Incident Report. If any impropriety is discovered upon viewing by a supervisor the in-car videotape shall be placed in the desk safe until it can be turned over to the Internal Affairs Section.

After reviewing the circumstances of the pursuit, the monitoring supervisor shall determine whether the actions of the officers involved were in accordance with these procedures and no accident, injury, or property damage resulted. If the monitoring supervisor determines that no further action is warranted, then the completion of the Police Action Incident Report is all that is required.

303.2 - 11 Pursuits leaving the city

When a person has committed or is suspected of having committed any felony or misdemeanor within a city, or has escaped from any prison within the city of Detroit, the officers shall have the same right to pursue, arrest and detain such person without the city limits as the sheriff of the county (M.C.L.A. 117.34). This State law is less restrictive than department policy but should not be interpreted so as to relieve officers of their responsibilities to adhere to department policy.

Officers engaged in a lawful pursuit falling within the guidelines of this order may continue the pursuit outside the boundaries of the city. In no case, however, shall the pursuit continue across the international border into Canada.

If the pursuit culminates with an arrest, officers should notify the authority having jurisdiction over the territory where the pursuit has terminated. Officers should keep in mind that persons may not be charged in different jurisdictions with similar offense(s) arising from the same incident. Therefore, if the decision is made to allow prosecution by the jurisdiction where the chase terminates, Detroit officers may not arrest for the same or lesser offense regulating the same activity. For example, if reckless driving is charged by the outside jurisdiction, a Detroit officer may not seek additional traffic related charges within Detroit.

If Detroit officers in 36th District Court will seek felony charges, officers shall return the arrested person(s) to Detroit for processing on the felony matter first. A hold will be placed on the person for the charge requested by the outside jurisdiction and the prisoner processed in accordance with existing procedure.

303.2 - 12 Responding to pursuits by outside agencies into Detroit

When the zone dispatcher receives information that an outside agency is involved in a chase within the city limits, the information shall be broadcast immediately. Officers shall remain alert to the outside agency's location and progress but shall not become directly involved in the chase unless specifically requested by the outside agency and approved by a patrol supervisor. When a request for assistance is approved, the zone dispatcher will designate a unit(s) to participate in the pursuit.

In the event a unit becomes aware of a pursuit prior to the outside agency having time to make a request for

assistance the unit shall immediately advise the zone dispatcher an outside agency is involved in a pursuit within the city limits of Detroit. The unit shall also advise the zone dispatcher of the location, direction, speed, and reason for the pursuit, if known. A patrol supervisor shall direct the unit to assist if it is safe to do so until such time the zone dispatcher can determine the reason the outside agency is involved in a pursuit.

Upon being made aware of the reason for the pursuit the patrol supervisor shall determine if Detroit units shall remain actively involved based on the aforementioned criteria for pursuits involving our members. The Detroit Police Department shall not assume the lead or overtake the pursuing outside agency. If the outside agency terminates a pursuit, Detroit units shall immediately cease the pursuit as well.

A patrol supervisor will be assigned to monitor the pursuit. The monitoring supervisor shall be responsible for all duties set forth in this chapter as they apply to Detroit personnel. Only those patrol unit(s) designated by the zone dispatcher shall participate in the pursuit and respond to the chase termination point.

If no request for assistance is received from the outside agency and the chase culminates in Detroit, the zone dispatcher shall assign a patrol unit(s) to respond to the chase termination location. The responding unit(s) shall proceed to the termination location using normal driving precautions and shall render assistance as appropriate.

Whenever a pursuit initiated by an outside agency terminates within the city limits, a patrol supervisor shall be dispatched to the termination point. If it is determined that a felony or other serious crime has been committed within our jurisdiction, the person(s) shall be taken into custody. If there appears to be no need for further investigation by this department, the outside agency may take custody of the person(s) without unnecessary delay.

The officer in charge of the station desk in the precinct where the chase terminates shall make a notation in the desk blotter, including details of the incident and the disposition of the prisoner. If Detroit officers have been authorized to participate in the pursuit, the monitoring supervisor must complete the Police Action Incident Report. If there was no direct involvement in the pursuit by Detroit officers, the Police Action Incident Report is not required.

303.2 - 13 Evidence copies of dispatch and in-car video tape

Pursuit tapes placed into evidence shall be stored at the command responsible for completion of the Police Action Incident Report. Evidence tapes documenting an arrest or incident involving other persons, e.g., accident, injury, or property damage, shall be retained for three years from the date of the incident. Police tapes documenting routine pursuits that terminate without incident or arrest shall be retained for ninety days.

However, the retention time may be extended pursuant to court action or order from competent authority. Tapes that are no longer needed by the department shall be returned to Communications Operations for recycling. If any impropriety is discovered upon viewing by a supervisor the in-car videotape shall be placed in the desk safe until it can be turned over to the Internal Affairs Section.

REV-02-08

REPORT CIRCULATION CHECKLIST

Report Classification

Privileged & Confidential

Urgent-Delivery

Normal

(within 24 hrs)

(within 24-48hrs)

5 extra copies in central file for new members

✓ City Clerk's Office (1)

✓ All Council Members (8)

✓ Liz Irby (1)

✓ Central Filing System (1)

Team Members

Kerry Batinger

Lakisha Barclift

Elizabeth Cabot

Marcel Hurt

Liz Irby

Pamela Osborne

Julianne Pastula

Tiffany Perkins

Analine Powers

Michael Russell

Thomas Stephens

Gwendolyn Taylor ✓

David Teeter

Brian Walker

David Whitaker

Additional Notifications

(TASK FORCE)

CPC

FISCAL

AUDITOR GENERAL

MAYOR'S OFFICE

STATE OF MICHIGAN

WAYNE COUNTY

Specified Council Member(s)

Specified Council Staff Member