



IR11

POLICE VEHICLE PURSUIT

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POLICY

1. Vehicle pursuits are an inherently dangerous activity and must be recognized as such by all police members.
2. The Courts have determined that all use of force must be objectively reasonable. One of the questions being asked when reviewing circumstances leading up to a use of force situation is, “Was there *officer created jeopardy*?” Therefore, all police actions must be objectively reasonable and not create further jeopardy to police, public or the offender.
3. Protecting the public must always be of primary concern. Therefore, members involved in a vehicle pursuit must continuously assess whether there are reasonable grounds to continue a pursuit when weighed against the risk of harm to the public. All pursuits undertaken must be in compliance with the *Motor Vehicle Act (MVA)*, *Emergency Vehicle Driving Regulations (EVDR)* and *Guidelines* published by the *Police Services Division* of the *Ministry of Justice*. Further, all members are accountable for, and must justify, their actions during a police pursuit.

REASON FOR POLICY

4. To ensure that the safety of the public, members and occupants of a pursued vehicle are properly considered in the decision to initiate, continue or discontinue a pursuit.
5. To provide direction to members with respect to the initiation, conduct, discontinuation and reporting of pursuits.
6. To ensure that members adhere to all applicable laws, regulations and guidelines with respect to the emergency operation of a police vehicle during a pursuit.

RELATED POLICIES

DP60 – Department Vehicles
EA10 – Jurisdiction
IC11 – Lower Mainland Integrated Police Dog Service
IP71 – Roadblocks
IP72 – Vehicle Disabling (Tire & Exhaust Devices)



DEFINITIONS

7. For the purposes of this Policy, the following definitions will apply:

Officer created jeopardy: a situation where an officer deviates from established tactics or policies and his actions unnecessarily place him (and/or others) at greater risk of harm.

Police Pursuit: as stated in the EVDR, a pursuit means “the driving of an emergency vehicle by a peace officer while exercising the privileges granted by Section 122 (1) of the MVA for the purpose of apprehending another person who refuses to stop as directed by a peace officer and attempts to evade apprehension.”

PROCEDURES

Police Pursuit

8. The determination of whether a member is engaged in a pursuit does not depend on whether the member has the lights and/or siren activated. Rather, a member is considered to be in a ‘pursuit’ whenever:
- a) the member is exercising the privileges in Section 122 of the MVA;
 - b) the member follows a vehicle, or attempts to close the distance to a vehicle, with the intent to stop it, or identify the vehicle or driver; and
 - c) the driver intentionally continues, takes evasive action or ignores the member's direction to stop, in order to avoid apprehension.

Note: Members driving in the circumstances described in subsection b) without their lights and siren activated are in violation of the EVDR.

Engaging in a Vehicular Pursuit

9. A member shall only pursue a vehicle while in compliance with the requirements of the EVDR. During a pursuit members must:
- a) activate their emergency equipment;
 - b) undertake an ongoing risk assessment that primarily includes the seriousness of the offence and the need for immediate apprehension; and



- c) also assess:
 - i) the risk of harm posed by the manner in which the emergency vehicle is being operated,
 - ii) the risk of harm posed by the distance, speed or length of time required,
 - iii) the nature, condition and use of the highway, and
 - iv) the volume and nature of pedestrian or vehicular traffic that is or reasonably expected to be there.
- 10. During a pursuit, the member is not to include consideration of an offender's attempt to evade apprehension in determining the seriousness of the offence or the need for immediate apprehension.
- 11. Members may only engage in a pursuit when they have reasonable and probable grounds to believe that:
 - a) the driver or passenger of the suspect vehicle has committed, is committing, or is about to commit an indictable Criminal Code offence, involving serious threats or acts of violence; or
 - b) even without police presence, the actions of the driver pose immediate and grave risks to public safety (e.g. grossly impaired driver; suicidal driver).
- 12. Members shall NOT engage in a pursuit when the suspected offence is solely:
 - a) a MVA infraction; or
 - b) a property crime, including the possession of a stolen vehicle

Pursuit Procedures

- 13. Members shall comply with the requirements as outlined in the EVDR and Guidelines.





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Use of Lower Mainland Integrated Police Dog Service Unit (LMIPDS)

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- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]



Use of Police Aerial Support

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- [REDACTED]

Dispatch Centre Responsibilities

- 30. The E-Comm Liaison Officer is to ensure that the following procedures are reflected in the E-Comm 911 Standard Operating Procedures (SOPs).
- 31. When notified of a pursuit, the dispatcher shall:
 - a) immediately give priority of radio communications to the pursuit and ensure that priority is maintained;
 - b) activate the priority marker tone;
 - c) advise all other units of the pursuit;
 - d) immediately notify the Duty NCO of the pursuit and apprise them of all essential information;
 - e) request that a Patrol Supervisor assume command and monitor the pursuit and adopt radio silence to allow the Patrol Supervisor sole control over the pursuit. The only exception to this is when the dispatcher receives information which is immediately relevant to the conduct of the pursuit;
 - f) expeditiously obtain all information regarding the suspect vehicle from available databases;
 - g) arrange for Police Aerial Support when requested;
 - h) advise all other neighbouring police agencies of the pursuit's proximity and other pertinent information in order to facilitate coordination and cooperation;



- i) when the pursuit appears that it may cross into an adjacent jurisdiction, immediately initiate a patch to Talkgroup 16. Permission from a Patrol Supervisor is not required to initiate a Talkgroup patch during a pursuit;
- j) if vehicle is lost, broadcast vehicle description and last known location along with reason pursuit was commenced to all neighbouring police agencies; and
- k) assist the Patrol Supervisor when possible, particularly with respect to obtaining relevant information from the pursuing members when communication difficulties occur, and ensure the Patrol Supervisor is apprised of this information.

Primary Unit Pursuit & Broadcast Responsibilities

32. The first responsibility of the member engaged in a pursuit as the primary unit is the apprehension of the suspect(s) without unnecessarily endangering themselves or other persons. Unless relieved by a Patrol Supervisor, the member in the primary unit shall:
- a) request air control by broadcasting 'Code 4,' informing the Dispatch Centre that they are 'Code 3' with emergency equipment activated, in pursuit of a fleeing vehicle;
 - b) advise the Dispatch Centre as to the reason for the pursuit, especially the nature of the offence and need for immediate apprehension, and provide information including description of the suspect vehicle, location, speed, direction of travel and traffic conditions as soon as practicable; updates of this information shall be broadcast throughout the pursuit;
 - c) provide other relevant information including identification of driver, number of occupants and violation of traffic control devices;
 - d) continuously assess whether there are reasonable grounds to continue a pursuit when weighed against the risk of harm to members of the public;
 - e) request that a Patrol Supervisor enquire as to the availability of Police Aerial Support and/or members equipped with vehicle disabling devices or assign additional units to the pursuit if required;
 - f) advise if they are an unmarked unit with emergency equipment; and



- g) decide whether the pursuit should be terminated.
33. If the primary unit cannot continue in its capacity, the secondary unit shall become the primary unit. In this case, another unit will be assigned by the Patrol Supervisor as the secondary unit

Secondary Unit (Communications Unit)

34. The member in the secondary unit shall immediately notify the Dispatch Centre when they are in position behind the primary unit. The secondary unit should be a marked unit with full emergency equipment. When it is an unmarked unit, this unit shall abandon its position when a marked police unit with full emergency equipment has joined the pursuit. Once a marked secondary unit has joined the pursuit, it becomes the communications unit in the pursuit, and assumes the broadcast responsibilities of the primary unit.

Patrol Supervisor's Responsibilities

Communication

35. Radio priority is crucial for the Patrol Supervisor controlling the pursuit as well as the primary and secondary units; therefore, dispatchers and police members monitoring a pursuit must exercise strict radio discipline at all times.
36. Patrol Supervisors must have 'radio' priority to properly provide direction to police units and control the pursuit. When a vehicle pursuit occurs, the following procedure shall be followed:
- a) the Patrol Supervisor assuming control of the pursuit shall immediately inform the radio dispatcher that they are 'taking control';
 - b) the radio dispatcher shall acknowledge when a Patrol Supervisor assumes control of a pursuit and take direction from the Patrol Supervisor;
 - c) dispatchers and other members shall keep radio traffic to an absolute minimum, only broadcasting information essential to the pursuit;
 - d) the Patrol Supervisor shall obtain information from the primary unit and direct other units as he/she sees fit; and



- e) when the pursuit is either terminated or concluded, the Patrol Supervisor shall advise the dispatcher to resume radio control and normal radio operations.

General

37. The Patrol Supervisor responsible for a pursuit shall:

- a) ensure correct pursuit procedures are followed, and elicit from the primary unit all pertinent information of pursuit conditions for broadcast;
- b) take command of the pursuit, and remain in command, regardless of whether the pursuit crosses jurisdictional boundaries until relieved by a supervisor in the accepting jurisdiction;
- c) respond immediately to the termination point of the pursuit, and on arrival, inform the Dispatch Centre;
- d) control all police action and ensure compliance with Departmental regulations and procedures;
- e) prepare a detailed report of the pursuit;
- f) submit all reports to the Patrol Inspector; and
- g) report all pursuits resulting in injury or serious property damage to the Duty Officer.

38. Whenever a Patrol Supervisor is actively involved in pursuing a vehicle (for instance as the primary unit) that supervisor shall not take charge of the pursuit. Another supervisor is required to take charge of the pursuit and will be responsible for monitoring the ongoing pursuit, attending and taking charge of the scene at the termination point, supervising any subsequent investigation, and reviewing and submitting all required reports.

Adjacent Jurisdiction

39. When a pursuit approaches an adjacent police jurisdiction, the Patrol Supervisor is to instruct the Dispatch Centre to notify the appropriate police agency directly and stay with that agency to exchange information until such time as the pursuit is ended.



40. When the pursuit enters the adjacent jurisdiction, that jurisdiction will assume responsibility at the earliest opportunity.
41. The original pursuit vehicle(s) will act in a back-up role in the pursuit immediately upon being satisfied that the adjacent police agency has assumed responsibility for the pursuit.
42. Where a pursuit has crossed into other police jurisdictions, charges resulting from the pursuit should be decided upon jointly by the police departments involved in the incident.
43. In the event the other jurisdiction is unable to coordinate units to assume control of the pursuit, the Delta units may continue the pursuit to its conclusion unless:
 - a) the primary unit decides to discontinue the pursuit;
 - b) a Delta supervisor directs the units to discontinue the pursuit; or
 - c) a supervisor from the jurisdiction through which the pursuit is passing directs that the pursuit be discontinued.

Loss of Pursued Vehicle

44. When the pursued vehicle is lost, or the driver/occupants flee on foot, the member(s) in the primary unit will immediately broadcast all pertinent information to the Dispatch Centre. After receiving the Dispatch Centre's broadcast that the suspect vehicle was lost, all involved units shall resume normal non-pursuit operation of their police units. The attending Patrol Supervisor will coordinate the search as required.

Terminating a Pursuit

45. A pursuit can be discontinued by the:
 - a) pursuing members;
 - b) Patrol Supervisor; Duty NCO; or
 - c) Duty Officer.



Reasons for Terminating Pursuits

46. Once a pursuit is terminated, no member shall renew that pursuit unless a new offence or other extenuating circumstances alter the risk assessment that resulted in the prior termination, such that a renewed pursuit is reasonable. No criticism will be leveled against a member whose judgment dictates the need to discontinue a pursuit. All members involved in a pursuit will be held accountable for the continuation of that pursuit when circumstances indicate it should have been discontinued or when directed to terminate.
47. Members involved in a vehicle pursuit must continuously assess whether there are reasonable grounds to continue a pursuit when weighed against the risk of harm to the public and members of the Department. Even though the police have a duty to apprehend offenders, there are times when the risk of harm to the public may be too great. Therefore, when a decision is made to terminate a pursuit, certain tactics must be used to limit the potential for a suspect to believe that he or she is still being pursued.

Pursuing Units' Responsibilities

48. Unless otherwise directed by a Patrol Supervisor or Police Aerial Support has assumed control of a pursuit, all members involved in a pursuit who terminate the pursuit on their own initiative or are directed to terminate a pursuit shall:
 - a) acknowledge the termination of the pursuit to the Dispatch Centre;
 - b) immediately turn off the pursuit route and not continue to follow the pursued vehicle;
 - c) turn off all emergency equipment;
 - d) return to the legal speed limit; and
 - e) advise the Dispatch Centre of their location and the last known location and direction of the pursued vehicle.
49. All members directly or indirectly involved in a pursuit shall:
 - a) not renew the pursuit without authorization of the Patrol Supervisor handling the call;



- b) respond to the area of the termination and set up containment as determined by the assigned Patrol Supervisor or as directed by Police Aerial Support;
- c) advise the Dispatch Centre if the suspect vehicle is spotted, but do not follow or parallel the vehicle, unless authorized by the Patrol Supervisor; and
- d) follow specific instructions from the Patrol Supervisor handling the call, including leaving the area if the risk to the public has become too great in attempting to apprehend the suspect(s).

Patrol Supervisor's Responsibilities

50. The Patrol Supervisor monitoring a pursuit that has been terminated shall:
- a) If practicable, direct a unit, other than the primary or secondary unit, to drive the last known route that the suspect vehicle may have taken after termination, once it has been determined that the suspect vehicle is no longer in the area, to ensure that the suspect was not involved in a collision;
 - b) Not order the pursuit to be renewed unless a new offence has been committed or other extenuating circumstances alter the risk assessment that led to the termination and makes renewal of the pursuit reasonable;
 - c) Coordinate units to contain the last known area of the suspect vehicle in the event that the vehicle has been abandoned; and
 - d) Conduct a debriefing with the members involved at the conclusion of the call.

Pursuit Reporting

Primary Unit Member

51. Following any pursuit, the initiating member will complete a report of the incident for review.
52. The report will include a detailed narrative describing the circumstances, including:
- a) the manner in which damage or injury occurred;



- b) the extent or seriousness of the damage or injury;
- c) charges laid or contemplated; and
- d) supplementary attachments, when required.

53. The primary member's report will be forwarded to the Patrol Supervisor.

Secondary Unit Member

54. Following any pursuit, members assisting in the pursuit will complete a detailed narrative of their involvement.

55. This report will be forwarded to the Patrol Supervisor.

Mechanical Inspection

56. At the discretion of the Patrol Supervisor, all police vehicles involved in a pursuit should be taken out of service immediately and should be inspected by City of Delta mechanics.

57. If a pursuit involves extreme driving, excessive braking or when there is any impact with foreign objects, the police vehicles will be taken out of service pending inspection by City of Delta mechanics.

Patrol Supervisor

58. The Patrol Supervisor will:

- a) where accidents or damage to private or personal property occur, ensure that a member who was not involved in the pursuit is assigned to complete a thorough investigation. When the damage which resulted from the accident or where damage to private or personal property is severe, or where personal injuries have resulted from an accident occurring during a pursuit, ensure that a Traffic Analyst or Reconstructionist is assigned to conduct the investigation;
- b) ensure that the required forms and narratives are properly completed; and
- c) submit a report to the Patrol Inspector that will include the following:
 - i) the reason for commencing the pursuit,



- ii) a critique of the pursuit, with particular emphasis on the degree of compliance with policy,
- iii) a description of all charges that have been requested,
- iv) the number of persons injured, or fatalities resulting from the pursuit, and
- v) the estimate of the damage resulting to vehicles or property.

59. In any case where the Patrol Supervisor is the primary unit involved in a pursuit, or is involved in a police motor vehicle accident as a result of a pursuit, it is the responsibility of the Duty NCO to ensure that a proper investigation is undertaken and to submit the supervisor's reports as required.

Follow Up Investigator

60. Where a follow-up investigation is appropriate, the investigator will complete a comprehensive report on the incident including:
- a) statements of witnesses and persons involved;
 - b) transcripts of taped communications;
 - c) a copy of the pursuit policy and procedures;
 - d) map of the pursuit route;
 - e) diagram of the accident scene;
 - f) photographs of the accident scene;
 - g) accident analysis report;
 - h) mechanical inspection report;
 - i) copy of report to Crown counsel;
 - j) copy of report to coroner where applicable; and
 - k) submit the report directly to the Patrol Inspector.



Patrol Inspector

61. The Patrol Inspector will:
- a) review the pursuit reports;
 - b) enter comments on the reports about the merits of the pursuit;
 - c) determine the seriousness of the pursuit;
 - d) ensure that a senior investigator is assigned to be responsible for the investigation of all pursuits involving vehicle accidents and/or accidents involving injuries or fatalities; and
 - e) make comments on matters relating to:
 - i) adherence to policies,
 - ii) the continuation of the pursuit,
 - iii) circumstances that justified ramming the suspect vehicle, in an effort to terminate the pursuit,
 - iv) members' actions during the pursuit, and
 - v) any other relevant information required.

Review

62. In cases where there is no damage to a police vehicle or public or private property, the Patrol Inspector will forward the report to the Deputy Chief of Operations, including any recommendations which may relate to recognition of good performance; lack of adherence to policy; policy failings; potential disciplinary action; or other recommendations.
63. In situations involving death or serious injury to anyone involved in a pursuit, the Patrol Inspector, or Duty NCO, will immediately notify the Deputy Chief of Operations and forward the report to the Deputy Chief of Operations as soon as practicable.
64. Where damage occurs to a police vehicle or a police vehicle causes damage to public or private property, the Patrol Inspector will forward the report to the Collision Review Board.



65. If circumstances of the case indicate a breach of the *Police Act*, the Deputy Chief of Operations shall forward the report to the Chief Constable who will make a determination as to disciplinary action in accordance with the *Police Act*.

*Revised Dates:
01 May 2008
05 May 2009
14 June 2012
09 March 2017