

**AN ORDINANCE AMENDING PROCEDURES
CONCERNING VEHICLE PURSUITS AND VEHICLE OPERATIONS BY
WAYNESVILLE POLICE DEPARTMENT PERSONNEL;
FIXING AN EFFECTIVE DATE**

WHEREAS, Police Officers throughout the country engage in hundreds of high-speed automobile chases every day; and

WHEREAS, enough of these chases result in serious property damage, personal injury and death to make police pursuits a major concern; and

WHEREAS, high-speed pursuits expose our Police Officers to a high risk of loss not only to the citizenry at large, but to the Police Department as well; and

WHEREAS, the City Council has determined that procedures should be amended to reflect the current standards regarding vehicle pursuits and operations by Waynesville Police Department Personnel, lowering the risk of loss for the safety and betterment of the City.

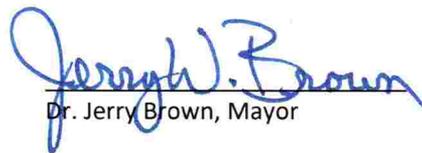
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAYNESVILLE AS FOLLOWS:

SECTION 1. The Procedure Manual of the Waynesville Police Department is hereby amended, according to Exhibit A, attached hereto and made a part of this Ordinance.

SECTION 2. That all other Ordinances or Resolutions regarding procedures related to Vehicle Pursuits and Vehicle Operations by Waynesville Police Department that are in conflict with this Ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL ON THIS 16th DAY OF SEPTEMBER, 2021


Dr. Jerry Brown, Mayor

ATTEST:

Michele Brown, City Clerk



EXHIBIT A

VEHICLE PURSUITS

I. Policy

It is the policy of the Waynesville Police Department that all pursuit operations shall be conducted in accordance with existing statutes, city ordinances, and regulations set forth in this procedure. The safety of the public will be the primary concern.

II. Definitions

Emergency Vehicle - A vehicle, while in motion, which sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle (RSMo. 304.022.4(3)).

Vehicle Pursuit - An attempt by the police to apprehend a suspect operating a motor vehicle, while the suspect is trying to avoid capture or failing to yield to the officer's signal to stop, by actively attempting to elude the officer.

Violent Felony - A felony where the potential for serious bodily injury or death to another was demonstrated by the suspect(s) during the commission of the crime.

Imminent Danger - A situation which places the officer or others in immediate danger of death or serious bodily injury.

III. Procedure

A. Initiation of a Pursuit

1. Officers may initiate a pursuit when they have a reasonable belief that the fleeing suspect has committed or attempted to commit a violent felony and the subject, if allowed to flee, would present immediate danger or serious injury to human life. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate danger to the public should the suspect remain at large.
2. Information developed or discovered after the pursuit cannot be used to justify the pursuit itself.

B. Continuation of a Pursuit

1. While acknowledging that any vehicle pursuit has certain inherent dangers, the decision to continue a pursuit must be continually evaluated

by the officers involved, and the supervisor or senior ranking officer.
(EXAMPLE - A pursuit where the suspect ignores solid red traffic signals, or takes other steps demonstrating a total disregard for his safety and that of the public at large may be grounds for terminating a pursuit.)

C. Termination of a Pursuit

1. Pursuits WILL BE terminated when the danger created by the pursuit outweighs the need for apprehension.
2. The decision not to pursue or to abandon a pursuit may be the most intelligent course of action. An officer will not be criticized for their decision to terminate a pursuit.
3. All officers will terminate a pursuit when ordered to do so by a supervisor or ranking officer.
4. Existing circumstances and conditions shall be considered when deciding whether to abandon the pursuit. The following are examples of those factors which should be considered:
 - a. Lack of backup;
 - b. Known suspect(s);
 - c. Condition of police vehicle;
 - d. Juveniles in the pursued vehicle;
 - e. Loss of reliable radio communication;
 - f. Non-sworn person(s) present in a pursuing vehicle;
 - g. Adverse weather conditions;
 - h. Adverse road conditions;
 - i. Unfamiliar with the area;
 - j. Heavy vehicle or pedestrian traffic.

D. Pursuit Vehicle Restrictions

1. Any police vehicle, equipped with red and blue lights and siren, may be used to initiate a pursuit. In the event a pursuit is initiated by an unmarked police vehicle, the officer will relinquish his/her involvement in the pursuit at the first available opportunity to marked vehicles.
2. Police vehicles transporting prisoners shall not engage in pursuit activities, including initiation of pursuits.

E. Vehicle Operations and Tactics - Emergency vehicles in pursuit shall comply with procedures as prescribed in "Police Vehicle Operation", in addition to the following:

1. Controlled Access Highways - Officers shall not pursue suspects the wrong way on interstate, controlled access highways, or divided roadways unless specifically directed to do so by a supervisor or commanding officer. Officers may proceed on a parallel course.
2. Caravanning - No more than two police vehicles will become actively involved in a pursuit unless specifically directed to do so by a supervisor or commanding officer.
3. Shadowing - Shadowing or taking a parallel course by officers not directly involved in the pursuit is prohibited.
4. Passing - There shall be no attempt to pass other units involved in a pursuit unless the passing officer receives permission from the primary unit or is directed to do so by a supervisor or commanding officer.
5. Ramming, and forcing suspect off road is prohibited.
6. Forcible Stopping Techniques
 - a. The use of a tire deflating device (Stop Sticks) is the only authorized forcible stopping technique/method which may be deployed to halt a fleeing suspect vehicle.
 - May only be used by officers trained in the deployment procedures.
 - Must be deployed as prescribed in the manufacturers training and operating instructions.
 - A supervisor or senior officer must authorize the deployment.
 - b. If deployed, officers will notify communications for broadcast of an alert and the location of the stop sticks.
 - c. The tire deflating device (Stop Sticks) will not be used on motorcycles or vehicles with less than four (4) tires.
 - e. When a tire deflating device has been used, a supervisor will ensure that the appropriate forms are completed, and the used device is placed in the equipment room for replacement.
 - f. The supervisor will return the used device to the appropriate distributor for replacement.

- g. Officers may assist in the deployment of tire deflating devices (Stop Sticks) only upon the request of the outside agency engaged in the pursuit and with the approval of a department supervisor.
- h. When exigent circumstances exist, officers may only shoot at a pursued vehicle from a stationary position when the use of deadly force is authorized.

F. Pursuit Procedures Duties and Responsibilities

1. Primary Unit.

- a. Upon initiation of a pursuit, the primary unit will relay the following information to Communications:
 - Location, speed, and direction of travel;
 - Information on suspect vehicle and occupants;
 - Reason for pursuit;
- b. The secondary unit will continuously update Communications when factors of the pursuit change.

2. Communications.

- a. Immediately upon notification of a pursuit in progress, Communications will:
 - Clear the channel on which the primary unit is operating for pursuit traffic only. All other radio traffic, including other related emergency traffic, will be conducted on an alternate channel;
 - Notify the primary unit's supervisor;
 - Assign a new primary unit, if requested;
 - Assign a secondary unit.
- b. During the pursuit, Communications will assume the following duties:
 - Monitor all radio traffic and relay information to the units involved in the pursuit and the supervisor until the pursuit is terminated;
 - Perform relevant records and motor vehicle checks;
 - Coordinate assistance, under the direction of the field supervisor or commanding officer.

-Notify the Chief of Police as soon as time permits.

- c. Communications personnel do not have authority to terminate a pursuit; however, they have the responsibility of relaying information of which they are aware that may affect any decision to terminate or continue a pursuit.

3. Secondary Unit.

- a. The secondary unit shall be a marked police vehicle unless such a vehicle is not available. Secondary units must conform to the definition of an emergency vehicle as described in Section II of this Policy.
- b. The secondary unit may assume radio communication responsibility, allowing the primary unit to devote full attention to driving.

4. Supervisor.

- a. Immediately upon notification of the pursuit, the supervisor will:
 - Ensure that the radio channel is cleared for emergency traffic only;
 - Ensure that no more than the required/necessary units are involved;
 - Verify that only marked patrol units are in pursuit or that proper units are en route to take over the pursuit.
- b. The supervisor or senior officer will direct the pursuit, approve alternative tactics and maintain control until the pursuit is terminated.
- c. Upon termination of the pursuit, the supervisor shall proceed to the termination point to provide necessary supervision.

G. Pursuits into Other Jurisdictions

1. Authority.

- a. RSMo. 544.157 authorizes Waynesville Police Officers in fresh pursuit of a person who is reasonably believed by the officers to have committed a violent felony in this state, or who has committed, or has attempted to commit, in the presence of such officer, any criminal offense or violation of state law or city ordinance, or for whom such officer holds a warrant of arrest for a criminal offense, to have authority to arrest and hold in custody