

ATHENS-CLARKE COUNTY POLICE DEPARTMENT



MEMORANDUM

CLEVELAND SPRUILL
Chief of Police

To: Cleveland L. Spruill, Sr., Chief of Police

JEFF CLARK
Deputy Chief of Police

From: Christopher W. Nichols, Lieutenant

MICHAEL HUNSINGER
Deputy Chief of Police

Re: CALEA Vehicle Pursuits Analysis

JERRY SAULTERS
Deputy Chief of Police

Date: July 18, 2019

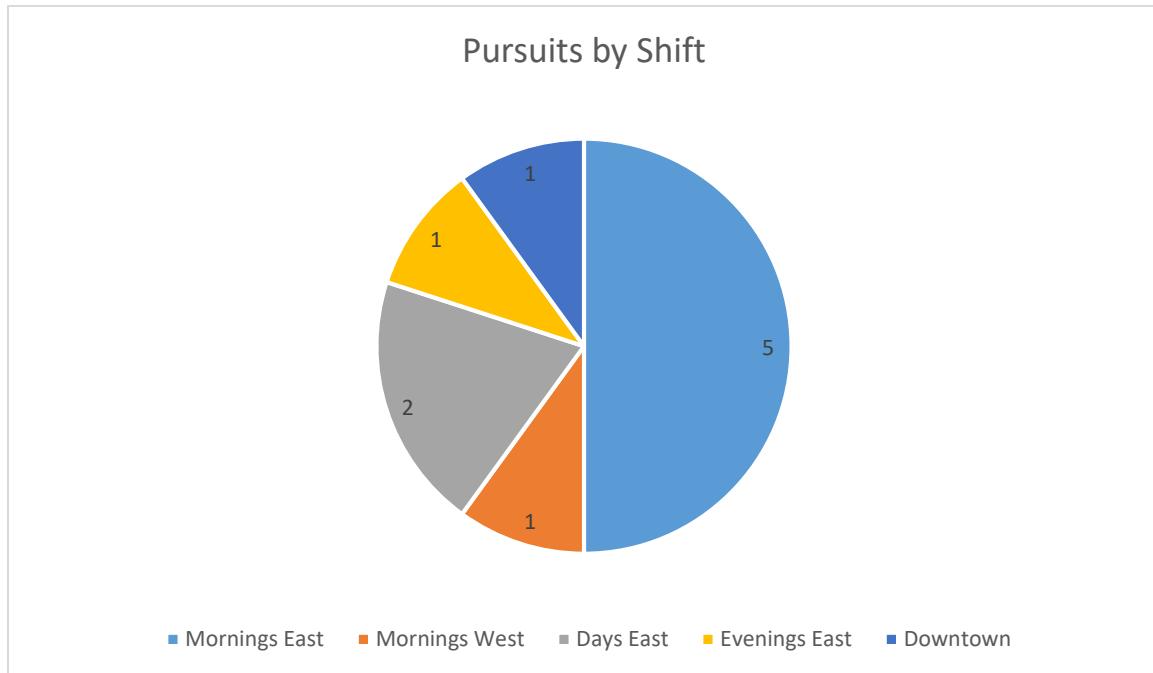
A review of pursuits during calendar year 2018 was conducted pursuant to CALEA Standard 41.2.2.

During calendar year 2018, 10 pursuits were reported by ACCPD officers.

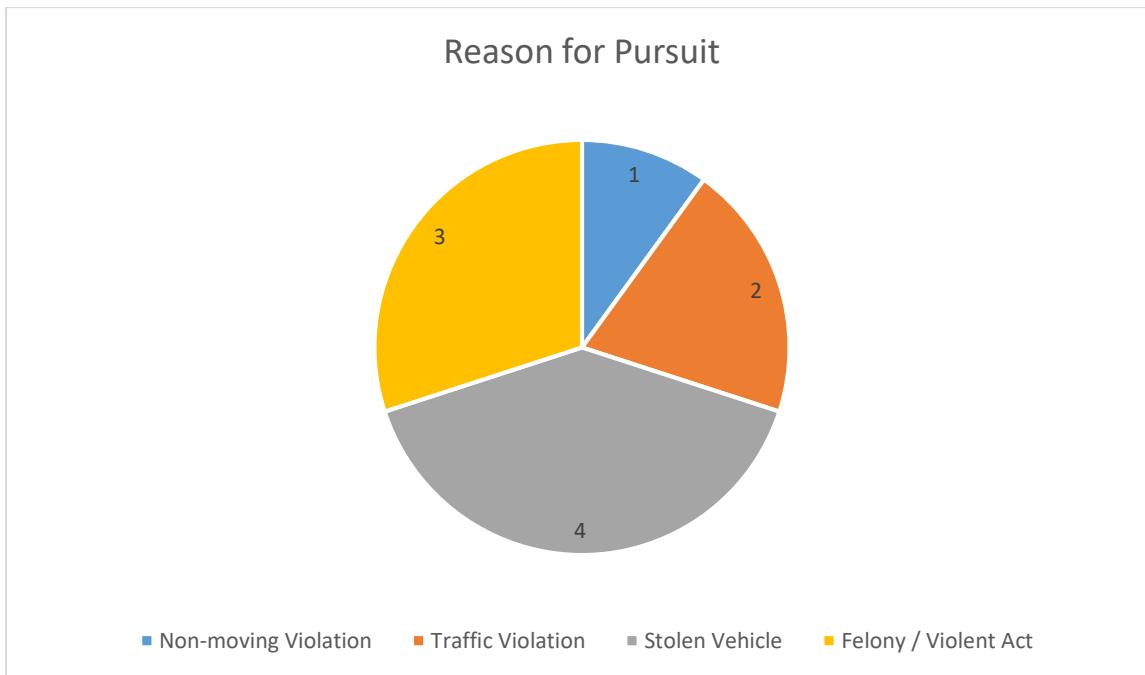
I reviewed each vehicle pursuit report and all training and policies relating to each report for the following analysis.

Data, Statistics and Charts

Of the 10 pursuits in 2018, 5 were reported on Mornings East and 2 were reported on Days East. Mornings West, Evenings East, and Downtown each reported 1 pursuit.



The majority (40%) of vehicle pursuits in 2018 were for a stolen vehicle. Felonious offenses / Violent Acts accounted for 30% of the pursuits, traffic violations 20%, and non-moving violations were 10%.



Of the reported pursuits, six resulted in vehicle crashes. Only one pursuit involved a police vehicle crash. No third party injuries resulted from any of the vehicle crashes.

The median age of officers involved in initiating pursuits was 35. The median age of offenders involved in pursuits was 38. Half of the identified offenders (5) involved in a pursuit were under the age of 18.

During 2018, two pursuits were found to be outside of policy. Pursuit 18-01-0157 was initiated after an officer observed a suspicious vehicle at a closed business during the early morning hours, around 0410 hours. The officer used expired registration as the basis for a vehicle stop. The vehicle fled, disregarded traffic control signals, and accelerated to a high rate of speed. After pursuing the vehicle a short distance, the officer terminated the chase on his own. The officer was given a counseling statement for initiating a short pursuit for a non-moving traffic violation and suspicious behavior.

Pursuit 2018-10140077 occurred after an officer observed a stolen vehicle on the roadway. The officer only followed the vehicle and called for additional units to assist. A sergeant acknowledged the evolving situation and called for additional resources (e.g., Georgia State Patrol, Winterville Police, etc.). Only when a corporal arrived to assist the officer with lights and siren activated did the offender begin to flee. The vehicle began driving on the wrong side of the roadway at an intersection. The officer reported, "At this point, I was committed to following the suspect vehicle on the left side of the road and I determined that my emergency lights and siren increased the safety of the situation because oncoming traffic was able to pull safely to the shoulder and avoid a collision with the suspect vehicle driving towards them."

The pursuit was terminated based on the offender's driving, but the offender immediately hit Stop Sticks. The vehicle ultimately crashed as the driver continued down the road.

The officer was given a counseling statement for pursuing a vehicle the wrong way on a limited access roadway. The alleged violation did not occur as no part of the pursuit was on any limited access roadway. As such, the counseling statement becomes null and void for the listed violation. A review of the pursuit by the Office of Professional Responsibility concluded the supervisory personnel approved the pursuit, however, no supervisory personnel listed in any documents/reports any exigent, life-threatening and/or public safety circumstances for allowing the pursuit to be initiated or continued. In essence, the pursuit policy did not allow for the pursuit of this stolen vehicle and the supervisory staff did not provide reasonings for ratifying or participating in it.

The following chart illustrates reportable comparative CALEA pursuit data.

Vehicle Pursuits

PURSUITS	2018	2019	2020	2021
Total Pursuits	10			
* Forcible stopping techniques used	3 !			
* Terminated by agency	3			
* Policy Compliant	8			
* Policy Non-compliant	2			
Total Collisions	6			
Injuries				
* Officer	0			
* Suspects	1			
* Third Party	0			
Reason Initiated				
* Traffic	3			
* Felony	7			
* Misdemeanor	0			

* Traffic offenses include both misdemeanor and felony violations

! Includes one incident of tire deflation device used prior to a pursuit commencing

Policies and Reporting

General Order 3.09 – Vehicle Pursuits, Roadblocks, and Forcible Stopping was revised during 2018. Upon re-issuance on October 22, 2018, the policy eliminated the definition of and the procedure for the Precision Immobilization Technique (PIT) maneuver. Ramming a vehicle is still allowable if deadly force is authorized and prior approval from a field supervisor is granted. Prior approval for ramming is not required if the force is immediately necessary to protect human life from death or great bodily harm.

The revision also further restricted the approved involvement of unmarked vehicles. Prior to October 22, 2018, unmarked vehicles could initiate or engage in pursuits while awaiting a sufficient number of marked vehicles to intervene. The policy also allowed unmarked vehicles to continue in non-emergency capacity to assist once the pursuit was ended or terminated. After the policy revision, unmarked vehicles may initiate or engage in pursuits, but must discontinue upon the arrival of a marked unit. Allowing unmarked vehicles to continue in a non-emergency capacity was also stricken from the policy.

All pursuits, whether authorized or not must be documented within 24 hours. The documentation is reviewed by the chain of command up to and including the Deputy Chief of Police. The pursuit documentation is also reviewed by the Office of Professional Responsibility upon completion.

During 2018, documentation of pursuits was done via a Microsoft Word document. Data from the document was then entered into an Excel spreadsheet for review and analysis. During the first half of FY 2019 (June - December 2018), an online Use of Force and Pursuit program was purchased by the ACCPD. No data was entered into the software during calendar year 2018 as the program setup and training had not occurred. Pursuit reporting switched from Word documents to the online system January 1, 2019.

Training and Equipment

The ACCPD currently offers driver training to new applicants prior to Basic Mandate attendance at the police academy. The driver training does not include pursuit driving. At the police academy, students receive training in Basic Emergency Vehicle Operations, but the course does not include pursuit driving.

Traditionally, the ACCPD has offered driver training through classroom in-service and training bulletins. The in-service training and bulletins define the criteria for pursuit justification (policy) and cover applicable Georgia law (statutory and case law) regarding the definition of an emergency vehicle and due regard. In addition, ACCPD employees may elect or be directed to take Defensive Driving through the ACC HR Risk Management Division. The ACC HR course does not include pursuit driving.

During 2018, the ACCPD began outfitting patrol with wrap around bumpers, predominantly used when implementing the Precision Immobilization Technique (PIT). These wrap around bumpers were discontinued when the PIT was removed from the pursuit policy. Patrol vehicles resumed to be outfitted with standard push bumpers.

ACCPD officers are issued Stop Sticks (tire deflation devices) for their patrol vehicle. Each officer receives Stop Stick training during the New Officer Basic Course. Of the pursuits in 2018, there were three incidences of Stop Stick use. One of the three times the Stop Stick was deployed prior to the pursuit commencing.

The ACCPD Career Development and Training Commander, Lt. Mark Malueg, suggests officers receive driver training which gives participants more “hands-on” experience. The ACCPD has two driver instructors, but is unable to conduct practical exercise pursuit training due to the lack of a track.

The Georgia Public Safety Training Center offers the following classes:

EVOC Level 1 is a slightly advanced version of the Basic EVOC Course that is now taught to Basic Mandate Recruits during their training in the Police Academy. The Level 1 Course is taught to veteran officers who have never been through the Basic Course. This course consists of precision driving, braking, and skid control. No ACCPD officers requested this course during 2018.

The EVOC Level 2 course is a more advanced class which is designed to challenge officers to push their skill sets to new areas in order to build their confidence in their driving capabilities. This program consists of emergency response as well as pursuit driving where the officers learn to safely negotiate different types of curves while employing the apex method. This training provides the officer with a safer line of travel while operating the emergency vehicle and using “due regard.” Two officers requested to take EVOC Level 2, but one request was denied by the shift lieutenant and the other request was denied by GPSTC because the class was full.

The High Center of Gravity Course allows the officer to gain the confidence so they can safely maneuver Sports Utility Vehicles in an emergency response and/or pursuit situation. No ACCPD officers attended this course in 2018.

The Dynamics of Vehicle Pursuit Course is a course that challenges the officer to look at the psychological components of the vehicle pursuit. This course deals with how the officer’s brain functions in its various capacities while performing the critical tasks of decision making during a pursuit. Three ACCPD officers attended this training in 2018.

The Precision Immobilization Technique Course (PIT) is intentional controlled contact designed to send the suspect’s vehicle into a tailspin, thus ending the pursuit. The pursuing officer taps the fleeing vehicle on the corner of its rear bumper to cause the driver to lose control as the vehicle comes to a spinning stop. The PIT is not the same as ramming a vehicle. Nine ACCPD officers attended this course in 2018.

Recommendations / Conclusions

There are inherent dangers involved with police vehicle pursuits. The danger posed to the public should not outweigh the need to capture the offender. “[I]t is desirable . . . that the officer overtake and apprehend the criminal, . . . it is equally as important that innocent persons, whether or not connected with the emergency to be met, not be maimed or killed in the operation.” (*Archer v. Johnson* , 90 Ga. App. 418, 424 83 SE2d 314 1954) For many years, the ACCPD had a judgmental pursuit policy based upon the Georgia Association of Chiefs of Police model pursuit policy. In 2017, the ACCPD revised the judgmental policy to a restrictive policy (currently General Order 3.09).

Current policy only allows vehicle pursuits in two instances:

1. There exists a reasonable articulable suspicion that the driver, or occupants, of a fleeing vehicle has committed, has attempted to commit, or is actively wanted for a violent felony as defined in the pursuit policy, or
2. There exist articulable facts, knowledge and/or observations of dangerous and reckless driving that creates an exigent, life-threatening public safety circumstance that precedes the officer's attempt to stop the vehicle.

Consideration should be given to other instances where it may be appropriate to pursue a vehicle, but it is not specifically authorized per the current policy. For example, per the current policy, pursuing a vehicle that was involved in a burglary would not be authorized unless the burglar had offered violence or had created exigent, life-threatening circumstances prior to police involvement. Consideration of other factors such as time of day, weather and traffic conditions, and direction of travel may afford officers an opportunity to pursue and capture someone committing a felony offense punishable up to 20 years in prison that would otherwise not be allowed. To allow for this type of pursuit would require a policy modification.

In order to help ameliorate the inherent dangers of pursuit driving, I recommend officers attend more courses in-house or through training at the Georgia Public Safety Training Center that encourage both cognitive and practical competencies.