

*Maryland-National Capital Park Police  
Prince George's County Division*

**DIVISION DIRECTIVE**

TITLE <b>FRESH PURSUIT/VEHICULAR PURSUIT</b>		PROCEDURE NUMBER <b>PG420.0</b>	
SECTION <b>Operational Procedures</b>	DISTRIBUTION <b>A</b>	EFFECTIVE DATE <b>07/01/04</b>	REVIEW DATE <b>07/01/06</b>
REPLACES <b>PG420.0– “Fresh Pursuit/Vehicular Pursuit”, issued 10/26/01</b>			
RELATED DIRECTIVES <b>PG418.0</b>	REFERENCES <b>CALEA 41</b>	AUTHORITY <b>Commander Larry M. Brownlee, Sr.- Division Chief</b>	

**I. PURPOSE**

This directive establishes basic rules of operation regarding the circumstances in which a pursuit may be initiated.

**II. POLICY**

The pursuit of any violator is a serious situation that involves a myriad of situations and issues. It is the policy of this Division that all officers shall observe the below listed laws, regulations and guidelines for the fresh pursuit of fleeing felons, misdemeanants and traffic law violators.

Vehicular pursuit of fleeing suspects presents a danger to the lives of the public, officers and suspects involved in the pursuit. It is the policy of this Division to protect all persons' lives to the greatest extent possible when enforcing the law.

**III. DEFINITION**

- A. **Vehicular Pursuit**: An active attempt by an officer in an authorized emergency vehicle to pursue and apprehend fleeing suspects who are attempting to avoid apprehension through evasive tactics.

**IV. LAWS GOVERNING FRESH PURSUIT**

- A. Maryland
1. Criminal Procedure Article Section 2-301:

**FRESH PURSUIT/VEHICULAR PURSUIT  
PG420.0**

- a. "Fresh pursuit" defined.
  - 1) "Fresh pursuit" means pursuit under the circumstances listed in section (c).
  - 2) This pursuit shall be continuous and without unreasonable delay, but does not require instant pursuit. In determining if the pursuit meets these elements, the court shall apply the requirements of the common-law definition of fresh pursuit which pertains to these elements.
  
- b. Under the circumstances provided by subsection (c) of this section, a law enforcement officer may:
  - 1) Arrest a person anywhere in this State and hold that person in custody; and
  - 2) Return the person to the jurisdiction in which a court has proper venue for the criminal offense alleged to have been committed by the person.
  
- c. A law enforcement officer may engage in the fresh pursuit of a person and exercise the authority provided by subsection (b), if the person:
  - 1) Has committed or is reasonably believed by the law enforcement officer to have committed a felony in the jurisdiction in which the law enforcement officer has the power of arrest; or
  - 2) Has committed a misdemeanor in the presence of the law enforcement officer and in the jurisdiction in which the law enforcement officer has the power of arrest.

2. Criminal Procedure Article 2-305:

Any member of a duly organized State, County or Municipal peace unit of another State of the United States who enters this State in fresh pursuit, of a person in order to arrest him/her on the ground that he/she is believed to have committed a felony in such other State, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized State, County or Municipal peace unit of this State, to arrest and hold in custody a person on the ground that he/she is believed to have committed a felony in this State.

3. Criminal Procedure Article 2-306:

If an arrest is made in this State by an officer of another State, in accordance with the provisions of [Article] 2-305, he/she shall, without

**FRESH PURSUIT/VEHICULAR PURSUIT  
PG420.0**

unnecessary delay, take the person arrested before a judge of the Circuit Court of the County in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the judge determines that the arrest was unlawful, he/she shall discharge the person so arrested.

4. Criminal Procedure Article 2-304 (c):

For the purpose of this subtitle the word "State" shall include the District of Columbia.

B. District of Columbia

District of Columbia code provides that a police officer from another jurisdiction may enter the District of Columbia in fresh pursuit in order to arrest a person "on the ground that he/she is believed to have committed a felony in the pursuing officer's State: and, that he/she has the same powers to arrest the person and hold him/her in custody as has the D.C. officer. The arresting officer must appear before a judge of the Superior Court of the District of Columbia without unnecessary delay after the arrest to determine the lawfulness of the arrest.

C. Commonwealth of Virginia

The Commonwealth of Virginia, Title 19.2, Virginia State Code, provides that a police officer may enter Virginia in close pursuit in order to arrest a person "On the ground that he/she has committed a felony" in the pursuing officer's State or the District of Columbia and that he/she has the same power to arrest that person and hold him/her in custody as a Virginia officer. The arrested person must be taken before a judge of a County, Municipal, Circuit or Corporation Court of the County or City where the arrest was made without unnecessary delay for a hearing to determine the lawfulness of the arrest.

1. It should be noted that the State of Maryland permits fresh pursuit of a person who has committed a felony, or who is reasonably suspected of committing a felony, whereas, the Commonwealth of Virginia permits fresh pursuit of a person solely on the ground that he/she has committed a felony.

**V. GENERAL PROCEDURES**

A. Fresh Pursuit of a Misdemeanant (Criminal Procedure Article 2-301 (c-2))

1. All vehicular pursuits of persons operating a motor vehicle wanted for misdemeanor offenses by officers of this Division are **prohibited**. (This

**FRESH PURSUIT/VEHICULAR PURSUIT  
PG420.0**

does not limit an officer from pursuing a fleeing person who has committed a misdemeanor in the presence of the officer on foot, bicycle and/or horse back.) The officer shall attempt to obtain the tag number and description of the vehicle and/or offender before leaving the State and contact Communications who shall alert the jurisdiction into which the fleeing offender has gone. If needed, an investigation of the incident shall continue and a warrant may be obtained.

**B. Fresh Pursuit of Felons**

1. Fresh pursuit is only allowed when an officer has probable cause to believe that the fleeing suspect has committed or is attempting to commit the following:
  - a. Any felony involving the use of force or threat of physical force or violence against a person, and
  - b. A hit and run traffic accident resulting in death or serious injury.
  - c. All other pursuits are **prohibited**, except non-motor vehicle pursuits.
2. Pursuit of offenders, who have committed felonies, into other jurisdictions, shall be done with extreme caution and only after the above criteria is met in Section B.1.a-c of this directive. The radio shall be utilized to advise police authorities of the jurisdiction entered to intercept or join the pursuit.
3. Officers may arrest felons after a legal pursuit into another State, however, they shall hold the individual for, and relinquish the individual to, the law enforcement agency of the entered jurisdiction. Custody of this individual should then be administratively processed through the entered jurisdiction with extradition procedures initiated by the offended jurisdiction.

**C. Vehicular Pursuit**

1. The decision to initiate a 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 or potential danger to the public should the suspect remain at large.
2. Vehicular pursuits will only be allowed under the provisions stated in "Fresh Pursuit of Felons", in Section B.1. a-c.
3. Under no circumstances will any pursuit be initiated when there is any civilian occupant in the police vehicle. No police vehicle with a civilian

**FRESH PURSUIT/VEHICULAR PURSUIT  
PG420.0**

occupant may be used in any capacity during any pursuit.

4. The pursuing officer and all assigned back-up officers shall immediately activate all of their vehicle's emergency equipment ( in accordance with Division Directive PG418.0 - "Emergency Operation Police Vehicles"). These devices shall remain activated throughout the duration of the pursuit.

**D. Pursuit Officer Responsibilities**

1. The pursuing officer shall immediately notify Communications that a pursuit is underway. The officer shall provide Communications with the following information:
  - a. Unit identification number;
  - b. Location, speed and direction of travel of the fleeing vehicle;
  - c. Description and license plate number, if known, of the fleeing vehicle;
  - d. Number of occupants in the fleeing vehicle and descriptions, when possible; and
  - e. Reason(s) supporting the decision to pursue.
2. Failure to provide this information to Communications may result in a decision by a supervisor to order the immediate termination of the pursuit.
3. The primary pursuit unit shall reduce the level of pursuit to that of support or back-up unit when:
  - a. The fleeing vehicle comes under the surveillance of an air unit; or
  - b. Another vehicle has been assigned primary pursuit responsibility by a supervisor.
4. Any primary or back-up unit sustaining damage to, or failure of essential vehicular equipment during pursuit shall not be permitted to continue in the pursuit. The unit's officer shall notify Communications so that another unit may be assigned to the pursuit.

**E. Communications Responsibilities**

1. Upon notification that a pursuit is in progress, Communications personnel shall immediately advise the Shift Supervisor and/or Operations Duty Officer (ODO) of all essential information regarding the pursuit.
2. Communications personnel shall carry out the following activities and responsibilities during the pursuit:

**FRESH PURSUIT/VEHICULAR PURSUIT  
PG420.0**

- a. Receive and record all incoming information on the pursuit and the pursued vehicle;
- b. Control all radio communications and clear the radio channel of all non-emergency traffic;
- c. Obtain criminal record and vehicle checks of the vehicle and suspect, if possible;
- d. Coordinate and dispatch back-up assistance and air support units under the direction of the Shift Supervisor; and
- e. Notify and coordinate with other jurisdictions when the pursuit may extend into their area.

**F. Shift Supervisor Responsibilities**

- 1. Upon notification that a vehicular pursuit incident is in progress, the Shift Supervisor shall assume the responsibility for monitoring and control of the pursuit as it progresses.
- 2. The Shift Supervisor shall continuously review the incoming data to determine whether the pursuit should be continued or terminated.
- 3. In controlling the pursuit incident, the Shift Supervisor shall be responsible for coordination of the pursuit as follows:
  - a. Directing pursuit vehicles and air support units into or out of the pursuit;
  - b. Re-designation of primary, support or other back-up vehicle responsibilities;
  - c. Approval or disapproval, and coordination of pursuit tactics; and
  - d. Approval or disapproval to leave the county to continue the pursuit.
- 4. The Shift Supervisor may approve and assign additional back-up units or air support units to assist the primary and back-up pursuit vehicles based on an analysis of:
  - a. The nature of the offense for which pursuit was initiated;
  - b. The number of suspects and any known propensity for violence;
  - c. The number of officers in the pursuit vehicles;
  - d. Any damage or injuries to the assigned vehicles or officers;
  - e. The number of officers necessary to make an arrest at the conclusion of the pursuit; and
  - f. Any other clear and articulable facts that would warrant the increased hazards caused by numerous pursuit vehicles.

**G. Traffic Regulations During Pursuit**

**FRESH PURSUIT/VEHICULAR PURSUIT  
PG420.0**

1. Each unit authorized to engage in vehicular pursuit shall activate headlights, wig-wags, and all emergency vehicle equipment prior to beginning or joining a pursuit.
2. Officers engaged in a pursuit shall at all times drive in a manner exercising reasonable care for the safety of themselves and all other persons and property within the pursuit area.
3. Officers are permitted to suspend conformance with normal traffic regulations during pursuit as long as reasonable care is used when driving in a manner not otherwise permitted and the maneuver is reasonably necessary to gain control of the suspect.

**H. Pursuit Tactics**

1. Unless expressly authorized by the Shift Supervisor, pursuit shall be limited to the assigned primary and back-up vehicles. Officers are not otherwise permitted to join the pursuit or follow the pursuit on parallel streets.
2. Officers shall not use their vehicle to bump or intentionally ram the suspect's vehicle in order to force the vehicle to stop.
3. Moving or stationary roadblocks may be used only when their use would preclude the greater possibility of injury to innocent persons or property if the pursuit were allowed to continue **and** only when authorized by the Shift Supervisor. Roadblocks shall not be used if it is apparent that innocent persons or property would be endangered. Only unoccupied police vehicles may be used in any stationary roadblock when authorized.
4. Division policy pertaining to the use of deadly force shall be adhered to during the pursuit in accordance with Division Directive PG400.0 – "Use of Force/Report".
5. Officers shall not continue direct pursuit if the pursued vehicle begins to travel the wrong way on a one-way roadway. Units may continue to travel on a parallel roadway going the correct direction of travel.

**I. Termination of Pursuit**

1. A decision to terminate may be the most rational means of preserving the lives and property of the public, the officers and the suspects engaged in the pursuit. The pursuit may be terminated by the pursuing officer, the Shift Supervisor, the Operations Duty Officer (ODO) or any other Command Staff Officer who is fully aware of all pertinent details of the pursuit.

**FRESH PURSUIT/VEHICULAR PURSUIT  
PG420.0**

2. Pursuit shall be immediately terminated in the following circumstances:
  - a. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect;
  - b. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile; or
  - c. The danger posed by continued pursuit to the public, the officers or the suspect is greater than the value of apprehending the suspect(s).
3. The pursuing officer shall relay this information to Communications personnel along with any further information acquired which may assist in an arrest at a later date.

**J. Inter-Jurisdictional Pursuits**

1. The pursuing officer shall notify Communications when it is likely that a pursuit will continue out of Prince George's County or across the State line.
2. Pursuit into another County or a bordering State shall conform with State Laws pertaining to those jurisdictions.
3. No more than two units shall cross a State line while in pursuit unless authorized by the Shift Supervisor for articulable reasons. When more than two units pursue across a State line, those in excess of the primary and first back-up units shall terminate pursuit as units from the entered jurisdiction join the pursuit. As soon as practical the pursuit shall be relinquished to units from the entered jurisdiction, with only the primary unit continuing until the pursuit is concluded or terminated.
4. Roadblocks shall not be initiated by any unit after crossing a State line unless the express permission of an appropriate official of the entered jurisdiction has been received.

**K. Inter-Agency Pursuits**

1. No officer shall enter into any pursuit initiated by a member of another police agency unless that pursuit meets the criteria of Section IV.c.1 of this directive.
2. All other applicable sections of this directive shall also apply to this Division's involvement in all pursuits initiated by other agencies.

**L. Use of Force**



**FRESH PURSUIT/VEHICULAR PURSUIT  
PG420.0**

1. Officers shall use only that degree of force that is reasonable and necessary to overcome actual resistance, effect an arrest or to defend themselves or others from bodily harm.

**M. Pursuit Analysis**

1. After an authorized pursuit ends in arrest of a suspect or is terminated the initiating officer will complete a M.I.R. and memorandum. The memorandum will be directed to the officer's Shift Supervisor detailing the events leading up to the pursuit, details of the pursuit, outcome of the pursuit, etc. The memorandum will be completed when practical after the pursuit has come to an end.
2. The Shift Supervisor/Operations Duty Officer shall complete a Commanders Log in reference to the pursuit.
3. The Shift Supervisor shall prepare a comprehensive analysis of the pursuit, (using the "Vehicular Pursuit Analysis Report" attached) in a timely manner, and forward it to the Division Chief, via his/her chain of command. This review shall address the following issues, at a minimum:
  - a. The reason for the pursuit;
  - b. The conditions of the pursuit (time of day, traffic, weather, vehicle speeds, number of officers involved, etc.);
  - c. During the pursuit, did the actions of the involved officer(s) conform to established policy? ;
  - d. Were there any exceptions to policy? If so, what were they and why did they occur? ;
  - e. Was any action taken against the suspects and suspect's vehicle? If so, what circumstances necessitated the use of this action? ;
  - f. What roles, if any, did units from any other police agency have in the pursuit? ; and
  - g. Based on the information compiled for this report, did the reporting supervisor find that the pursuit was handled properly or should it have been handled differently and how?
4. On an annual basis, by January 31st, the Division Chief and/or designee shall review the vehicular pursuit analysis reports to determine whether:
  - a. The pursuit was necessary and within Division policy;
  - b. There are any training needs to be considered; and
  - c. There are any changes that need to be considered in regards to current Division policy and/or procedure.

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