

Use of Force Policy

Addendum B

Vehicular Pursuit Policy

Contents

1	Purpose of Policy.....	1
2	Definitions.....	2
3	Deciding Whether to Pursue.....	4
4	Role of the Pursuing Officer.....	7
5	Vehicular Pursuit Restrictions.....	8
6	Authorized Tire Deflation Devices.....	10
7	Role of the Supervisor.....	12
8	Role of Police Communications.....	13
9	Reinstating Pursuits.....	13
10	Interjurisdictional Pursuits.....	13
11	Vehicular Pursuit Reporting.....	14
12	Vehicular Pursuit Review.....	15
13	Training.....	17
14	Individual Agency Policies.....	17

1 Purpose of Policy

- 1.1** The primary purpose of this policy is to secure a balance between the protection of the lives and safety of the public and police officers, and law enforcement's duty to enforce the law and apprehend violators. This Policy is intended to guide the circumstances under which officers may engage in vehicular pursuits. High-speed vehicular pursuits create a substantial risk of injury and fatalities. Over 10% of vehicular pursuits end up in accidents resulting in injuries or fatalities, including to officers, innocent third parties in vehicles unrelated to the pursuit, and pedestrians.
- 1.2** The pursuit policy was last updated in 2009. The policy succeeded initially in reducing the number of pursuits, injuries, and fatalities associated with them. However, after an initial decline, the number of pursuits has been increasing steadily since 2014. Since the policy was updated there have been almost 4,200 accidents during pursuits that resulted in over 2,800 injuries, including injuries to 625 law enforcement officers, 682 victims in third party vehicles, and 52 pedestrians. In that same period, there have been 59 fatalities associated with pursuits, including an officer, four third-party drivers, and eight pedestrians.
- 1.3** In recognition of this data and the substantial human costs associated with high-speed vehicular pursuits, this Policy further restricts the circumstances under which pursuits can be undertaken. The offenses for which officers may pursue suspects has been limited to only the most serious crimes. Significantly, most drug offenses have been removed from the list of crimes authorizing the initiation of a pursuit. This Policy creates a strong presumption against the initiation of pursuits for traffic violations and prohibits continuation of a pursuit based on the risk created by the speed or evasive driving of the fleeing suspect during the pursuit itself. It also requires greater oversight by supervisors, and mandates that a pursuit be terminated unless a supervisor affirmatively authorizes it to be continued.
- 1.4** Deciding whether to pursue a motor vehicle is among the most critical decisions made by law enforcement officers. It is a decision which must be made quickly and under difficult, often unpredictable circumstances. In recognition of the potential risk to public and officer safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for a decision not to engage in a vehicular pursuit or to terminate an ongoing vehicular pursuit based on the risk involved, even in circumstances where this Policy would permit the commencement or continuation of the pursuit. Likewise, officers who conduct pursuits consistent with this Policy will be strongly supported by the law enforcement community in any subsequent review of such actions.

2 Definitions

- 2.1 Authorized Tire Deflation Device.** A device designed and intended to produce a controlled deflation of one or more tires of a pursued vehicle and capable of operation consistent with criteria established in this Policy.
- 2.2 Boxing In.** The surrounding of a violator's moving vehicle with moving pursuit vehicles which are then slowed to a stop along with the violator's vehicle.
- 2.3 Divided Highway.** A road which includes a physical barrier between traffic traveling in opposite directions.
- 2.4 Heading Off.** An attempt to terminate a pursuit by pulling ahead of, behind, or toward a violator's moving vehicle to force it to the side of the road or to otherwise come to a stop.
- 2.5 Law Enforcement Officer.** Any person who is employed as a sworn member of any State, county, or municipal law enforcement agency, department, or division of those governments who is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of this State. The term law enforcement officer shall include sworn members of the New Jersey State Police, the Division of Criminal Justice and the Juvenile Justice Commission. It shall include State Correctional Police Officers pursuant to N.J.S.A. 2A:154-4, County Correctional Police Officers pursuant to N.J.S.A. 2A:154-3, Special Law Enforcement Officers of all classes pursuant to N.J.S.A. 40A:14-146.8 et seq., Humane Law Enforcement Officers appointed pursuant to N.J.S.A. 4:22-14.1 or 4:22-14.4, Auxiliary Police Officers appointed pursuant to N.J.S.A. App.A:9-45(c), and Constables appointed pursuant to N.J.S.A. 40A:9-120. For purposes of this policy, the terms law enforcement officer, police officer and officer shall have the same meaning.
- 2.6 Paralleling.** Street Paralleling is driving a police vehicle on a street parallel to a street on which a pursuit is occurring. Vehicle Paralleling is a deliberate offensive tactic by one or more patrol vehicles to drive alongside the pursued vehicle while it is in motion.
- 2.7 Pursuit Driving.** Pursuit driving is an active attempt by a law enforcement officer operating a motor vehicle and utilizing emergency warning lights and an audible device to apprehend one or more occupants of another moving vehicle when the officer reasonably believes that the driver of the fleeing vehicle is aware of the officer's attempt to stop the vehicle and is resisting apprehension by increasing vehicle speed, committing traffic violations or otherwise attempting to elude the officer. It shall not constitute pursuit driving if the fleeing vehicle follows all traffic regulations after the officer activates the emergency warning lights and audible device (siren).

- 2.8 Pursuit Vehicles.** A Primary Unit is the police vehicle that initiates a pursuit or any unit that assumes control of the pursuit as the lead vehicle (the first police vehicle immediately behind the fleeing suspect). A Secondary Unit is any police vehicle which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- 2.9 Roadblock.** A restriction or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to effectuate the apprehension of a violator. An avenue of escape is a gap in a roadblock which requires the violator to decrease the vehicle's speed to permit the violator to bypass the roadblock. A blocking vehicle is a motor vehicle, often a law enforcement vehicle, which is placed perpendicular to a roadway or angled in such a way as to create a roadblock.
- 2.10 Supervisor.** A police officer who, by virtue of rank or assignment, is responsible for the direction or supervision of the activities of other police officers.
- 2.11 Vehicle Contact Action.** Any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.
- 2.12 Violator.** Any person who an officer reasonably believes (1) has committed, or is engaged in a conspiracy or attempt to commit, any crime of the first degree or one of the violent or serious crimes of the second degree enumerated in Section 3.2 of this policy, or (2) poses an imminent threat to the safety of the public or other police officers, as that threat is defined in Section 3.2 of this policy, set forth below.

3 Deciding Whether to Pursue

3.1 A law enforcement officer has the authority, at all times, to attempt the stop of any person suspected of having committed any criminal offense or traffic violation. When the violator does not submit to the officer's lawful authority and bring the vehicle to a stop, the officer must determine whether to pursue that violator by continuing to attempt to stop the violator utilizing pursuit driving as defined herein. The officer's decision to pursue should always be undertaken with an awareness of the degree of risk to which the officer exposes law enforcement and the community by engaging in a vehicular pursuit. The officer must always weigh the need for immediate apprehension against the risk created by the pursuit.

3.2 A law enforcement officer may only pursue under the circumstances described in subparagraph (a) or subparagraph (b):

(a) when the officer reasonably believes that the violator has committed, or is engaged in a conspiracy or attempt to commit:

(1) any crime of the first degree, or

(2) one of the following violent or serious crimes of the second degree:

- a. Manslaughter, N.J.S.A. 2C:11-4;
- b. Vehicular Homicide, N.J.S.A. 2C:11-5;
- c. Aggravated Assault, N.J.S.A. 2C:12-1(b);
- d. Disarming a Law Enforcement Officer, N.J.S.A. 2C:12-11;
- e. Kidnapping, N.J.S.A. 2C:13-1;
- f. Luring/Enticing a Child, N.J.S.A. 2C:13-6;
- g. Human Trafficking, N.J.S.A. 2C:13-8;
- h. Sexual Assault, N.J.S.A. 2C:14-2;
- i. Robbery, N.J.S.A. 2C:15-1;
- j. Arson, N.J.S.A. 2C:17-1;
- k. Burglary, N.J.S.A. 2C:18-2;
- l. Escape, N.J.S.A. 2C:29-5;
- m. Possession of a Firearm, Explosive or Destructive Device for an Unlawful Purpose, N.J.S.A. 2C:39-4(a) through (c);
- n. Unlawful Possession of a Weapon (Machine Guns and Handguns), N.J.S.A. 2C:39-5(a) and (b); or

(3) one of the following other crimes:

- a. Burglary of a Dwelling, N.J.S.A. 2C:18-2.
Vehicular pursuits are authorized for the burglary of a dwelling. Vehicular pursuits are not authorized for the burglary of a commercial building,

motor vehicle, shed or any other structure described in N.J.S.A. 2C:18-1. Vehicular pursuits shall continue to be authorized for any burglary during which the actor is armed with a weapon or injures a victim (second degree burglaries). See Section 3.2(a)(2)(k);

- b. Theft of a Motor Vehicle, N.J.S.A. 2C:20-3; N.J.S.A. 2C:20-2(b)(2)(b). This Policy authorizes vehicular pursuits for theft of a motor vehicle until at least December 31, 2022. The Office of Public Integrity & Accountability has been directed to review the available data as of that date, including stolen vehicle trends, effectiveness of pursuits, and resulting accidents, and determine whether this provision should remain or be modified. Absent additional action, this provision will remain in force after December 31, 2022;
- c. Receiving Stolen Property (Motor Vehicle Only), N.J.S.A. 2C:20-7; N.J.S.A. 2C:20-2(b)(2)(b). This Policy authorizes vehicular pursuits for receiving stolen property (motor vehicle) until at least December 31, 2022. The Office of Public Integrity & Accountability has been directed to review the available data as of that date, including stolen vehicle trends, effectiveness of pursuits, and resulting accidents, and determine whether this provision should remain or be modified. Absent additional action, this provision will remain in force after December 31, 2022;
- d. Bias Intimidation, N.J.S.A. 2C:16-1.

- (b) when an officer reasonably believes that the violator poses an imminent threat to the safety of the public or other officers. An imminent threat exists when an officer reasonably believes that the actions of the violator are immediately likely to result in death or serious bodily injury to another person absent action by the officer. This determination shall be made based upon the violator's actions or operation of the vehicle prior to the initiation of the attempted motor vehicle stop. The violator's subsequent actions, including speeding or evasive driving during the pursuit itself, although often supporting the criminal charge of Eluding, N.J.S.A. 2C:29-2(b), shall not constitute an authorization to initiate or continue a pursuit.

3.2.1 Pursuit for motor vehicle offenses is not authorized under Paragraph 3.2 unless the violator's vehicle is being operated so as to pose an imminent threat to the safety of the public or other officers and that threat is based on the violator's actions or operation of the vehicle prior to the initiation of the attempted motor vehicle stop. There shall be a strong presumption against the initiation of vehicular pursuits based solely on motor vehicle violations. Both supervisors and officers shall ensure that only in rare cases will a vehicular pursuit be initiated or continued for motor vehicle violations.

3.3 In the event that one of the authorization requirements is satisfied, a pursuit shall not be automatically undertaken. An officer must still consider the following factors:

- (a) likelihood of successful apprehension;

- (b) whether the identity of the violator is known so that later apprehension is possible;
- (c) degree of risk created by pursuit:
 - (1) volume, type, speed and direction of vehicular traffic;
 - (2) nature of the area (residential, commercial, school zone, open highway, etc.);
 - (3) population density and volume of pedestrian traffic;
 - (4) environmental factors, such as weather and darkness; and
 - (5) road conditions (construction, poor repair, extreme curves, intersections controlled by traffic signals or signs, ice, etc.); and
- (d) police officer characteristics:
 - (1) driving skills;
 - (2) familiarity with roads; and
 - (3) condition of police vehicle.

3.4 The pursuing officer shall terminate the pursuit under the following circumstances:

- (a) if instructed to do so by a supervisor;
- (b) if a supervisor has not affirmatively authorized the continuation of the pursuit after being notified and given an opportunity to assess the situation;
- (c) if the officer believes that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the violator;
- (d) if the violator's identity is established to the point where later apprehension may be accomplished and where there is no imminent threat to the safety of the public or police officers;
- (e) if the pursued vehicle's location is no longer known or the distance between the pursuing vehicles and the violator's vehicle becomes so great that further pursuit is futile;
- (f) if there is a person injured during the pursuit and there are no police or medical personnel able to render assistance;
- (g) if there is a clear and unreasonable danger to the police officer or the public. A clear and unreasonable danger exists when the pursuit requires that the vehicle be driven at excessive speeds or in any other manner which exceeds the performance capabilities of the pursuing vehicles or police officers involved in a pursuit; or
- (h) if advised of any unanticipated condition, event, or circumstance that substantially increases the risk to public safety inherent in the pursuit.

3.5 When a vehicular pursuit is terminated, officers shall immediately cease all emergency vehicle operations, including turning off all emergency warning lights and audible devices (sirens), and disengaging from the violator's vehicle.

4 Role of the Pursuing Officer

- 4.1** The decision to initiate and/or continue a vehicular pursuit requires weighing the need to immediately apprehend the violator against the degree of risk to which the officer and others are exposed as a result of the pursuit.
- 4.2** Upon the initiation of a pursuit, the pursuing officer shall immediately activate all emergency lights, siren, headlights, motor vehicle recorder (MVR), if equipped, and body worn camera (BWC), if equipped.
- 4.3** Once the pursuit has been initiated, the primary unit must immediately notify communications and a supervisor, providing as much of the following information as is known:
- (a) reason for the pursuit;
 - (b) direction of travel and designation and location of the roadway;
 - (c) traffic conditions;
 - (d) presence of pedestrians;
 - (e) identification of the violator's vehicle (year, make, model, color, vehicle registration number, and other identifying characteristics);
 - (f) information on the identity of the driver, if known;
 - (g) number of occupants;
 - (h) the speed of the pursued vehicle; and
 - (i) other information that may be helpful in deciding whether to terminate the pursuit or in resolving the incident.
- 4.4** The pursuing officer shall have a continuing duty to update the supervisor and communications on the above information as the incident develops.

5 Vehicular Pursuit Restrictions

- 5.1** No pursuit shall be conducted under the following circumstances:
- (a) in a direction opposite to the flow of traffic on a divided highway or a one-way street;
or
 - (b) in a police vehicle in which an individual who is not a law enforcement officer is either the driver or passenger.
- 5.2** There shall be a strong presumption against the initiation or continuation of vehicular pursuits in areas where pedestrians are located or in areas of high density vehicular traffic.
- 5.3** No more than two police vehicles (primary unit and secondary unit) shall become actively involved in a pursuit unless otherwise specifically directed by a supervisor.
- 5.4** A motorcycle officer may initiate a pursuit, but will relinquish primary unit status immediately upon the participation of a marked police vehicle.
- 5.5** An unmarked police vehicle will not participate in a vehicular pursuit unless it is equipped with an emergency light and an audible device. The unmarked car shall relinquish primary unit status immediately upon the participation of a marked police vehicle.
- 5.6** To diminish the likelihood of a pursuit, an officer intending to stop a vehicle for any violation of the law shall, when possible and without creating a threat to public safety, close the distance between the two vehicles prior to activating emergency lights and an audible device. Officers shall recognize that, while attempting to close the distance and prior to the initiation of a pursuit and the activation of emergency lights and an audible device, they are subject to all motor vehicle laws governing the right of way (e.g., N.J.S.A. 39:4-91 and -92). While closing the distance between the two vehicles, officers shall activate the motor vehicle recorder (MVR) and body worn camera (BWC), if equipped and activation is possible without activating emergency lights.
- 5.7** Throughout the course of a vehicular pursuit, pursuing officers shall not attempt to overtake or pass the violator's moving vehicle.
- 5.8** During the course of a pursuit and when approaching an intersection controlled by traffic signals or signs, or any other location at which there is a substantially increased likelihood of collision, the operator of any pursuit vehicle shall, prior to entering the intersection, reduce the vehicle's speed and control the vehicle so as to avoid collision with another vehicle or pedestrian. The officer shall observe that the way is clear before cautiously proceeding through the intersection. At all other times including an attempt to close the distance prior to the initiation of a pursuit and upon the termination of a pursuit, officers

shall observe the applicable laws governing the right of way at intersections and other locations.

- 5.9** Officers involved in a pursuit shall not engage in vehicle paralleling.
- 5.10** There shall be no street paralleling along the route unless the pursuit passes through a patrol's assigned area. A patrol that is parallel-street-pursuing shall not join or interfere with a pursuit and shall stop all pursuit-related activity at the boundary of its assigned area.
- 5.11** Boxing-in or heading-off a violator's moving vehicle is permitted only under extraordinary circumstances. These tactics substantially increase the risk inherent in the pursuit and shall only be employed:
 - (a) at low speeds; and
 - (b) with the approval of a supervisor; or
 - (c) in response to an imminent threat to the safety of the public or a police officer.
- 5.12** Roadblocks must only be employed as a last resort in circumstances where deadly force would otherwise be justified.
 - (a) the use of a roadblock must be authorized by a supervisor;
 - (b) at no time will a roadblock be established until all pursuing police vehicles are made aware of the roadblock and its location and have acknowledged this awareness;
- 5.12.1** Once a roadblock has been established and a vehicle or barricade has been positioned in the roadway, there shall be:
 - (a) adequate distance to see the roadblock;
 - (b) an avenue of escape; and
 - (c) no one in the blocking vehicle(s).
- 5.13** Officers involved in a pursuit shall not engage in any vehicle contact action except as a last resort to prevent imminent death or serious injury to the officer or another person where deadly force would otherwise be justified.
- 5.14** Officers shall not discharge a firearm against the driver or passenger of a moving vehicle except in the limited situations permitted under Section 4.6 of the Attorney General's Use of Force Policy.
- 5.15** Officers shall not discharge a firearm from a moving vehicle except in the limited situations permitted under Section 4.7 of the Attorney General's Use of Force Policy.

6 Authorized Tire Deflation Devices

- 6.1** Law enforcement agencies may choose to utilize authorized tire deflation devices during the course of a vehicular pursuit. Agencies that choose to employ this strategy may only utilize devices authorized by this Policy. As with all operational decisions made during the conduct of a vehicular pursuit, the use of such devices is subject to the assessment of inherent risk balanced against the need to apprehend a fleeing offender.
- 6.2** To be authorized for deployment and use under the vehicular pursuit policy, the tire deflation device must be capable of the following:
- (a) producing a controlled deflation of one or more tires of a pursued vehicle;
 - (b) being deployed or activated immediately before the pursued vehicle drives over it, and removed or deactivated immediately after the pursued vehicle drives over it; and
 - (c) allowing the officer to remain a safe distance from the roadway at the time of deployment or activation.
- 6.3** Prior to the deployment and use of an authorized tire deflation device, the law enforcement agency shall do the following:
- (a) modify its vehicular pursuit policy to provide for the proper use of the authorized tire deflation device; and
 - (b) train all officers in the use of the authorized tire deflation device, which training must include practical, hands-on operation of the authorized tire deflation device.
- 6.4** The following are circumstances under which an authorized tire deflation device may be deployed:
- (a) an authorized tire deflation device may be utilized only after supervisory approval;
 - (b) an authorized tire deflation device shall not be used to stop motorcycles, mopeds, or similar vehicles;
 - (c) the authorized tire deflation device should not be used in locations where specific geographic features (e.g., sharp curves, alongside of rivers, steep embankments, etc.) increase the risk of serious injury to the officer, violator, or public;
 - (d) deployment locations should have reasonably good sight distances to enable the officer to observe the pursuit and other traffic as it approaches; and
 - (e) the officer deploying the authorized tire deflation device should not attempt to overtake and pass a high-speed pursuit in order to position the device.
- 6.5** Procedures for deployment of the authorized tire deflation device:
- (a) the officer deploying the authorized tire deflation device should do so from a position of safety;

- (b) the officer deploying the authorized tire deflation device should be in position to allow sufficient time for deployment;
- (c) the supervisor must coordinate the efforts of all law enforcement units involved in the pursuit;
- (d) the communications operator shall notify all units of the location of the authorized tire deflation device deployment;
- (e) the officer operating the authorized tire deflation device should take a position of safety as the pursued vehicle approaches;
- (f) the officer shall deploy or activate the authorized tire deflation device immediately before the pursued vehicle arrives at the point where it would impact the device;
- (g) the officer shall remove or deactivate the device immediately after the pursued vehicle goes over the authorized tire deflation device; and
- (h) the officer should immediately notify communications if the pursued vehicle impacted the authorized tire deflation device, if the officer observed any signs of deflation, and the direction and operation of the pursued vehicle after the impact.

6.6 The use of an authorized tire deflation device shall be reported on a Vehicular Pursuit Report in the Attorney General's Use of Force Reporting Portal.

7 Role of the Supervisor

- 7.1** Upon being notified or becoming aware of the pursuit, the supervisor shall decide as quickly as possible whether or not the pursuit shall be permitted to continue and shall broadcast that decision over the police radio channel by declaring “pursuit authorized” or “terminate pursuit.” In addition, if the supervisor decides to authorize the pursuit, the supervisor shall broadcast the underlying reason for authorizing the pursuit (e.g., “Pursuit authorized for armed robbery suspect.”).
- 7.2** The supervisor shall permit a pursuit to continue only under the following circumstances:
- (a) There is a reasonable belief that the violator has committed, or is engaged in a conspiracy or attempt to commit, any crime enumerated in Section 3.2 of this Policy;
or
 - (b) There is a reasonable belief that violator poses an imminent threat to safety of the public or other police officers. This determination shall be made based upon the violator’s actions or operation of the vehicle prior to the initiation of the attempted motor vehicle stop. The violator’s subsequent actions, although often supporting the criminal charge of Eluding, N.J.S.A. 2C:29-2(b), shall not constitute an authorization to initiate or continue a pursuit. See Section 3.2(b) of this Policy.
- 7.3** The supervisor shall order a pursuit terminated at any time if he or she concludes that the danger to the pursuing officer(s) or the public outweighs the necessity for immediate apprehension of the violator.
- 7.4** The supervisor shall order the pursuit terminated if the suspect’s identity is established to the point where later apprehension may be accomplished and where there is no imminent threat to public safety.
- 7.5** In recognition of the overall population density and volume of vehicular traffic in this State, and the increased risk attendant to prolonged vehicular pursuits, a supervisor shall order the termination of any pursuit of protracted duration unless the supervisor determines that further pursuit is justified to respond to an imminent threat to public safety.
- 7.6** The supervisor shall ensure, for the duration of the pursuit, that this Policy and agency procedures are followed by all officers.

8 Role of Police Communications

- 8.1** The communications operator shall do the following during a vehicular pursuit:
- (a) immediately notify a police supervisor of a pursuit in progress if a supervisor has not already been otherwise notified;
 - (b) keep the supervisor apprised of the duration and progress of the pursuit; and
 - (c) obtain from the pursuing officer any information listed in Section 4.3 of this Policy that was not initially provided by the pursuing officer.
- 8.2** When possible, a police supervisor shall determine whether there is a need to assume control over and coordinate pursuit related communications.
- 8.3** All law enforcement agencies shall establish procedures to ensure that radio channels remain open for pursuit related transmissions and that all necessary information is made available to officers involved in the pursuit.

9 Reinstating Pursuits

- 9.1** Reinstatement of any previously terminated pursuit shall be undertaken consistent with the authorization criteria for originally initiating a pursuit.

10 Interjurisdictional Pursuits

- 10.1** The original pursuing jurisdiction shall provide timely notification of a pursuit in progress to any other jurisdiction into which the pursuit enters. Notifying another jurisdiction that a pursuit is in progress is not a request to join the pursuit. The pursuing agency shall advise if assistance is necessary. Whenever the pursuing officers are unfamiliar with the roadways and terrain of the jurisdiction into which the pursuit has entered, the pursuing agency shall, when possible, seek the assistance of, and be prepared to relinquish the pursuit to, the other agency.

11 Vehicular Pursuit Reporting

- 11.1** All law enforcement officers who operate law enforcement vehicles in vehicular pursuit situations shall complete a report in the Attorney General’s Use of Force Reporting Portal. The report shall be completed by the officer within 24 hours of the vehicular pursuit and preferably before the end the shift in which the pursuit occurred. If the officer involved in the pursuit is unable to complete the report within 24 hours, it should be completed as soon the officer is able to do so, or by a supervising officer within 48 hours in accordance with a written policy to be established by the department or agency.
- 11.2** Vehicular pursuits resulting in the death or serious bodily injury of any civilian shall be handled in accordance with Attorney General Law Enforcement Directive 2019-4. As soon as any local, county, or state law enforcement agency learns of a vehicular pursuit that resulted in death or serious bodily injury to a civilian, the agency shall immediately notify the County Prosecutor’s Office for the county in which the incident occurred, who shall in turn immediately notify the Attorney General’s Office of Public Integrity and Accountability (OPIA) Director or their designee.

12 Vehicular Pursuit Review

12.1 Thorough and meaningful review of vehicular pursuit incidents is vital to ensuring the safety of law enforcement officers and the public. Every vehicular pursuit must undergo the following procedures for a meaningful command-level review pursuant to a written policy established by the law enforcement executive:

- (a) The meaningful command-level review of the incident shall be undertaken by at least two levels of supervisors. These levels may include the immediate supervisor, internal affairs, training officers, or command staff. At least one reviewer must be two levels or more above the officer who engaged in the vehicular pursuit;
- (b) The review shall include an examination of all available sources of information about the incident, including any video of the incident, recordings of 911 calls and police radio transmissions, reports, officer or other witness statements, medical records, or records of injuries;
- (c) The reviewing supervisors shall make a recommendation of what action, if any, should be undertaken, including policy changes, remedial training, disciplinary action, administrative action, or, if appropriate, referral for criminal prosecution; and
- (d) The law enforcement executive, or a command level officer no more than one rank below the law enforcement executive for departments with more than 100 officers, shall review each vehicular pursuit investigation and approve or reject the recommendations of the supervisors who conducted the review. The law enforcement executive's decision, or the decision of the designee, shall be memorialized and retained in the vehicular pursuit investigative file.
- (e) Vehicular pursuits that are determined to not be in compliance with the Attorney General's Use of Force Policy, or agency policy, shall be forwarded quarterly by municipal and county agencies to the County Prosecutor's Office for review. The reports shall be forwarded within 30 days of the end of each quarter. Vehicular pursuits involving statewide law enforcement agencies, or county prosecutor's office personnel, that are determined to not be in compliance with the Attorney General's Use of Force Policy, or agency policy, shall be forwarded quarterly to the Director of the Office of Public Integrity and Accountability or their designee for review. The reports shall be forwarded within 30 days of the end of each quarter.

12.2 The law enforcement executive shall conduct an annual review of all vehicular pursuit incidents in their department. The review shall include, at a minimum, the following:

- (a) analytical reports from the Attorney General's Use of Force Reporting Portal;
- (b) an audit of BWCs and other videos on a risk-based and randomly selected basis;
- (c) any internal affairs complaints; and
- (d) an analysis of vehicular pursuits to ensure that they are being conducted without discrimination based on race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic.

- (e) an analysis of all pursuits determined to not be in compliance with the Attorney General's Use of Force Policy, or agency policy, and the steps taken to address the non-compliance.

12.3 Based on that thorough review, the law enforcement executive shall determine whether changes in departmental structure, policy, training, or equipment are appropriate. The law enforcement executive shall then provide a written report documenting the annual review to the County Prosecutor for that department. Each County Prosecutor's Office and each statewide law enforcement agency shall make its report to the Attorney General's Office of Public Integrity and Accountability (OPIA).

13 Training

- 13.1** The Division of Criminal Justice, by June 21, 2021, shall develop a training program to explain the requirements of this Policy as they pertain to state, county, and local law enforcement agencies and officers. Such program shall be made available through the NJ Learn System or by other electronic means.
- 13.2** All state, county, and local law enforcement agencies shall provide training to all officers regarding the provisions of this policy before December 31, 2021.
- 13.3** All officers shall attend in-service vehicular pursuit training annually.
- 13.4** Vehicular pursuit training shall consist of knowledge of applicable statutes, familiarization with statewide police pursuit policy and departmental procedures, decision making skills, and the use of an authorized tire deflation device if employed by the agency.

14 Individual Agency Policies

- 14.1** Nothing in this policy prohibits state, county and municipal law enforcement agencies from adopting policies that impose additional restrictions on vehicular pursuits or that impose more extensive training or reporting requirements.