



## TRANSIT POLICE

# PURSUITS

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## POLICY

### Definitions

Chief Officer – The Transit Police Chief Officer or delegate.

Close the Distance – The act of catching up to a vehicle, but does not include Pursuit. (Refer to ss. 10 to 12 of this policy.)

Civilian Passenger – Anyone other than a sworn police officer or peace officer, as defined in the Police Act and RCMP Act, and travelling in a Transit Police vehicle.

Designated Constables – The Transit Police police officers appointed by the Police Board.

Emergency Equipment – Red and blue lights with siren.

Exigent Circumstances – An emergency situation requiring immediate action to prevent imminent danger to life or serious injury.

Marked Police Vehicle – A police vehicle which is clearly marked and identifiable as police vehicle, equipped with Emergency Equipment.

Member – A Designated Constable, the Chief Officer or a Deputy Chief Officer of the Transit Police.

Police Pursuit (Pursuit) – As defined in the Emergency Vehicle Driving Regulation (**EVDR**), “the driving of an emergency vehicle by a peace officer while exercising the privileges granted by section 122(1) of the Motor Vehicle Act (**MVA**) for the purpose of apprehending another person who refuses to stop as directed by a peace officer and attempts to evade apprehension”.

The determination of whether a Member is engaged in a Pursuit does not depend on whether or not the Member has activated their Emergency Equipment. Rather, a Member is considered to be in a “pursuit” whenever:

- a. the Member is exercising the privileges in s. 122 of the MVA; and
- b. the Member follows a vehicle, attempts to Close the Distance to a vehicle, with the intent to stop it, or identify the vehicle or the driver; and

- c. the driver intentionally continues, takes evasive action or ignores the Member's direction to stop, in order to avoid apprehension.

Primary Unit – A Member operating an emergency vehicle during a Pursuit who is responsible for control and direction of the Pursuit, subject to the direction of a supervisor.

Secondary Unit – A Member operating the second emergency vehicle in a Pursuit under the control or direction of the Primary Unit or a supervisor.

Serious Offence – An indictable or dual procedure offence under the *Criminal Code of Canada* (Criminal Code), or other federal statute that involves threats or acts of violence to any person, including weapons offences or other serious risks to public safety.

Transit Police – The South Coast British Columbia Transportation Authority Police Service.

Unmarked Police Vehicle – A police vehicle which is not marked as a police vehicle, but is equipped with Emergency Equipment.

### Authority

1. The MVA, EVDR and Guidelines published by the Police Services Division of the Ministry of Public Safety and Solicitor General (MPSSG) provide the authorities and parameters in which Pursuits shall be conducted within the Province of British Columbia. All Pursuits that Members are engaged in, must be conducted in compliance with the Transit Police pursuit policy and related Standard Operating Procedures (SOPs). The Transit Police pursuit policy is in compliance with, and supported by, the aforementioned statutes and guidelines.

### General

2. The police have a statutory and common law duty to apprehend offenders, and often encounter persons who utilize a motor vehicle in an attempt to avoid apprehension. Pursuits are inherently dangerous with the safety of the public, police and occupants of the pursued vehicle being paramount consideration in any decision to initiate, continue, or discontinue a Pursuit. The need for a Pursuit must be constantly weighed against the necessity to preserve life, to protect the public from harm, the seriousness of the offence and the need to immediately apprehend and/or identify the offender. ***[Doern v. Phillips Estate (1994) 2 B.C.L.R. (3d), 349 (B.C.S.C.)]***
3. Training requirements for all Members as well as Transit Police civilian staff that may be involved either directly or indirectly in Pursuits, will be established by the Chief Officer and facilitated by the Transit Police Training Section.
4. All Transit Police staff referred to in s. 3 of this Policy will be required to acknowledge in writing, or electronic communication, that they have reviewed the Transit Police pursuit policy and related SOPs, in conjunction with the EVDR and MVA.

**Pursuit Criteria**

5. Members will only engage in vehicular pursuit in **Exigent Circumstances, as there is inherent risk to public safety and the parties involved in the Pursuit.**
6. In some cases, the intent of a driver of a vehicle is not immediately evident to a Member and the Member may, while exercising the privileges granted in s. 122 of the MVA, be attempting to Close the Distance between the police vehicle and the driver. However, if the driver attempts any evasive action before the distance is closed, this pursuit policy will be followed.
7. **A Member will only engage in a Pursuit if all of the following criteria are met:**
  1. **the Member has reasonable and probable grounds to believe:**
    - a. that the seriousness of the offence, the immediate need to protect life and public safety and the need for immediate apprehension outweigh the risk to the public that may be created by the Pursuit;
    - b. the driver or passenger of the vehicle has committed, is committing, or is about to commit, an indictable (dual procedure) offence and immediate apprehension is required to prevent imminent harm to a person;
    - c. with or without police presence, the actions of the driver pose immediate and grave risks to public safety, such as grossly impaired or suicidal;
  2. the driver of a vehicle exhibits the intention to avoid apprehension through evasive or unlawful acts; and
  3. the driver of the vehicle refuses to stop at the direction of a Member.
8. A Member will **NOT engage in a Pursuit** for offences including, but not limited to:
  1. taking a motor vehicle without the owner's consent (s. 355 of the Criminal Code);
  2. theft of a vehicle (s. 334 of the Criminal Code);
  3. possession of a stolen vehicle (s. 354 of the Criminal Code);
  4. MVA infraction;
  5. an offence under any other provincial statute or regulation; and
  6. a property related offence.
9. Contact between a fleeing vehicle and a police vehicle does not elevate the offence to one justifying a Pursuit.

## PROCEDURES

### Closing the Distance/Stopping a Vehicle

10. Attempting to Close the Distance between a police vehicle and another vehicle is not the same as a Pursuit.
11. Before attempting to Close the Distance, a risk assessment must be applied and public/police safety considered. The risk assessment process will be continually applied.
12. When approaching an intersection, the operator of the police vehicle must abide by the EVDR and the Transit Police operational policy relating to the operation of an emergency vehicle. The police vehicle must decelerate, taking reasonable care and using all Emergency Equipment, adhering to the provisions within s. 122(4) of the MVA.
  1. **Exception:** Covert police vehicles (surveillance) are not required to use Emergency Equipment while following or closing the distance. However, a continuous risk assessment must be carried out as outlined within this operational policy.

**[See also: Policy Chapter AG090 – Police Vehicles]**

### Risk Assessment

13. In assessing whether to engage in, continue or discontinue a Pursuit, the Members involved, the Pursuit supervisor and any other supervisor monitoring the Pursuit will continuously assess the risk associated to a Pursuit, and must consider all identifiable risks including, but not restricted to, the following factors:
  1. nature and circumstances of the suspected offence or incident;
  2. risk of harm posed by the manner in which the police and suspect vehicle are being operated;
  3. volume and nature of pedestrian and vehicle traffic that is, or might reasonably be expected to be, in the area;
  4. seriousness and frequency of driving infractions committed by the driver of the suspect vehicle;
  5. likelihood of successful apprehension;
  6. availability of other methods of apprehension;
  7. whether the driver's identity is known or can be determined at a later time;
  8. age, physical condition and sobriety/emotional state of the driver;
  9. presence of passengers in the pursued vehicle and their apparent ages;
  10. weather conditions;

11. nature, condition and use of the road;
  12. the nature and use of the road's surrounding area;
  13. whether there is a break in radio communications that is more than momentary;
  14. the type of police vehicle and the type and apparent condition of the pursued vehicle;
  15. speed, length of time and distance of the Pursuit; and
  16. any other relevant information.
14. For the purposes of this risk assessment:
1. the greater the distance, speed or length of time required or likely to be required for the Pursuit, the greater the risk to the safety of members of the public; and
  2. an attempt to evade apprehension is not a factor to be considered in determining the seriousness of the offence or the need for immediate apprehension.

### **Pursuit Prohibitions**

#### **15. A Member will not:**

1. participate or engage in a Pursuit, utilizing a vehicle not equipped with operating Emergency Equipment;
2. engage in a Pursuit without the constant use of all Emergency Equipment;
3. continue in a Pursuit if, within a reasonable time, a Pursuit supervisor fails to identify himself/herself and assume control of the Pursuit;
4. discharge a firearm at or from a moving vehicle, for the purposes of disabling a fleeing vehicle. Use of deadly force is permissible when the occupant(s) of the pursued vehicle is/are using deadly force, including the use of the vehicle being driven against a Member, or other person(s). Deadly force will be directed at the individual posing the threat as opposed to the vehicle being utilized, as per ss. 35 and 36 of the Transit Police Policy Chapter OH010 – Firearms;
5. become involved in a Pursuit when accompanied by a Civilian Passenger in the police vehicle (e.g., ride-along), regardless of whether or not a waiver has been signed;
6. attempt to pass another police vehicle engaged in a Pursuit, unless specifically requested to do so by the Primary Unit or the Pursuit supervisor;
7. other than the Primary Unit and the Secondary Unit, become involved in a Pursuit unless otherwise authorized to do so by the Primary Unit in the initial stages of the Pursuit, and then only by the Pursuit supervisor once taken conduct of the Pursuit;

8. continue in a Pursuit after the Pursuit has been terminated;
9. utilize a tire deflation device.

### **Pursuit Restrictions**

16. When engaging in a Pursuit, a Member must activate all Emergency Equipment.
17. The following restrictions will apply to all Pursuits, however, in exceptional circumstances, **the Pursuit supervisor can authorize these activities when deemed a necessity:**
  1. a Member operating an Unmarked Police Vehicle in a Pursuit will relinquish their position in the Pursuit to a Marked Police Vehicle as soon as practical;
  2. a Member will not use a police vehicle as a roadblock; and
  3. a Member will not parallel a Pursuit route.

### **Primary Unit Duties**

18. The Primary Unit will be responsible for the decision to commence, continue or terminate a Pursuit unless relieved by the Pursuit supervisor.
19. The Primary Unit will have radio priority until the involvement of a Secondary Unit.
20. Upon engaging in a Pursuit, the Primary Unit will immediately broadcast the following:
  1. call sign, a request for radio priority “Code 4”, that they are “Code 3” with Emergency Equipment activated, in Pursuit of a fleeing vehicle;
  2. justification for the Pursuit, including the Serious Offence which led to the Pursuit;
  3. a full description of the pursued vehicle and a description of the occupants;
  4. location, direction of travel and speed of the pursued vehicle;
  5. road and traffic conditions;
  6. whether they are in a Marked or Unmarked Police Vehicle; and
  7. any other factors which may affect the Pursuit.
21. When the pursued vehicle is lost, or the driver/occupants flee on foot, the Members in the Primary Unit will immediately broadcast all pertinent information to the Transit Police Operations Communication Centre (OCC).

### Secondary Unit Duties

22. Where possible, a unit will be designated as the Secondary Unit by the OCC or Pursuit supervisor and will join the Pursuit and immediately broadcast its status.
23. The Secondary Unit will assume responsibility for radio communications upon taking up position and entering the Pursuit. The Secondary Unit will continually update the progress of the Pursuit in accordance with the Transit Police – Police Pursuit Standard Operating Procedures (SOP43).
24. Upon the request of the Primary Unit or the Pursuit supervisor, or in the event that the Primary Unit becomes disabled or unable to continue the Pursuit, the Secondary Unit will assume the responsibilities of the Primary Unit.

### Members Involved in Pursuit – General Duties

#### Suspect Vehicle Lost

25. Upon receiving an OCC broadcast that the suspect vehicle was lost, Members will resume non-pursuit operations of the police vehicles.

#### Terminated Pursuit

26. When a Pursuit is terminated, the Members involved in the Pursuit will:
  1. acknowledge the termination to the OCC;
  2. turn off the police vehicle Emergency Equipment, when safe to do so;
  3. terminate Pursuit driving and adhere to MVA traffic control devices and limits;
  4. immediately turn off the Pursuit route, not continue to follow the pursued vehicle, and pull over and stop when safe to do so; and
  5. advise the OCC of the location and time when stopped, and the last known location of the pursued vehicle.

**NOTE:** The OCC will request police vehicle GPS confirmation where the police vehicle is so equipped and when stationary.

#### Joining Jurisdictional Police Department (JPD) Pursuit

27. Members may cross several police jurisdictions while performing their duties. From time to time Members may encounter a Pursuit in progress by the JPD. If considering joining the Pursuit, the following requirements must be met:
  1. Members adhere to the Transit Police pursuit policy;
  2. the Transit Police supervisor will:
    - a. confirm JPD support/need for the Transit Police assistance;

- b. confirm that the Pursuit meets Transit Police policy;
- c. direct Members whether they can or cannot engage in the Pursuit.

### **Pursuit Supervisor Duties**

28. The patrol supervisor, unless directly involved in a Pursuit, will assume the role of the Pursuit supervisor and has overall responsibility and authority for the Pursuit unless the watch commander, senior officer, or JPD Supervisor assumes that responsibility.
29. The Pursuit supervisor will have radio priority to properly provide direction to police units and control the Pursuit. Radio priority is crucial for the supervisor controlling the Pursuit as well as the Primary and Secondary Units; therefore, the OCC and Members monitoring a Pursuit must exercise strict radio discipline at all times.
30. Upon notification of a Pursuit or of an incident likely to become a Pursuit, the Pursuit supervisor will provide direct support, performing supervisor duties and responsibilities listed within SOP43.

### **Members Not Directly Involved in Pursuit**

31. Members not assigned to a Pursuit will stay clear of the Pursuit and off the Pursuit route, however, will remain alert to its progress and location.
32. Members will maintain strict radio discipline and provide priority access to the radio system to the Members involved in the Pursuit and the Pursuit supervisor.

### **Operations Communication Centre (OCC) Duties**

33. When notified of a Transit Police Pursuit, the OCC will provide direct support, performing OCC duties and responsibilities listed within SOP43.

### **Police Service Dog Unit (PSD) and Police Air Support –Traffic Safety Helicopter (TSH)**

34. Utilization of PSD and TSH resources should be considered in support of Pursuit activity. Protocols related to PSD and TSH resources are outlined in SOP43.

### **Terminating and Re-engagement of a Pursuit**

35. A Pursuit can be terminated by the following:
  1. Primary Unit;
  2. Secondary Unit;
  3. Pursuit supervisor;
  4. watch commander;
  5. senior officer; and
  6. JPD supervisor, watch commander or senior officer.
36. A Pursuit will be terminated when the risk to the public, the Members, other police officers and/or the occupants of the pursued vehicle does not justify the continuation of the Pursuit, as set out in this policy and the EVDR.



37. Once a Pursuit is terminated, authorization from the Pursuit supervisor is required prior to a Member re-engaging.

#### **Jurisdictional Police Pursuit Protocols**

38. The decision to continue or terminate a Pursuit will be made by the agency of jurisdiction. As the Transit Police is a supplementary police agency and not the primary police of jurisdiction, it is important that the Transit Police promptly notify and consult with the JPD when a Transit Police Pursuit is underway (or Transit Police Pursuit being considered, where practicable).
39. The OCC will notify the JPD of the incident, reason and grounds for the Transit Police Pursuit (including offence involved), present location, and number of police units involved.
40. The JPD will be requested to assume control of the Transit Police Pursuit at the earliest opportunity. Unless otherwise so determined by the JPD, the Transit Police will transfer control of the Transit Police Pursuit to the JPD. The Transit Police Pursuit supervisor will be in command of the Pursuit until relieved by a field supervisor of the accepting jurisdiction.
41. The Transit Police Primary Unit will assume a back-up position immediately on being satisfied that a member of the JPD has assumed primary unit responsibilities. Once a member of the JPD is able to assume secondary unit responsibilities, all Members will discontinue involvement in the Pursuit, with the exception of the initiating unit who will proceed in a routine, non-emergency fashion to the termination point of the Pursuit. The only exception to this is where there is a request by the JPD for a Member to continue in the Pursuit and the Transit Police Pursuit supervisor authorizes this activity.
42. The communication centre of the originating agency will maintain dispatch control throughout the Pursuit until termination, regardless of the duration or changes in jurisdiction.
43. Pursuit across the international boundary by police officers of either country into the territory of the other country for the purpose of apprehending a person is not authorized by law.

#### **Pursuit Related Collisions**

44. All Pursuit-related collisions involving Members will be investigated by the police agency responsible for that jurisdiction or another external police agency as so determined by the Chief Officer.
45. Regarding Transit Police collisions, Transit Police staff will refer to Transit Police Policy Chapter OJ140 – Motor Vehicle Incidents.

**Pursuit Reporting Process**

46. At the conclusion or termination of a Pursuit, Members of the Primary Unit will complete the Transit Police – Police Pursuit Report (**Form OZ300**) and submit it to the Pursuit supervisor for review and onward transmission through the chain of command.
47. All Members involved in a Pursuit will submit a duty report detailing their involvement as well as all relevant documentation related to an investigation.
48. The Pursuit supervisor will complete Form OZ300 and Supervisor duties as listed within SOP43.

**Pursuit Review Process**

49. The watch commander/unit head (or delegate) will:
  1. complete Form OZ300 related to the watch commander/unit head segment and all duties laid out within it. Incorporate findings as well as recommendations acquired from the watch commander/unit head review; and
  2. facilitate any direction by the Deputy Chief Officer Operations at the conclusion of the review for Transit Police staff under the watch commander/unit head area of responsibility.
50. The Deputy Chief Officer Operations will:
  1. review the incident and findings of the Watch Commander or unit head to ensure operational policy has been adhered to;
  2. complete Form OZ300 related to the Deputy Chief Officer Operations segment, and incorporate findings as well as recommendations for the Chief Officer review;
  3. ensure that Members and OCC staff involved in the Pursuit receive appropriate debrief and feedback, delivered by the supervisor/manager identified by senior management; and
  4. facilitate follow-up actions directed by the Chief Officer to Transit Police staff.
51. The Chief Officer will:
  1. review findings and recommendations of the Deputy Chief Officer Operations encompassed in Form OZ300; and
  2. complete Form OZ300 related to the Chief Officer segment, providing direction regarding training, equipment, discipline or operational guidance that is deemed necessary.

**Key References**

Emergency Vehicle Driving Regulation (EDVR) [BC Reg 133/98]

Motor Vehicle Act (MVA) [RSBC 1996, Chapter 318]

Ministry of Public Safety and Solicitor General Police Pursuit/Emergency Vehicles  
Guidelines – February 11, 2000

RCMP “E” Div. and National Emergency Vehicle Operations Pursuit Policies and  
Reporting Documentation

RCMP “E” Div. Pacific Regional Training Academy - Mandatory Pursuit Training videos

RCMP Lower Mainland District Supplements 5.4 EVO Traffic Safety Helicopter (TSH)

Solicitor General of British Columbia – Guidelines on When Pursuits to be initiated –  
March 25, 2009

Vancouver Police Department Pursuit Policy and Reporting Documentation