

OBJECTIVE 4.6 Identify considerations involved in post-pursuit reporting.

## **INTRODUCTION**

Since officers will be held accountable for their decisions and actions during a pursuit, it is crucial to be able to explain with clarity and detail what occurred. Often, officers find that emotions run high during pursuits, and remembering everything that happened becomes difficult. Adopting a system that reinforces and aids in recall will establish defensible records that are invaluable to the litigation management process.

## **CONTENT**

### **CONSIDERATIONS FOR POST-PURSUIT REPORTING**

1. Develop a system that supports the reporting requirements
2. Use of the police radio and taping system to assist the reporting efforts
3. Incident reports, summaries, and post incident supplementals
4. Post-pursuit analysis

### **DEVELOP A SYSTEM THAT SUPPORTS THE REPORTING REQUIREMENTS**

The reporting process begins before the decision to initiate is made, and doesn't conclude until the pursuit is over and the post incident investigation is complete. The backbone of a good system starts with a thorough understanding of the controlling pursuit policy, since that will be the outline from which officer reports should be drafted.

1. Officers must be familiar with the controlling pursuit policy and regulating state emergency vehicle operation statutes. This familiarity will facilitate a mental awareness of the regulating considerations that affect the decisions to initiate, continue the pursuit operation, and terminate at the appropriate time.
2. Officers should incorporate a system that asks:
  - a. Should I be involved?

- b. How should I conduct a safe pursuit operation?
  - c. Should I discontinue (risks outweigh the gains)?
3. Using controlling state statutes and policy directives, reporting can be strengthened with supporting facts.
- a. I decided to pursue because...
  - b. I did not discontinue because...
  - c. I decided to terminate because...

#### USE OF THE POLICE RADIO TO ASSIST THE REPORTING EFFORTS

Because everything transmitted to the telecommunicator and supervisor will be recorded, this can be used as an invaluable tool for taking notes. Throughout pursuits, officers need to constantly report what actions are taking place. At each stage, there should be justification of the appropriate actions.

1. Be complete

Pursuing officers should give a complete description of all events from the time they first observe the suspect until termination/apprehension. Give details on the "balancing test" of the reasonableness of actions.

2. Be professional

Do not make any comments that might reflect badly on the agency or individual officer. If an officer comes across as being overly aggressive or a "loose cannon", that could damage credibility and be used to question the actions reported at a later date.

#### INCIDENT REPORTS, SUMMARIES, AND POST INCIDENT SUPPLEMENTALS

1. Fill out an incident report:

After terminating a pursuit, the pursuing officer(s) should write down what happened. This should be done at the scene or immediately thereafter. Appropriate agency-provided forms should be used, and they should be complete with sufficient factual details.

- a. Do not leave anything out - Reporting officers must be systematic and ensure that the report is thorough and complete.

- b. Note the time of all events - Reporting officers should give accurate times for when the pursuit began and when it ended. If termination is without apprehension, the report should include an indication of when emergency equipment was turned off and whether or not the pursuit vehicle was brought to a complete stop (as recommended in this Guide).
- c. Identify all people involved in the pursuit - Besides the suspect, the report should identify the supervisors, assisting units, other occupants in suspect's vehicle, and third parties that were involved. It's especially important to identify everyone who was at the scene, as there may be a need for further witnesses at a later date.
- d. Be truthful. False reports are found out. One falsehood tends to discredit the entire report, and the officer's future credibility is at stake.

## 2. Writing a summary

While the incident report should give the facts, the summary shows how the pursuing officer weighed those facts in a reasonable manner and decided to take appropriate actions.

- a. Agency policy should be used as the basis of the summary. The report should be uniform, so as to show how the limits of policy guidelines were followed. When there are deviations, an explanation must be provided on how and why they occurred.
- b. Correct any errors in the dispatch tape or incident report. Reporting mistakes do happen, especially in the heat of the moment when emotions are still running high. If anything is not correct in the other reports, make the corrections and explain why the mistake was made. As long as an officer catches and corrects the error, credibility will be preserved.
- c. Post-incident supplementaries

As additional information becomes available, it should be systematically added to the incident file by way of supplemental reports.

- (1) Follow-up investigations
- (2) Records inquiries
- (3) Traffic crash/collision reconstruction

- (4) Evidence processing

### POST-PURSUIT ANALYSIS

1. After completing all reporting requirements, the officers and supervisors involved should objectively look at all the events that took place. For each stage of the pursuit, question the following:
  - a. Were all the actions the correct ones to take?
  - b. Were other options available for each action?
  - c. If faced with the same situation again, what would be done differently?
  - d. Did the controlling policy reflect the reality that was faced on the street?
2. There is an obligation to send feedback through the appropriate channels to ensure that policy directives address the needs of the officers on the line. Honest and frank dialogue at this point allows individual officers and agencies to make the necessary adjustments that will allow for a better management of the risks associated with pursuit situations.

### SUMMARY

The post pursuit reporting component is critical to the overall defense of officers' actions and behaviors associated with these types of situations. Implementing a system that ensures all documentation is clear, accurate, and complete will help to create defensible records.

### SUGGESTED INSTRUCTIONAL METHODOLOGY

#### LECTURE WITH GUEST SPEAKER

Use the suggested text as a guide for presentation to the class. Supplement this text with the statutory requirements and agency policy that affects the class in terms of post-pursuit reporting. The instructor may wish to invite an attorney who is experienced at handling cases involving officer tort negligence, civil liability, or who has actually represented plaintiffs in police chase cases.

#### INDIVIDUALIZED LEARNING WITH CLASS DISCUSSION

Utilizing a hypothetical pursuit with detailed facts or a video of an actual pursuit, have students list the facts and circumstances that should become the basis of thorough and complete reports. Once individuals have created their complete list, facilitate a group discussion that examines the entire situation to ensure that all considerations have been reflected upon.

**RANGE**

During student involved pursuit scenarios, require incident reports and summaries detailing all actions and behaviors from the point of the decision to initiate through the termination point.

**RESOURCES AND AIDS**

1. State statute
2. Agency policy
3. Experience of veteran officers
4. Refer to Pursuit Exercise Section
5. Pursuit films and videotapes (see Pursuit Exercise Section)
6. Agency pursuit reporting forms or generic substitute
7. 1996 IACP Sample Pursuit Guidelines

**SUGGESTED EVALUATION METHODOLOGY****STUDENTS**

1. Written or verbal responses to questions regarding reporting requirements.
2. Observe the actions, behaviors, and decisions of the students involved in the range pursuit scenarios to ensure reports are thorough and accurate.

**COURSE**

1. Review of agency emergency/pursuit response data.

