

D.P. VAN BLARICOM, Inc.
MPA, FBI-NA, CHIEF of POLICE (Ret)
POLICE PRACTICES EXPERT
835 – 91ST lane N.E.
Bellevue, Washington 98004-4811
(425) 453-0082 FAX 453-3263 E-Mail dvbinc@aol.com

Checkpoint Avoidance

Model written for Voices Insisting on Pursuit SAFETY Policy and Procedure

I. Purpose:

The purpose of this policy and procedure is to establish guidelines for making decisions with regard to vehicles avoiding checkpoints.

II. Policy:

It should be anticipated that vehicles avoiding checkpoints may flee from active pursuit and, although officers cannot know the actual reason for such flight, they must be prepared to address that eventuality. It is well understood that vehicular pursuits of fleeing drivers can present a danger to the lives of innocent bystanders, the pursuing officers and occupants of the fleeing vehicle. It is the responsibility of this law enforcement agency to assist officers in the safe performance of their duties. To fulfill that obligation, it shall be the policy of this law enforcement agency to regulate the manner in which drivers, who avoid checkpoints are to be identified and/or apprehended.

III. Definitions:

Checkpoint: A location on the public roadway that has been lawfully selected by law enforcement officers to detect and investigate specifically designated criminal activity (i.e. – intoxicated drivers, drug couriers, equipment violations).

Avoidance: A vehicle approaching a checkpoint is observed to have maneuvered so as to not be stopped and investigated (i.e. – pulling off of the roadway, making a u-turn, backing up).

Reasonable Suspicion: The totality of circumstances that would cause a prudent officer to believe that a crime has been committed, is

being committed, or is about to be committed and/or the suspect appears to be fleeing to avoid detection and apprehension.

Vehicular Pursuit: An active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude the police by failure to stop, high speed or other evasive maneuvers.

IV. Operational Philosophy:

- A. Vehicular pursuits can present a significant danger to the lives of innocent bystanders, the pursuing officers and the occupants of the fleeing vehicle.
- B. In accordance with this law enforcement agency's vehicular pursuit policy and procedure, the risks of any pursuit must be weighed against the need to immediately apprehend a suspect and human lives are innately more precious than the immediate arrest of any but a known violent felon.
- C. It is better that a few should escape than that others should die or be grievously injured by uncontrolled flight from a vehicular pursuit and, if the circumstances do not justify the use of deadly force, those same circumstances do not justify a vehicular pursuit.
- D. When suspected intoxicated drivers successfully avoid a checkpoint, it must be reasonably understood that they are safer weaving their way home at 30 mph than fleeing in outright panic at 100 mph, with their eyes fixed on the rearview mirror.

V. Procedures:

- A. Checkpoint structure and organization:
 - 1. The checkpoint will be authorized and laid out in accordance with the established policy and procedure of this law enforcement agency.
 - 2. An additional authorized emergency vehicle will be positioned so as to monitor vehicles approaching the checkpoint from the opposite side of the roadway and this unit shall be designated the escape prevention vehicle.
 - 3. This escape prevention vehicle will be equipped with:
 - a. Two law enforcement officers,
 - b. An in-car video camera,
 - c. A spike strip of sufficient length to deploy across the lanes of travel leading away from the checkpoint and that has been pre-positioned for deployment.
- B. Reasonable Suspicion:
 - 1. When a driver of a vehicle approaching a checkpoint is seen to overtly avoid proceeding forward toward that

checkpoint, an officer shall have reasonable suspicion to detain the driver and occupants of that vehicle.

2. Nevertheless, mere reasonable suspicion shall not justify the danger of a vehicular pursuit.

C. Investigation and identification of the fleeing driver:

1. Upon observation of a vehicle attempting to avoid the checkpoint, the escape prevention vehicle officers will:
 - a. Activate their vehicle's emergency lights,
 - b. Activate their vehicle's in-car video camera,
 - c. Deploy the spike strip across the path of travel of the vehicle attempting to avoid the checkpoint,
 - d. Detain and investigate the occupants of the vehicle.
2. In the event that the driver of the vehicle successfully avoids the spike strip and continues:
 - a. Do **NOT** engage in a vehicular pursuit,
 - b. Record the vehicle's license number and run an immediate registration check,
 - c. Dispatch a patrol vehicle to the registration address and await the potential arrival of the fleeing vehicle,
 - d. It is understood that not all vehicles are being driven from the registered owner's address.