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Department Point of Contact (to obtain additional information or provide input):

Deputy Director, Programs and Policy  
Idaho Department of Fish and Game  
P.O. Box 25  
Boise, ID 83707  
Phone: (208) 334-3771  
Email: [rules@idfg.idaho.gov](mailto:rules@idfg.idaho.gov)



## IDAHO DEPARTMENT OF FISH AND GAME

### Emergency Vehicle Operation POLICY NO.: E-4.0

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#### POLICY STATEMENT

It is the Idaho Department of Fish and Game's (Department) policy to protect all persons and property to the highest extent reasonably possible when enforcing the law and more specifically during vehicular emergency responses and pursuits of fleeing violators of the law.

#### A. Purpose

1. The primary purpose of this policy is to help guide Conservation Officer discretion/actions in matters concerning vehicular emergency responses/pursuits and to secure a reasonable balance between public safety and the Department's duty to enforce the law and apprehend violators.
2. Vehicular emergency responses/pursuits present serious physical/property dangers to Conservation Officers, the public and pursued suspect(s). Therefore, no Conservation Officer will be criticized or disciplined for making a decision, based on existing facts/risks, to not engage in an emergency response mode/vehicular pursuit, or to terminate any emergency response/pursuit already in progress, even under circumstances authorized by policy.
3. Conservation Officers will conduct vehicular emergency responses/pursuits in compliance with *Idaho Code* 49-623--Authorized Emergency or Police Vehicles, reasonable professional judgment, and the procedures set forth in this policy.
4. The Director may vary from or bypass any procedure set forth in this policy as unusual circumstances dictate.
5. Legal Justification. *Idaho Code* 19-610 provides legal justification for Department Conservation Officers to conduct vehicular pursuits and *Idaho Code* 49-623 sets forth required emergency equipment specifications, traffic law compliance exemptions and safety responsibilities for emergency vehicle operation.

#### B. Definitions

1. Active: When any authorized vehicle is directly/immediately following a fleeing suspect vehicle at equal or greater speeds in an attempt to keep up or overtake.
2. Administrative Investigation: An internal Department investigation to ensure that Department policy/procedures have been followed and applied.
3. Back-up Unit: Enforcement unit(s) actively assisting with/on a pursuit or indirectly assisting through other actions.
4. Boxing-In: A technique designed to forcibly stop a violator's moving vehicle by surrounding



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it with enforcement units in a manner to eliminate most/all avenues of escape and combined with simultaneously slowing all vehicles to a stop.

5. Channelization: A technique where objects are placed in the anticipated or actual path of a pursued suspect vehicle in a manner that is intended to alter or redirect suspect vehicle direction of travel and not to the extent of a roadblock.
6. Deadly Force: Force that is likely to, or could reasonably be expected to cause death or serious physical injury.
7. Department: The Idaho Department of Fish and Game.
8. Due Regard: The consideration of existing circumstances and facts to determine the validity of one's actions as they relate to existing or potential hazards.
9. Emergency Equipment: Per *Idaho Code* 49-623, a blue light visible in a 360 degree arc at a distance of 1,000 feet under normal atmospheric conditions and/or an audible signal (siren) having a decibel rating of at least 100 at a distance of ten (10) feet. The activation of additional available warning devices are encouraged as circumstances dictate. (Blue lights will only be operated on the roof of the cab. At no time will blue or caution lights be operated within the passenger compartment.)
10. Emergency Response: A vehicle response/operation in non-conformance with existing traffic control regulations, with emergency equipment activated, to expedite response/arrival to the scene of a crime or public safety emergency or to overtake and stop violators.
11. Life-Threatening Emergency: Any situation where a Conservation Officer or another person is, or is likely to be, imminently exposed to anything that has or would likely cause death or serious physical injury.
12. Paralleling: Participating in a pursuit by traveling in the same direction on an alternate roadway paralleling the pursuit route, in non-conformance with traffic control regulations.
13. Primary Pursuit Unit: The first/original Conservation Officer involved in the pursuit or the actively pursuing unit in the first or most immediate position behind the fleeing suspect vehicle.
14. Probable Cause: A sufficient amount of information to warrant any reasonable or prudent officer to believe or entertain a strong suspicion that a person is about to, is in the act of, or has committed some type of unlawful act.
15. Public Safety Emergency: Any situation/incident where a Conservation Officer or another person is, or is likely to be, imminently exposed to anything that has, or would likely cause any kind of physical injury.
16. Pursuit: When any enforcement vehicle/unit is making an active attempt to apprehend or stop a suspect vehicle with activated emergency equipment when the suspect attempts to



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avoid being apprehended or stopped through non-compliant, evasive or unlawful acts. This definition does not apply to a normal vehicle stop, whereupon the suspect driver is initially compliant to a Conservation Officer's direction to stop and does so in a reasonable amount of time and distance.

17. Pursuit Intervention Technique (PIT): A vehicle-contact stopping technique performed by a pursuing Conservation Officer, where the left/right rear quarter panel area of the suspect's vehicle is pushed by the officer's left/right front vehicle corner, thereby causing the suspect's vehicle to rotate into a position where it can be boxed-in by backup units.
18. Ramming: A vehicle-contact stopping technique performed by a pursuing Conservation Officer where any tactically usable portion of the pursuit vehicle is used to directly contact/collide with any part of the suspect vehicle to disable/stop it immediately with one contact. Minor vehicle taps/bumping will not fall under this definition.
19. Reasonable: Actions that an officer of ordinary prudence would exercise in the same or similar circumstance upon evaluation of all perceived and available facts/information.
20. Roadblock: A vehicle stopping technique where a solid physical barrier is placed completely across the roadway, to include an open lane in the center wide enough to allow the suspect vehicle to pass through, to stop a fleeing suspect vehicle, using barricades/emergency vehicles with activated emergency light equipment.
21. Secondary Pursuit Unit: The actively pursuing unit positioned directly/immediately behind the primary pursuit unit.
22. Serious Physical Injury: Injury that creates a substantial/reasonable risk of death or is likely to result in permanent physical disability or disfigurement.
23. Slack Pursuit: A pursuit technique used by the primary pursuit unit wherein pursuit pressure, the following distance behind the fleeing vehicle, is lengthened/maximized by using the slowest speeds possible that allow or maintain visual contact in the hope that this technique will encourage the fleeing suspect to slow/minimize vehicle speeds and reckless operation.
24. Supervisor: A supervisor within the Conservation Officer's appropriate chain of command or in the case where a non-enforcement Level 1 employee is involved, the most appropriate law enforcement supervisor.
25. Termination of Pursuit: When an actively pursuing unit pulls off the roadway, comes to a complete stop, deactivates emergency equipment, and notifies all involved units/agencies of termination status.
26. Tire Deflating Device: Tire deflating strips containing metal spikes that are strategically placed across the roadway in front of the fleeing suspect vehicle to forcibly disable/stop the vehicle by puncturing the tires.



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#### C. Vehicular Emergency Response Procedures

Conservation Officers performing law enforcement duties will have the need to respond to a variety of public safety emergencies and in-progress violations of the law. Emergency vehicular responses are authorized when legal elements and officer/public safety factors comply with applicable pursuit consideration factors outlined in section D.3 and as follows:

1. Officers are authorized to conduct vehicular emergency responses to public/officer safety emergencies to render aid/assistance. Non-enforcement employees choosing to respond will stay in compliance with existing traffic code/laws.
2. Officers are authorized to conduct emergency responses/operation mode to over-take and stop suspected violators and to respond to violations/crimes in-progress.
3. Officers in full compliance with *Idaho Code* 49-623 and emergency equipment requirements are permitted to suspend conformance with normal traffic regulations if due regard for the safety of all persons is exercised. However, state code still holds the emergency vehicle operator fully responsible for any injury/damage resulting from the operator's reckless disregard for the safety of others when operating their emergency vehicle in non-conformance with normal traffic regulations.
4. When approaching or entering a controlled intersection, officers will slow their emergency vehicle to a speed necessary for safe operation; a speed allowing a complete safe stop at a red light if necessary. If a traffic light is green, officers will slow their emergency vehicle to a speed consistent with reasonable care.
5. Officers will not escort other civilian vehicles in an emergency response mode.

#### D. Vehicular Pursuit Procedure

1. Conservation Officers performing law enforcement duties may be faced with vehicular pursuit situations to apprehend fleeing violators of the law. Therefore, to ensure safer and more effective pursuit operations, Conservation Officers will evaluate and conduct vehicular pursuits as follows:
  - a. Employees Authorized for Pursuit Involvement are:
    1. Conservation Officers: will be authorized to engage in vehicular pursuits when in full compliance with the contents of this policy.
    2. Non-Enforcement and Level I Employees: will not participate in vehicular pursuits as an active pursuit-unit driver.
2. Authorization to Pursue
  - a. Officers operating a Department vehicle with operable emergency equipment and radio/cell phone coverage may pursue when:



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1. Probable cause exists to support that a suspect(s) is attempting or has committed a violation of the law, or any act that jeopardizes public safety/property.
  2. The suspect operating the vehicle fails to obey the lawful officer direction/commands to stop (i.e., activation of blue light/siren, etc.).
3. Pursuit Considerations

Officers meeting the legal elements for authorization to pursue will consider the following factors before making their decision to pursue or not to pursue:

- a. The severity of the violation committed and the seriousness of the existing public safety/property damage threat VERSUS the potential for resulting death, physical injury/property damage to the public, suspect(s) or officer(s) if pursued.
  - b. Note: The mere fact that the suspect has committed a felony does not, in itself, automatically authorize/justify a pursuit.
  - c. The likelihood of successful apprehension.
  - d. Whether enough information exists to positively identify the violator for apprehension at a later time under more favorable circumstances.
  - e. The physical/mental condition of the suspect driver, if known, (i.e., age, DUI, etc.).
  - f. The Degree of Risk Created by Pursuit in Regards to the:
    1. Volume, type, and direction of vehicular traffic, and speeds.
    2. Nature of the area: residential, commercial, school zones, open highway, number of controlled intersections, etc.
    3. Population density and volume of pedestrian traffic.
    4. Wildlife/livestock density and area usage.
    5. Environmental factors such as weather conditions, visibility, etc.
    6. Road conditions, such as construction, curves, hills, poor repair, dust/rocks, slippery, etc.
4. Officer Potential for Success or Failure in Regard to the Employee's:
- a. Driving skills/training.
  - b. Familiarity with the area/road.



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c. Vehicle and emergency equipment operational status.

#### 5. Officer Pursuit Responsibilities

Upon suspect failure to comply with lawful officer direction/commands to stop, and the decision to pursue has been made, the officer (primary pursuit unit) will (circumstances allowing):

- a. Activate emergency equipment.
- b. Activate their personal tape recorder, circumstances allowing.
- c. Notify the communications center (regional office or local law enforcement agency) that a pursuit is underway.
- d. Attempt, as circumstances allow, to contact his/her supervisor for assistance/authorization to continue the pursuit.
- e. Provide the communications center or other assisting units with the following information.

#### 6. Unit Identification

- a. Location, speed and direction of travel, to be updated on a timely basis.
- b. Reason for commencing the pursuit.
- c. Suspect vehicle description and license plate number.
- d. Number of suspect occupants and descriptions.
- e. Changes in jurisdiction as they occur.
- f. Other information to help successfully terminate the pursuit.
- g. Request other officer assistance as necessary and control/coordinate all tactical operations, absent a supervisor.

### E. Pursuit Restrictions

The following pursuit restrictions/procedures will apply to all Conservation Officers in active pursuit:

1. Officers in full compliance with *Idaho Code* 49-623 and its emergency equipment requirements are permitted to suspend conformance with normal traffic regulations if due regard for the safety of all persons is exercised. However, the code still holds the emergency vehicle operator fully responsible for any injury/damage resulting from the



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operator's reckless disregard for the safety of others, when operating their emergency vehicle in nonconformance with normal traffic regulations.

2. When approaching or entering a controlled intersection, officers will slow their emergency vehicle to a speed necessary for safe operation; a speed allowing a complete safe stop at a red light if necessary. If a traffic light is green, officers will slow their emergency vehicle to a speed consistent with reasonable care.
3. Most pursuits, for safety reasons, will be limited to a maximum of two (2) pursuit units, the primary and secondary pursuit units. Any additional backup units actively involved in the pursuit must be fully justified for a demonstrated officer/public safety need and this will also apply to the final stopping site.
4. Officers will not involve themselves in any active pursuit, unless requested by the primary pursuit unit/supervisor.
5. Authorized unmarked units should relinquish their primary pursuit unit position to a marked unit as soon as possible.
6. Officers will not, except in life threatening emergencies, absent any assistance, engage in pursuits when their vehicle is occupied by anyone other than a peace/Conservation Officer or level 1 enforcement employee (i.e., prisoners, civilian, volunteer ride-along, etc.). Non-enforcement passengers and civilians should be left at a safe location as safety concerns dictate.
7. Units in active pursuit should not pass another unit unless specifically requested to do so by the primary pursuit unit/supervisor, or when it becomes unavoidably necessary (i.e., primary pursuit unit becomes disabled, etc.).
8. Officers not designated as a primary, secondary, or additional actively pursuing backup unit will not parallel the pursuit route on adjacent roads under emergency operation status or speeds consistent with the primary pursuit unit that exceed the posted speed limit.
9. Units in pursuit will maintain adequate following distances respectively to ensure adequate reaction/braking time.
10. Officers in active pursuit should not attempt to overtake or pass a fleeing suspect. vehicle when speeds are at moderate - high speeds (about 25 mph or greater).
11. Officers should apply/use the slack pursuit technique whenever possible and likely to be effective.
12. Pursuits of motorcycles are prohibited unless there is a demonstrated life-threatening emergency (i.e. suspect is shooting at people, has/or attempted to kill someone, etc.). Pursuits for reckless driving, property theft, etc., are good examples of when you will not pursue.





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#### F. Pursuit Termination Considerations

The decision to terminate a pursuit may be the most rational means of preserving the lives and property of the public, officer(s), and suspect(s) involved. Based on existing policy/facts/risks, a pursuit may be terminated by the primary pursuit unit or a supervisor at any time and the driver of any backup unit may terminate his/her participation.

##### 1. Pursuits will be Terminated When:

- a. Directed to do so by the primary pursuit unit or a supervisor.
- b. The potential risk of death or physical injury/property damage outweigh the importance or immediate need for suspect apprehension.
- c. The suspect's identity has been established to a point where later apprehension may or is likely to be accomplished and there is no apparent immediate/imminent threat to public/officer safety.
- d. The suspect proceeds the wrong way on a limited access highway or one-way road, whereupon, officers (when possible) will coordinate backup units to stop/block additional motorist entry into the affected portion of the roadway.
- e. The primary/secondary pursuit unit becomes unfamiliar with the area/roads and is no longer able to accurately notify the communication center/assisting units of their location and direction of travel.
- f. The primary pursuit unit loses radio/cell phone communication capabilities with the communications center or assisting units for a prolonged amount of time, and this factor becomes an officer/public safety factor.
- g. Weather, road, motorist/pedestrian traffic conditions substantially increase the risk of endangering life/property beyond the worth of suspect apprehension.
- h. Visual contact of the suspect vehicle is lost for a significant amount of time.
- i. The distance between the primary pursuit unit and the suspect vehicle is so great that further pursuit would be futile.
- j. The primary pursuit unit's required emergency equipment fails to operate, or the unit becomes mechanically unsafe; however, a fully operable patrol vehicle may assume the primary pursuit unit's role to continue pursuit.
- k. Any injury accident occurs.
- l. An outside law enforcement agency intervenes and performs acts/tactics that are grossly outside the general operating philosophy of this policy.



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- m. The pursuit enters into another state, unless a justified life/death situation can be demonstrated, or authority under the U.S. Fish and Wildlife deputy game warden card applies.
- n. The pursuit enters into Canada.

#### **2. Pursuit Termination**

Officers actively engaged in a vehicular pursuit that make the decision, or are instructed by a supervisor, to terminate the pursuit will:

- a. Promptly and safely pull their vehicle off the roadway, come to a complete stop, and deactivate all emergency equipment.
- b. Notify the communication center(s) of their termination status.
- c. Officers terminating pursuit will not continue to immediately follow/shadow the suspect vehicle.
- d. If another agency/jurisdiction decides to continue a pursuit after Department termination, the original/primary Department pursuit unit may proceed in compliance with normal traffic regulations to the point of final pursuit termination to assist with investigative/case preparation needs.

#### **G. Forcible Stops and Vehicle Contact Use of Force**

After a reasonable amount of time, if the pursued suspect fails to obey/respond to an employee's lawful direction/command to stop (i.e., activated emergency equipment) the officer may use reasonable/necessary levels of force to stop/apprehend the fleeing suspect.