

ADDENDA - Supplemental Policy Directives	Page 1 of 12
ADDENDUM 2 - Police Pursuits	Version #: 1.0 Date: July 14, 2014

## Introduction

*Addendum 2 - Police Pursuits* brings together in one document current regulations, guidelines, and directives. The *Addendum* is created as a Policy Directive under the umbrella of the *British Columbia Provincial Policing Standards (BCPPS)* framework to ensure police forces have ready access to a single reference document that consolidates the guiding principles, rules and expectations governing police pursuits.

Incorporated into *Addendum 2* are:

- The *Motor Vehicle Act Emergency Vehicle Driving Regulation* [B.C. Reg. 133/98]. This regulation provides the legal requirements for engaging in a pursuit, non-pusuit emergency responses by police and others, rules for entering intersections and training requirements. Section 7 of the *Regulation* requires that peace officers not engage in a pursuit unless they follow guidelines published by Police Services Division, Policing and Security Branch, Minsitry of Justice;
- The *Guidelines for Peace Officers Operating Emergency Vehicles* (as per Section 7 of the *Emergency Vehicle Driving Regulation*). These were published by Police Services Division in 2000. The guidelines provide direction respecting general pursuit, continuous risk assessment; interjurisdictional pursuits; and terminating a pursuit;
- The provincially endorsed minimum threshold for initiating pursuits developed by Police Services Division in consultation with police, and approved by the Solicitor General in 2009; and
- A standard governing policies and procedures.

Policing and Security Branch uses these sources of direction as evaluation criteria when inspecting and reporting on the quality and standard of policing and law enforcement services delivery under section 40 of the *Police Act*.

## Definitions

"**peace officer**" – a constable or a person who has a constable's powers.

"**primary unit**" – the peace officer operating an emergency vehicle during a pursuit who is responsible for control and direction of the pursuit subject to the direction of a supervisor.

"**pursuit**" – the driving of an emergency vehicle by a peace officer while exercising the privileges granted by section 122 (1) of the *Motor Vehicle Act* for the purpose of apprehending

another person who refuses to stop as directed by a peace officer and attempts to evade apprehension.

“**secondary unit**” – the peace officer operating an emergency vehicle during a pursuit under the control or direction of the primary unit or a supervisor.

## Policy Directive

### Emergency Vehicle Driving Regulation

- (1) The chief constable, chief officer, or commissioner must ensure that a policy is in place that requires officers to comply with the applicable provisions of the *Emergency Vehicle Driving Regulation* (see Appendix A).

### Guidelines for Peace Officers Operating Emergency Vehicles

- (2) The chief constable, chief officer, or commissioner must ensure that a policy is in place that requires officers to conduct pursuits in accordance with the operational *Guidelines for Peace Officers Operating Emergency Vehicles* as published by Police Services Division on February 14, 2000 (see Appendix B).

### Threshold

- (3) Notwithstanding Section 3(3)(a) of the *Emergency Vehicle Driving Regulation*, pursuits may only be initiated for offences where the driver or passenger has committed, or is about to commit,

**Note:** A portion of the above section has been severed. Police may obtain the full version via their home agency or [SGPSPB@gov.bc.ca](mailto:SGPSPB@gov.bc.ca).

### Policy and procedures

- (4) The chief constable, chief officer, or commissioner must ensure that policies and procedures govern the pursuit of motor vehicles. The policies and procedures are to include:
  - (a) Evaluating the circumstances;
  - (b) Initiating officer's responsibilities;
  - (c) Secondary unit's responsibilities;
  - (d) The number of police units involved;
  - (e) Dispatcher's responsibilities;
  - (f) Supervisor's responsibilities;

- (g) Forcible stopping;
- (h) When to terminate pursuit;
- (i) Inter and intra-jurisdictional pursuits;
- (j) The use of police aircraft;
- (k) Officers' responsibilities when accompanied by passengers who are not officers of the department; and
- (l) Reporting procedures.

<b>ADDENDA - Supplemental Policy Directives</b>	<b>Page 4 of 12</b>
<b>ADDENDUM 2 - Police Pursuits – Appendix A</b>	<b>Version #: 1.0</b> <b>Date: July 14, 2014</b>

## **Appendix “A” for BCPPS Addendum 2 – Police Pursuits**

### **Emergency Vehicle Driving Regulation**

B.C. Reg. 133/98

[Includes amendments up to B.C. Reg. 136/2007, May 25, 2007]

## *Motor Vehicle Act*

### **Emergency Vehicle Driving Regulation**

**Note:** Check the Cumulative Regulation Bulletin 2012 and 2013 for any non-consolidated amendments to this regulation that may be in effect.

[includes amendments up to B.C. Reg. 136/2007, May 25, 2007]

#### **Contents**

- 1 Definitions
- 2 Application
- 3 Pursuit by police
- 4 Emergency response by peace officer
- 5 Emergency response by a person other than a peace officer
- 6 Entering an intersection
- 7 Limitation on application of sections 3 and 4
- 8 Driver's licence and training course requirements

#### **Definitions**

**1** In this regulation:

**"attempting to close the distance"** means attempting to close the distance between a peace officer's vehicle and another vehicle but does not include a pursuit;

**"emergency light"** means a flashing red or blue light;

**"emergency siren"** means an audible siren, signal bell or exhaust whistle;

**"indictable offence"** means an offence under the *Criminal Code* or another statute of Canada which may be prosecuted by indictment and includes dual offences as described in the definition of "indictable offence" in the *Interpretation Act (Canada)*;

**"pursuit"** means the driving of an emergency vehicle by a peace officer while exercising the privileges granted by section 122 (1) of the *Motor Vehicle Act* for the purpose of apprehending another person who refuses to stop as directed by a peace officer and attempts to evade apprehension.

[am. B.C. Regs. 37/2000, s. 1; 136/2007, s. 1.]

## Application

**2** This regulation establishes the circumstances and conditions that apply to the exercise of the privileges granted by section 122 (1) of the *Motor Vehicle Act*.

## Pursuit by police

**3 (1)** To engage in or continue a pursuit, a peace officer must

- (a) have an emergency light and siren activated, and
- (b) have reasonable grounds to believe that
  - (i) the driver or a passenger in the vehicle being or to be pursued has committed, is committing or is about to commit an offence, and
  - (ii) the seriousness of the offence and the need for immediate apprehension outweigh the risk to the safety of members of the public that may be created by the pursuit.

(2) In considering whether there are reasonable grounds under subsection (1) (b), the driver of the emergency vehicle must consider any pertinent factors, including the following, if relevant:

- (a) the nature and circumstances of the suspected offence or incident;
- (b) the risk of harm posed by the manner in which the emergency vehicle is being or is likely to be operated;
- (c) the risk of harm posed by the distance, speed or length of time required or likely to be required to exercise the privileges;
- (d) the nature, condition and use of the highway;
- (e) the volume and nature of pedestrian or vehicular traffic that is, or might reasonably be expected to be, in the area.

(3) For the purposes of subsection (1) (b),

- (a) the need for immediate apprehension will be low if
  - (i) the driver or a passenger in the vehicle pursued has not committed an indictable offence, or
  - (ii) identification or apprehension of the suspected offender may be achieved by other means at that or a later time,
- (b) 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

(c) 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.

[am. B.C. Reg. 136/2007, s. 2.]

#### **Emergency response by peace officer**

**4 (1)** A peace officer operating an emergency vehicle for purposes other than pursuit may exercise the privileges granted by section 122 (1) of the *Motor Vehicle Act* if

(a) the peace officer has reasonable grounds to believe that the risk of harm to members of the public from the exercise of those privileges is less than the risk of harm to members of the public should those privileges not be exercised, and

(b) the peace officer operates the following emergency equipment, as applicable:

(i) in the exercise of privileges described in section 122 (1) (a) to (c) of the *Motor Vehicle Act*, an emergency light and siren;

(ii) in the exercise of privileges described in section 122 (1) (d) of the *Motor Vehicle Act*, an emergency light or an emergency light and siren.

(2) Having determined that there are reasonable grounds referred to in subsection (1) (a), the peace officer referred to in subsection (1) may, in the following circumstances, exercise any of the privileges granted by section 122 (1) of the *Motor Vehicle Act* without operating an emergency light and siren or by operating an emergency light alone:

(a) the peace officer is responding to an incident and has reasonable grounds to believe that an offence has been, is being or is about to be committed and that the risk of harm to members of the public entailed in operating an emergency siren or an emergency light and siren, as the case may be, outweighs the risk of harm to members of the public entailed in not operating them;

(b) the peace officer is engaged in the lawful execution of his or her duty other than as described in paragraph (a) or section 3 and has reasonable grounds to believe that it is safe to operate the emergency vehicle without operating an emergency siren or an emergency light and siren, as the case may be.

(3) In considering whether there are reasonable grounds under subsection (1), (2) or (5) a peace officer must

(a) consider the factors described in section 3 (2), and

(b) weigh the degree of risk of harm to members of the public against the seriousness of the nature and circumstances of the suspected offence or incident.

(4) Subsection (2) does not apply if the peace officer must disregard a stop sign or approach or pass signs described in section 147 of the *Motor Vehicle Act* relating to schools and playgrounds.

(5) A peace officer operating an emergency vehicle in the circumstances set out in subsection (2) must stop at a red light and may then disregard the red light and proceed through the intersection if the peace officer has reasonable grounds to believe it is safe to do so without operating relevant emergency equipment.

(6) Factors which will increase the risk of harm to members of the public for purposes of subsections (1), (2) and (5) include

(a) attempting to close the distance between a peace officer's vehicle and another vehicle,

(b) if there is poor visibility,

(c) if there is pedestrian or other vehicular traffic on the highway, and

(d) if the peace officer must disregard a yield sign or pass through a crosswalk or uncontrolled intersection.

(7) For the purposes of subsection (2), the greater the distance, speed or length of time required or likely to be required in exercising the privileges granted by section 122 (1) of the *Motor Vehicle Act*, the greater the risk to the safety of members of the public.

(8) For the purposes of subsection (2), the risk of harm to members of the public must be considered to be substantially increased when a peace officer is attempting to close the distance if the other vehicle is not in the sight of the peace officer.

[en. B.C. Reg. 37/2000, s. 2; am. B.C. Reg. 136/2007, s. 3.]

### **Emergency response by a person other than a peace officer**

**5 (1)** When a person other than a peace officer operates an emergency vehicle, the person may exercise the privileges granted by section 122 (1) of the *Motor Vehicle Act* if the person operates the following emergency equipment, as applicable:

(i) in the exercise of privileges described in section 122 (1) (a) to (c) of the *Motor Vehicle Act*, an emergency light and siren;

(ii) in the exercise of privileges described in section 122 (1) (d) of the *Motor Vehicle Act*, an emergency light or an emergency light and siren.

(2) When a person other than a peace officer operates an emergency vehicle, the person may exercise the privileges granted by section 122 (1) of the *Motor Vehicle Act* if the person has reasonable grounds to believe that the risk of harm to members of the public from the exercise

of those privileges is less than the risk of harm to members of the public should those privileges not be exercised.

(3) In considering whether there are reasonable grounds under subsections (2), the driver of an emergency vehicle must consider the factors described in section 3 (2).

(4) Subsections (2) and (3), do not apply until a date specified by the Attorney General.

[am. B.C. Regs. 37/2000, s. 3; 136/2007, s. 4.]

### **Entering an intersection**

**6** The driver of an emergency vehicle exercising the privileges granted by section 122 (1) of the *Motor Vehicle Act* must slow that vehicle to a speed consistent with reasonable care when approaching or entering an intersection.

### **Limitation on application of sections 3 and 4**

**7** A peace officer may not engage in a pursuit as described in section 3 or operate an emergency vehicle as described in section 4, if

(a) Repealed. [B.C. Reg. 37/2000, s. 4.]

(b) the peace officer operating the emergency vehicle fails, on or after a date specified by the Attorney General, to follow the guidelines for operating the emergency vehicle published by the Police Services Division.

[am. B.C. Reg. 37/2000, s. 4.]

### **Driver's licence and training course requirements**

**8** Commencing on a date specified by the Attorney General, the privileges granted by section 122 (1) of the *Motor Vehicle Act* may not be exercised by a member of a group unless the member has successfully completed training approved for the group by the Director of Police Services in the Ministry of Attorney General for the purposes of this regulation.

[Provisions of the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318, relevant to the enactment of this regulation: section 210 (3) (q)]

<b>ADDENDA - Supplemental Policy Directives</b>	<b>Page 10 of 12</b>
<b>ADDENDUM 2 - Police Pursuits – Appendix B</b>	<b>Version #: 1.0 Date: July 14, 2014</b>

## **Appendix “B” for BCPPS Addendum 2 – Police Pursuits**

**Guidelines for peace officers operating emergency vehicles**

**Developed by Police Services Division in 2000**

## Police Services Division

### Guidelines for Peace Officers Operating Emergency Vehicles

Published: 14<sup>th</sup> February, 2000

#### Definitions

**“primary unit”** means the peace officer 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”** means the peace officer operating an emergency vehicle during a pursuit under the control or direction of the primary unit or a supervisor.

#### Continuous Assessment of Risks When Exercising Section 122 Privileges

1. A peace officer, when engaged in a pursuit as defined in the Emergency Vehicle Driving Regulation (the ‘Regulation’) or operating an emergency vehicle as described in section 4 of the Regulation, must continuously assess whether there are reasonable grounds to continue these activities when weighed against the risk of harm to members of the public.

#### Interjurisdictional Pursuit

2. When a peace officer engaged in a pursuit enters the jurisdiction of another municipal police department, designated policing unit, or RCMP detachment, the peace officer must promptly take reasonable steps to ensure that the police department, designated policing unit, or RCMP detachment is notified that the peace officer is engaged in a pursuit in their jurisdiction.

#### Terminating a Pursuit

3. The decision to terminate a pursuit must be based on an assessment of the risk of harm to members of the public and whether it is reasonable in the circumstances to continue the pursuit considering the factors and presumptions set out in the Regulation. A primary unit may terminate a pursuit on his or her own initiative and must comply with any direction from a supervisor to terminate a pursuit.
4. Once a pursuit is terminated, a peace officer shall not re-engage in that pursuit unless a new offence or other circumstances alters the assessment of risk that resulted in the termination of the pursuit, making it reasonable to re-engage in the pursuit.

#### General Pursuit Requirements

5. No peace officer, other than the primary unit and the secondary unit, shall engage in a pursuit unless otherwise authorised to do so by the primary unit or a supervisor.

6. At the onset of a pursuit, the primary unit shall request radio priority and immediately advise the communication centre that a pursuit is under way. The primary unit shall provide the following information as soon as practicable: reasons for the pursuit, descriptions of vehicle being pursued, location, direction of travel, speed, and traffic conditions.
7. The primary unit is responsible for control of the pursuit, including determining whether more than two units are required to participate in the pursuit and terminating the pursuit, unless a supervisor assumes control of the pursuit or transfers control of the pursuit to another peace officer.
8. The primary unit shall broadcast information about the pursuit until the secondary unit confirms he or she is able to assume this responsibility.
9. After assuming a position behind the primary unit, the secondary unit in a pursuit shall confirm its status with the communications centre and assume responsibility for broadcasting information about the pursuit.
10. The unit responsible for broadcasting information shall maintain frequent radio communication, updating the pursuit status, which includes information on location, direction of travel, speed, traffic conditions, the number of people in the vehicle and other information that may affect the pursuit.
11. A peace officer operating an unmarked police vehicle, a cycle or a motorcycle in a pursuit shall relinquish his or her position in the pursuit to a marked vehicle as soon as practical.
12. During a pursuit, a peace officer operating a vehicle shall not parallel a pursuit route unless authorised to do so by the primary unit or a supervisor.
13. A peace officer engaged in a pursuit shall not pass other police units or the vehicle being pursued unless requested to do so by the primary unit, or unless exigent circumstances exist.

**APPROVED: 11<sup>th</sup> February, 2000**

*Originally signed.*

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Kevin Begg, Director

Police Services Division

Ministry of Attorney General

Province of British Columbia