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## **POLICY**

It is the policy of the Douglas County Sheriff's Office (DCSO) to only engage in vehicle pursuits when the necessity of immediate apprehension of the violator outweighs the danger to the public and DCSO members caused by the pursuit. All emergency vehicle operations will be conducted in accordance with agency policy and state statutes.

## **DEFINITIONS**

**Level I Vehicle:** Marked vehicles that are marked with the DCSO insignia, Sheriff's Star, car number decals displayed on roof and rear of vehicle, excluding SUVs or pickup trucks. These vehicles include a high or low profile light bar, traffic flow indicator, siren, etc. (e.g., USB Cruisers, K-9 vehicles).

**Level II Vehicle:** Unmarked vehicles that contain no visible Sheriff insignia, markings or car number decals and marked DCSO motorcycles. These unmarked vehicles may have low / high profile roof mounted lights, light bars, red and blue lights and strobes, or a combination inserted in headlights and taillights, grill or dash. These unmarked vehicles may or may not have a traffic flow indicator and siren (e.g., USB surveillance cruiser, Fugitive Warrant vehicles).

**Level III Vehicle:** Unmarked vehicles that contain no Sheriff insignias or law enforcement markings of any kind. These vehicles have minimal additional light equipment, red and or blue lights mounted in headlights, taillights, or sun visor. These vehicles have no siren or PA equipment installed (e.g., certain CID/SID vehicles).

**Level IV Vehicle:** Unmarked vehicles that contain no Sheriff insignias or law enforcement markings of any kind. These vehicles have no additional lights other than factory headlight/taillights, sirens, or PA equipment installed. (e.g., Command vehicles other than Road Patrol Lts, certain CID/SID vehicles, Administration Corps assigned vehicles and CSB transport vehicles, etc.)

**Motor Vehicle Pursuit:** In accordance with NSS §13-911(5), a motor vehicle pursuit is an active attempt by a law enforcement officer operating a motor vehicle to apprehend one or more occupants of another motor vehicle, when the driver of the fleeing vehicle is or should be aware of such attempt and is resisting apprehension by maintaining or increasing his or her speed, ignoring the officer, or attempting to elude the officer while driving at speeds in excess of those reasonable and proper under the conditions.

**Overtake:** A driver maneuver in which a Deputy attempts to close the distance between the DCSO vehicle and a target vehicle in order to initiate a traffic stop or otherwise be in a position to notify the target vehicle's driver of the need to pull over. This does not include an effort to stop or apprehend the target vehicle, which occurs after the Overtake is successful.

**SUV:** Sport Utility Vehicles.

## **PROCEDURE**

### **I. Vehicle Pursuit Guidelines**

#### **A. Evaluating Circumstances (41.2.2a)**

1. Pursuits are justified only when the necessity of immediate apprehension of the violator outweighs the danger to the public and DCSO members caused by the pursuit.
  - a. Deputies will adhere to the Pursuit Decision Matrix as a guide when determining whether the circumstances justify a pursuit.
2. Good judgment and common sense must be exercised. DCSO members are accountable for the consequences of reckless disregard for the safety of others.
3. Every DCSO member engaging in a vehicle pursuit must be able to explain what conditions were present that justified the pursuit.
4. If sufficient justification does not exist, or conditions change, the pursuit must be terminated.
5. Provisions in this policy do not relieve a Deputy driving authorized emergency vehicles from the duty to drive with due regard for the safety of all persons, nor do such provisions protect the Deputy from the consequences of reckless disregard for the safety of others.
6. Deputies and Supervisors will be mindful of Nebraska State Statute §13-911 (1) which states that the agency will be responsible for damages relating to the death, injury, or property damage to any innocent third parties caused by the agency during a vehicle pursuit.

B. Vehicle Pursuit Requirements (41.2.2b)

1. Deputies will consider/evaluate the following circumstances when deciding to initiate, sustain, determine tactics, or terminate the pursuit of a vehicle: (41.2.2a)
  - a. The seriousness of the offense.
  - b. The possibility of apprehension.
  - c. The safety of the Deputy.
  - d. The safety of the public.
  - e. The time of day.
  - f. The traffic volume.
  - g. Pedestrian traffic present.
  - h. Road and weather conditions.
  - i. Visibility and illumination.
  - j. The compatibility of the Deputy with the emergency vehicle.
  - k. The Deputy's familiarity of the area.
  - l. Positive identification of the pursued driver and vehicle.

- m. The safety of any riders.
  - n. The pursuing Deputy knows, or reasonably believes the fleeing vehicle is operated by a juvenile and the safety factors involved are greater than a juvenile can cope with.
  - o. Potential innocent passengers, such as children and/or hostages.
  - p. Speeds involved.
  - q. Type of vehicle being pursued.
2. Deputies will refer to the Pursuit Decision Making Matrix for use as a training guide to determine when to initiate, sustain, or terminate a vehicle pursuit.
    - a. Pursuits for traffic infractions are not permitted.
    - b. Pursuits for misdemeanor and traffic misdemeanor offenses are rarely justifiable, and typically don't outweigh the level of risk or danger created by the pursuit. Pursuits for misdemeanor and traffic misdemeanor offenses are therefore strongly discouraged absent strong justification and will be terminated by the primary unit or supervisor if the risk involved rises above a level of low risk.
    - c. Non-felony motorcycle pursuits are rarely justifiable and are strongly discouraged. The decision to terminate the pursuit may be/is likely the most suitable course of action.
    - d. Pursuits will not be conducted when transporting a prisoner or a rider who is not either a DCSO employee or law enforcement officer.

#### C. Initiating a Pursuit

1. If, in the process of attempting to stop a vehicle, Deputies exceed the speed limit and/or violate traffic laws, Deputies will activate their emergency red/blue lights and siren.
2. This does not apply to overtaking a vehicle within a reasonable distance. Once a vehicle has been overtaken, the emergency red/blue lights and/or siren will be activated to gain the driver's attention.
  - a. Deputies will not exceed one-half (.5) mile under these conditions without declaring a pursuit or terminating the stop attempt.
3. When multiple risk factors exist, Deputies will always use their red/blue lights and siren. This applies even when overtaking.
4. If the driver indicates an intent to resist apprehension and flee prior to reaching the one-half (.5) mile limit, the involved Deputy will immediately announce the pursuit.
5. During a pursuit, a safe distance should be maintained between vehicles. This will enable the pursuing Deputy to react to any sudden turn, and lessen the possibility of a collision in the event of a sudden stop or collision involving the pursued vehicle.

#### D. Initiating Deputy's Responsibilities (41.2.2c)

1. The initial pursuing unit is designated as the primary unit.
2. The Initiating Deputy will immediately activate the siren and emergency lights on the vehicle (if equipped), and will continuously use both throughout the pursuit.
3. The Deputy initiating a pursuit will, in all cases, notify Communications, as soon as possible, that a pursuit is underway, using the phrase "In Pursuit", and provide the following information:
  - a. Sheriff unit identification.
  - b. Reason for pursuit.
  - c. Description of fleeing vehicle, including license number, if known.
  - d. The following additional information will also be provided as soon as possible, in no specific order:
    - (1) Location and direction of travel.
    - (2) Description and number of occupants if known.
    - (3) Driving behavior of suspects (including speeds involved and traffic violations by the pursued vehicle).
4. The initiating or primary unit bears operational responsibility for the pursuit unless relieved by a Supervisor.
5. The primary unit may maintain pursuit as long as it is reasonably safe to do so, or until directed to terminate the pursuit by a Supervisor, or the suspect is stopped.
  - a. The initiating Deputy will continually question and evaluate whether the seriousness of the crime(s) justifies continuing the pursuit.

E. Dispatcher Responsibilities (41.2.2f)

1. The Primary Dispatcher will immediately notify the shift Supervisor of the pursuit, providing all available information.
2. The Primary Dispatcher will clear the air for emergency traffic on the Sheriff's primary channel.
3. The Primary Dispatcher will broadcast on Sheriff's primary and secondary channels, along with all Omaha Police primary channels, that a pursuit is in progress, and any other information received from the pursuit vehicle. All other radio traffic unrelated to the pursuit will then be handled on the Sheriff's secondary channel.
4. It is the Primary Dispatcher's responsibility to monitor the pursuit, and it is the Deputies' responsibility to monitor their radio channels.

F. Supervisory Responsibilities (41.2.2g)

1. Shift Supervisors will acknowledge over the radio that they are aware of a pursuit being initiated and will monitor the pursuit.
2. Supervisors will terminate a pursuit if the primary Deputy fails to broadcast adequate pursuit conditions as prescribed in this policy.
3. The Supervisor of the Initiating Unit/Division will assume supervisory command of the pursuit and will direct or change tactics as needed. The Supervisor will continue supervisory command of a pursuit until it has ended. The following exceptions apply:
  - a. If the respective Supervisor is not available, the pursuit will fall under the command of the USB Supervisor.
  - b. If a Supervisor is on-scene but not directly involved in the pursuit, that Supervisor, regardless of assignment, will assume supervisory command of the pursuit.
4. The Supervisor must continually evaluate the justification for the pursuit.
5. In the exercise of discretion, the Supervisor may order units into or out of the pursuit, dictate the number of units involved in the pursuit, authorize tactical intervention, or order the immediate termination of the pursuit.
6. The Supervisor will meet with the pursuing Deputy immediately upon conclusion of any pursuit, whether successful or terminated, to debrief the incident and determine policy adherence.
7. Supervisors will ensure proper reports are completed as directed in this policy and forwarded through the chain of command for administrative review.

G. Secondary Unit Responsibilities (41.2.2d)

1. A secondary unit is defined as any DCSO unit which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
  - a. During the pursuit, the number of vehicles from the DCSO that may be involved in direct pursuit will be limited to that number necessary to safely arrest the occupants of the pursued vehicle as ultimately determined by the Supervisor. Typically no more than two DCSO vehicles will be in direct pursuit.
2. Secondary units will announce that they are joining in pursuit with the primary unit.
3. Secondary Units participating in the pursuit will immediately activate the siren and emergency lights on the vehicle (if equipped), and will continuously use both throughout the pursuit.
4. The secondary unit's primary responsibility is to assist the primary unit.

H. Deputies Not Involved in the Pursuit

1. Deputies not involved in the pursuit will restrict radio transmissions except for emergency traffic.

- a. A Supervisor or the Dispatcher may switch the pursuit, or routine radio traffic, to a secondary channel.
2. Other units not designated as a primary or secondary unit are not actively involved but may serve in a traffic control support role.
  - a. When possible, these units should assist with traffic control along the anticipated route of the pursuit and may render assistance at the termination or discontinuation point.
  - b. These units may also assist with setting up a tire deflation device deployment in accordance agency policy.

#### I. Termination of Pursuits

1. Both the Initiating Deputy and the Supervisor have authority to terminate a pursuit. However, the Supervisor has ultimate authority to terminate a pursuit. (41.2.2i)
2. If a pursuit is terminated, the Initiating Deputy, and any Secondary Units who have entered the pursuit will verbally indicate over the radio that they have terminated the pursuit.
  - a. The word 'terminate' or 'terminated' will be used.
  - b. All pursuing Deputies will immediately deactivate all emergency equipment.
  - c. Pursuing Deputies will then turn around at the earliest possible opportunity and arrange to meet with the shift Supervisor to debrief the pursuit.
3. Pursuits will be terminated when: (41.2.2h)
  - a. In the opinion of the Deputy or Supervisor, the level of risk or danger created by the pursuit outweighs the necessity for immediate apprehension.
  - b. The identity of the suspect(s) has been established to the point where later apprehension can be accomplished, and there is no longer any need for immediate apprehension.
  - c. The pursued vehicle's location is no longer known or in sight.
  - d. The prevailing traffic, roadway, environmental conditions or other risk factors indicate the futility of continued pursuit.
  - e. The Initiating Deputy knows, or reasonably believes the fleeing vehicle is operated by a juvenile, the offense constitutes a non-serious felony and the safety factors involved are greater than a juvenile can cope with.

#### II. Vehicles Utilized for Pursuits (41.2.2e)

- A. Level 1 Marked Patrol Vehicles should be used in a pursuit. Emergency lights and siren will be activated.
- B. Unmarked Level II Patrol Vehicles may initiate a pursuit only under exigent circumstances when the fleeing violator represents an immediate and direct threat to life (e.g., motorcycles).

1. Due to the additional danger created by an unmarked patrol vehicle, the circumstance(s) will be a major consideration as to whether or not to continue a pursuit.
- C. Level III and Level IV unmarked vehicles may engage in a pursuit in circumstances involving a violator who presents an extremely dangerous and immediate threat.
- D. Whenever enough Level I marked vehicles become available to take over a pursuit initiated by a Level II, Level III or Level IV unmarked vehicle, the unmarked vehicle will withdraw from any active pursuit and will serve in a support function for the marked vehicle.
- E. Sports Utility Vehicles (SUVs) pickup trucks (e.g., K-9 and Patrol), and vans will not be operated in high-speed situations unless the vehicle is rated for such activity.
  1. In 'low speed, low risk, pursuit' situations, the on-duty Supervisor may authorize an SUV's or pickup truck's use where the pursuit speeds don't exceed the speed limit.
  2. In circumstances involving a violator who presents an extremely dangerous and immediate threat, a Deputy may engage in a higher speed pursuit with approval of a Supervisor.
  3. An SUV or pickup truck becoming involved in this limited pursuit situation will withdraw from active pursuit and turn the pursuit over to a marked vehicle(s) as it becomes available.

### **III. Air Support**

- A. Under some circumstances, air support may be available from the Omaha Police Department or, on a limited basis, the Nebraska State Patrol.
- B. Whenever an air support unit becomes involved, air will switch to the primary DCSO communications channel. Once the air support unit is in a tactical position to monitor the pursuit, the following will apply:
  1. In the event that the pursuit is directly related to a violent felony situation, two pursuing cruisers will continue with the pursuit, operating within DCSO policy. Air will continue to maintain surveillance and will provide updates relative to location and direction of travel. When the vehicle comes to a stop, Air will provide updates as to the status of the vehicle occupants.
  2. In the event that the pursuit is associated with a minor felony, misdemeanor crime, or criminal traffic violation, Air will notify the pursuing Deputies and the Supervisor that the vehicle is under surveillance. At that time, the pursuit will be terminated per DCSO policy, and Air will provide updates as to location and direction of travel.

### **IV. Inter/Intra-Jurisdictional Pursuits (41.2.2j)**

- A. All procedures pertaining to pursuits are applicable to Deputies assisting another jurisdiction in a pursuit or participating in a pursuit in another jurisdiction.
- B. Pursuits by Outside Agencies in DCSO Jurisdiction

1. When a pursuit is originated by another jurisdiction and enters the primary jurisdiction of the DCSO, the Supervisor will determine what assistance will be rendered and make assignments accordingly.
  - a. Notification of a pursuit by an outside agency, in itself, is not a request for assistance.
  - b. Requesting assistance, in and of itself, is not a request for the jurisdiction being entered to take over the pursuit. If a Deputy is unsure of the nature of the request, he/she should ask Communications to clarify.
2. Deputies will not fall in line and continue pursuits outside Douglas County when the pursuit was initiated by another jurisdiction, unless directed by the Supervisor.
3. Deputies will not take over pursuits initiated by other agencies unless specifically requested and a Supervisor authorizes the request.

C. Pursuits by the DCSO that Enter another State

1. Under no circumstances will a suspected misdemeanor be pursued across the Iowa/Nebraska state line into the State of Iowa or any other state.
2. The legal provision of “fresh pursuit” according to Nebraska State Statute §29-420 includes “fresh pursuit as defined by common law and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed.”
3. The following procedures will be followed when a Deputy follows a suspected felon across the state line into Iowa and an arrest is made:
  - a. The shift Supervisor will be contacted for approval prior to leaving the State.
  - b. Communications will notify Iowa that a pursuit is approaching their state line. Contact will be made with the law enforcement agency in that jurisdiction and a request made of them to assist with the pursuit and arrest the felon as a fugitive from justice.
  - c. Without unnecessary delay, the suspect will be taken before a magistrate of the county in which the arrest was made.
  - d. A hearing will be conducted to determine the lawfulness of the arrest.
  - e. If the magistrate determines the arrest to be lawful, the person may be held awaiting an extradition warrant or released on bail. If the magistrate determines the arrest to be unlawful, the person will be released.
  - f. The Deputy will then complete the proper reports and request the proper Douglas County warrants, so the County Attorney can initiate extradition proceedings.
  - g. A person arrested in the State of Iowa under the provisions of fresh pursuit may not be returned to Nebraska before an extradition process takes place.



D. Pursuits by the DCSO within the State of Nebraska

1. In accordance with Nebraska State Statute §29-215, Deputies may:
  - a. Follow a suspected felon into any other jurisdiction in this state in a fresh attempt to apprehend the suspect. If the suspect is arrested and detained they will be returned to DCSO jurisdiction.
  - b. Follow a person suspected of committing a misdemeanor or a criminal traffic offense anywhere in an area within twenty-five miles of the boundaries of the DCSO's primary jurisdiction in a fresh attempt to apprehend the suspect. If the suspect is arrested and detained they will be returned to DCSO jurisdiction.
2. If a pursuit continues outside the primary jurisdiction of Douglas County, Dispatch will notify the respective Nebraska agency having jurisdiction.
3. DCSO Deputies pursuing vehicles into another jurisdiction will maintain authority and responsibility for the pursuit.
4. When considering if a pursuit should be continued into another jurisdiction, Deputies will consider their familiarity with the area in addition to the Vehicular Pursuit Requirements listed in this policy.
5. If DCSO Units continue a pursuit into another jurisdiction, responsibility for their continued involvement rests with the Supervisor.
6. Notification of a pursuit, in and of itself, is not a request for assistance. Requesting assistance, in itself, is not a request for the jurisdiction being entered to take over the pursuit. When asking for assistance, it is necessary to make a clear delineation between a request for assistance and a request to assume responsibility for the pursuit.

V. **Tactical Vehicle Intervention – Forcible Stopping**

- A. The DCSO has approved the use of approved tire deflation devices (Stop Sticks and Piranhas) as means of forcibly stopping a fleeing vehicle or preventing a vehicle from fleeing. (41.2.3a)
- B. Tire Deflation Devices
  1. The DCSO maintains Stop Stick and Piranha devices designed to deflate a vehicle tire(s).
  2. Approved Tire Deflation Devices will be used only in an attempt to end a pursuit or as a neutralizing deterrent to prevent a pursuit or other tactical consideration/situation. (41.2.3a)
    - a. The Stop Sticks and Piranhas will not be used on motorcycles except in extreme cases, such as an extremely dangerous fleeing felon who, if allowed to escape, would create a substantial risk of another person being killed or seriously injured.
  3. Deputies will receive training in the use of approved tire deflation device(s) before utilization. Training will be provided annually during pursuit training or during FTO training for new Deputies. (41.2.3c)

4. When tire deflation devices are used, deploying Deputies will consider the following factors: (41.2.3b)
  - a. Location of Deployment
    - (1) Care will be used in choosing the location in which to deploy the device in order to prevent causing damage to the tires of motorists not involved in the incident.
  - b. Volume of Vehicle Traffic
    - (1) The Deputy deploying the tire deflation device will consider the volume of traffic in the area, as the suspect driver may lose control of the vehicle after driving over the device.
  - c. Pedestrians
    - (1) Tire deflation devices will not be used in areas where pedestrians are present due to the risk of the suspect driver losing control of the vehicle.
4. Stop Stick Deployment Procedures (41.2.3b)
  - a. Stop Sticks will be maintained in the trunks of Patrol vehicles.
  - b. The Deputy deploying the Stop Stick will alert all other law enforcement officers and agencies (announce over the radio) involved in the pursuit that the Stop Stick is being deployed and the location of deployment.
  - d. As the vehicle approaches, the Deputy will let go of the Stop Stick (including the rope) to avoid injury.
  - e. After the Stop Stick has been used, it will need missing spikes replaced. The deploying Deputy will turn it in to the Supervisor, who will then turn it in to the USB Lieutenant for repair. (41.2.3d)
5. Piranha Deployment Procedures (41.2.3b)
  - a. Piranhas will be maintained in the glove box of Patrol vehicles.
  - b. When time is not a critical factor and the vehicle is unoccupied, the Deputy will receive Supervisor permission prior to deployment. (41.2.3d)
  - c. Piranhas will be place in the tire path of a stationary vehicle, approximately 6 inches from the tire. Multiple Piranhas may be deployed to deflate multiple tires.
  - d. The deploying Deputy will alert all other law enforcement officers and agencies in the area that the Piranha is deployed.
  - e. The deploying Deputy will collect the Piranha after deployment. If it was activated, the Deputy will turn it into the Supervisor, who will turn it in to the USB Lieutenant for repair. (41.2.3d)

C. Non-Authorized Intervention (41.2.3a)

1. The DCSO does not authorize the following forcible stopping techniques:
  - a. Roadblocks
    - (1) Because of the dangers inherent in the use of roadblocks during pursuit situations, Deputies will not utilize roadblocks as a means of terminating a pursuit.
  - b. Boxing/Pitting
    - (1) Because of the potential dangers, Deputies will not attempt to overtake or pass a fleeing suspect vehicle. Techniques including “boxing” or “pitting” of a suspect’s vehicle are not authorized and will not be used as a maneuver during a pursuit.
- D. Reporting and Review of Forcible Stopping Incidents (41.2.3e)
  1. If the deployment resulted in potential liability, serious injury, or a fatality, the Deputy will notify the Operations Chief Deputy via chain of command as soon as feasible.
  2. Each Deputy involved in the deployment of tire deflation devices will document such use as follows:
    - a. If the use of the tire deflation device WAS related to a pursuit, the Deputy will select the Forcible Stop checkbox when completing the Blue Team Pursuit Entry.
    - b. If the use of the tire deflation device was NOT related a pursuit, the Deputy will submit a Blue Team “Damage to Property” entry and select the “Forcible Stopping” category.
  3. Each deployment of tire deflation devices will be administratively reviewed as detailed in Section VII below.

## **VI. Pursuit Training**

- A. In accordance with the DCSO “Training Administration” policy and NSS §29-211, the DCSO will conduct annual emergency vehicle operation training, to include motor vehicle pursuit training.
  1. The training will consist of proper handling of motor vehicle pursuits, including, at a minimum, an annual review of the DCSO policy and associated Nebraska State Statutes. (41.2.2n)
  2. Patrol Supervisors will conduct roll call training on pursuit procedures as needed.
    - a. Requests for copies of DCSO pursuit video/audio to be used as training aids will be forwarded to the Property & Evidence Division via the Bureau Captain.
- B. All newly hired Deputies will receive specialized training in pursuit driving including training on the DCSO “Pursuits” policy. (41.2.2m)
- C. Selective Enforcement Supervisors will review DCSO pursuit policy and procedures during an operational briefing if applicable.

## **VII. Pursuit/Forcible Stopping Reporting and Administrative Review (41.2.2k & 41.2.3e)**

- A. Each pursuit/forcible stopping incident will be documented and an administrative review conducted as detailed below. (41.2.2k & 41.2.3e)
- B. A Blue Team Pursuit Entry will be completed anytime a Deputy enters into or actively assists with the vehicular pursuit of another motorized vehicle, non-motorized vehicle, or person.
  - 1. A separate entry will be completed by all actively involved Deputies (including both Deputies in a two-person unit).
    - a. Involved Deputies will complete the entry prior to the end of their tour, or during their next tour of duty with the approval of their Supervisor.

**NOTE:** All criminal reports will be completed in accordance with the DCSO "Report Writing" policy.
- C. Forcible stopping will be documented in Blue Team in accordance with Section V, D above.
- D. In addition to the demand information, the following information will be included in the summary of the Blue Team entry:
  - 1. Day, date, time and location where the suspect vehicle was first observed.
  - 2. Name and serial number of Deputy who announced the pursuit via the radio and the reason given for the pursuit.
  - 3. A description of the emergency equipment used.
  - 4. Route of pursuit, suspect's vehicle traffic violations, and any other occurrences during the pursuit.
- E. The shift Supervisor will review each Blue Team Entry for accuracy, completeness, and to determine if the pursuit and/or forcible stop followed DCSO policy. Pursuits and forcible stops will be reviewed SEPARATELY in the comments.
- F. Prior to forwarding the Blue Team Entry through the chain of command, the Supervisor/Acting Supervisor will document the following in each Blue Team Entry:
  - 1. The Supervisor's involvement in the pursuit/forcible stop.
  - 2. The Supervisor's decision making process to include their justification for allowing a pursuit to continue and/or for terminating the pursuit.
  - 3. The Supervisor's involvement in the forcible stopping process.
  - 4. If the Supervisor believes the pursuit to be within or outside of policy.
  - 5. If the Supervisor believes the forcible stop is within or outside of policy.
  - 6. Any recommendations.
- G. Audio/Video Recording

1. Audio/video recordings of pursuits/forcible stops will be treated as evidence and are stored electronically in the In-Car and Body Worn Camera systems.
2. If the Supervisor determines that a copy of the pursuit/forcible stop needs to be made and entered into PED (e.g., fatality, liability risk, etc.), the Supervisor will create a copy (DVD) of the pursuit/forcible stop, complete a Property Sheet in RMS and place the recording into Property and Evidence in accordance with the DCSO "Property and Evidence" policy.
3. Supervisors other than Patrol Supervisors will contact the on-duty Patrol Supervisor as soon as practical to make arrangements to review the digital recording and enter a copy into Property and Evidence.
4. As soon as practical after the pursuit/forcible stop, the initiating Deputy's Lieutenant will obtain an audio recording of the entire pursuit from the Communications Center (911).
  - a. In order to request the audio recording of the pursuit, the Lieutenant will complete and submit the 911 Records Request Form that can be found at <http://dc911.douglascounty-ne.gov/media/newrequest.php>.
  - b. Once approved, the requesting Lieutenant will receive an e-mail notifying them that the request is completed and ready for download. The e-mail will provide the Lieutenant with a password. The username will be the e-mail address used on the request form.
  - c. The Lieutenant will then download and save the files, copy them to a CD and enter them into Property and Evidence in accordance with the DCSO "Property and Evidence" policy.

#### H. Lieutenant Review

1. The initiating Deputy's Lieutenant will review the completed Blue Team Entry, the 911 audio recording, all video recordings from the in-car camera system, and any other supporting documentation. The Lieutenant will document their review on the Lieutenant Pursuit Review Inter-Bureau Communication. The review will include:
  - a. Whether the Deputy was justified in conducting a pursuit and/or forcible stop.  
**NOTE:** When reviewing a pursuit in which a forcible stop was made, the pursuit and the forcible stop will be reviewed SEPARATELY in the comments.
  - b. Whether there were any policy violations made.
  - c. Any corrective action taken.
  - d. Any policy, training, equipment, or disciplinary issues identified.
2. Upon completing the review, the Lieutenant will attach the Lieutenant Pursuit Review Inter-Bureau Communication and any accompanying documents to the Blue Team Entry.
  - a. Related documentation may include, but is not limited to:
    - (1) State of Nebraska Accident Report.

- (2) First Report of Accident.
- (3) Property Sheet.
- (4) Recovered/Impounded Vehicle Report.

b. The Lieutenant will make a note in Blue Team of any accompanying documentation that is related to the review but not attached in the Blue Team Entry (e.g., pursuit audio) as well as any applicable Blue Team Entries (e.g., injury on duty, use of force, etc.).

I. Captains Review

1. After the Lieutenant has completed their review, all applicable reports include the Blue Team Entry with supporting documentation will be forwarded to the Deputy's Bureau Captain for similar review, comment, and reporting.

J. Once reviewed and approved by the Bureau Captain, the Blue Team Entry and supporting documentation will be forwarded to the respective Chief Deputy via the chain of command.

K. After the respective Chief Deputy has completed their review, the Entry will be forwarded to the Internal Affairs Division for entry into IA Pro.

L. The Blue Team Entry and all attached documentation will be maintained in IA Pro. Any hardcopies will be maintained by the Administrative Coordinator.

**VIII. Annual Analysis (41.2.2I)**

A. The DCSO Pursuit Review Committee, impaneled by the Sheriff, will conduct an annual analysis of all vehicular pursuit and forcible stopping incidents/reports, to include a review of policy and reporting procedures.

B. The Pursuit Review Committee will be comprised of the USB Captain, two Lieutenants, two Sergeants, and the Training Division Sergeant. The USB Captain will serve as the committee chair.

C. The Pursuit Review Committee will attempt to identify any patterns or trends, training needs, and changes to policy or reporting procedures.

D. At the conclusion of the review process, the Committee will submit the analysis of all pursuits and forcible stopping events to the Sheriff for approval outlining proposed changes in policy, procedures, or training requirements. (41.2.2I)

1. The analysis will include:

- a. Number and nature of pursuits.
- b. Property damage or injuries related to pursuits.
- c. Number and nature of terminated pursuits.
- d. Number and nature of forcible stopping incidents.

- e. Identified trends and patterns.
- f. Suggested changes to policy and/or reporting procedures and any identified training needs.
- g. Any other information as needed.

PURSUIT DECISION MAKING MATRIX			
DECISION THRESHOLD			
DEGREE OF RISK			
DEGREE OF SERIOUSNESS	LOW	MODERATE	HIGH
VIOLENT FELONY OFFENSE	May pursue: Continue to assess risks.	May pursue: Continue to assess risks.	May pursue: Discontinue if risks outweigh known threat to public safety if capture is delayed.
PROPERTY FELONY OFFENSE	May pursue: Continue to assess risks.	May pursue: Continue to assess risks.	Do not pursue, or terminate pursuit if initiated.
MISDEMEANOR OFFENSE OR CRIMINAL TRAFFIC VIOLATION (Traffic Misdemeanors )	Discouraged but may pursue if strong justification exists: Continue to assess risks.	Do not pursue, or terminate pursuit if initiated.	
RISK FACTORS*			
	LOW	MODERATE	HIGH
1)	Straight road, good surface, clear lines of sight	Some intersecting streets	Frequent intersecting streets and/or special circumstances (i.e. school zone)
2)	Speeds at or less than 20 MPH over the posted speed limit	Speeds 20 MPH greater than the posted speed limit	Speeds twice the posted speed limit or greater than 80 MPH
3)	Few or no pedestrians; little to no traffic	Moderate traffic with little to no congestion	Blind hills, curves, and intersections; narrow roads
4)	Good weather	Light pedestrian traffic	Numerous pedestrians
5)	No hazardous maneuvers by the violator	Some hazardous but not extreme maneuvers by the violator (i.e sudden lane change, crosses center line to pass vehicles)	Heavy congested traffic
6)	Few intersections		Poor weather, slippery streets, low visibility
7)	OPD Able 1 is immediately available (> one minute)		Extremely hazardous maneuvers by the violator (i.e. driving against oncoming traffic, violating red lights and stop signs at high speed)
*Risk factors above <u>ARE NOT</u> all inclusive. Other risk factors <u>may</u> include suspect vehicle type (i.e. motorcycle), the Deputy's driving ability, and the Deputy's familiarity of the area.			



## **REFERENCES**

### **I. Laws**

- A. Nebraska State Statutes: NSS §13-911 and §29-211.

### **II. Previous DCSO Orders**

- A. Previous General Orders include: #16-2023, #20-2021, #10-2020, #73-2018, #66-2018, #4-2017, #17-2016, #4-2013, and #6-2011.

### **III. CALEA Accreditation Standards**

- A. Relevant CALEA standards include: 41.2.2 & 41.2.3.

### **IV. Review Schedule**

- A. Annual.