

Vehicle Pursuits

308.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public and fleeing suspects.

308.1.1 DEFINITIONS

Definitions related to this policy include:

Barricading - The intentional barricading of a roadway, by any means, to prevent passage of a pursued vehicle. Barricading constitutes deadly physical force.

- (a) The barricade must be setup in such a manner as to afford the fleeing suspect ample time to see the barricade and stop the vehicle.
- (b) Under no circumstances will a roadway be barricaded with occupied vehicles or vehicles belonging to private citizens.

Boxing-in - Maneuvering a police vehicle into the path of a vehicle traveling slower than 20 mph, or a stopped vehicle with the intent of slowing and stopping the vehicle and/or keeping the vehicle stopped. Officers may box-in another vehicle but must be aware that placement of their vehicle in the path of another vehicle moving faster than 20 mph escalates into barricading.

Channeling - When creating a channel, a path of travel must be left available to the fleeing driver. An example is blocking a lane of travel to force the driver to stop or take another path to engage spike strips. Channeling does not constitute deadly physical force.

- (a) Channeling must be setup in such a manner as to afford the fleeing suspect ample time to see the road block and stop the vehicle or choose another path.
- (b) Under no circumstances will a roadway be blocked with occupied vehicles or vehicles belonging to private citizens.

Pinning - Controlled tactic where police cars are used to prevent a vehicle from fleeing once the offender is stopped. Pinning is accomplished by rapidly decelerating to the point of contact which would be at or near zero mph. Positive physical contact between the cars must be used to ensure the offender cannot continue to elude. Both the front and rear of the suspect vehicle must be pinned.

Pursuit Intervention Technique (PIT) - Intentional contact between a police vehicle and a pursued vehicle in such a manner as to cause a forced rotational stop of the pursued vehicle.

Ramming - The use of a law enforcement vehicle, other than in a boxing-in, pinning, or PIT maneuver, to purposely cause contact with another vehicle in order to disable the vehicle. Ramming may be considered a use of deadly force if it is used in such a manner that is readily capable of causing serious physical injury or death.

Slack pursuit - The distance between the violator and the pursuing officer is intentionally increased as a de-escalation technique when other means of tracking the suspect are available.

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Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's emergency signal to stop.

308.1.2 AUTHORIZED POLICE PURSUITS

Officers are authorized to engage in a pursuit in the following circumstances:

- (a) Where a felony has been committed.
- (b) When an officer reasonably suspects that a violent felony will be committed if the subject is allowed to escape, even if the subject is known and could be apprehended later.
- (c) When an officer observes reckless driving. The driving conduct must be observed by the officer prior to the initiation of a stop and the driving conduct is not a result of police intervention, contact or other action.
- (d) When the officer reasonably suspects an assault is occurring within a moving vehicle.
- (e) When an officer reasonably suspects that a vehicle was involved in a shooting.

308.1.3 UNAUTHORIZED POLICE PURSUITS

Officers are **NOT** authorized to engage in a pursuit in the following circumstances:

- (a) Misdemeanor crimes -- **except as stated above**
- (b) Traffic violations

308.2 POLICY

It is the policy of this department to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

308.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law (ORS 801.260).

Officers shall drive with due regard for the safety of all persons and property. However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property (ORS 820.300; ORS 820.320):

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- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
- (b) Exceed the speed limit.
- (c) Disregard regulations governing direction of movement or turning in specified directions.

308.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that should be considered, both individually and collectively, when deciding to initiate or continue a pursuit include but are not limited to:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).
- (k) The availability of other resources such as air unit assistance.
- (l) Whether the pursuing vehicle is carrying any passenger that is not:
 - 1. A sworn law enforcement officer with the Gresham Police Department, or

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2. A sworn law enforcement officer from an agency assigned to the Gresham Police Department, or
3. A member assigned to an interagency team in their official duties.

Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

308.3.2 WHEN TO TERMINATE A PURSUIT

An officer shall terminate a pursuit when:

- (a) The risks to the public or the officer(s) outweigh the interests of apprehension; or
- (b) The suspect has been identified, whereby later apprehension can be accomplished (EXCEPTION - the officer reasonably suspects the driver has or is about to commit a violent felony and the interest in apprehending the suspect outweighs the risks to the public/officers); or
- (c) It reasonably appears that further pursuit will not result in the apprehension of the suspect; or
- (d) The officer is so ordered by a supervisor or the pursuit is terminated by another officer, regardless of agency or jurisdiction

Officers will be held accountable for continuing a pursuit when circumstances indicate it should have been terminated. Officers will not be criticized or disciplined for their decision to terminate a pursuit because of the risks involved.

308.3.3 PURSUIT TERMINATION

Once the decision to terminate a pursuit is made and implemented, the following should occur:

- (a) The officer or supervisor terminating the pursuit will communicate that the pursuit is terminated. All involved officers will immediately comply and communicate an acknowledgment of the termination.
- (b) Upon termination of the pursuit, the officers in primary and secondary pursuit positions shall turn off emergency lights and siren.
- (c) The primary or secondary pursuit unit shall communicate the location of the pursuit termination and last known direction of the suspect vehicle.
- (d) Officers may continue to provide suspect vehicle updates while following all applicable traffic laws.
- (e) Officers should not re-engage a terminated pursuit unless articulable circumstances have changed related to the original termination and are authorized by a sergeant.

308.4 PURSUIT UNITS

Pursuit units should be limited to three vehicles. However, the number of units involved will vary with the circumstances. A supervisor may authorize additional units to join a pursuit if it appears

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that the number of officers involved would be insufficient to safely arrest the suspect(s). All other officers should remain alert to the pursuit's progress and location in order to employ other pursuit tactics consistent with subsection 308.5.

308.4.1 MOTORCYCLE OFFICERS AND VEHICLES WITHOUT OVERHEAD LIGHT BARS

A police motorcycle or vehicle not equipped with emergency overhead lighting should relinquish the position of primary and/or secondary pursuit unit as soon as practicable and discontinue the pursuit when a sufficient number of distinctively marked patrol vehicles equipped with emergency overhead lighting are actively engaged in the pursuit.

308.4.2 VEHICLES WITHOUT EMERGENCY LIGHTS OR SIREN

Absent a reasonable alternative and only when human life is in immediate danger, vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in any pursuit. The exemptions provided by ORS 820.300 do not apply to officers using vehicles which do not qualify as emergency vehicles under ORS 801.260.

308.4.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit until a secondary unit joins the pursuit. To concentrate on pursuit driving, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit as soon as practical to a secondary unit or air unit, unless circumstances indicate otherwise.

Notify BOEC that a vehicle pursuit has been initiated and as soon as practical provide information including, but not limited to:

- (a) Reason for the pursuit.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.
- (e) Number of occupants.
- (f) The identity and description of the occupants, if known.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

308.4.4 SECONDARY UNITS RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

- (a) Immediately notify the dispatcher of entry into the pursuit.
- (b) Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- (c) Broadcast the progress of the pursuit unless the situation indicates otherwise.

308.5 PURSUIT TACTICS

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308.5.1 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of considerations outlined in pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they are able to see and avoid hazards and react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (c) As a rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. If the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from an air unit.
 - 2. Maintaining visual contact with the pursued vehicle by paralleling the vehicle on the correct side of the roadway.
 - 3. Requesting other units to observe exits available to the suspects.
 - 4. Notifying the Oregon State Police and other jurisdictional agencies when it appears the pursuit may enter other jurisdictions.
- (d) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the other unit.

308.5.2 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

Officers not directly involved in the pursuit are authorized to use emergency equipment along the pursuit path to protect the public by clearing intersections of vehicular and pedestrian traffic.

Officers may use emergency equipment to proceed safely to a given location to accomplish this task, to employ tactical vehicle intervention techniques (308.6), and to assist at the termination of the pursuit should an emergency response be warranted (e.g.: high risk stop, perimeter, crash). Officers operating under emergency conditions to perform the tasks are expected to be reasonably close to the anticipated path of the pursuit.

308.5.3 PURSUIT TRAILING

If the initiating unit from the Gresham Police Department relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s).

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308.5.4 AIR UNIT ASSISTANCE

When available, air unit assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The ground units should consider a slack pursuit when the air unit has control of the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether to continue the pursuit. If the air unit determines it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

308.6 PURSUIT INTERVENTION

Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT, ramming or roadblock procedures.

308.6.1 WHEN USE IS AUTHORIZED

In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

It is imperative that officers act within the bounds of legality, good judgment and accepted practices.

In the event a vehicle is driving recklessly and not pursued or the pursuit has been terminated, officers are authorized to deploy tire deflation devices (spike strips or other authorized tire deflation devices) even though the vehicle does not meet the criteria to engage in and/or continue a pursuit. This includes pursuits from other jurisdictions that come into Gresham. Officers are authorized to use emergency equipment in an effort to get into position to deploy such devices (e.g. spike strips) if the officers are reasonably close to the anticipated path of the pursuit, and the driving is done with due regard for the safety of all other persons (ORS 820.300(2) Exemptions from Traffic Laws).

308.6.2 SHOOTING AT OR FROM MOVING VEHICLES

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

308.6.3 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued.

Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Officers who have not received certified departmental

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training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) A moving box-in should only be considered in cases involving suspects or drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved this technique should only be employed by officers who have received training in such tactics after considering the following:
 - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
 - 3. Employing the boxing-in maneuver does not unreasonably increase the risk to officer safety.
 - 4. The target vehicle is stopped or traveling at a low speed.
 - 5. At no time should civilian vehicles be used to deploy this technique.
- (b) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure. Officers using this technique should broadcast via radio their intent prior to the maneuver and upon consideration of the circumstances and conditions presented at the time.
- (c) The use of spike strips should be deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, officers and supervisors should weigh the potential consequences and risks to the public and occupants against the need to immediately stop the vehicle.

308.7 SUPERVISORY CONTROL AND RESPONSIBILITY

Supervisory and management control will be exercised over all vehicle pursuits involving officers from this department. The supervisor of the officer initiating the pursuit or, if unavailable, the nearest field supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit, to ensure that the pursuit is conducted within established department guidelines.
- (b) Exercising management and control of the pursuit.
- (c) Ensuring no more than the number of required police units needed are involved in the pursuit.
- (d) Directing the pursuit be terminated if it is unjustified to continue.

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- (e) Ensuring an air unit/UAS is requested.
- (f) Ensuring the notification and coordination of outside agencies if the pursuit leaves or is likely to leave Gresham.
- (g) Controlling and managing Gresham Police Department units when a pursuit enters another jurisdiction.
- (h) Preparing post-pursuit critique and analysis of the pursuit for training purposes.
- (i) Ensuring all necessary documentation is completed.

308.8 COMMUNICATIONS

If the pursuit is confined within Gresham, radio communications will be on the primary channel unless instructed otherwise by a supervisor or communications dispatcher.

308.8.1 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the suspect(s). The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspect(s) fleeing on foot.

308.9 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether to request the other agency assume control of the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended the primary officer or supervisor ensure notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

308.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Units originally involved will discontinue the pursuit when advised that another agency has assumed control of the pursuit and the assistance of this agency is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit. Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume control of a pursuit should be specific.

308.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in

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pursuit. Under this circumstance, a unit from this department may join the pursuit until enough units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider all factors in 308.3.1 above. If the pursuit does not meet the criteria for a pursuit in the City of Gresham, the supervisor shall terminate the outside agency pursuit.

As soon as practical, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after consideration of all factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing agency by officers will terminate at the city limits provided that the pursuing officers have enough assistance from other sources. Ongoing participation from this department may continue only until enough assistance is present. If a pursuit from another agency terminates in Gresham, officers shall provide appropriate assistance to officers from the outside agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

308.10 REPORTING REQUIREMENTS

The following reports should be completed for all pursuits:

- (a) The primary officer shall complete appropriate crime/arrest reports.
- (b) The supervisor shall complete a Pursuit After-Action Report, summarizing the pursuit to the Watch Commander, to evaluate the pursuit in terms of department policy. The After-Action shall minimally contain the following information:
 - 1. Date and time of pursuit.
 - 2. Length of pursuit.
 - 3. Involved units and officers.
 - 4. Initial reason for pursuit.
 - 5. Starting and ending points.
 - 6. Disposition - arrest, citation, etc.; arrestee information should be provided if applicable.
 - 7. Injuries and/or property damage.
 - 8. Medical treatment.
 - 9. Name of supervisor at scene.
 - 10. A preliminary determination, simply stating whether the pursuit appears to be in compliance with this policy or not.
 - 11. Determine the need for any additional review and/or follow-up.
 - 12. If training deficiencies are noted, the issues will be referred to the Police Vehicle Operations Unit.

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- (c) The Watch Commander shall review, comment and forward the After-Action Report, to include conclusions and recommendations, through the chain of command to the Chief of Police.
- (d) If the pursuit results in any injury or damage, an Accident/Incident Report shall be forwarded to the City's Risk Manager.
- (e) Other reports or documents may be requested by a supervisor.

308.10.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all sworn members will participate in training addressing this policy. Additionally, training will cover the importance of vehicle safety and protecting the public at all times, including the need to balance the known offense and the need for immediate capture against the risks to officers and others.

308.11 ANNUAL REVIEW

During the first calendar quarter of each year, the PVO Sergeant will ensure that an annual review of all vehicle pursuit incidents for the previous calendar year is conducted. The analysis will focus on the effectiveness and trends in the use of vehicle pursuits that might suggest training or equipment needs, or policy modification. Specific detail including items such as officer names, case numbers, location of occurrence are not needed for this purpose and therefore will not be part of this process.