

# Hillsboro Police Department

<b>Subject</b> <b>Pursuits</b>	<b>Effective Date</b> 5/03	<b>Number</b> <b>1411</b>
<b>Reference:</b> OVC Section 820.300, 820.320, and 811.155, Washington County Law Enforcement Interagency Pursuit Agreement CALEA: <b>1.3.2, 41.2.1, 41.2.2</b>	<b>Review Date</b> 5/05	<b>No. Pages</b> 7
		<b>Ronald J. Louie</b> <b>Chief of Police</b>

## I. REFER

The Washington County law Enforcement Interagency Pursuit Agreement is considered a mutual aid agreement. This general order provides the guidelines and parameters for members of the Hillsboro Police Department and must be followed in any and all pursuits.

## II. PURPOSE

The purpose of this policy is to provide guidelines and establish responsibility for safe operation of police vehicles during a pursuit; to provide guidelines and establish responsibility for initiating or terminating pursuits; to outline the responsibility of the initiating officer, the supervisor, and any other involved personnel; and to provide guidance concerning balancing the necessity for pursuit and immediate apprehension against the risks involved with the pursuit (i.e property damage, injury, or death).

In fulfilling our objectives, we occasionally encounter dangerous suspects who attempt to avoid capture by fleeing in motor vehicles. In these cases, officers should attempt to anticipate flight and utilize tactics to prevent a vehicle pursuit from occurring. If tactics to prevent a vehicle pursuit from occurring fail, tactics should be utilized to minimize the duration of the pursuit and if possible, to influence the suspect vehicle direction in ways that reduce risk of harm to others. Once initiated, pursuits must be monitored and assessed to ensure that the need to pursue outweighs the risk and dangers of the pursuit.

## III. POLICY

All pursuits will be reviewed for compliance with the provisions of this policy, Oregon Law, and the Department's *mission, vision, and values*. Legal parameters for the operation of emergency vehicles are defined in the Oregon Revised Statutes, section 820.300. All personnel who operate emergency vehicles will be familiar with the provisions of this ORS section and with this policy.

The Oregon Motor Vehicle Code, Section 820.300, outline the privileges and conditions of a driver of an emergency vehicle when in pursuit of an actual violator of the law.

1. The section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all others, nor protect them from the consequences of criminal negligence of reckless conduct.

In initiating a pursuit, the officer(s) must carefully consider the facts, seriousness of the offense, the possible consequences, and safety of citizens.

## IV. DEFINITIONS

**Patrol Vehicle:** A vehicle being operated by a police officer and equipped with: (1) a siren; (2) an overhead flashing or rotating light bar; and (3) markings or decals identifying the vehicle as a Hillsboro Police Department vehicle.

**Code 3.** is defined as driving an emergency vehicle in an emergency situation using emergency lights and siren.

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**Pursuit Intervention Strategy:** Strategy used to shorten or end a pursuit.

**Slack Pursuit:** Technique by which the pursuing officer reduces his/her speed to provide the fleeing driver an opportunity to slow down or stop. Officers must maintain visual contact on the suspect vehicle while engaging in this technique.

**Specialty Vehicle:** Four-wheel-drive vehicle, light truck, or SUV.

**Spike Strip/Stop Sticks:** is a strip of belting containing specially designed hollow spikes, which penetrates tires, thereby, slowing the fleeing vehicle by deflating the tire(s). (refer to GO 1413; Use of Spike Strips).

**Pursuit Driving:** is an active attempt by a police officer operating a motor vehicle in a Code "3" condition to apprehend one or more occupants of another moving vehicle, when the driver of the fleeing vehicle is aware of that attempt and is resisting apprehension by maintaining or increasing the vehicle speed, ignoring the officer or attempting to elude the officers while driving at speeds in excess of the legal designated speed.

No member of the Hillsboro Police Department will follow a fleeing driver without the use of police vehicle emergency equipment activated as outlined above (audible and visual signals). When a police officer follows a fleeing driver (maintaining the same speed of the fleeing vehicle or exceeding the posted speed to keep a visual on the suspect vehicle) without all of the police vehicle's emergency equipment activated, it will be considered a pursuit.

**Canalization:** is a technique where objects or vehicles are positioned in a manner intended to direct or redirect the path of a fleeing vehicle. The path provided must be clearly identifiable and unobstructed.

**Supervisor:** Any ranking officer with supervisory authority including a temporarily assigned shift OIC (officer in charge)

**Paralleling:** Driving police vehicles parallel to the pursuit in a Code :3" response with the intent to keep up with or cut off the fleeing vehicle.

**Boxing in:** The placement of a police vehicle into the path or potential path of a vehicle with the intent of slowing and stopping the vehicle or keeping the vehicle stopped.

**Barricade / Roadblock:** The intentional blocking of a roadway, by any means, to stop a vehicle being pursued.

**Ramming:** Deliberate is using a police vehicle to purposely cause forceful contact with another vehicle in order to bring that vehicle to a stop, where the use of deadly force is justified.

## V. PROCEDURE

**AN OFFICER'S DECISION TO PURSUE IS REVOCABLE AT ANY TIME BY THE OFFICER WITH OR WITHOUT THE KNOWLEDGE OR CONSENT OF THE OFFICER'S SUPERVISOR.** The Hillsboro Police Department respects an officer's judgment to not engage in a pursuit or to discontinue a pursuit.

A. **Pursuit Driving Criteria.** Vehicular pursuits are recognized as a hazardous activity, both to the public and the officers involved. As such, criteria for pursuits must be stringent and be strictly enforced.

**Justification for a pursuit must be that the actions of the suspect(s) are a direct threat to life or that the officer reasonably believes that delayed apprehension of the suspect(s) represents a clear and present danger to the public and/or the officer, and that danger outweighs the inherent risk associated with a pursuit. In all cases, officers involved in a pursuit must continuously evaluate and use tactics (listed below) during the pursuit in an effort to slow and stop the vehicle.**

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B. **Considerations.** An officer may pursue a vehicle if the officer reasonable believes that the driver is a direct threat to the public and or officer and that the need to immediately stop the vehicle outweighs the risk of death, bodily injury, and property damage that may be a result of the pursuit. Officers will not pursue a vehicle when the only reason the pursuit is initiated is due to a property crime, violation or infraction. In evaluating this risk, the following criteria must be continually assessed before initiating and while continuing the pursuit:

1. **Nature of charges.** Pursuits of persons suspected of felony person crimes are viewed as more justifiable.
2. **Time of day.** Pursuits occurring during a time of day when there is a high level of business, school, or other activity are deemed more hazardous than those occurring during periods of low activity.
3. **Presence or potential presence of pedestrians** Pursuits occurring during periods and areas of heavy pedestrian presence are deemed more hazardous.
4. **Volume of vehicular traffic.** Pursuits occurring during periods of heavy traffic are deemed more hazardous than those occurring at other times.
5. **Location of pursuit.** Pursuits through residential areas or on a street near or adjacent to schools or populated business areas are viewed as more hazardous than those in lower populated areas.
6. **Weather conditions.** Pursuits during inclement weather such as rain or snow are considered more hazardous than those occurring when such conditions are not present.
7. **Road conditions.** Pursuits on gravel roads, roads under construction, and roads which are slippery due to rain or snow, are considered more hazardous than those on roads where these conditions are not present.
8. **Speeds involved.** Pursuits at higher speed carry a higher risk of loss of vehicle control and subsequent injury and/or damage.
9. **Performance capabilities.** Performance capabilities of both the pursuer and the pursued should be continually assessed. Pursuits in vehicles with mechanical problems or equipment problems, or a pursued vehicle with a known mechanical problem of some nature are considered more hazardous than pursuits where those conditions are not present.
10. **Physical and mental alertness.** Officers who are involved in a pursuit must constantly evaluate their physical and mental ability as it relates to the pursuit.
11. **Pursuit evaluation.** Officers and supervisors must evaluate all considerations continually as they progress through a pursuit.
12. **Driver abilities.** Officers must assess the suspect's driving ability, such as the juvenile who has limited ability due to experience (i.e. juvenile who takes his/her parents car for a joy ride).

C. **Initiating Officer Responsibilities.**

The initiating officer must:

1. Consider the totality of the circumstances reasonably believed to exist in order to evaluate whether the suspect is a direct threat to the public and or officer and the need

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for immediate apprehension outweighs the risk of engaging in a vehicular pursuit, and constantly assess and evaluate the pursuit while engaged.

2. Terminate the pursuit if the officer or a supervisor determines that the risk of death, bodily injury, and property damage associated with the pursuit outweighs the need to immediately stop the vehicle.
3. Immediately activate and continuously use the emergency lights and siren.
4. Advise the dispatcher of the pursuit. Provide the following information:
  - a) Unit identifier and the fact that they are in pursuit.
  - b) Location and direction of travel
  - c) License number (if possible) and description of the suspect vehicle
  - d) Number of occupants in suspect vehicle, if possible.
  - e) Reason for the pursuit
  - f) Continuous updates on the speeds and direction of travel of both the pursued and pursuing vehicles.
  - g) Request a supervisor be notified
  - h) Driving behavior of pursued vehicle
  - i) Any other pertinent information.

## D. Dispatch Responsibilities.

1. The duties and responsibilities of dispatch are outlined in the Washington County Consolidated Communications Agency Police Pursuits and Operations Directive P-9. These include, but are not limited to:
  - a) Declaring a "Signal Two" on the radio frequency for the pursuing units
  - b) Record and relay relevant pursuit information.
  - c) Confirm that the pursuing agency's supervisor is aware of the pursuit.
  - d) Coordinate units to assist the pursuing officer.
  - e) Notify Adjoining agencies of the pursuit.

Upon the termination of the pursuit the officer (or back-up officer) shall give the location of termination, under what circumstances the pursuit was terminated (motor vehicle accident, voluntarily stopped, etc.), and what the status is at the scene of the termination (situation is okay, Code 4 more assistance needed, etc.)

## E. Secondary Officer Responsibilities.

It is the responsibility of the second Police vehicle in the pursuit to handle radio communication with dispatch and other Police vehicles. This allows the primary officer in the pursuit to concentrate on his/her driving and to continually evaluate the pursuit.

## F. Supervisor Responsibility

The supervisor must:

1. Upon being notified or becoming aware of a pursuit, the field supervisor of the agency initiating the pursuit shall become responsible for the pursuit and has the discretion to order specific units into or out of the pursuit and request assistance from other agencies when appropriate.
2. Continually monitor the pursuit, including the officers' demeanor, to determine whether to continue or terminate the pursuit. Suggest "**Slack Pursuit**" in an effort to minimize the

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speed of the pursuit by having the officer reduce his/her speed to encourage the suspect to also slow down.

3. Attempt to ensure that the pursuit has a safe passage by coordinating the blocking of intersections and to control traffic in and around the pursuit.
4. Terminate the pursuit if it is determined that the suspect is not a direct threat to the public or officers or the risk of death, bodily injury, and property damage associated with the pursuit outweighs the need to immediately stop the vehicle.
5. Terminate the pursuit when the pursuing officers are not adequately broadcasting location, speed, and direction such that the supervisor determines that he or she has inadequate information to evaluate it.
6. Assign the pursuing officer's responsibilities and approve or disallow the use of Pursuit Intervention Strategies.

## G. **General Pursuit Guidelines.**

The following are general guidelines concerning a vehicle pursuit.:

1. Unless otherwise directed by a supervisor, no more than three police vehicles, regardless of agency, shall become actively involved in a pursuit. Other officers should be alert to the pursuit progress and locations.
2. In-car video camera systems will be used when available.
3. No police unit involved in a pursuit will pass another police unit, unless it is reasonably safe, the officer has communicated their intentions, and there is a legitimate purpose.
4. Paralleling of a pursuit is not permitted; however other agency vehicles in the immediate vicinity of a pursuit may proceed using routine response to designated positions to assist in apprehending the fleeing driver, unless otherwise directed by a supervisor.
5. Unless specifically authorized by a supervisor, pursuing officers will not drive along side, ram, force off the road or box in the suspect vehicle.
6. The following pursuit tactics may only be used by officers that have completed training in:
  - a) Deliberate ramming of the suspect vehicle (**deadly force**)
  - b) Boxing in of the suspect vehicle
  - c) Attempting to run the suspect vehicle off the road (**deadly force**)
  - d) Driving directly along side of the suspect vehicle
  - e) Passing the suspect vehicle
  - f) Channeling
  - g) Use of spike strips
7. No member of this Department may participate in a pursuit when an arrested person, suspect, complainant, witness or civilian observer is present in the Police vehicle.
8. When a pursuit initiated by this agency enters another jurisdiction, the Hillsboro Police Department will request assistance from the agency with primary jurisdiction.
9. HPD will terminate the pursuit if the agency with jurisdiction so requests.

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10. Officers operating unmarked vehicles equipped with emergency lights and siren may engage in pursuits only when the fleeing vehicle represents an immediate and direct threat to life. Whenever a marked vehicle becomes available to assume the pursuit initiated by an officer in an unmarked vehicle, the unmarked vehicle shall not maintain the lead position.
11. Officers shall not pursue suspects the wrong way on any interstate, controlled access Highway, or divided roadway. When a vehicle enters an interstate, controlled access highway, or divided roadway the wrong way, Hillsboro Police Officers will make attempts to do the following; (This policy is more restrictive than the Washington County Interagency Pursuit Agreement.)
  - a) Parallel the vehicle in the correct lane of travel.
  - b) Notify dispatch of a wrong way driver.
  - c) Request assistance from outside agencies to shut down vehicular traffic on the highway.
  - d) Notify ODOT to activate the highway reader boards to advise motorists of a wrong way driver.
  - e) Attempt to deploy spike strips.
  - f) Attempt to channel the suspect off the freeway.
  - g) Request assistance from outside agencies to prevent motorist from entering the freeway.
12. Discharge of a firearm from a moving police vehicle is prohibited, except in extreme circumstances.
13. Roadblocks are to be used as a last resort in extreme circumstances when the use of deadly force is authorized and when a supervisor has directed this tactic at a particular location to terminate the pursuit. Whenever it will be effective to do so, the supervisor should pre-approve the use of channeling through a clearly identifiable and unobstructed path for the vehicle to take
15. Officer shall use extreme care when disobeying traffic control devices, even where the statutes specifically permit such conduct. Officers shall make continuous use of all available warning devices to alert other motorists and pedestrians and drive with their windows up. State law also requires the officer to exercise “due regard for the safety of all other persons” (ORS 820.300)
16. **Spike strips/stop sticks** may be authorized and deployed. (See G.O 1413 Use of Spike Strips).
17. The “**High Risk Traffic Stop**” procedure shall be employed at the conclusion of a pursuit.
18. If mechanical or emergency equipment failure is experienced by a police vehicle involved in a pursuit at any time, the operator of the vehicle shall notify the field supervisor or communications and must immediately terminate her/his involvement in the pursuit.
19. **Terminating a Pursuit.** Any officer involved in a pursuit must terminate the pursuit under any of the following conditions:
  - a) When ordered by a Police Department supervisor, or any other higher-ranking member of the Department.
  - b) When the officer believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension.

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- c) When the suspect's identity has been established to the point where later apprehension can be accomplished and there is no longer any need for immediate apprehension.
- d) When the pursued vehicle's location is no longer know.
- e) When motorists/pedestrians are involved in an accident as a result of the pursuit, immediate assistance must be given. If there is only the primary pursuing vehicle, then this vehicle must stop to provide assistance.
- f) The officer will notify the dispatcher the pursuit is being terminated.

H. **Pursuit Report.** At the conclusion of the pursuit, all officers directly involved will submit a report detailing their involvement unless death, severe injury, or extenuating circumstances prevent the officer from doing so. This report should include but is not limited to, prior behavior and every factor upon which the officer relied in deciding that a pursuit was justified under this policy; reason for stop; tactics used to avoid the pursuit if any; tactics used during the pursuit, direction of the pursuit; if terminated, reason for termination; road and traffic conditions; and the results of the pursuit. In the event of a pursuit related collision, it will be investigated by the Crash Analysis Reconstruction Team (CART) team.

I. **Pursuit Review.** It is the policy of this Department to review every pursuit for compliance with this policy. The standard Hillsboro Police Department Pursuit Review Form will be used in all cases. The pursuit will be reviewed first by a certified Emergency Vehicle Operation Course (EVOC) instructor, and then forwarded to a Lieutenant for review. The Lieutenant will then forward the review to the Patrol Commander, who will make the final determination as to compliance with this policy.

J. **Driver Training Requirements.** No member of this department may operate a police vehicle during a pursuit until the member has completed the basic EVOC, as certified by the Oregon Department of Public Safety Standards and Training and has had drivers training within the last 12 months.