



CITY OF PORTLAND, OREGON



Bureau of Police

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EXECUTIVE ORDER

DATE: November 7, 2007

TO: All Members

RE: 630.05 Vehicle Pursuits

ACTION: Changes to this directive are reflected under several sections. Please read the entire directive for language changes and additions. A copy of the directive is included with this Executive Order.

Under the Pursuits in General section, second paragraph, now includes the sentence about the belief that the benefit of capture exceeds the risk that the pursuit creates.

Under the Pursuit Vehicle Operations, section c, includes language about engaging in a pursuit and the decision to use a PIT maneuver.

Under Pursuit Intervention Strategies, section b, new language included for spike strips.

Under Pursuit Re-engagement, new language has been added about articulating the risk factors of re-engagement.

Under Branch Chief Responsibilities, new language states that copies of after action reports will be sent to Training and a copy of the after action face page to Management Services.

630.05 VEHICLE PURSUITS

Index: Title; Pursuit, Vehicle; Interagency Pursuits

Refer: ORS 820.300 Emergency Vehicles; Exception from Traffic Laws

ORS 820.320 Illegal Operation of Emergency Vehicle

DIR 600.00 Use of Aircraft

DIR 630.10 Driving Responses

DIR 820.00 Arrest Jurisdiction

DIR 940.00 After Action Reports and Operation Orders

DIR 1010.10 Deadly Physical Force

POLICY (630.05)

The Portland Police Bureau recognizes and respects the integrity and value of human life. The primary considerations when determining whether to initiate, continue or terminate a vehicle

pursuit are public safety and the safety of Bureau members. All members shall balance the risk to the public created by allowing the suspect to escape against the danger to life and property inherent in pursuit situations. It should be the goal of members to employ pursuit intervention strategies to prevent pursuits or to use the strategies to end a pursuit as quickly as possible.

PROCEDURE (630.05)

Directive Specific Definitions

Barricading: The intentional blocking/barricading of a roadway, by any means, to prevent passage of a pursued vehicle.

Boxing-in: A coordinated tactic of positioning police vehicles around a suspect vehicle to stop or prevent the start of a pursuit.

Pursuit: When a member initiates a vehicle stop and the driver resists the order to stop, increases speed and/or takes evasive actions, and refuses to stop. This directive takes effect once the driver refuses to obey the member's order.

Pursuit intervention strategies: Techniques which may be used to stop a fleeing vehicle, or to reduce the speed of a fleeing vehicle, in an attempt to reduce the danger to the community, the violator and Bureau members.

Pursuit Intervention Technique (PIT): Intentional contact between a police vehicle and a pursued vehicle in such a manner as to cause a 180-degree spin and subsequent stop of the pursued vehicle.

Ramming (deliberate): Using a police vehicle to purposely cause contact with another moving vehicle in order to bring that vehicle to a stop by incapacitating either the suspect or his/her vehicle (except PIT or the box-in).

Shooting: Shooting at or from moving vehicles.

Spike strips: Devices used to deflate tires in a controlled fashion.

Pursuits in General (630.05)

ORS provisions do not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all other persons, nor are they a defense to the driver in an action brought for criminal negligence or reckless conduct.

The decision to pursue must be based on the belief that the benefit of capture exceeds the risk that the pursuit creates. This Risk / Benefit analysis must be constantly reassessed during the pursuit. The circumstances justifying the decision to pursue must exist at the time of initiation. The decision to continue in or terminate a pursuit may include additional information developed during the pursuit. Suspect's driving behavior, which did not exist prior to the pursuit, should not be used to justify continuing the pursuit.

. Pursuit intervention strategies in pursuits must be rapidly planned and implemented as soon as possible or pursuits should be terminated.

- a. The decision to pursue a vehicle is revocable. The Bureau respects a member's judgment not to engage in a pursuit or to discontinue a pursuit. No member shall be criticized for deciding against initiating, discontinuing his/her involvement in or terminating a pursuit.
- b. In evaluating this risk involved in a pursuit, a member must consider the following criteria to include, but not limited to:
 1. Presence of pedestrians, potential presence of pedestrians, unpredictability of children, school zones, parks, etc.

2. Seriousness of the offense committed, and the risk the suspect(s) pose to the community.
3. Road condition, lighting and other environmental factors (e.g., slippery roadway, lighting, etc.).
4. Volume and direction of traffic, congestion, etc.
5. Overall speed of the pursuit relative to other traffic.
6. Condition of police vehicle and equipment.
7. Communication limitations.

Prohibited Pursuits (630.05)

- a. Persons whose identities are known, who can be apprehended at a future time, and whose driving or conduct does not create an imminent threat of serious physical injury or death, will not be the subject of a pursuit. The sole exception to this prohibition is if the reason for the pursuit was his/her involvement in a life-threatening felony.
- b. Those units carrying prisoners will not become involved in pursuits.
- c. Cadets will not become involved in pursuits.

Restricted Pursuits (630.05)

- a. Off-road four-wheel-drive vehicles, motorcycles, and police vehicles not equipped with overhead emergency lights will discontinue primary pursuit when a four-wheeled, marked unit is in position to assume the pursuit. The restricted unit should follow at a safe distance until conclusion of the pursuit.
- b. Those police units carrying ride-alongs, complainants, witnesses, Chaplains, or Cadets will not become involved in a pursuit unless there is a life threatening condition. In the event a pursuit is initiated by such a unit, that unit will disengage once a four-wheeled, marked unit is in position to assume the pursuit.
- c. Reserve officers will not drive in pursuits, even when accompanied by a member, unless there is a life-threatening condition. In the event such a unit initiates a pursuit, the unit will disengage once a four-wheeled, marked unit is in position to assume the pursuit.
- d. If a pursuit travels into Washington State, members shall terminate the pursuit unless the offense is a violent person to person felony.

Pursuit Vehicle Operations (630.05)

- a. Drivers of pursuit vehicles shall drive with emergency lights and siren on and will immediately notify BOEC of the pursuit and the reason for initiating. One of the pursuit vehicles' members will broadcast the location, speed, direction and other pertinent information as frequently as reasonable.
- b. After initiating the pursuit, members involved in the pursuit should remain on the initial talk group (precinct dispatch net).
- c. A maximum of three (3) units will be engaged in a pursuit. Exceptions may be authorized by a supervisor under very limited circumstances and only when an unusually dangerous situation dictates (i.e., multiple dangerous suspects, shots fired, armed robbery, etc.). The decision to attempt to use a PIT maneuver will not be a justification for a fourth car. Supervisory approval for exceptions must be authorized by voice over the air. The third police vehicle will follow the first two pursuit vehicles at a safe distance to be available as support.

- d. Members should obtain, when time permits, supervisory authorization for ramming (deadly force scenarios). If time permits, members should notify the supervisor managing the pursuit and involved units his/her intention to use the PIT.
- e. Members must obtain supervisory approval before deploying barricades, including requests for raising bridges.
- f. The unit initiating the pursuit should stay with the pursuit, in some capacity, until termination. This includes following the pursuit in an inactive role.
- g. Other units in the general vicinity not directly involved in primary pursuit may proceed with caution to a position that would assist in perimeter support. Perimeter support includes placing spike strips (with on-air notification of involved personnel), setting up perimeters for a fleeing suspect on foot, and assisting with a high risk vehicle stop.

Pursuit Intervention Strategies (630.05)

Pursuit intervention strategies should be pre-planned, when feasible, and deployed as soon as possible. The Bureau uses the following techniques:

- a. **Boxing-in:** This is an intentional use of a police vehicle that may result in vehicle to vehicle contact. This action will not be considered an accident. Only members trained in the box-in may employ it. The box-in may only be used on vehicles traveling at, or slower than, 20 mph. A box-in performed on a vehicle traveling faster than 20 mph escalates into barricading.
- b. **Spike strips:** Members deploying spike strips shall make an on air notification when time permits.
- c. **Pursuit Intervention Technique (PIT):** Only members trained in the technique may employ it. PIT will not be used on two-wheeled vehicles, passenger-occupied buses, vehicles transporting hazardous material or any vehicle that would pose an unusual hazard to innocent parties.

A pre-emptive PIT may be used when there is probable cause to arrest the driver or an occupant of a vehicle and when there is an objective reasonable belief that the vehicle may attempt to elude or the suspect has a history to elude to prevent a pursuit. The use of a pre-emptive PIT should be attempted with additional members to provide cover, assist in the custody, and without the use of overhead lights and/or vehicle siren.

PIT is not deadly force when employed on an eluding vehicle that is traveling at or below 45 mph. PIT is deadly force when employed on an eluding vehicle that is traveling above 45 mph and is subject to DIR 1010.10. Members should take into account the location and environment prior to employing the PIT technique.

- d. **Barricading:** Barricading is considered deadly physical force and subject to DIR 1010.10.
 - 1. Barricading requires the approval of a supervisor. Furthermore, the barricade must be set up in such a manner as to afford the fleeing suspect ample time to see the barricade and stop his/her vehicle.
 - 2. Once authorized, only unoccupied vehicles can be used. Under no circumstances will a roadway be barricaded with occupied vehicles or vehicles belonging to private citizens. Except during boxing-in, pulling in front of a fleeing vehicle is strictly prohibited.

- e. Ramming (deliberate): Ramming is considered deadly physical force and is subject to DIR 1010.10.
- f. Shooting: Shooting is considered deadly physical force and is subject to DIR 1010.10.
- g. Air Support: The Air Support Unit will become the primary unit in the event it becomes engaged in a pursuit. The ground units will continue at a safe distance and at a reduced speed to respond and take control at the conclusion of the pursuit. The managing supervisor will maintain overall control of the pursuit.

Pursuit Termination (630.05)

- a. Members will terminate a pursuit when ordered to do so by any supervisor. In addition, any sworn member may terminate a pursuit if he/she has knowledge of risk criteria justifying the termination.
- b. Each member engaged in the pursuit will verbally acknowledge the termination order over the radio.
- c. Members will not follow the suspect vehicle after the order/decision to terminate the pursuit has been made. The exception to this is the air support unit.

Pursuit Re-engagement (630.05)

A member choosing to re-engage a vehicle, after the pursuit of that vehicle has been terminated, must be able to articulate the circumstances leading to his/her decision to re-engage. The re-engaging member must articulate the risk factors posed by the pursuit or the risk factors posed by escape which have changed to our benefit. These risk factors may include, but are not limited to:

- a. The suspect's driving behavior has changed.
- b. A new ability to deploy pursuit intervention techniques.
- c. Improved traffic or environmental conditions.
- d. Updated information that the suspect(s) have committed a more serious crime than originally believed.

Reporting (630.05)

At the conclusion of a pursuit, all involved units, regardless of the length of their involvement, will submit a report (Custody, Special, etc.). If deadly force is used (i.e., ramming, PIT above 45 mph), reporting and documentation will be handled as outlined in DIR 1010.10. PIT, ramming, boxing-in and barricading are the intentional use of a police vehicle in a tactical maneuver to terminate a pursuit. These actions are not accidents; therefore, no traffic investigation is required. Members will refer owner(s) of property he/she damaged to Risk Management. Members may refer owner(s) of property damaged by the suspect to Risk Management. Members do not need to file a State Motor Vehicle Accident Report. The primary member in the pursuit will complete a vehicle pursuit data collection report.

Pursuit Supervisor Responsibilities (630.05)

- a. The supervisor assuming initial responsibility should maintain control and manage the pursuit until its conclusion. The managing supervisor will announce his/her management role over the air, via radio.
- b. The managing supervisor must continually weigh the benefit of apprehension against the risk the pursuit poses to the community. This risk assessment can only be based on facts

known at the time the pursuit is initiated. All members involved, and the managing supervisor, must be actively engaged in pursuit intervention strategies (i.e., PIT, box-in, spike strips, etc.) on the air. If it becomes clear that pursuit intervention strategies are not being rapidly planned or their deployment attempted, the pursuit should be terminated.

- c. Advise the dispatcher, over the radio, of his/her call number and assumption of supervisory control of the pursuit. Supervisors who are actively engaged in the pursuit shall not assume the supervisory role.
- d. Respond to the area of the pursuit and continue managing the pursuit.
- e. Terminate pursuits when members are not adequately broadcasting location, speed and direction, or when the risk the pursuit possesses outweighs the benefit of apprehending the suspect.
- f. Continually monitor the pursuit, including the pursuit member's demeanor, in deciding to continue or terminate.
- g. May authorize more than three units to be engaged in exceptional circumstances (i.e., armed suspects, pursuit into another jurisdiction, etc.).
- h. May authorize barricades in deadly force scenarios.
- i. Ensure radio communication to other precincts or agencies.
- j. Consider the availability and practicality of air support.
- k. Ensure that reports are completed.
- l. Prepare a supervisor's after-action for the appropriate Branch chief, through channels, to include a recording of the pursuit which can be obtained from BOEC.
- m. Conduct a debriefing with all involved members involved for training purposes.

BOEC Responsibilities (630.05)

- a. Immediately notify and confirm a supervisor responsible for the pursuit. If no supervisor is found on the transmitting radio net, contact another net for a supervisor.
- b. Notify other precincts and other agencies as appropriate and facilitate pursuit communication via common radio channels, landline, etc.
- c. Provide supervisors with information about the pursuit by means of the Computer Aided Dispatch (CAD) system.

RU Manager Responsibilities (630.05)

Review after action reports for accuracy, completeness and compliance with directives and forward the report to the appropriate Branch chief.

Branch Chief Responsibilities (630.05)

- a. The appropriate Branch chief, after review, will forward one copy of the after-action packet to the Training Division and a copy of the face of the After Action to the Management Services Division manager. The original after-action packet will be retained in the Chief's Office confidential administrative file.
- b. The Operations Branch chief will prepare an annual report analyzing Bureau pursuits compiled from information in the pursuit database.
- c. Identify specific pursuits for review by the Pursuit Review Board.

Pursuit Review Board Responsibilities (630.05)

- a. Identify pursuit trends for potential training and policy considerations.

- b. Review the annual pursuit report completed by the Operations Branch chief.

Management Services Division Responsibilities (630.05)

- a. Review collision cases not meeting the criteria of deadly physical force and refer the case to the Collision Review Board.
- b. Forward after-action packet to the police liability manager.

Collision Review Board Responsibilities (630.05)

- a. Review collisions not meeting the criteria of deadly physical force to determine whether or not a member's actions complied with the Bureau's policy and procedure.
- b. Produce a review report for any accident to the RU manager.

Pursuits Involving Multiple Jurisdictions (630.05)

Supervisors will determine Bureau involvement in pursuits entering Portland city limits from another jurisdiction.

Coordinated Radio Use During Outside Agency Pursuit (630.05)

- a. BOEC will broadcast information in the event a metro area outside agency is in pursuit and is headed to Portland's jurisdiction. That information will include:
 - 1. Which agency is in pursuit.
 - 2. The reason for the pursuit.
 - 3. Vehicle/suspect description.
 - 4. Direction of the pursuit.
- b. Members will monitor the pursuit on the outside agency's channel for up-to-date information.
- c. If Portland units engage the pursuit, members will continue the pursuit on his/her main dispatch channel, (i.e., Southeast dispatch). The outside agency will back out of the pursuit and monitor it on a Portland dispatch channel.
- d. In the event a Portland unit is in pursuit, BOEC will notify the other metro area dispatch channel until the jurisdiction where the pursuit has traveled to engage the pursuit. After the Portland unit releases the pursuit, members will switch to the other jurisdiction's radio channel.
- e. If the pursuit leaves Portland, the other agency will be waiting to engage the pursuit and will be waiting on the Portland unit's dispatch channel.

Portland Metropolitan Interagency Pursuit Agreement (630.05)

The purpose of this agreement is to identify expected behavior and guidelines for interagency pursuits. This agreement was developed by the Police Executive Group.

- a. Goals.
 - 1. Develop procedures and identify role expectations for pursuits that enter another jurisdiction.
 - 2. Better manage interagency pursuits.
 - 3. Reduce the risk of injury to officers, citizens, and damage to property.
 - 4. Reduce confusion between jurisdictions.
- b. Policy.

1. It is the policy of this interagency agreement to be secondary to individual department pursuit policies. Participating agencies endeavor to support this agreement with their individual pursuit policies.
 - c. Procedure.
 1. Notification.
 - a) Pursuing agency's role:
 - 1) Provide the reason for the pursuit as soon as possible.
 - 2) Provide location, vehicle/suspect description, direction (LSD).
 - b) Receiving agency's role: Advise as soon as possible what role they will assume (engagement, supervisory control or perimeter support).
 - c) Dispatch role: Attempt to align interagency communication.
 - d. Control.
 1. Pursuing agency role: Upon notification of receiving agency taking control, facilitate their taking control of the pursuit. At least one car from the initiating agency will maintain a position to respond at the conclusion of the pursuit.
 2. Receiving agency role: The agency with the geographic jurisdiction may take control over the pursuit at any time, including supervisory control. Supervisory control is not meant to supersede or violate another agency's pursuit policy.
 3. A supervisor or officer, from any agency, may exert authority to terminate the pursuit if circumstances warrant.
 - e. Caravanning: A maximum of three units, regardless of combination of departments, will be engaged in a pursuit. A supervisor may authorize additional units in circumstances including, but not limited to, multiple dangerous suspects, shots fired, armed robbery, etc.
 - f. Support: Units not directly engaged will endeavor to position themselves to provide for perimeter containment or traffic control.
 - g. Pursuit Interventions: Before deploying a pursuit intervention (i.e., spike strips, PIT, ramming, boxing-in, barricading, deadly force, air support) the deploying agency will endeavor to make advance notification, including defining the type of intervention.
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FOR MORE INFORMATION:

Please contact Marsha Palmer, Strategic Services Division, at 503-823-0264.

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