

*\*Please note: This is a working draft of Directive 630.05. This is proposed language and the Bureau has not implemented any changes to the current policy at this time.*

## **630.05 Vehicle Interventions and Pursuits**

*2<sup>nd</sup> Universal Review: 12/1/18 – 12/31/18 (clean view)*

### **Refer:**

- ORS § 164.135, Unauthorized Use of a Vehicle
- Portland Metropolitan Interagency Pursuit Agreement (2012)
- BOEC Memorandum of Understanding (MOU)
- DIR 220.40, Lawsuits and Claims
- DIR 310.20, Retaliation Prohibited
- DIR 600.00, Aircraft Use
- DIR 630.10, Driving Response
- DIR 905.00, Non-Force After Action Reports
- DIR 1010.00, Use of Force
- DIR 1010.10, Deadly Force and In-Custody Death Reporting and Investigation Procedures
- DIR 1500.00, Training

### **Definitions:**

- **Boxing In:** A coordinated tactic of making contact between police vehicles and a suspect's vehicle to stop or prevent the start of a pursuit.
- **Marked Unit:** An emergency police vehicle equipped with overhead lights.
- **Pursuit:** An active, deliberate attempt by one or more members to apprehend one or more occupants of another moving vehicle, when it is reasonably apparent that the driver of that vehicle is aware of that attempt and is resisting apprehension by increasing speed, disobeying traffic laws, or attempting to elude the officer through evasive maneuvers or tactics.
- **Pursuit Intervention Technique (PIT):** A driving technique designed to stop a fleeing motorist safely and quickly by making contact with the fleeing car at a specific point on the vehicle, which throws the car into a spin and brings it to a stop.
- **Ramming:** The use of an emergency (police) vehicle, other than in a pursuit intervention technique or boxing in maneuver, to purposely cause contact with another vehicle in order to disable the vehicle.
- **Stop/Spike Strips:** Devices used to deflate tires in a controlled fashion.
- **Vehicle:** For purposes of this Directive, a vehicle is a motorized vehicle.
- **Vehicle Intervention Strategies:** Tactics which may be used to stop or reduce the speed of a fleeing vehicle in an attempt to reduce safety risks posed to the community, the suspect, and members (e.g. barricading, boxing in, pursuit intervention technique, ramming, stop/spike strips).

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**Policy:**

1. The Bureau recognizes that vehicle pursuits are dynamic and rapidly evolving in nature and, as a result, have inherent safety risks. Therefore, members are expected to be able to articulate their decision-making with regard to pursuits, and engaging in and/or continuing a pursuit shall be objectively reasonable under the totality of circumstances.
2. Members shall be trained in pursuit management. In an effort to uphold the Bureau's commitment to protecting human life and property, members must balance the safety risks posed to the community against the benefit of capture before initiating and while continuing the pursuit.

**Procedure:**

1. Pursuit Authorization.
  - 1.1. Members shall only initiate a pursuit of a suspect fleeing in a vehicle when there is reasonable suspicion to believe the suspect committed a felony person crime or where the suspect's driving conduct, prior to the initiation of a stop, displays a willful disregard for the safety of others that reasonably places the public in immediate danger of serious bodily harm or death.
  - 1.2. Members shall not engage in a pursuit under the following circumstances:
    - 1.2.1. The suspect's identity is known and the suspect can be apprehended at a future time, and if the suspect's driving behavior, prior to the initiation of a stop, does not place the public in immediate danger of serious bodily harm or death.
    - 1.2.2. Police vehicles carrying suspects, complainants or witnesses shall not become involved in pursuits.
    - 1.2.3. Cadets shall not become involved in pursuits.
  - 1.3. Members shall disengage from a pursuit under the following circumstances:
    - 1.3.1. If the member is driving any vehicle other than a four-wheeled pursuit rated marked unit when a pursuit is initiated, that member shall disengage primary pursuit when a four-wheeled pursuit rated marked unit is in position to assume the pursuit. The disengaging unit may follow at a safe distance until the conclusion of the pursuit.
    - 1.3.2. Police vehicles carrying passengers other than members, including ride-alongs, chaplains or cadets, shall disengage primary pursuit when a four-wheeled pursuit rated marked unit is in position to assume the pursuit.
    - 1.3.3. The pursuit has entered another jurisdiction, another agency has taken over the primary role in the pursuit and the other agency has adequate cover present.
    - 1.3.4. If a collision occurs as a result of the pursuit that is reasonably likely to require immediate medical assistance and more than one police vehicle is in pursuit, at least one pursuing member shall disengage from the pursuit and render appropriate aid while the other members continue pursuit. If only one police vehicle is in pursuit and a collision occurs as a result of the pursuit that is reasonably likely to require immediate medical assistance, but the benefit of capture outweighs disengagement, the pursuing member must call for immediate backup to render appropriate aid; the involved member may continue the pursuit.

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- 1.3.4.1. For minor accidents not requiring immediate medical assistance, supporting members who are not engaged in the pursuit shall respond to the scene of the accident.
    - 1.3.4.2. If a member is involved in a collision, they will immediately broadcast that information.
  - 1.4. Under extraordinary circumstances, members may initiate a pursuit that would otherwise be prohibited in this section. The pursuit may only be continued if the member receives immediate permission from a supervisor to do so.
2. Pursuit Balancing Factors.
  - 2.1. The below factors should be taken into consideration before deciding to initiate a pursuit, and these factors should be reassessed on an ongoing basis in deciding to continue or reengage in a pursuit. Members must be able to articulate reasons why the benefit of capture outweighs the safety risks posed to the community in the pursuit. Members must terminate a pursuit when the safety risks posed to the community clearly outweigh the benefit of capture. Key factors include:
    - 2.1.1. The seriousness of the offense committed, and the risk the suspect(s) poses to the community.
    - 2.1.2. The suspect's driving behavior and vehicle condition, as well as the presence of passengers in the fleeing vehicle.
    - 2.1.3. The member's knowledge of the area(s), proximity of cover and feasibility of implementing pursuit intervention strategies.
    - 2.1.4. The type of area, volume and presence of other vehicles and/or pedestrian traffic, and environmental and visibility conditions.
3. Member Responsibilities.
  - 3.1. Only a maximum of three units shall engage in a pursuit with lights and sirens continuously activated. Upon initiation, at least one member in the pursuit shall frequently broadcast pertinent information (e.g. location, speed, direction, conditions, etc.). The primary unit shall immediately notify the Bureau of Emergency Communications (BOEC) of the reasons for the pursuit and stay involved in some capacity until termination.
    - 3.1.1. Exceptions to the three unit maximum may be authorized by a supervisor under very limited circumstances and only when an unusually dangerous situation dictates (e.g. multiple dangerous suspects, shots fired, armed robbery, etc.). Supervisory approval for additional pursuit vehicles must be authorized by voice over the air.
    - 3.1.2. The decision to attempt to use a pursuit intervention technique maneuver will not alone be a justification for a fourth unit.
  - 3.2. The managing supervisor will announce their role over the radio and respond to the area of the pursuit; supervisors involved in the pursuit shall not assume management responsibilities.

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- 3.3. Involved members and the supervisor should remain on the initial talk group (precinct dispatch net).
  - 3.4. Other members/units in the general vicinity of the pursuit who are not directly involved may proceed with caution to a position that would assist in perimeter support or to deploy stop/spike sticks.
  - 3.5. When feasible, the Air Support Unit will become the primary unit 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 and potential use of intervention strategies.
4. Pursuit Intervention Strategies and Standards.
    - 4.1. Members may only employ pursuit intervention strategies that are Bureau approved and that they have been trained to use.
    - 4.2. When feasible, it is the supervisor's responsibility to ensure pursuit intervention strategies are planned and deployed as soon as practical.
    - 4.3. Members should, if time and circumstances permit, continually broadcast their intentions and actions as they use pursuit intervention strategies.
    - 4.4. Members may use the following Bureau-approved strategies. Unless otherwise noted, these strategies shall implicate force.
      - 4.4.1. *Boxing In*: This tactic may be employed preemptively, meaning without lights/siren warnings, if a pursuit of the subject vehicle would be permitted under section 1.1. of this directive. This tactic may also be employed preemptively in a static environment (e.g., the driver appears incapacitated or unconscious; the subject vehicle is stationary in a parking lot) if the benefit gained outweighs the inherent risks of the maneuver. Finally, this tactic may be employed preemptively in a dynamic environment (e.g., the subject vehicle is temporarily stopped at a traffic control device) when there is probable cause to arrest a suspect in a vehicle and the totality of the circumstances indicates the suspect will attempt to avoid detention and arrest, or when the suspect's driving behavior displays a willful disregard for the safety of others which reasonably places the public in immediate danger of serious bodily harm or death. As described in Directive 1010.00, Use of Force, boxing in will be investigated as a Category IV use of force, if conducted at speeds at or below 20 miles per hour in conjunction with training. If the tactic is conducted at speeds above 20 miles per hour, the intent and manner in which the technique is used shall be considered to determine the appropriate category of force, as described in Directive 1010.00, Use of Force. Members are required to provide substantial justification under these circumstances, and supervisors have the discretion to elevate the category of the force investigation.
      - 4.4.2. *Pursuit Intervention Technique*: This tactic shall not be used on two-wheeled vehicles, passenger-occupied buses, and vehicles transporting hazardous materials. This tactic may be employed preemptively, meaning without

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lights/siren warnings, when there is probable cause to arrest a suspect in a vehicle and the totality of the circumstances indicates the suspect will attempt to avoid detention and arrest, or when the suspect's driving behavior displays a willful disregard for the safety of others which reasonably places the public in immediate danger of serious bodily harm or death. As described in Directive 1010.00, Use of Force, the PIT maneuver will be investigated as a Category 3 use of force, if conducted at speeds at or below 45 miles per hour in conjunction with training. If the tactic is conducted at speeds above 45 miles per hour, the intent and manner in which the technique is used shall be considered to determine the appropriate category of force, as described in Directive 1010.00, Use of Force. Members are required to provide substantial justification under these circumstances, and supervisors have the discretion to elevate the category of the force investigation

4.4.3. *Ramming*: Members should only employ this tactic in extraordinary circumstances. Any use of ramming requires substantial justification. As described in Directive 1010.00, Use of Force, ramming will be reviewed as a Category 2 use of force; however, supervisors have the discretion to elevate the category of the force investigation. The intent and manner in which the technique is used shall be considered when making the determination to elevate the investigation.

4.4.4. *Stop/Spike Strips*: This tactic is not considered force.

## 5. Pursuits Involving Other Jurisdictions.

5.1. For pursuits coming into the Bureau's jurisdiction from another jurisdiction, the managing supervisor will determine whether members will become involved in the pursuit. If the supervisor determines that the Bureau will assist in the pursuit, members may only engage in the pursuit consistent with this policy, regardless of the policies of the originating jurisdiction.

5.2. For pursuits beginning in Bureau jurisdiction but leaving from this jurisdiction, it is the responsibility of a member of the primary pursuing unit to: 1) inform the receiving jurisdiction of the conditions giving rise to the pursuit and the actions taken during the pursuit; and 2) request assistance from the receiving jurisdiction. If the receiving jurisdiction agrees to assume primary control of the pursuit, once that transfer occurs, the Bureau will only continue the pursuit in a supporting role. If the receiving agency elects to terminate the pursuit while in that jurisdiction, PPB members will also terminate the pursuit.

5.3. Supervisors shall manage notification and direct control of pursuits that either extend into or are received from other jurisdictions, including the State of Washington.

## 6. Pursuit Termination.

6.1. Members must terminate a pursuit when the safety risks posed to the community clearly outweigh the benefit of capturing the suspect. Termination may be called by any sworn member, whether involved in the pursuit or not. Members will terminate a pursuit when ordered to do so by any supervisor. Members will terminate a pursuit

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that travels into the State of Washington, unless the underlying offense is a violent person-to-person felony.

- 6.2. Once a pursuit is terminated, involved members shall verbally acknowledge the termination over the radio, disengage and stop following the suspect vehicle. If involved in the pursuit, the Air Support Unit may continue to monitor the fleeing vehicle, but reengagement by ground units is limited by Section 7 of this Directive.
  - 6.3. Per Directive 310.20, Retaliation Prohibited, members shall not retaliate against involved members regarding the decision to terminate a pursuit.
  - 6.4. Members shall refer concerned property owner(s) whose property may have been damaged during a pursuit to the City of Portland's Risk Management Office, in accordance with Directive 220.40, Lawsuits and Claims.
7. Pursuit Reengagement.
- 7.1. After termination, a member may reengage a pursuit of the suspect vehicle only if the member is able to articulate new reasons why the benefit of capture outweighs the safety risks posed to the community as a consequence of the pursuit (See Section 1, Pursuit Authorization and Section 2, Pursuit Balancing Factors).
8. Reporting.
- 8.1. Involved members shall complete an appropriate police report detailing the pursuit in accordance with directives, and supervisors will complete any required force investigations in accordance with Directive 1010.00, Use of Force, or Directive 905.00, Non-Force After Action Reports. The intervention strategies detailed above when used on a subject's vehicle are not accidents, and thus do not require accident related investigation and reporting.
9. Supervisor Responsibilities.
- 9.1. In managing a pursuit, supervisors shall:
    - 9.1.1. Determine if the pursuit is prohibited.
    - 9.1.2. Continually balance the safety risks posed to the community against the benefit of capture in managing the pursuit.
    - 9.1.3. Authorize and direct additional units to engage in a pursuit.
    - 9.1.4. Ensure radio communication between all applicable parties.
    - 9.1.5. Devise, approve and direct appropriate pursuit intervention strategies to end a pursuit as quickly as possible, so as to avoid or mitigate safety risks.
    - 9.1.6. Manage notification and direct control of pursuits that either extend into, or are received from other jurisdictions.
    - 9.1.7. Order the pursuit be terminated when necessary (e.g., members are not adequately broadcasting updates, intervention strategies are not being planned or implemented, the safety risks posed to the community clearly outweigh the benefit of capture).

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- 9.1.7.1. If ordering termination of a pursuit, respond to the location where the involved member(s) disengaged to ensure member compliance with the order to terminate the pursuit.
  - 9.1.8. Ensure reports are completed in accordance with directives.
  - 9.1.9. Conduct a debriefing with all involved members, when feasible. The debrief should include an overview of the pursuit and, when applicable, a discussion of any vehicle intervention strategies employed.
  - 9.1.10. Complete an after action review and follow reporting requirements based on the category of force outlined in Direction 1010.00, Use of Force, and determine whether higher scrutiny is warranted based on the speed at which the vehicle intervention strategy was used based on Section 4.4.
    - 9.1.10.1. If no force is used, supervisors shall conduct a pursuit after action investigation pursuant to Directive 905.00, Non-Force After Action Reports.
10. Command Staff Responsibilities.
- 10.1. The Assistant Chief of Operations, or designee, shall prepare an annual report analyzing Police Bureau pursuits.
  - 10.2. Command staff shall review the annual report, discuss trends, identify gaps, and direct necessary policy and training updates in accordance with Directive 1500.00, Training.

Provide feedback [here](#).

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### Definitions:

- Boxing In: A coordinated tactic of ~~positioning~~making contact between police vehicles ~~around~~and a ~~suspect~~suspect's vehicle to stop or prevent the start of a pursuit.
- Marked Unit: An emergency police vehicle equipped with overhead lights.
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- Pursuit Intervention Technique (PIT): A driving technique designed to stop a fleeing motorist safely and quickly by making contact with the fleeing car at a specific point on the vehicle, which throws the car into a spin and brings it to a stop.
- Ramming: The use of an emergency (police) vehicle, other than in a pursuit intervention technique or boxing in maneuver, to purposely cause contact with another vehicle in order to disable the vehicle.
- Stop/Spike Strips: Devices used to deflate tires in a controlled fashion.
- Vehicle: For purposes of this Directive, a vehicle is a motorized vehicle.
- Vehicle Intervention Strategies: Tactics which may be used to stop or reduce the speed of a fleeing vehicle in an attempt to reduce safety risks posed to the community, the suspect, and members (e.g. barricading, boxing in, pursuit intervention technique, ramming, stop/spike strips).

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    - 1.2.2. Police vehicles carrying suspects, complainants or witnesses shall not become involved in pursuits.
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    - 1.3.1. If the member is driving any vehicle other than a four-wheeled pursuit rated marked unit when a pursuit is initiated, that member shall disengage primary pursuit when a four-wheeled pursuit rated marked unit is in position to assume the pursuit. The disengaging unit may follow at a safe distance until the conclusion of the pursuit.
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    - 1.3.4. If a collision occurs as a result of the pursuit that is reasonably likely to require immediate medical assistance and more than one police vehicle is in pursuit, at least one pursuing member shall disengage from the pursuit and render appropriate aid while the other members continue pursuit. If only one police vehicle is in pursuit and a collision occurs as a result of the pursuit that is reasonably likely to require immediate medical assistance, but the benefit of capture outweighs disengagement, the pursuing member must call for immediate backup to render appropriate aid; the involved member may continue the pursuit.

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    - 2.1.1. The seriousness of the offense committed, and the risk the suspect(s) poses to the community.
    - 2.1.2. The suspect's driving behavior and vehicle condition, as well as the presence of passengers in the fleeing vehicle.
    - 2.1.3. The member's knowledge of the area(s), proximity of cover and feasibility of implementing pursuit intervention strategies.
    - 2.1.4. The type of area, volume and presence of other vehicles and/or pedestrian traffic, and environmental and visibility conditions.
3. Member Responsibilities.
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  - 4.3. Members should, if time and circumstances permit, continually broadcast their intentions and actions as they use pursuit intervention strategies.
  - 4.4. Members may use the following Bureau-approved strategies. Unless otherwise noted, these strategies shall implicate force.
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    - 4.4.2. *Pursuit Intervention Technique*: This tactic shall not be used on two-wheeled vehicles, passenger-occupied buses, and vehicles transporting hazardous

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4.4.3. *Ramming*: Members should only employ this tactic in extraordinary circumstances. Any use of ramming requires substantial justification. As described in Directive 1010.00, Use of Force, ramming will be reviewed as a Category 2 use of force; however, supervisors have the discretion to elevate the category of the force investigation. The intent and manner in which the technique is used shall be considered when making the determination to elevate the investigation.

4.4.4. *Stop/Spike Strips*: This tactic is not considered force.

## 5. Pursuits Involving Other Jurisdictions.

5.1. For pursuits coming into the Bureau's jurisdiction from another jurisdiction, the managing supervisor will determine whether members will become involved in the pursuit. If the supervisor determines that the Bureau will assist in the pursuit, members may only engage in the pursuit consistent with this policy, regardless of the policies of the originating jurisdiction.

5.2. For pursuits beginning in Bureau jurisdiction but leaving from this jurisdiction, it is the responsibility of a member of the primary pursuing unit to: 1) inform the receiving jurisdiction of the conditions giving rise to the pursuit and the actions taken during the pursuit; and 2) request assistance from the receiving jurisdiction. If the receiving jurisdiction agrees to assume primary control of the pursuit, once that transfer occurs, the Bureau will only continue the pursuit in a supporting role. If the receiving agency elects to terminate the pursuit while in that jurisdiction, PPB members will also terminate the pursuit.

5.3. Supervisors shall manage notification and direct control of pursuits that either extend into or are received from other jurisdictions, including the State of Washington.

## 6. Pursuit Termination.

6.1. Members must terminate a pursuit when the safety risks posed to the community clearly outweigh the benefit of capturing the suspect. Termination may be called by any sworn member, whether involved in the pursuit or not. Members will terminate a

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pursuit when ordered to do so by any supervisor. Members will terminate a pursuit that travels into the State of Washington, unless the underlying offense is a violent person-to-person felony.

6.2. Once a pursuit is terminated, involved members shall verbally acknowledge the termination over the radio, disengage and stop following the suspect vehicle. If involved in the pursuit, the Air Support Unit may continue to monitor the fleeing vehicle, but reengagement by ground units is limited by Section 7 of this Directive.

6.3. Per Directive 310.20, Retaliation Prohibited, members shall not retaliate against involved members regarding the decision to terminate a pursuit.

6.4. Members shall refer concerned property owner(s) whose property may have been damaged during a pursuit to the City of Portland's Risk Management Office, in accordance with Directive 220.40, Lawsuits and Claims.

## 7. Pursuit Reengagement.

7.1. After termination, a member may reengage a pursuit of the suspect vehicle only if the member is able to articulate new reasons why the benefit of capture outweighs the safety risks posed to the community as a consequence of the pursuit (See Section 1, Pursuit Authorization and Section 2, Pursuit Balancing Factors).

## 8. Reporting.

8.1. Involved members shall complete an appropriate police report detailing the pursuit in accordance with directives, and supervisors will complete any required force investigations in accordance with Directive 1010.00, Use of Force, or Directive 905.00, Non-Force After Action Reports. The intervention strategies detailed above when used on a subject's vehicle are not accidents, and thus do not require accident related investigation and reporting.

## 9. Supervisor Responsibilities.

9.1. In managing a pursuit, supervisors shall:

9.1.1. Determine if the pursuit is prohibited.

9.1.2. Continually balance the safety risks posed to the community against the benefit of capture in managing the pursuit.

9.1.3. Authorize and direct additional units to engage in a pursuit.

9.1.4. Ensure radio communication between all applicable parties.

9.1.5. Devise, approve and direct appropriate pursuit intervention strategies to end a pursuit as quickly as possible, so as to avoid or mitigate safety risks.

9.1.6. Manage notification and direct control of pursuits that either extend into, or are received from other jurisdictions.

9.1.7. TerminateOrder the pursuit be terminated when necessary (e.g., members are not adequately broadcasting updates, intervention strategies are not being planned or implemented, the safety risks posed to the community clearly outweigh the benefit of capture).

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9.1.7.1. If ordering termination of a pursuit, respond to the location where the involved member(s) disengaged to ensure member compliance with the order to terminate the pursuit.

9.1.8. Ensure reports are completed in accordance with directives.

9.1.9. Conduct a debriefing with all involved members ~~when feasible,~~ when feasible. The debrief should include an overview of the pursuit and, when applicable, a discussion of any vehicle intervention strategies employed.

9.1.10. Complete an after action review and follow reporting requirements based on the category of force outlined in Direction 1010.00, Use of Force, and determine whether higher scrutiny is warranted based on the speed at which the vehicle intervention strategy was used based on Section 4.4.

9.1.10.1. If no force is used, supervisors shall conduct a pursuit after action investigation pursuant to Directive 905.00, Non-Force After Action Reports.

#### 10. Command Staff Responsibilities.

10.1. The Assistant Chief of Operations, or designee, shall prepare an annual report analyzing Police Bureau pursuits.

10.2. Command staff shall review the annual report, discuss trends, identify gaps, and direct necessary policy and training updates in accordance with Directive 1500.00, Training.

#1

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Wednesday, March 28, 2018 2:44:12 PM  
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**Q1** Please provide feedback for this directive

COMMENTS ON FORCE, REPORTING, WEAPONS AND VEHICLE RELATED DIRECTIVES, MARCH 2018

To Chief Outlaw, Capt. Bell, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Community Oversight Advisory Board staff, US Dept. of Justice, Citizen Review Committee and the Portland Police Bureau:

Below are our comments on the Directives posted for review on March 1 . We discovered them on the PPB website on March 9 and asked the Bureau whether a formal email had gone out to the community asking for input. The information was finally sent out on March 23. While the Bureau has signalled its intention (in Directive 010.00) to change the review timelines so there are 15 days for first reviews and 30 days for second reviews, PCW continues to think there should be longer timelines, especially for complex policies such as Use of Force (1010.00).

Of the seven policies up for review, we previously commented on five in July 2017, one (630.60-Vehicle Disposition) in October 2014, and one (630.05-Vehicle Interventions and Pursuits) in August 2015. With the exception of 630.05, most of these comments are repeats of ones we made previously that the Bureau has chosen to reject or ignore. As noted last year, our primary concern with 1010.00 is that it defines de-escalation both as lowering tension at a scene and using less force on a suspect. We also noted that the key promise made by the presence of the US Department of Justice around deadly force incidents-- that they should not be treated differently from other uses of force-- seems to have gone out the window. This was codified by the changes made to 1010.10 through City Council, wherein offices involved in the death of a civilian are not being required to write force reports until after a criminal investigation has ended, and if their gunfire did not result in death the Bureau is leaving such reporting up to the discretion of supervisors. As we noted last year, this is no way to build trust in the community or hold officers accountable.

We point you once again to comments we made on 1010.00 Force (and 1051.00 Taser Use) in October, 2012: .

We continue to urge the Bureau to number all of the sections of the Directives, such as the Definitions, Policy and Procedure sections (our comments here refer to the Procedure section unless otherwise noted). Interestingly, 630.60 includes just such a numbering scheme even though there are no definitions in Section 2; this shows that the Bureau was numbering the Definitions in 2014 but stopped without explanation.

630.05 VEHICLE PURSUITS

There were significant changes to this policy since October, 2015, and because those happened before the Bureau created "redline" versions, PCW had to spend considerable time determining what had been added, deleted, moved around and/or re-worded. One major change was the removal of the tactic of "barricading" or blocking off roadways. Another is removal of references to the "Pursuit Review Board" and "Collision Review Board"-- it is not clear if this means there are no such bodies, or if they are just not mentioned in the Directive any more. "Command Staff" now reviews annual reports which used to go to the Pursuit Review Board (Section 10.2).

Here are other comments, branching off from concepts we sent almost two and a half years ago:

## Directive 630.05 Feedback

--In the Definitions, following our comment that "ramming" was allowed in order to incapacitate the suspect, the improved definition now only talks about disabling the vehicle itself. However, since it is a very dangerous action, it is of concern that ramming is now considered one level less serious than Deadly Force, even though it can be "elevated" based on intent and manner (Section 4.4.3).

--Along those lines, the tactic of "Boxing In" (4.4.1) is considered minor force (Category 4) if done at under 20 Miles Per Hour, and the "Pursuit Intervention Technique" (PIT-spinning a car by hitting its bumper) (4.4.2) is slightly more serious (Category 3) if done under 45 MPH. However, if Boxing in is done above 20 MPH or PIT at over 45 MPH, the category is to be determined using Directive 1010-- indicating they could be considered Deadly Force.

--The old section stating that shooting at a moving vehicle is considered Deadly Force has been removed. It is not clear why there are no references to Directive 1010 Section 8.5 which covers both inadvisable ideas of shooting at and shooting from moving cars.

--The Directive explicitly states that use of spike strips are not considered force, even though one can imagine that a vehicle coming to a sudden stop could cause serious injury (4.4.4).

--It appears some clarity has been applied to chases that go from one jurisdiction to another (formerly Sections 16-18, now Section 5). For instance, in the previous policy it implied that officers could decide whether to join a pursuit entering Portland, now a Supervisor makes that decision (5.1).

--Similar to other post-DOJ policies, the decision to engage in a pursuit now must be "objectively reasonable" (Policy Section 1).

--Several factors officers were supposed to consider when engaging in chases have been consolidated, while two were removed: "condition of police vehicle and equipment" (old Section 1.3.2.6) and "communication limitations" (old 1.3.2.7). It seems these are good concepts for officers to consider when engaging in a pursuit.

--The section (old 3.3) prohibiting Reserve Officers from engaging in pursuits "unless there is a life-threatening condition" has been removed.

--A new section covering what officers should do if there is an accident or collision during a chase have been added (1.3.4). Generally speaking, an officer has to respond to the subject of the collision, whether it is one officer or several in the pursuit, a non-engaged officer, or one called in as backup. It's not clear how an officer is exempt from needing to remain at the scene of an accident like other community members, perhaps this is just another example of "special rights for police" that PCW has noted over the years.

--An officer who uses ramming or the PIT maneuver no longer has to notify a supervisor (old Section 4.4, new sections 4.4.2 and 4.4.3). However, there is now a caution that officers must be trained before using any of the potentially deadly techniques (4.1).

--New, admirable provisions say that officers "must terminate a pursuit when the safety risks posed to the community clearly outweigh the benefit of capturing the suspect" (6.1), and that Supervisors must determine if a pursuit is prohibited (9.1.1).

--Entire sections about the responsibilities of the Bureau of Emergency Communications (old Section 10), the Fleet Coordinator (old Section 14), and how the Assistant Chief is supposed to file After Action Reports (old Section 12.1) have been cut.

## CONCLUSION

As we have stated before, Portland Copwatch appreciates the Bureau reaching out to the community for comment, but are looking forward to more of an open dialogue when the Portland Committee on Community Engaged Policing gets underway (if ever). We continue to urge the Bureau to be open to revising its timelines for review to ensure meaningful public input can take place. One of the only reasons we were able to tackle these rather long Directives is that we had made comments on them earlier. Our commentary would be much shorter if we could just be thanking the Bureau for adopting our advice, but such changes are few and far between.

Portland Copwatch

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