



CITY OF PORTLAND, OREGON



Bureau of Police

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Directives 630.05, Vehicle Interventions and Pursuits Executive Summary

Introduction

During the last review cycle for Directive 630.05, Vehicle Interventions and Pursuits, which occurred in 2017, the Portland Police Bureau made significant revisions to address relevant issues through the lens of the then recently overhauled force policies and to bring the pursuit policy in better alignment with industry best practice standards. Although the directive does not fall under the scope of the Department of Justice's investigation of the City of Portland or the resulting DOJ Settlement Agreement, the Bureau worked in consultation with the DOJ during the 2017 and most recent review processes to develop the directive. The revised policy addresses a few Training Division-identified operational gaps, clarifies the box-in maneuver, and incorporates a DOJ recommendation regarding the continuance of a pursuit under certain circumstances.

Public Comments

The Bureau received few comments during both universal review and public comment periods. A community member identified an area of concern regarding the permissibility of a member to initiate a pursuit under circumstances that generally may not be authorized, an issue also identified by the DOJ. Lastly, internal stakeholders identified specific areas of the policy that warranted clarification, when considering training and policy application.

Box-In Maneuver

The Bureau both modified the definition of "boxing-in" and added language to the relevant section of the policy to provide clearer guidance to members regarding the use of the tactic. The revised definition makes clear that the tactic involves establishing contact with a suspect's vehicle, and the updated procedural language offers specific scenarios in which the technique may be employed. These clarifications better instruct members on the safe and authorized use of this particular tactic.

Authority to Initiate and Continue a Vehicle Pursuit in Limited Circumstances

Both the DOJ, and a member of the public suggested that the policy for allowing a member to "initiate a pursuit that would otherwise be prohibited [as described in the applicable section of the policy]" is problematic. The policy remains the same conceptually, allowing the member to initially exercise some discretion when starting a pursuit, as there may be situations in which immediate action is warranted (e.g., rapid escalation of an incident, imminent safety risk, etc.). However, the Bureau revised its instruction to require that members immediately notify their supervisor *and* receive approval to continue the pursuit. This procedural change both allows for an immediate member response under rare circumstances, and builds in an added layer of accountability.

Enhanced Supervisor Responsibilities

The Bureau included a proposed procedural change in the draft policy posted for second universal review and public comment that required supervisors to respond to the location where the member involved in the pursuit disengaged from the pursuit. Acknowledging that a layer of review in these instances is warranted, the Bureau kept the newly-added concept of oversight in place, but modified the section to align with personnel and operational realities. Otherwise stated, the Bureau maintained the requirement for supervisors to verify and document the involved member's location at the time the pursuit is terminated; however, after internal review, the Bureau determined that it was not operationally feasible for supervisors to respond to the site of every terminated pursuit in this context.

The Bureau's Revised Policy

The updated directive preserves the more restrictive requirements and procedures the Bureau incorporated into the revised policy during the 2017 policy review process, while also reinforcing pursuit review and assessment mechanisms and providing clearer guidance to members regarding the use of certain vehicle intervention strategies. Moreover, recognizing that, pursuant to Directive 1010.00, Use of Force, the intentional contact between a police vehicle and another occupied vehicle constitutes a use of force, the revised policy also upholds review and reporting requirements when certain vehicle intervention strategies are employed. The revised policy and the Bureau's practices are further enhanced by the introduction of additional supervisor responsibilities regarding the review of a pursuit incident, as well as the requirement of a member to seek and receive approval to continue a pursuit that was initiated under extraordinary circumstances.

The Bureau believes that the revised directive provides more clarity and enhanced guidance to its members; however, any suggestions to further improve this policy are welcome during its next review.

This directive will become effective on February 9, 2020.

Published on 1/14/20

Directive 630.05 Vehicle Interventions and Pursuits

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).

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 for engaging in and/or continuing a pursuit. The choice to engage in and/or continue 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.

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. When a member initiates a pursuit that they reasonably believe constitutes an extraordinary circumstance, the member shall immediately notify their supervisor of the pursuit and must receive permission to continue the pursuit.

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, requests for specific interventions, 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, declare if the pursuit is authorized to continue, and respond to the area of the pursuit; supervisors involved in the pursuit shall not assume management responsibilities.

- 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. Members may use the pursuit intervention strategies listed below with lights/siren warnings when it is objectively reasonable to do so under the totality of the circumstances.
 - 4.3. When feasible, it is the supervisor's responsibility to ensure pursuit intervention strategies are planned and deployed as soon as practical.
 - 4.4. Members should, if time and circumstances permit, continually broadcast their intentions and actions as they use pursuit intervention strategies.
 - 4.5. Members may use the following Bureau-approved strategies. Unless otherwise noted, these strategies shall implicate force.
 - 4.5.1. *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.

- 4.5.2. *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 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 III 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
- 4.5.3. *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 II 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.
- 4.5.4. *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 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).

9.1.7.1. If ordering termination of a pursuit, verify with the involved member(s) their location at the time of the pursuit termination and document that location in the After Action Report.

9.1.8. Ensure reports are completed in accordance with directives.

9.1.9. Conduct a debriefing with all involved members. The debrief should include an overview of the pursuit and, when applicable, a discussion of any vehicle intervention strategies employed. Confirm that the debrief occurred in the After Action Report.

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 pursuant to 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.

History:

- Originating Directive Date: 09/06/01
- Last Revision Signed: 01/10/2020
 - Effective Date: 02/09/2020
- Next Review Date: 02/09/2022

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- 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 ~~positioning~~making contact between police vehicles ~~around~~and a ~~suspect~~suspect's vehicle to stop or prevent the start of a pursuit.
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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 for engaging in and/or continuing a pursuit. The choice to engage in and/or continue 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.
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 - 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-

~~1.3.4.~~ capture outweighs disengagement, the pursuing member must call for immediate backup to render appropriate aid; the involved member may continue the pursuit.

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, supervisors may authorize a pursuit that would otherwise be prohibited in this section.~~

1.4. When a member initiates a pursuit that they reasonably believe constitutes an extraordinary circumstance, the member shall immediately notify their supervisor of the pursuit and must receive permission to continue the pursuit.

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. ~~At~~Upon initiation, at least one member in the pursuit shall frequently broadcast pertinent information (e.g. location, speed, direction, conditions, requests for specific interventions, 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, declare if the pursuit is authorized to continue, and respond to the area of the pursuit; supervisors involved in the pursuit shall not assume management responsibilities.
 - 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. Members may use the pursuit intervention strategies listed below with lights/siren warnings when it is objectively reasonable to do so under the totality of the circumstances.
 - 4.2.4.3. When feasible, it is the supervisor's responsibility to ensure pursuit intervention strategies are planned and deployed as soon as practical.
 - 4.3.4.4. Members should, if time and circumstances permit, continually broadcast their intentions and actions as they use pursuit intervention strategies.
 - 4.4.4.5. Members may use the following Bureau-approved strategies. Unless otherwise noted, these strategies shall implicate force.
 - 1.1.1.4.5.1. 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 member is aware of the suspect's history of avoiding 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 4IV 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.

1.1.2.4.5.2. *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 lights/siren warnings, when there is probable cause to arrest a suspect in a vehicle and the ~~member is aware of the suspect's history of avoiding~~ 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 3III 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-

1.1.3.4.5.3. *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 2II 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.

4.4.1.4.5.4. *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 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. Terminate 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~~); implemented, the safety risks posed to the community clearly outweigh the benefit of capture).

9.1.7.1. If ordering termination of a pursuit, verify with the involved member(s) their location at the time of the pursuit termination and document that location in the After Action Report.

9.1.7.9.1.8. Ensure reports are completed in accordance with directives.

9.1.8.9.1.9. Conduct a debriefing with all involved members. The debrief should include an overview of the pursuit and, when feasible applicable, a discussion of any vehicle intervention strategies employed. Confirm that the debrief occurred in the After Action Report.

9.1.9.9.1.10. 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~~ pursuant to Section 4.4.

9.1.9.1.9.1.10.1. 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

1st Universal Review: 3/1/18-3/30/18

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, March 28, 2018 2:44:12 PM
Last Modified: Wednesday, March 28, 2018 2:44:52 PM
Time Spent: 00:00:40

Page 1

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

Q2 Contact Information (optional)

Name

Email Address

#1

2nd Universal Review: 12/1/18-12/31/18

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, December 14, 2018 5:23:22 PM
Last Modified: Friday, December 14, 2018 5:30:53 PM
Time Spent: 00:07:31
IP Address:

Page 1

Q1 Please provide feedback for this directive

Vehicle pursuit policy seems too restrictive, which is detrimental to livability in city of Portland. Many criminals conducting felony crimes are aware of the current policies of police bureau. Give more discretion to officers and supervisors to pursue fleeing felons when appropriate. Conditions and officer observations should dictate whether or not to pursue vehicles as conditions on highways are vastly different at 3AM vs 5pm rush hour. In addition, allow officers to box in and/or PIT vehicles when probable cause exists for arrest of person inside vehicle. No reason to have history of fleeing in order to use a preventative measure in taking a suspect into custody.

Q2 Contact Information (optional)

Name
Email Address
Phone Number

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, December 28, 2018 6:59:30 PM
Last Modified: Friday, December 28, 2018 7:00:12 PM
Time Spent: 00:00:42
IP Address:

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Q1 Please provide feedback for this directive

COMMENTS ON FORCE, REPORTING, WEAPONS AND VEHICLE INTERVENTION DIRECTIVES, DECEMBER 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 December 1 and December 14 . As we noted in an email to the PPB, the comment the Bureau attached to Directive 1010.10 on Deadly Force investigations states that the Bureau received no feedback on that policy in March, but 1010.10 was not posted for review in March. (The Bureau replied that the Directive was actually posted in April, but no public notification went out.)

All the other Directives posted on December 1 are ones we did comment on at that time, whereas the "odd Directive out" number 313.70 on Associations was previously posted in draft form for comment in June 2016, but apparently was never changed.

We continue to be concerned that Directive 1010.00 on Use of Force defines de-escalation both as lowering tension at a scene and using less force on a suspect. We repeat here our opposition to changes made in 2017 to these policies: they delay the requirement for officers involved in the death of a civilian to write force reports until after a criminal investigation has ended, and if their gunfire did not result in death, they leave such reporting up to the discretion of supervisors.

Going through the revised Force policy, we note that very few suggestions from Portland Copwatch were incorporated, while many suggestions from the ACLU were adopted in one way or another. It is really too bad that the Bureau discusses these changes behind closed doors as a public meeting with various stakeholders could lead to better policy making which doesn't require repeated fixing. We point the Bureau to the COCL's reports where they respond to various recommendations one by one explaining whether and why they include various suggestions into their final reports. While there is a place for the anonymous listings in the Bureau's publication of incoming comments, groups which wish to be identified (including ACLU and Portland Copwatch), and City-run advisory bodies (such as the Training Advisory Council, Citizen Review Committee, Community Oversight Advisory Board and, if they ever start looking at policies, the Portland Committee on Community Engaged Policing/PCCEP) should know what became of their suggestions.

An overall note we included as a footnote last time, but which requires serious attention: The Bureau should stop using the word "tool" to refer to weapons, as is done repeatedly in Directive 1010.00, and in Directive 1020.00 (proposed Section 5.4.3). These items are all designed to kill, harm, wound, or physically coerce people to follow police orders, not items used to hang kitchen doors or repair automobiles.

PCW acknowledges that the PPB is changing all language about previous shotgun-loaded "less lethal" munitions to reflect the new 40 MM launcher system in Directives 1010.00 and 1020.00.

We continue to urge the Bureau to give different labels to 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) so there are not multiple sections

Directive 630.05 Feedback

numbered "1." There is currently only one section in 313.70 but as the Bureau adds its new numbering scheme, if other sections are added we hope these changes will be considered.

630.05 VEHICLE INTERVENTIONS AND PURSUITS

A new Section (9.1.7.1) wisely requires Supervisors to go to the scene where an officer calls off a pursuit to ensure they actually stopped the chase.

On the other hand, Section 1.4 now lets an officer start an pursuit which doesn't meet the Directive's standards without getting permission from a Supervisor; they can then "continue" the chase after getting an OK.

Some of these other comments date back to late 2015 when we first remarked on this policy.

--"Ramming" involves officers slamming into a person's vehicle to disable it, but is considered one level less serious than Deadly Force, even though it can be "elevated" based on intent and manner (Section 4.4.3).

--"Boxing In" (4.4.1) is considered minor force (Category IV) 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 III) 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.

----We repeat our concern from Directive 1010 here that the new definition of Boxing In requires officers to make contact with the subject's vehicle, which seems overly dangerous and restrictive.

--The old section stating that shooting at a moving vehicle is considered Deadly Force has still not been reinserted; PCW suggests at least referring 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 a vehicle coming to a sudden stop could cause serious injury (4.4.4).

--Two factors officers were supposed to consider when engaging in chases were previously removed but have not been reinserted: "condition of police vehicle and equipment" and "communication limitations."

--The section prohibiting Reserve Officers from engaging in pursuits "unless there is a life-threatening condition" has not been reinserted.

--Section 1.3.4 covering what officers should do if there is an accident or collision during a chase should require an officer to remain at the scene of a collision just like any other community member.

--An officer who uses ramming or the PIT maneuver should once again be required to notify a supervisor (Sections 4.4.2 and 4.4.3).

CONCLUSION

Portland Copwatch would still like to see more of an open dialogue around the Directives, perhaps under the auspices of the PCCEP. We also note that while these comments are easier for PCW to make since we've looked at all of these Directives in previous forms, the timelines are still restrictive for many people, including groups who only meet once a month.

Portland Copwatch

Q2 Contact Information (optional)

Name

Email Address

From:
To:
Cc:
Subject: 630.05 Pursuits
Date: Monday, December 31, 2018 4:41:39 PM

630.05 Pursuits

I recommend making the language regarding Box-in and PIT be more clear and broken out as follows:

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. List out- (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.) Also, is this the same for PIT?
- 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) (I don't see that your example is dynamic in nature. I think a moving vehicle would be a dynamic environment) 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.

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 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.

Are either the box-in or PIT allowed with lights and sirens if requirements of 1.1 are met or are they only allowed in a pre-emptive manner? There should be clear definition of how and when those are to be applied. Example: Members may use box-in and PIT with lights and sirens when conditions set forth in 1.1 exist, or as an intervention during a pursuit. This draft reads as pre-emptive is the only manner in which the two can be utilized.

9.1.7.1. If ordering termination of a pursuit, **respond to the location** (I recommend this say "verify and document location of officer at termination in the after action report." With GPS, and verbal communication the same can be accomplished. There may be conditions that change where an update is that there is a crash nearby and the officers need to respond, another shooting or hot call comes out, etc., where it is not practical for a supervisor to physically drive to the location to visually verify) where the involved member(s) disengaged to ensure member compliance with the order to terminate the pursuit.

3.1 continuously activated. Upon initiation, at least one member in the pursuit shall frequently broadcast pertinent information (e.g. location, speed, direction, conditions, add-requests for specific interventions). 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.

If you have any questions please feel free to contact me.