

BEAVERTON POLICE DEPARTMENT

GENERAL ORDER

NUMBER: 9.04.00
SUBJECT: VEHICULAR PURSUITS
EFFECTIVE: AUGUST 1, 1999
REVIEW: AUGUST 2000, 2001, 2002, 2003, 2004

1. POLICY. The policy of this department is to provide guidelines and responsibilities for the initiation or termination of a vehicular pursuit; to outline the responsibilities of the initiating officer, the supervisor, and any other involved police vehicles during the pursuit and to balance the necessity for pursuit or apprehension against the probability and severity of damage or injury that may result. All pursuits may be reviewed to determine the appropriateness of actions taken. Legal constraints for the operation of emergency vehicles are provided in the Oregon Revised Statutes. All members of the department shall be familiar with and operate police emergency vehicles in accordance with these statutes and this order.

A. Decision Accountability. It is recognized that there is a basic need for pursuit under certain circumstances. Great reliance is placed upon the individual officer and field supervisors in the application of the experience, common sense, and training. (All officers may be held accountable for continuing a pursuit when circumstances indicate it should have been terminated.) Officers shall not be openly criticized for their decision to terminate rather than continue a pursuit.

2. DEFINITIONS

"Barricade" or "roadblock" is the intentional blocking of a roadway, by any means, to stop a vehicle being pursued.

"Boxing In" is the placement of a police vehicle into the path or potential path of a vehicle with the intent of slowing and stopping the vehicle or keeping the vehicle stopped.

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

"Paralleling" is driving police vehicles parallel to the pursuit in a code "3" response with the intent to keep up with or cut off the fleeing vehicle.

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

"Ramming" (Deliberate) is using a police vehicle to purposely cause forceful contact with another vehicle in order to bring that vehicle to a stop.

"Spike Strips" is a strip of belting containing specially designed hollow spikes which penetrates tires, thereby slowing the fleeing vehicle by deflating the tire(s).

When pursuing a traffic violator and initiating a traffic stop, it is imperative that it be done in a manner that is within the legal guidelines set forth in ORS.

3. PROCEDURES

A. Officer Considerations:

1. Oregon Motor Vehicle Code, Section 820.300, outline the privileges and conditions of a driver of an emergency vehicle when in pursuit of an actual violator of the law. The section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all others, nor protect them from the consequences of criminal negligence or reckless conduct.

2. In initiating a pursuit, the officer(s) must exercise sound judgment and carefully consider the facts, seriousness of the offense, the possible consequences and the safety of those citizens whose protection is our responsibility.

3. The officer shall consider the following factors when making that decision:

a. Nature of charges - pursuits of persons suspected of serious crimes are viewed as more justifiable than those of persons suspected of only misdemeanors or traffic violations.

b. Time of day.

c. Volume of vehicular traffic.

d. Location of pursuit.

e. Weather conditions.

f. Road conditions.

- g. Speeds involved.
- h. The performance capabilities of the pursuit or pursued vehicle.
- i. Pedestrian traffic.
- j. Driving behavior of pursued driver.
- k. Length of time and distance of pursuit.

B. Communications

1. When a motor vehicle pursuit is initiated, the officer involved shall immediately provide to the dispatcher the following information:
 - a. Unit identifier, and the fact that he/she is in pursuit.
 - b. The location and direction of travel.
 - c. Description of the vehicle and occupants.
 - d. Reason for the pursuit.
 - e. Speed of both the pursued and the pursuing vehicles.
 - f. Request a supervisor be notified.
2. During the pursuit the officer (or back-up officer) shall give periodic updates of:
 - a. Location and direction of travel.
 - b. Speed of both the pursued and pursuing vehicles.
 - c. Driving behavior of pursued driver.
 - d. Any other pertinent information.
3. Upon the termination of the pursuit the officer (or back-up officer) shall give the location of termination, under what circumstances the pursuit was terminated (motor vehicle accident, voluntarily stopped, etc.), and what the status is at the scene of the termination [Situation is Okay, (Code 4), more assistance needed, etc.]

C. Supervisory Responsibility. Upon being notified or becoming aware of a pursuit, the field supervisor shall become responsible for the pursuit and has the discretion to order specific units into or out of the pursuit. The field supervisor may at any time order the termination of a pursuit when he believes the necessity of immediate apprehension is outweighed by the level of danger created by the pursuit.

D. General Guidelines. The following are general directives concerning a vehicle pursuit:

1. Unless otherwise directed by a supervisor, no more than three police vehicles, regardless of department, shall become actively involved in a pursuit. Other officers should be alert to the pursuit progress and locations.
 - a. When available, officer will activate in car video camera systems.
2. No police unit involved in a pursuit will pass another police unit, unless it is reasonably safe and the officer has communicated their intentions and received acknowledgment.
3. Unless specifically authorized by a supervisor, pursuing officers will not drive along side, ram, force off the road or box in the suspect vehicle. Such action may be approved only when the use of deadly force is authorized.
4. Paralleling of a pursuit is not permitted; however other Department vehicles in the immediate vicinity of a pursuit may proceed using routine response to designated positions to assist in apprehending the fleeing driver, unless otherwise directed by a supervisor.
5. Officers operating unmarked vehicles equipped with emergency lights and siren may engage in pursuits only when the fleeing vehicle represents an immediate and direct threat to life. Whenever a marked vehicle becomes available to assume the pursuit initiated by an officer in an unmarked vehicle, the unmarked vehicle shall not maintain the lead position but will surrender the pursuit to the marked unit as soon as practical..
6. No officer shall become involved in a vehicular pursuit if an arrested person, a suspect, complainant, witness, or civilian observer (unless a waiver is signed), is in the police vehicle.
7. When a pursuit is initiated by any law enforcement department, and the pursuit enters another jurisdiction, the initiating unit(s) and their jurisdiction shall notify the other department. If this department is not able to assist in the pursuit, the initiating department will maintain the responsibility of the pursuit.
8. Officers shall not pursue suspects the wrong way on any interstate

highway, controlled access highway, or any divided roadway unless when absolutely necessary, and when so doing must exercise extreme caution. When an officer is in pursuit of a vehicle that enters a freeway, the Oregon State Police shall be notified and requested to assist in the pursuit.

9. An officer shall not discharge a firearm from a moving vehicle.

10. The use of barricades or roadblocks maybe authorized by individual department order.

11. The use of hollow spike strips maybe authorized by individual department order.

12. Officers shall use extreme care when disobeying traffic control devices, even where the statues specifically permit such conduct. Officers shall make continuous use of all available warning devices to alert other motorists and pedestrians. State law also requires the officer to exercise "due regard for the safety of all other persons" (ORS 820.300).

13. "HIGH RISK TRAFFIC STOP" procedures will be employed when the pursued vehicle is apprehended.

14. Any primary or backup unit sustaining failure of essential vehicular or emergency equipment during pursuit shall notify the field supervisor or communications so another unit may be assigned to the pursuit.

15. Officers should drive with windows up so as to hear their radio over the siren.

E. Terminating a Pursuit. Any officer involved in a pursuit shall terminate the pursuit under any one of the following conditions:

1. When ordered by a field supervisor or higher authority to terminate the pursuit.

2. When the officer believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension.

3. When the suspect's identity has been established to the point that later apprehension can be accomplished, and there is no longer any need for immediate apprehension.

4. When the pursued vehicle's location is no longer known.

5. When motorists/pedestrians are involved in an accident as a result of the

pursuit, immediate assistance must be given. If there is only the primary pursuing vehicle, then this vehicle must stop to provide assistance.

The officer will notify the dispatcher the pursuit is being terminated.

Chief of Police

Date