

GENERAL ORDER



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SUBJECT

VEHICLE PURSUITS

DISTRIBUTION

All Personnel

ORIGINATING UNIT

POM

While police officers have a duty to pursue and apprehend offenders, they also have a responsibility to protect members of the community. Pursuits can create a significant risk of injury to officers, members of the community, and occupants of the fleeing vehicle. It is important that officers weigh the risks involved and follow this policy, as well as other relevant policies and laws, and apply them to the totality of circumstances existing at the time in making decisions as to whether to initiate, continue, or terminate a vehicle pursuit. If a decision is made to pursue, the pursuit should be conducted in such a way as to minimize the risk of injury and reduce the risk of damage to property to the greatest extent reasonably possible.

Appendix 1 of this policy is CONFIDENTIAL and exempt from disclosure under the authority of ORS 192.501.

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PART I - Responsibilities and Procedures for All Personnel

A. Definitions

Marked vehicle: Any department vehicle appropriately marked as a police vehicle by official lettering or insignia and equipped with a siren and a roof-mounted emergency light bar.

Primary officer: The officer operating the police vehicle that initiates a pursuit, or any unit that subsequently assumes control of the pursuit as the first police vehicle immediately behind the fleeing vehicle. In the case of EPD involvement in a pursuit initiated by another agency, it will be the operator of the lead EPD vehicle assisting in the pursuit.

Pursuit: The active attempt by a police officer operating a motor vehicle to apprehend the occupant(s) of another moving vehicle when the driver is resisting apprehension by maintaining or increasing vehicle speed, ignoring the officer, or attempting to elude the officer. If the vehicle remains in motion and complies with all relevant traffic laws except for its failure to yield, the officer may continue to follow the vehicle and doing so does not constitute a pursuit for purposes of this policy.

Unmarked vehicle: A department vehicle, regardless of color, markings, lighting, or siren, that is not equipped with a roof-mounted emergency light bar.

B. Use of force

ORS 161.235 and 161.239 define the circumstances under which a peace officer may use physical force and deadly physical force, respectively. Department policies, particularly those in the 901 series, also govern use of force by department employees. The tactics used during a pursuit must be evaluated in the context of these laws and policies, and must be limited to circumstances where that level of force is authorized.

C. General guidelines for pursuits and emergency response mode

1. In order to initiate or be involved in a pursuit, or respond in an emergency response mode to an emergency, you must:
 - a. be a sworn police officer, **and**
 - b. be operating an "emergency vehicle" as defined in ORS 801.260, which is equipped with emergency lights and siren, **and**
 - c. be currently qualified in emergency vehicle operation.
2. You should not have a passenger, other than an assigned observer or police personnel, in your vehicle.
3. You should not normally pass other vehicles on the right. However, if there is no other option available, pass on the right with caution.
4. You are expected to maintain control of your vehicle and not place yourself in a situation which exceeds the capabilities of you or your vehicle.

5. Use extreme care when disobeying traffic control devices. (Refer ORS 820.300 and 820.320.)
6. Emergency equipment (lights and siren) does not free you from the responsibility of driving safely nor does it guarantee you the right-of-way. Neither an emergency nor emergency equipment relieves you of maintaining the public safety as your primary consideration.
7. Do not attempt to overtake or pass the suspect in a pursuit (except when using forcible stop tactics). Maintain a safe distance from the suspect, keeping the vehicle in sight until the pursuit is terminated.
8. You should not normally drive alongside another police unit. Do not pass any pursuing unit unless authorized by that unit to do so, and then only after communicating on which side you intend to pass.

D. Evaluation of pursuit risk

1. Prior to initiating a traffic stop, consider the possibility of a pursuit ensuing as a factor in determining the stop location.
2. In deciding whether to initiate, continue, or terminate a pursuit, you must evaluate the risks involved and consider several questions:
 - Does the offense warrant initiating a pursuit?
 - Does the need for apprehension justify a pursuit?
 - Is the pursuit reasonable under the totality of the circumstances?
 - What is the foreseeability of a serious collision occurring as a result of the pursuit?
3. Factors that you should consider in making your decision include, but are not limited to:
 - the suspect's driving
 - speeds involved
 - seriousness of the offense(s) involved
 - road conditions
 - weather conditions
 - density of vehicle and pedestrian traffic
 - lighting conditions and visibility
 - location of the pursuit
 - elapsed time of the pursuit
 - type and condition of the pursued vehicle and police vehicle(s)

E. Initiation of a pursuit

1. Upon initiation of a pursuit, immediately advise dispatch of:

- a. your unit identifier, and that you are in pursuit
 - b. the location, speed, and direction of travel
 - c. a description of the vehicle and occupants being pursued
 - d. the reason for the pursuit
 - e. road and traffic conditions
2. You must use your emergency lights and siren while you are engaged in a vehicle pursuit, except that the use of the siren may be momentarily discontinued if necessary to facilitate clear radio communication.
 3. Units not directly involved in the pursuit or its supervision should avoid unnecessary radio traffic so as to leave the radio channel available for pursuing units.

F. Continuing the pursuit

1. You must drive with due regard for the safety of yourself and others, and constantly evaluate the hazard created by the pursuit, determining whether the risks involved are justified.
2. You will be held accountable for continuing a pursuit when circumstances indicate it should have been terminated. You will not be criticized or disciplined when you choose not to pursue or choose to terminate a pursuit because of the risks involved.
3. During the pursuit, you must keep dispatch apprised of changes of location, speed, and direction of travel, as well as any significant changes of factors outlined in paragraph I.D.3.
4. If an accident occurs during the pursuit, you must ensure that an adequate assessment of the situation is made and appropriate aid rendered in a timely manner, whether by you or someone else.

G. Terminating the pursuit

1. You must terminate pursuit under any of the following conditions:
 - a. You believe the level of danger created by the pursuit outweighs the need for immediate apprehension, **or**
 - b. You are ordered to do so by a command officer, **or**
 - c. The suspect's identity can be established to the point that later

apprehension is possible, and there is no longer a compelling need for immediate apprehension, **or**

- d. You are unable to effectively communicate with dispatch or a field supervisor and other officers involved in the pursuit, **or**
 - e. You are unfamiliar with your location and unable to give an accurate geographic location to dispatch, **or**
 - f. You no longer know the location of the pursued vehicle, **or**
 - g. Your siren or emergency lights fail or become disabled, or your vehicle is damaged to the extent that it is no longer safe to operate in the pursuit.
2. When a pursuit is terminated, you must discontinue use of your emergency equipment and comply with traffic laws. Each unit actively involved in the pursuit will acknowledge the termination via radio. When the pursuit is terminated by a supervisor, you may not reinitiate the pursuit of the same vehicle at a proximate time or place without supervisory authorization.
 3. Upon termination of the pursuit, advise dispatch that the pursuit has been terminated and the vehicle's last known location and direction of travel.
 4. Once a pursued vehicle is stopped, use appropriate officer safety tactics and remember to use only reasonable force to take suspects into custody.

H. Vehicle and equipment limitations

1. **Unless otherwise authorized by a sworn supervisor, only 3 EPD police units may actively pursue.** "Actively pursue" means to attempt to keep up with the pursuit, either by following or by travelling along a parallel route. If none of the three pursuing units is a K-9 unit, a K-9 officer may become involved as a fourth unit if that is necessary in order to have a K-9 available at the time the pursuit terminates.
2. Officers operating unmarked emergency vehicles (with emergency lights and siren) and motor officers may pursue. When marked vehicles become available and can assume active pursuit responsibility, unmarked units and motorcycles will relinquish active pursuit responsibility to them. However, a motorcycle may remain as one of the units actively involved in a pursuit if that is necessary to most effectively and safely continue the pursuit.
3. When a police aircraft is available which has visual contact with the pursued vehicle and can effectively communicate by radio with ground

units, it will normally assume control of the pursuit and provide directions to ground units. Ground units will continue at a safe distance and a reduced speed to respond and take control at the conclusion of the pursuit.

4. Other officers are to remain alert to the pursuit progress and locations, and assist in such tasks as blocking cross-traffic and deploying spike strips when appropriate.
5. Normally, once in position to do so, the second unit should assume responsibility for radio communication connected with the pursuit.
6. At the conclusion of the pursuit, check your vehicle and consider whether it is safe to operate given what you observe and the nature of its use during the pursuit (e.g., forcible stop, high-speed maneuvers).

I. Pursuits entering Eugene

1. When a pursuit involving another agency enters the city, only one Eugene Police unit (and a K-9 unit, if needed) may become actively involved in the pursuit to provide reasonable assistance. Our assisting unit will switch to the pursuing agency's radio frequency if possible. (We assist by providing geographic knowledge of the city and coordinating resources should the suspect(s) flee on foot.)
2. You are still bound by our procedures in pursuits when assisting another agency **even if their procedures are different.**
3. Communications Section will attempt to learn the nature and circumstances of the pursuit from the involved agency. That information must be communicated to field units as soon as possible so that decisions can be made relative to the appropriateness of our involvement in the pursuit.
4. If we elect to withdraw from the pursuit, we will communicate immediately with the involved agency that we are terminating our involvement in the pursuit.
5. Terminate your assistance if the pursuit leaves the city, unless that would leave an inadequate number of units remaining in the pursuit. If that is the case, you must receive authorization from a sworn supervisor to continue.

J. Controlled-access roadways

1. We will notify Oregon State Police (OSP) immediately if we have a pursuit which enters I-5.

2. When OSP can assume responsibility for the pursuit, we will yield to them. One Eugene Police unit may remain actively involved in the pursuit if needed.
3. You should not pursue the wrong way on controlled access roads unless absolutely necessary, and if doing so you must exercise extreme caution.

K. Communications responsibilities

1. Upon being notified of a vehicle pursuit, the dispatcher will:
 - Broadcast the fact of the pursuit on all operational channels, including the pursuing unit's designator, suspect vehicle description, location, and direction of travel;
 - Activate a continuous pursuit tone;
 - Rebroadcast changes in direction of travel received from the pursuing unit to other units in the field;
 - Monitor activity and assist whenever possible in communication with the involved units;
 - Ensure that fire dispatch and the Watch Commander are notified of the pursuit; and
 - Obtain any available vehicle registration or other relevant information on the fleeing vehicle and convey it to pursuing units.
2. Ensure that affected law enforcement agencies are notified if the pursuit is entering their jurisdiction, and that OSP is notified if the pursuit enters I-5.
3. Follow procedures outlined in section I.I ("Pursuits entering Eugene") regarding pursuits initiated by another agency which enter Eugene.
4. When feasible, notify police agencies of adjacent jurisdictions when we are in pursuit (whether or not the pursuit is likely to enter another jurisdiction), and notify our officers if officers of an adjacent jurisdiction are in pursuit.
5. If a pursuit is terminated, ensure that each unit actively involved in the pursuit acknowledges the termination via radio.

L. Pursuit report

1. If you are the primary officer in the pursuit, you must complete and submit the department *Pursuit Report* by the end of your shift, unless otherwise authorized by a supervisor. In addition to completing the *Pursuit Report*, a case number should be requested and the appropriate police report prepared (e.g., custody, incident).
2. The *Pursuit Report* is to be routed through your chain of command, and

not included with any police reports prepared in connection with the incident.

PART II - Responsibilities and Procedures for Supervisors and Command Personnel

A. Pursuit oversight

1. A sworn supervisor **who is not involved in the pursuit** should monitor the pursuit, and may terminate it, irrespective of the rank of persons involved in the pursuit.
2. You should order termination of the pursuit when you believe the public safety is in greater jeopardy from the pursuit than from the offender remaining at large. You will be held accountable for allowing a pursuit to continue when circumstances indicate that it should have been terminated.
3. Ensure that information on the progress of the pursuit is broadcast over our operational radio channel.
4. Assert control over the pursuit and direct specific units into or out of the pursuit.
5. A sworn supervisor may authorize additional units to actively pursue if sh/e believes this to be necessary based on analysis of: the nature of the offense for which the pursuit was initiated; the number of suspects and known propensity for violence; the number of officers necessary to make an arrest at the conclusion of the pursuit; and any other articulable facts that warrant the increased hazards caused by the additional pursuit vehicles. Approval for additional units must be authorized by voice over the air.
6. If a pursuit leaves the city, weigh the importance of the pursuit and the need for officers to police the city in your assessment of whether the pursuit should continue, and how many units should be involved.
7. Where possible, a supervisor will respond to the location where a vehicle has been stopped following a pursuit.

B. Pursuit review

The on-duty watch commander will assign an on-duty supervisor to review the pursuit. That supervisor will:

1. Ensure that the *Pursuit Report* completed by the primary officer is accurate and complete.

2. Complete the supervisor's narrative section of the *Pursuit Report* . The review should determine whether the pursuit initiation and continuation were justified, considering all of the factors outlined in this policy. In addition, the review should note any specific problems encountered, any deviations from policy which occurred, and any recommendations for improvement. Consideration should be given to a review of the recorded radio traffic, computer entries (e.g., LEPAS), and any available in-car video footage.
3. Forward the *Pursuit Report*, along with the pursuit review, via chain of command to the division captain within 10 calendar days of the pursuit.
4. Critique the incident with the primary-involved officer(s) and, as appropriate, with other involved personnel (e.g., dispatcher).