



# DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: <b>Vehicle Pursuit</b>	Effective Date: February 1, 2021	Policy Number: <b>5.10</b>
Accreditation Reference: 2.1.2	Review Date: December 2, 2027	Supersedes: June 29, 2016
Attachments: <ul style="list-style-type: none"><li><a href="#">DCSO Pursuit Report</a> (2 pages)</li></ul>	L. Shane Nelson, Sheriff	

## I. PURPOSE

The purpose of this procedure is to prescribe the proper operation of Sheriff's Office vehicles under all conditions involving pursuit situations.

## II. POLICY

The Deschutes County Sheriff's Office recognizes and respects the integrity and value of human life.

Except for the actual use of deadly force, which is a relatively uncommon occurrence, there is no other action on the part of a deputy which creates such a substantial risk of injury to the public, the deputy, or the violator, than that of a vehicular pursuit.

The liability during a pursuit is such to necessitate procedures and policies regulating the initiation of vehicle pursuits, the manner in which the pursuit will be conducted, and the after action requirements of a pursuit.

It shall therefore be the policy of this agency to engage in vehicular pursuits only when necessary as elaborated in this policy and then to ensure conformance on the part of the involved deputies with the provisions of this policy.

## III. DEFINITIONS

*Code 3* means the use of emergency lights and siren.

*Pursuit Driving* is an active attempt by a deputy 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 ignoring the deputy or attempting to elude the deputy.

*StarChase (SC)* is a pursuit management system that allows a trained deputy to remotely affix a GPS tracking device/tag to a vehicle being pursued, or one that poses a potential threat of unlawful flight from law enforcement officers, using an air pressure system to discharge the tracker from the front of a StarChase equipped patrol unit or from a StarChase handheld unit. Once the tracker is affixed to the suspect vehicle, its location can be tracked using a computer with an internet connection.

Spike Strips are devices containing hollow spikes deployed in front of a vehicle which are designed to slowly deflate the vehicle's tires.

## IV. PROCEDURES

### A. Deputy Considerations

Vehicular pursuits create a substantial risk of injury or death to the public, the deputy, and the suspect. The primary justifications for initiating a vehicular pursuit are that the suspect's actions are creating a direct

threat to life or that the deputy has probable cause to arrest the suspect for the commission of a crime and the deputy reasonably believes that delayed apprehension poses a clear and present danger of serious injury to the deputy or others and the risks of allowing the suspect's escape are greater than the risks inherent in a pursuit.

It is recognized that there are other lesser reasons for initiating a vehicular pursuit but in all cases a deputy must weigh the totality of circumstances when deciding to initiate, continue, or discontinue a pursuit.

The deputy shall consider the following factors when making that decision:

1. *Nature of Charges:* Pursuits of persons suspected of serious crimes are viewed as more justifiable than those of persons suspected of misdemeanors or traffic violations.
2. *Identity of Driver:* Whether the deputy knows the identity of the driver.
3. *Time of Day:* Pursuits occurring during a time when there is a high level of business, school, or other activities are deemed more hazardous than those occurring during the periods of low activity.
4. *Volume of Vehicular Traffic:* Pursuits occurring during periods of heavy traffic are deemed more hazardous than those occurring at other times.
5. *Location of Pursuit:* Pursuits through residential areas or along streets near to or adjacent to schools are viewed as more hazardous than those in lightly populated areas.
6. *Weather Conditions:* Pursuits during inclement weather conditions are more hazardous.
7. *Road Conditions:* Pursuits on unpaved roadways or roadways under construction or in need of repair are more hazardous.
8. *Speeds Involved:* The greater the speed of the vehicles involved in the pursuit the greater the danger of the pursuit.
9. *The Performance Capabilities of the Pursuit Vehicle:* The performance capabilities of the deputy's vehicle versus the performance capabilities of the suspect vehicle may weigh in the deputy's decision to pursue.

## **B. Communications**

1. When a vehicle pursuit is initiated, the deputy involved shall immediately report to the dispatcher:
  - a. unit identifier and the fact that they are in pursuit.
  - b. the location and direction of travel.
  - c. description of the vehicle and occupants, if known.
  - d. reason for the pursuit.
  - e. speed of both the pursued and pursuing vehicles.
2. During the pursuit, the deputy shall give periodic updates as to the location and direction of travel and the speed of both the pursued and pursuing vehicles.
3. Upon the arrival of a secondary (or back-up) unit, the secondary unit will assume communications responsibilities.
4. 911 Dispatch will clear the radio frequency for the pursuit and advise all other agencies to use an alternative radio channel.
5. At the end of the pursuit, the deputy or secondary unit shall give the location where the pursuit ended, under what circumstances the pursuit was ended (MVA, voluntarily stopped, etc.), and the status of units involved when the pursuit was ended (Code 4, more assistance needed, etc.).
6. Whenever possible, when a deputy becomes involved in a pursuit in another jurisdiction, the deputy will switch to the radio frequency of the pursuing agency.

### **C. Secondary Unit**

In a pursuit, the assisting or “secondary unit” may become involved. The secondary unit in a pursuit shall follow the initial unit and assume the duties of providing backup and cover for the initiating deputy.

The secondary unit shall assume communications duties and give periodic radio transmissions indicating the location, direction and speeds of both the suspect vehicle and the pursuing deputies. At the end of the pursuit, the secondary unit shall advise location and status.

### **D. Supervisory Control**

Upon being notified or becoming aware of a pursuit, the team supervisor shall assert control over the pursuit and has the discretion to order specific units into or out of the pursuit.

At any time, the team supervisor may order the pursuit be discontinued when he believes the necessity of immediate apprehension is outweighed by the risks created by the pursuit.

The team supervisor shall monitor the pursuit and advise of appropriate tactics to be used.

Team supervisors will ultimately be held responsible for command and control of pursuits occurring on their shift.

### **E. Units Not Actively Involved**

In a pursuit, the assisting deputies not directly involved in the pursuit shall perform several functions to assist in bringing a pursuit to a successful ending while taking every precaution to protect the public from the risks of a prolonged pursuit.

These functions include, but are not limited to:

1. Responding to designated observation points to deploy spike strips.
2. Deployment of spike strips at locations deemed necessary based on the circumstances.
3. Responding to channelization locations to divert a suspect's access away from particular areas of the community, such as residential, school, or populated areas.
4. Deployment of road blocks when deadly use of force is justified.

Refer to [Policy 5.15 Vehicular Use of Force](#) for specific details.

### **F. General Guidelines**

The following are general directives concerning a vehicle pursuit:

1. Unless otherwise directed by a supervisor, no more than two law enforcement vehicles, regardless of agency, shall become actively involved in a pursuit. Other deputies should be alert to the pursuit progress and locations.
2. No law enforcement unit involved in a pursuit will pass another unless the passing unit receives specific permission to do so.
3. Deputies actively engaged in a pursuit may consider the use of the PIT to assist in bringing a pursuit to a successful conclusion. Refer to [Policy 5.15 Vehicular Use of Force](#) for specific details on PIT and vehicular ramming.
4. Deputies operating unmarked vehicles may engage in pursuits only when the fleeing vehicle represents an immediate and direct threat to life. When marked units become available to assume the pursuit, the unmarked vehicle shall withdraw from the pursuit.
5. No deputy shall become involved in a vehicular pursuit if an arrested person, a suspect, the complainant, or a witness is in the patrol vehicle. If for any reason a marked patrol unit with an authorized civilian observer is involved in a pursuit as a primary or secondary unit, that unit will, as soon as practical, turn over the pursuit to another marked unit who has no civilian occupants.

6. When a pursuit being conducted by the Sheriff's Office enters the jurisdiction of another agency, the Sheriff's Office shall ensure that jurisdiction's unit(s), if available, is aware of the pursuit and shall heed any warnings given by the other jurisdiction units, such as road hazards, public events or other dangers. If the other jurisdiction requires the Sheriff's Office to discontinue a pursuit due to known hazards, this shall be considered justification to discontinue the pursuit.
7. Deputies may only drive on the wrong side of any divided roadway when absolutely necessary and when so doing must exercise extreme caution and then only when deadly force is justified.
8. When an officer of a city agency is in pursuit of a vehicle that exits the city, the Sheriff's Office, State Police, or other jurisdiction into which the pursuit is proceeding, shall be notified immediately. When one of those agencies is in position to assume responsibility for the pursuit, involved units from the city department may advise they are going to relinquish the pursuit to them. The primary city officer may continue to monitor the progress of the pursuit and provide assistance as necessary. The Sheriff's Office units will discontinue their pursuit when it leaves their county and two units of the jurisdiction the pursuit has entered are available to take over the pursuit.
9. When in pursuit of a fleeing suspect, deputies should not attempt to overtake or pass the suspect. This action places the deputy in a highly vulnerable position. The pursuing deputy should keep a safe distance from the suspect and merely attempt to keep the suspect vehicle in sight until the suspect voluntarily stops or the decision to use other means to stop the vehicle has been made.
10. Deputies are prohibited from discharging a firearm from a moving vehicle unless the use of deadly force is justified, and then, if practical, only with the permission of a supervisor.
11. The use of spike strips, Mobile Spike and/or StarChase is encouraged when it is safe to do so and in accordance with [Policy 5.15 Vehicular Use of Force](#).
12. Deputies can also utilize pursuit trailing (slack pursuit) by following behind the violator while giving both visual and audible indication that the violator should stop, and advising dispatch and other units of the violator's location and action. Care should be taken to maintain a safe distance between the violator's vehicle and the law enforcement vehicle.
13. Deputies shall use extreme care when disobeying traffic control devices, even when Oregon statute specifically permits such conduct. Deputies shall make use of all available warning devices to alert other motorists and pedestrians. State law also requires the deputy to exercise "due regard for the safety of all other persons" (ORS 820.300).
14. "High Risk Traffic Stop" procedures will be employed when the pursued vehicle is apprehended.
15. Any primary or backup unit sustaining damage that may affect safety of operation or failure of essential vehicular or emergency equipment during the pursuit shall not be permitted to continue in the pursuit. The unit shall notify the team supervisor or 911 Dispatch so another unit may be assigned to the pursuit.

#### **G. Discontinuing a Pursuit**

Deschutes County Sheriff's Office members will use the word "discontinue" to end a pursuit. It is imperative that the deputy/supervisor ending the pursuit clearly states "discontinue pursuit" or "stop pursuit."

1. Any deputy involved in a pursuit shall discontinue the pursuit under any one of the following conditions:
  - a. when ordered by a supervisor or any other participant in the pursuit.
  - b. when any deputy believes the risks created by the pursuit outweighs the necessity for immediate apprehension.
  - c. 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.
  - d. when the pursued vehicle's location is no longer known.
2. Once the pursuit is discontinued, the deputy will resume normal traffic speed and deactivate emergency equipment and when it is safe to do so, pull the right and stop.

3. The deputy shall, when deciding to discontinue the pursuit, contact communications and advise the dispatcher that the pursuit is discontinued or ended and whether the advisement to discontinue or end is for the pursuit in its entirety or just the agency for which the discontinue order was given.
4. The deputy involved in the pursuit shall complete a case report regarding the circumstances of the pursuit prior to the end of shift. A deputy's immediate supervisor has discretion to extend this deadline for completing the Pursuit Report.

#### **H. Decision Accountability**

This procedure is based upon recognition of the basic need for pursuit under certain circumstances. Great reliance is placed upon the individual deputy and team supervisors in the application of their experience, common sense and training. All deputies shall be held accountable for continuing a pursuit when circumstances indicate it should have been discontinued. Deputies shall be neither criticized nor disciplined when their decision is to discontinue rather than continue a pursuit.

#### **I. Post Pursuit - Review**

Because of the seriousness of pursuits, every incident shall have a post pursuit review. The written report, along with a Pursuit Report (see attached), shall be submitted by the end of shift. A deputy's immediate supervisor has discretion to extend this deadline for completing the Pursuit Report. The deputy's immediate supervisor and lieutenant shall complete the supervisor's review portion of the Pursuit Report and submit it along with a copy of the written report to the Patrol Captain for administrative review through the chain of command.

The agency review shall be based upon those facts which were reasonably believed by the deputy at the time, applying legal requirements, agency policy, and approved training to those facts. Facts later discovered, but unknown to the deputy at the time, can neither justify nor condemn a deputy's decision regarding a vehicular pursuit.

The Pursuit Report shall be reviewed by the chain of command with determinations made at each level on whether or not all agency guidelines were met. Each level in the chain of command shall recommend action in regard to those deputies involved in the pursuit.

The Sheriff may convene an Administrative Hearings Board to examine the pursuit case and may take appropriate action.

The incident review process will be done as expeditiously as possible.

#### **J. Interagency Pursuits**

When patrol units of this agency become involved in a pursuit involving more than one jurisdiction in this county, coordination between jurisdictions will be conducted with open communication.

#### **K. Annual Review**

The agency will conduct an annual review of all agency pursuits. The Sheriff, Patrol Captain, or designee is responsible for analysis of the pursuits to identify trends, problems and deficiencies and to proactively address concerns of pursuits in the future through additional training or policy changes.

The agency shall conduct regular pursuit training as determined by the agency training coordinator in accordance with DPSST.