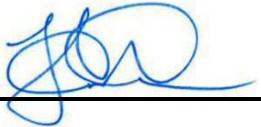




DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: Vehicular Use of Force	Effective Date: September 17, 2024	Policy Number: 5.15
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Attachments: • Vehicular Use Of Force	L. Shane Nelson, Sheriff 	

I. PURPOSE

The purpose of this policy is to provide guidance and direction to personnel in the vehicular use of force and specific deployment criteria for those levels constituting physical control of a vehicle beyond that of traffic stop.

II. POLICY

The use of force by a deputy in accomplishing a lawful objective is a serious matter in every instance. This agency recognizes and respects the value and special integrity of each human life. The use of an object, such as a weapon or vehicle, in applying that force is even greater in its potential consequences and ultimate ramifications, thereby requiring additional procedures, training, incident review, and documentation.

It shall be the policy of the Sheriff's Office to afford deputies all reasonable means to accomplish a lawful objective, including the use of a vehicle as a means of force. Prior to the application of any vehicular use of force, deputies must be in compliance with Policy 5.10 Vehicle Pursuit. As required by Oregon statute, any use of physical force or deadly physical force must be objectively reasonable and necessary.

III. DEFINITIONS

Channelization is a temporarily constructed barrier on the roadway, the purpose of which is to channelize or direct the suspect to a specific location or to deny access to a certain direction(s).

Pinning is a very low speed coordinated maneuver where police vehicles simultaneously intercept and completely block the movement of a slow-moving or stopped vehicle. The driver will normally not be aware of the impending action, with the goal of preventing the vehicle from fleeing. Using the pinning technique to block a vehicle will normally include the coordinated and intentional contact with the front and rear of the suspect vehicle.

Pursuit Intervention Technique (PIT) is a method to reduce risks in bringing a pursuit to a conclusion. PIT is a forced rotational vehicle stop of a non-compliant suspect in an effort to end the suspect's flight.

Roadblock is a temporarily constructed barrier on the roadway, the purpose of which is to stop or keep a suspect from traveling in a certain direction.

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

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.

Use of Firearms will be consistent with Policy 5.01 Use of Force.

Vehicular Ramming is the intentional vehicular contact, outside the parameters of the Pursuit Intervention Technique, the purpose of which is to immediately stop the suspect vehicle.

Vehicular Use of Force is the current table outlining resistance to the stopping of a suspect vehicle, levels of force available and possible results of the force used.

IV. DEPLOYMENT

Deployment of techniques shall be consistent with this policy and other applicable procedures. Vehicular Use of Force techniques are prohibited unless or until the deputies have been trained and/or certified in the specific technique to be deployed. A vehicular use of force is not authorized if the pursuit was initiated solely for a traffic infraction, or if the incident would not justify a pursuit under Policy 5.10 Vehicular Pursuits.

For pre-planned uses of vehicular force such as service of a warrant there should be a written operational plan in place prior to the use of force. For unplanned uses of force, such as a PIT, ramming or pinning, deputies must first obtain supervisor approval unless exigent circumstances do not allow notification and approval.

A. Spike Strips / Mobile Spike

Spike strips are considered to be a level of force equivalent to a physical control technique.

1. Spike strips should not be used on any vehicle carrying hazardous materials, or a passenger or school bus carrying passengers, or any vehicle that would pose an unusual risk to innocent parties unless there are significant factors justifying the risks of the application of spike strips and then only with the permission of the supervisor.
2. Spike strips will never be used on a motorcycle, moped, or similar two wheeled vehicle, unless use of deadly force is justified and then, if practical, only with the permission of a supervisor.
3. Spike strips will not be used if the vehicle is traveling over 75 mph unless deadly force is justified.
4. Mobile Spike
 - a. Deputies shall not deploy mobile spike at speeds over 75 mph, unless deadly force is justified.
 - b. Safety decisions related to the deployment of Mobile Spike rest with the deploying deputy. While supervisors may direct, approve, or prohibit the deployment and use of Mobile Spike, safety decisions related to positioning of the patrol unit for deployment and the actual deployment of the spikes, rest solely with the operating deputy whose decision on such matters are final. The following should be considered for safety:

- i. The safety of other law enforcement officers, uninvolved persons, and persons inside the suspect vehicle.
- ii. Whether the deputy can safely maneuver close enough to the suspect vehicle to come within range to deploy Mobile Spike.

c. Mobile Spike shall **not** normally be deployed in the following situations unless the suspect poses a substantial risk to the public:

- i. During heavy rain;
- ii. While driving on exceptionally rough terrain;
- iii. On a vehicle with less than four tires/wheels; and/or,

d. Mobile Spike equipped patrol vehicles can join a pursuit as an additional authorized unit upon approval from a supervisor.

- i. If it is another agency's pursuit, in addition to supervisory approval the agency must request the assistance of the patrol unit.
- ii. Unless directed otherwise, the Mobile Spike patrol unit shall join the pursuit at the rear of authorized pursuing units until cleared to pass.
- iii. Mobile Spike patrol units may pass other pursuing units only when deemed safe and coordinated between both units.
- iv. Once the deputy decides to deploy or deploys Mobile Spike, the deputy will immediately notify 9-1-1 Dispatch and other involved units that Mobile Spike has been deployed

B. StarChase

1. StarChase is considered to be a level of force equivalent to a physical control technique.
2. StarChase equipment will only be operated by deputies who have been trained in its use. SC equipped patrol units and handheld SC units will only be assigned to deputies who are trained on its use unless authorized by the Sheriff or designee.
3. SC shall not be used on motorcycles, mopeds, convertibles, or similar vehicles in which the occupants are exposed (e.g. if deployed from the side and the windows are down in the vehicle).
4. Deputies should not use Star Chase at speeds over 75 mph, as the distance between the vehicles at that speed leaves little room for reaction times.
5. The SC GPS tag deployed from a patrol unit should only be from a position behind the suspect vehicle. If circumstances dictate, perpendicular deployment from a patrol unit to the side of a suspect vehicle is only authorized at speeds below 10 m.p.h. This does not apply if using handheld SC equipment, however the deputy must ensure they are in a safe location for deployment.
6. Safety decisions related to the deployment of SC rest with the deploying deputy. While supervisors may direct, approve, or prohibit the deployment and use of SC, safety decisions related to positioning of the patrol unit for deployment and the actual deployment of the SC GPS tag, rest solely with the operating deputy. The following should be considered for safety:

- a. The safety of other law enforcement officers, uninvolves persons, and persons inside the suspect vehicle.
- b. Whether the deputy can safely maneuver close enough to the suspect vehicle to come within range to deploy SC.
- c. Whether the deputy can safely pass any other patrol unit involved in a pursuit, and authorized to do so.
- d. Whether any circumstance would indicate the device would not work (i.e. weather conditions, suspect vehicle weaving, etc.)
- e. Whether and when conditions allow for the safe deployment of the SC GPS tag.

7. SC shall not normally be deployed in the following situations unless the suspect poses a substantial risk to the public:

- a. During heavy rain;
- b. While driving on exceptionally rough terrain;
- c. On a vehicle with less than four tires/wheels; and/or,
- d. When pedestrians are between or very near the suspect vehicle and the SC equipped patrol unit.

8. SC equipped patrol vehicles can join a pursuit as an additional authorized unit upon approval from a supervisor.

- a. If it is another agency's pursuit, in addition to supervisory approval the agency must request the assistance of the SC patrol unit.
- b. Unless directed otherwise, the SC patrol unit shall join the pursuit at the rear of authorized pursuing units until cleared to pass.
- c. SC patrol units may pass other pursuing units only when deemed safe and coordinated between both units.

9. SC equipped patrol vehicles can join a pursuit as an additional authorized unit upon approval from a supervisor.

- a. Once the deputy decides to deploy or deploys SC, the deputy will immediately notify 9-1-1 Dispatch and other involved units that "StarChase" has been deployed.
- b. Upon a successful deployment, deputies should discontinue the pursuit unless the apprehension of the suspect outweighs the risk to public safety created by the pursuit.
- c. 9-1-1 Dispatch will maintain constant communication with the SC monitor for speed/direction/location updates of the suspect vehicle and regularly broadcast the information to deputies.
- d. A supervisor shall oversee the call and coordinate with 9-1-1 Dispatch to direct resources and deputies to the appropriate locations to apprehend the suspect(s). If the coordinating supervisor or deputy must login to SC, they shall pull to a safe location and remain stationary to monitor the suspect vehicle.

- e. In the event the GPS tag signal is lost for an extended period of time (approximately 1 hour or more) a search warrant should be considered to retrieve data from the SC GPS tag.

10. Reporting

- a. Used SC GPS tags shall be recovered when possible and submitted to the Administrative Sergeant for replacement SC GPS tag(s).
- b. The deputy deploying SC will document the use of the SC GPS tag and its serial number in the report.

C. Channelization

- 1. Channelization is considered to be a level of force equivalent to a physical control technique.
- 2. Channelization is a method to direct a suspect to/from a specific location. It may consist of vehicles, flares, traffic cones, or other objects, the purpose of which is to encourage the suspect to travel in a desired direction.
- 3. Channelization shall be utilized only when sufficient distance, visibility, and warning may be established to allow all vehicles to safely stop or avoid the temporary barrier and any related dangers.
- 4. Channelization shall always allow a route, lane, or path of travel through or around the temporary barrier in the event a vehicle does not stop or conform to the channelization effort.
- 5. Channelization may be coordinated with other vehicular use of force techniques.

D. Pursuit Intervention Technique (PIT)

- 1. Pursuit Intervention Technique may only be used by deputies who have been trained in and meet current DPSST certified standards in the technique.
- 2. PIT less than 40 miles per hour is considered to be a level of force equivalent to physical control.
- 3. PIT at 40 miles per hour and over is considered to be a level of force equivalent to serious physical control and requires the approval of a supervisor and under the following conditions:
 - a. after less intrusive methods have been tried or considered and have been judged ineffective; or
 - b. when the totality of the circumstances presents an objective reasonable basis requiring immediate intervention to stop a fleeing suspect's vehicle.
- 4. PIT at speeds of 60 miles per hour and over is considered to be deadly force and may only be used when using deadly force is objectively reasonable and necessary under the circumstances, and with supervisor approval.

In certain situations, such as the use of the PIT maneuver on certain SUVs or the use of PIT near bridge abutments, it is foreseeable the use of PIT may result in a vehicular crash and must be used only when deadly force is justified.

- 5. PIT shall not be used on any vehicle carrying hazardous materials, or a passenger or school bus carrying passengers, or any vehicle that would pose an unusual risk to innocent parties unless

there are significant factors justifying the risks of the technique, and then, only with the permission of a supervisor.

6. PIT shall never be used on a motorcycle, moped, or similar two wheeled vehicle, unless use of deadly force is justified and then, if practical, only with the permission of a supervisor.
7. Site assessment is crucial when considering the use of PIT. Prior to executing a PIT maneuver, deputies should consider features in the surrounding area, such as:
 - a. weather conditions
 - b. blind curves or corners. PIT works best in curves but should not be executed when the deputy believes that visibility is significantly compromised.
 - c. bridge abutments or median barrier/guard rail end caps
 - d. major roadside or on-road obstacles
 - e. oncoming traffic
 - f. pedestrians
8. Deputies shall not be disciplined for a decision against executing a PIT maneuver in a pursuit situation.

E. Vehicular Pinning

1. Pinning is only appropriate when the suspect vehicle is either stopped, parked, or traveling at speeds less than 10 mph. Attempting to pin a vehicle at higher speeds may be considered to be ramming and deadly force must be justified to implement vehicular ramming. Pinning is considered to be a level of force equivalent to a physical control technique.
2. This tactic may be employed where the driver of the vehicle appears to be incapacitated or unconscious, or where the vehicle is parked in a parking lot or parking space.
3. This tactic may be used preemptively, that is without the use of lights or sirens as a warning, when there is probable cause to arrest a suspect in a vehicle and under a totality of the circumstances it appears that the suspect or driver will attempt to flee in the vehicle, or when the prior driving of the vehicle displays a willful disregard for the safety of others and places the public in immediate danger of serious bodily injury or death if the vehicle is not stopped.
4. Prior to using this technique, if time allows the team lead or supervisor should clearly designate roles for each vehicle and which deputy should give commands, which deputies should provide lethal and less-lethal cover, and which deputy will handcuff the subject.
5. Deputies should use the public address system on their patrol car to give commands after using a pinning technique if practical.
6. Deputies should be very aware of the potential for a cross-fire situation with other deputies in the event that firearms are used, and extreme caution should be used. The deputy in the front pinning vehicle must safely exit their vehicle immediately to reduce this risk.
7. If time and circumstances permit, deputies should consider deploying spike strips in locations around the area where the vehicle is likely to go if the pinning technique is unsuccessful.
8. Deputies who use their vehicle to do a pinning technique should set the emergency brake prior to exiting their vehicle, to reduce the risk that the suspect will be able to create space and escape.

F. Vehicular Ramming

1. Use of vehicular ramming is considered to be equivalent to the use of deadly force.
2. Vehicular ramming must be considered only when all lesser means have failed and the deputy

has an objectively reasonable basis to believe:

- a. the use of deadly force is necessary to protect the deputy or any other person(s) from the use or threatened imminent use of deadly physical force.
- b. the use of deadly physical force is necessary to protect the deputy or any other person from death or serious physical injury.

3. Deputies utilizing vehicular ramming must be cognizant of and consider the inherent danger in the use of vehicle ramming not only to themselves and the suspect, but also to any others in the vicinity.

G. Roadblocks

1. Roadblocks are considered to be equivalent to the use of deadly force.
2. Roadblocks should only be used when all other reasonable alternatives have failed and the deputy has an objectively reasonable basis to believe:
 - a. the use of deadly force is necessary to protect the deputy or any other person(s) from the use or threatened imminent use of deadly physical force.
 - b. the use of deadly physical force is necessary to protect the deputy or any other person from death or serious physical injury.
3. A supervisor or higher-ranking authority must approve a roadblock.
4. The purpose of a roadblock is to stop a vehicle which constitutes a continuing threat of serious physical injury or death to the deputy or any citizen, and all lesser means have failed or are not possible.
5. Roadblocks may be constructed of vehicles, barriers, or objects sufficient to impede or stop the suspect vehicle.
6. The roadblock must be visible for a reasonable distance, allowing sufficient time for the suspect and all other vehicles to safely stop, taking into account speed, visibility, road conditions, traffic, weather, lighting, and any other factors then present.
7. If patrol cars are utilized to construct the roadblock, all emergency lights shall be illuminated.
8. No one shall be seated in any vehicle, (patrol or private), used in constructing the roadblock.
9. Due caution for the safety of other citizens and the surrounding area must be used when constructing the roadblock.
10. The existence and location of the roadblock shall be communicated to all other units involved in the incident.
11. Action must be taken to release or detour private vehicles not involved in the incident that reach the roadblock prior to the suspect's arrival out of the danger area.
12. The use of moving vehicles to box in or surround a fleeing vehicle is not defined as a roadblock and does not constitute deadly force. Use of moving vehicles to box in a suspect requires permission from a supervisor.

H. Firearms

1. Use of firearms to stop a vehicle is a use of deadly force.
2. Firearms will be used consistent with Policy 5.01 Use of Force. Deputies are discouraged from firing from or at a moving vehicle and are prohibited from discharging a firearm from or at a moving vehicle unless the use of deadly force is justified, and then, if practical, only with the permission of a supervisor.

V. AFTER DEPLOYMENT

In any incident where a deputy exercises a vehicular use of force equivalent to physical control, serious physical control, or deadly force, as defined in this policy, a report by the initiating deputy must be completed by the end of the current shift, unless a supervisor approves of an extension or there is an exception, such as the deputy being interviewed by another agency or the Major Incident Team in lieu of a report.

- A.** Use of Force Report form must also be completed as per Policy 5.01 Use of Force.