

**POLICY
814**

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**Eugene
Police Department**



Vehicle Pursuit

814.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent persons, law enforcement officers, and fleeing violators to the risk of serious injury or death. All officers engaging in vehicular pursuit driving must drive with due regard and be fully aware that irresponsible, careless, and reckless driving will not be tolerated.

Vehicle pursuit situations are not always predictable, and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

814.1.1 DEPARTMENT PHILOSOPHY

The Eugene Police Department (EPD) has adopted a restrictive pursuit policy in order to uphold the Department's duty to protect the public. In all situations where pursuit of a suspect vehicle is authorized, the Department expects that officers will safely close with the suspect vehicle and end the pursuit as soon as they are offered a safe location and circumstances to do so. All uses of force must comply with *Policy 800 - Use of Force*.

814.2 DEFINITIONS

Vehicle Pursuit: An event involving one or more law enforcement officers attempting to stop a motor vehicle whose driver is resisting being stopped by using high-speed driving or other evasive tactics, and willfully failing to yield to an officer's emergency signal to stop. The violation of traffic laws may indicate a driver is attempting to evade capture, but the totality of the circumstances should be considered when evaluating whether or not an event constitutes a vehicle pursuit.

Actively pursue/actively involved in the pursuit: To engage in a vehicle pursuit or to attempt to keep up with a vehicle pursuit. This does not include emergency response driving to block intersections for civilian traffic and pedestrians that may be driven through by the eluding vehicle.

Reasonable Safety: Factors that the officer must take into account when deciding whether the need to engage in pursuit driving is outweighed by the potential risks to the public include the following:

- The seriousness and/or dangerousness of the crime or matter warranting police involvement
- Pedestrian and vehicular traffic patterns and volume
- Time of day
- Road conditions, weather conditions, lighting and visibility

- Terrain (curves, hills, buildings, etc.)
- The type of roadway and speeds involved
- Likely effectiveness or ineffectiveness of audible and visible warning signals
- The capability and limitations of police equipment and vehicle operator
- Involved officer's and supervisor's familiarity with the area of travel
- The quality of radio communications
- Alternate or safer methods of capture
- Likelihood of apprehending the suspect as a result of the pursuit
- Whether the identity of the suspect is known, and apprehension could be made at a later time
- Availability of additional police support
- Staleness of crime
- Whether there are other individuals present in the suspect's vehicle
- Any other factor which increases or decreases risk.

Terminate: To discontinue and stop actively pursuing the fleeing vehicle(s) by stopping or turning from the path of the pursuit, discontinuing the use of emergency equipment, and driving in compliance with traffic laws.

814.3 OFFICER RESPONSIBILITIES

While engaging in a vehicle pursuit, officers must drive with due regard for the safety of all other persons, as required by *ORS 820.300(2)*. However, while engaging in a vehicle pursuit, officers are generally not required to follow the rules of the road (*ORS 820.300*.) This exemption only applies to emergency vehicles using emergency lights and sirens (*ORS 820.300 and 820.320*).

814.3.1 WHEN TO INITIATE OR CONTINUE A PURSUIT

All circumstances require a risk assessment to ensure that a compelling public/government interest for apprehension of suspects outweighs the potential risk to the public from the pursuit.

Officers are authorized to initiate a pursuit if the officer has reasonable belief that:

- a. The suspect is engaged in the commission of or attempt to commit a violent felony (which includes all felony offenses against persons, robbery, arson, and related escape.)
- b. The suspect is engaged in the commission of or attempt to commit a violent offense where arrest is mandatory such as a violation of a court ordered restraining order, stalking order, court protection order, and or APA offense where the risk to the victim or public is dire. Officers must be able to articulate the exigent need to apprehend the suspect(s) because of potential harm to the public.
- c. Under extraordinary circumstances, such as driving with extreme indifference for the safety of the community at large prior to, or independent of, police engagement, or if it is unlikely the suspect will cease dangerous driving if police terminate their involvement (such as an impaired driver that is likely to be a continued and ongoing threat to citizens despite the absence police presence or intervention.)

- d. The Chief of Police, Watch Commander, or designee temporarily authorizes the initiation of vehicle pursuit(s) for a circumstance or crime(s) not included in the above. In these circumstances pre-authorized initiation of pursuits can include but are not limited to:
- rapidly evolving criminal incidents requiring prompt direction to patrol-based resources.
 - a planned targeted effort to apprehend chronic or prolific felony offenders.
 - apprehension of high-risk subject(s) who are the subject of a signed search warrant served by the Special Weapons and Tactic Team.

When in pursuit, officers shall continuously evaluate the need for apprehension against the risk posed to the public and adhere to the reasonable safety of the pursuit as defined in § 814.2.

814.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of the circumstances known or that which reasonably ought to be known to the officer or supervisor during the pursuit fails to satisfy the requirements of this policy.

A pursuit must be terminated under any of the following conditions:

- a. When directed to do so by a sworn supervisor.
- b. The risk to innocent persons, law enforcement personnel, and/or the suspect outweighs the need for immediate apprehension.
- c. The suspect's identity can be established to the point that later apprehension is possible and there is no compelling emergency circumstance requiring immediate apprehension.
- d. The officer is unable to effectively communicate with dispatch or a field supervisor or the other officers involved in the pursuit.
- e. The officer no longer knows the location of the pursued vehicle.
- f. The police vehicle's siren or emergency lights fail or become disabled, or the vehicle is damaged to the extent that it is no longer safe to operate in the pursuit.
- g. Distance between the pursuing officers and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- h. The officer is unfamiliar with his/her location and unable to provide an accurate geographic location to dispatch.

Any unit may discontinue their own involvement in the pursuit; however, they must broadcast that they are discontinuing and the reasons why.

Upon termination of the pursuit, the officer broadcasting the pursuit will advise dispatch that the pursuit has been terminated and provide the vehicle's last known location and

direction of travel. Each unit involved in the pursuit must acknowledge the termination via radio.

When the pursuit is terminated by a supervisor, a pursuit of the same vehicle may not be resumed at a proximate time and place without supervisory authorization.

814.4 PURSUIT UNITS

The number of units actively pursuing the suspect should be limited to four (4) vehicles; a primary and secondary pursuit unit and two support units. A K-9 officer should normally be one of the four units actively involved in the pursuit when available and feasible. A supervisor may request additional units to join a pursuit if, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s.) All other officers should not become actively involved in the pursuit but should remain alert to its progress and location. Officers not actively involved in the pursuit should attempt to anticipate potential routes of escape and deploy Tire Deflation Devices in effort to slow the speed of the suspect vehicle.

814.4.1 MOTORCYCLE OFFICERS

An officer operating a motorcycle should terminate their involvement in any pursuit immediately upon arrival of a sufficient number of police vehicles equipped with overhead light bars, unless involvement of a police motorcycle is necessary to most effectively and safely continue the pursuit.

814.4.2 VEHICLES WITHOUT OVERHEAD LIGHT BARS

- a. An officer driving a unit without an overhead light bar should relinquish their primary and secondary position in any pursuit immediately upon arrival of a sufficient number of police vehicles equipped with overhead light bars.
- b. A K-9 supervisor, or officer, operating a vehicle without an overhead light bar may remain actively involved in the pursuit if a K-9 officer with an overhead light bar is not reasonably available.
- c. Vehicles without overhead lightbars may need to remain in the active pursuit if they were the initiating unit, but should do so in a support position.
- d. Detectives operating an undercover vehicle should terminate involvement in a pursuit upon arrival of sufficient units to assume the primary and secondary pursuit positions. The exemptions provided by *ORS 820.300* do not apply to officers using vehicles that do not qualify as emergency vehicles under *ORS 801.260*.

814.4.3 PRIMARY PURSUIT UNIT RESPONSIBILITIES

- a. The initial pursuing unit will be designated as the primary pursuit unit and will generally be responsible for the reporting of the pursuit. Although the primary unit will be responsible for reporting, all officers involved in the pursuit are responsible to continuously evaluate whether the pursuit should continue based on the requirements of this policy. Any doubt concerning the reasonableness of a pursuit should be resolved in favor of terminating the pursuit.

- b. Dispatch should be notified when a vehicle pursuit has been initiated and as soon as practical and provided information including, but not limited to:
 - Unit identifier, and that the unit is in pursuit
 - Reason for the pursuit
 - Location and direction of travel
 - Speed of the fleeing vehicle
 - Description of the fleeing vehicle and license number, if known
 - Driving behavior of the suspect
 - Number of known occupants
 - The identity or description of the known occupants
 - Information concerning the use of firearms, threat of force, injuries, hostages, or other unusual hazards
- c. In order to allow the primary pursuit unit to concentrate on pursuit driving the secondary unit should assume responsibility of broadcasting the progress of the pursuit as soon as practical.
- d. The unit responsible to broadcast the progress of the pursuit will regularly apprise dispatch via radio of any changes of location, speed, or direction of travel, relevant traffic and environmental conditions, as well as any significant changes in the driving behavior of the suspect (e.g., suspect's disobedience of traffic signals or stop signs) or changes to the factors outlined in § 814.3.1.
- e. Any officer with critical information regarding the pursuit should broadcast that information as soon as practical.

814.4.4 SECONDARY UNIT(S) RESPONSIBILITIES

The second officer in the pursuit is responsible for the following:

- The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit and that they have assumed responsibility for broadcasting the progress of the pursuit.
- Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.

Any additional units actively involved in the pursuit will advise dispatch via radio of their involvement.

814.5 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. Tactics for units involved in the pursuit include:

- a. Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles so they are able to see and avoid hazards and react safely to maneuvers by the fleeing vehicle and avoid unnecessarily pressuring the suspect driver.

- b. Because intersections can present increased risks, the following tactics should be considered:
- Available units not directly involved in the pursuit should proceed safely to controlled intersections ahead of the pursuit to warn cross traffic. This driving can be done in an emergency response.
 - Pursuing units should exercise due caution when proceeding through controlled intersections.
- c. Officers should not directly pursue a vehicle driving left of center (wrong way) on a controlled-access highway or freeway. If an officer anticipates a suspect vehicle is intending to enter a controlled access highway in the wrong direction, and it is feasible to do so, use of a forcible stop should be evaluated. If a forcible stop is conducted, the following tactics should be considered:
- Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
 - Requesting other units to observe exits available to the suspect(s).
 - Notifying the Oregon State Police and/or other jurisdictional agency when it appears the pursuit may enter that jurisdiction.
- d. Officers actively involved in a pursuit should not attempt to pass any other unit actively involved in the pursuit unless authorized by that unit to do so, and then only after communicating on which side the officer will pass.
- e. If a collision occurs during the pursuit, an assessment of the situation must be made and appropriate aid rendered in a timely manner, whether by one or more units involved in the pursuit or by another person/entity.

814.5.1 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route, except that officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public or to proceed to a location of tactical advantage to assist (e.g., traffic control, deployment of tire deflation devices.)

814.5.2 PURSUIT TRAILING

In the event the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of an EPD supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect(s). The role and responsibilities of officers at the termination of a pursuit initiated by this agency will be coordinated with the units from the agency assuming the pursuit. The pursuing unit who relinquishes control may continue with the pursuit through the neighboring jurisdiction until that agency has sufficient units available to complete the stop if it occurs.

Trailing a pursuit does not authorize an officer emergency response driving and does not authorize re-involvement in the pursuit once responsibility has been relinquished.

814.6 SUPERVISORY CONTROL AND RESPONSIBILITY

Supervisory and management control will be exercised over all motor vehicle pursuits involving officers from this department.

- a. The Watch Commander, or designee, who is not involved in the pursuit will assume supervisory responsibility for the pursuit, and may terminate it, irrespective of the rank of persons involved in the pursuit. That supervisor will broadcast via radio that they are assuming supervisory control, and will be responsible for the following:
 1. Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to affirm or deny continuation of the pursuit.
 2. Directing that the pursuit be terminated if, in their judgment, continuation of the pursuit is not justified under the guidelines of this policy.
 3. Exercising management and control of the pursuit.
 4. Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
 5. Directing units to appropriate observation points as needed.
 6. Ensuring that the proper radio talk group/channel is being used.
 7. Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
 8. Controlling and managing EPD units when a pursuit enters another jurisdiction.
 9. Preparing a post-pursuit Blue Team incident and forwarding it to the next approving authority in the chain of command.

If the pursuit supervisor does not receive adequate information from the pursuing unit(s) to justify continuation of the pursuit, the pursuit supervisor will terminate the pursuit.

814.7 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary talk group/channel unless instructed otherwise by a supervisor or communications dispatcher.

If the pursuit leaves the jurisdiction of this department or such departure is imminent, involved units will normally remain on the same talk group/channel unless another agency assumes primary responsibility for the pursuit, or a supervisor or dispatcher directs a change.

814.8

INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

814.8.1

PURSUIITS EXTENDING INTO THIS JURISDICTION

- a. The agency that initiates a pursuit will be responsible for conducting the pursuit. Units from this department should not join a pursuit unless the pursuit meets the requirements of this policy and they have requested permission from a supervisor.
- b. Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit, or to assist in a pursuit, should be specific. If the pursuit does not meet the requirements of this policy, a sworn supervisor shall decline to assist in or assume the other agency's pursuit.
- c. If EPD units decline to assist or withdraw from another agency's pursuit, the pursuing agency will be notified as soon as practicable.
- d. If it is anticipated another agency pursuit will enter this jurisdiction, EPD units should respond to observation points or other known natural points of ingress or egress to and from the city in an effort to deploy Tire Deflation Devices to assist in the slowing of the suspect vehicle. EPD units may respond in emergency mode to these observation points or anticipated routes.
- e. EPD officers are bound by EPD policy when assisting another agency, even if their procedures are different from our own.
- f. If another agency's pursuit does not meet the requirements of this policy, EPD units may still assist in emergency mode by assuming observation points and warning cross traffic at intersections likely to be crossed by the pursuit.
- g. Assistance to a pursuing agency by officers of this department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources.
- h. In the event that a pursuit from another agency terminates within this jurisdiction, officers will provide appropriate assistance to officers from the other agency including, but not limited to, high-risk takedown, scene control, coordination, completion of supplemental reports and any other assistance requested or needed.

814.8.2

INTERAGENCY PURSUIT AGREEMENT

This department and other area law enforcement agencies have entered into the Law Enforcement Interagency Agreement regarding vehicle pursuits. This agreement is subordinate to the policies of individual agencies.

814.9

REPORTING, REVIEW, AND TRAINING

814.9.1 OFFICER REPORTING

The primary officer in the pursuit, as well as any others who had a substantial role or observation during or immediately following the pursuit, or any officer directed by a supervisor must complete and submit the appropriate police report(s) (e.g., custody, incident) by the end of their shift, unless otherwise authorized by a sworn supervisor.

814.9.2 SUPERVISORY REVIEW

- a. The pursuit supervisor (defined § 814.6) will:
 1. Respond to the scene where a pursuit is terminated if the suspect vehicle:
 - Comes to rest and someone is arrested or escapes from the vehicle.
 - The vehicle is forcibly stopped.
 - Any vehicle involved in the pursuit is in a crash, or
 - If any person is injured or property is damaged during the pursuit.
 2. Conduct the proper electronic or telephonic department notifications based upon the pursuit outcomes.
 3. Complete a Blue Team/ Vehicle Pursuit incident report which includes a brief investigation into the cause, outcome, and policy adherence during the pursuit as soon as possible, before the end of shift. The investigation will also include photographs if applicable.
- b. The IA Program Coordinator will coordinate with the affected Division Manager or designee to assign a reviewing supervisor who will be responsible for the actions listed below:
 1. The EVOC supervisor will review all available information about the pursuit and prepare a memo based on their expertise to the reviewing supervisor.
 2. If at any point a supervisor believes that a potential violation of policy related to the pursuit should be investigated, they will notify their supervisor and coordinate with the Office of Professional Standards or Internal Affairs personnel.

814.9.3 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, the Office of Professional Standards will ensure that all sworn members of this department will be provided at least annual training on vehicle pursuits.

814.9.4 ANNUAL REVIEW

During the first calendar quarter of each year, the Professional Standards Manager will ensure that an annual review of all vehicle pursuit incidents for the previous calendar year is conducted. The analysis will focus on the effectiveness and trends in the use of vehicle

pursuits that might suggest training or equipment needs, or policy modification. Specific detail including items such as officer names, case numbers, and location of occurrence are not needed for this purpose and therefore will not be part of this process.

Chris Skinner
Chief of Police