

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 7.10
		Issue Date: March 21, 2005
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CHAPTER: Patrol		Related Policy: G.O. 1.12 (Use of Force), G.O. 5.11 (Use of Sheriff's Office Vehicles), G.O. 5.12 (Sheriff's Office Vehicle Accident Investigations), G.O. 7.16 (Guidelines for Avoiding Liability), G.O. 9.02 (DWS/DUII Enforcement), G.O. 9.08 (Vehicle Tow/ Impound)
SUBJECT: Vehicle Pursuit and Code III Operations		Related Laws: ORS 820.300, ORS 820.320

POLICY: The Patrol Section is charged with the responsibility of the protection of life and property, the prevention of crime, and the promotion of public peace and dignity.

RULE (s): No employee shall use any Sheriff's Office vehicle for an unauthorized purpose. Vehicles shall be operated in accordance with State and local laws, Sheriff's Office policy, rules, procedure, and other directives, and shall always be operated in a safe and prudent manner, as dictated by the circumstances.

1. Incidents involving an authorized use of force such as a PIT, Road Spikes, Ramming or Roadblock are not classified as crashes. They will be documented on a Use of Force After-Action Report and the 3rd party damage report from the county. These authorized uses of force do not require reporting to the DMV per ORS 811.720.

PROCEDURE:

I. General

- A. It is the duty and responsibility of all Deputies to pursue and capture law violators and to protect the safety of all citizens. It is incumbent upon the Deputy to recognize the potential hazard to the safety of the Deputy involved and to the public. In so doing, it shall be the Sheriff's Office intention to reduce the risk of injury to Deputies and citizens and to reduce the number of police vehicle accidents occurring during response and pursuit situations.

II. Provisions of ORS 820.300

- A. The drivers of an emergency vehicle, when responding to an emergency call or when in pursuit of a violation of the law, may:

1. Park or stand in prohibited area.
 2. Exceed the designated speed limits, so long as he/she does not endanger persons or property.
 3. Disregard direction or turning regulations.
 4. Proceed past a red signal or stop sign, but only after slowing down as may be necessary for safe operation.
- B. The privileges in numbers 1, 2, and 3, apply only when the driver is using emergency lights. The privilege in number 4 applies only when the driver is using emergency lights and siren. However, neither lights nor siren are required when it reasonably appears to the driver that their use would hamper the apprehension or detection of a violator of a statute, ordinance, or regulation. The provision of this section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all other persons, nor are they a defense for the driver in an action brought forward for criminal negligence or reckless conduct.

III. General Guidelines

Definitions

Pursuit Manager: Sergeant who takes responsibility for managing the pursuit

Active pursuit: Units in code III operation pursuit directly behind a fleeing suspect vehicle

- A. When involved in a pursuit, Deputies must consider the risks. A Deputy shall not needlessly endanger other persons. Some factors that should be considered when deciding to initiate, continue, or terminate a pursuit are:
1. Time of Day - Pursuits occurring during a time when there is a high level of business, school, or other activity are deemed more hazardous than those occurring during the periods of low activity.
 2. Volume of Vehicle Traffic - Pursuits occurring during periods of heavy traffic are deemed more hazardous than those occurring at other times.
 3. 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.
 4. Weather Conditions – Inclement weather that reduces visibility increases hazards associated with vehicle pursuits.
 5. Road conditions – The condition and type of road may increase certain hazards of pursuing a vehicle.

6. Speeds involved – The risk factors of a pursuit rise with the increase of speed in relation to the designated speed limits for the location.
 7. Nature of Charges - Pursuit of a person suspected of serious crimes is viewed more justifiable than those of persons suspected of misdemeanors or traffic offenses.
 8. Condition of police vehicle – The type of patrol vehicle and the condition of the patrol vehicle should be considered.
- B. Any Police Unit that contains prisoners, suspects, complainants, witnesses, or other passengers who are not members of Law Enforcement or Corrections agencies should not initiate or join a pursuit under most circumstances.
- C. Should a member of the Sheriff's Office become involved in a pursuit situation with a civilian as a rider, every attempt should be made to secure the rider at a safe location before engaging in or continuing the pursuit. If the rider is secured in such manner, the Deputy will notify Communications of the exact location of the rider and arrangements will be made to have another field unit dispatched to retrieve the rider.
- D. When a motor vehicle pursuit is initiated, the Deputy involved will report to the Dispatcher the following information:
1. Unit identifier and that they are in pursuit.
 2. The location, direction, and speed of travel.
 3. Description of the vehicle and occupants.
 4. Reason for the pursuit.
 5. Changes of location and direction of travel during the pursuit.
 6. Location at the time the pursuit is terminated.
- E. Deputies shall terminate the pursuit when the perceived risk to themselves and/or to the public outweighs the need of immediate apprehension.
- F. It is imperative that any Deputy in code III operation state their code III status and intention on the radio so the pursuit manager can better manage the pursuit. Deputies shall use discretion on when to air this information so that radio traffic isn't tied up during key portions of a pursuit like when it first begins or when it is obvious that the pursuing Deputies need priority radio time due to a change in the situation. However, during a typical pursuit there is time for other Deputies to air their code III status and intentions.

G. Supervisor responsibilities

When a pursuit is initiated, a shift supervisor shall announce on the radio their designator followed by “I am managing the pursuit”. This will confirm who is supervising the pursuit incident when other supervisors are on duty and clarifies that the supervisor is aware of the pursuit. If a supervisor does not immediately make the pursuit management announcement, Dispatch will begin attempting to reach the supervisor by radio and/or phone to notify the supervisor of the pursuit. The “pursuit manager” will assert control over the pursuit by directing or re-directing units in accordance with the supervisor’s tactical plan of managing or terminating the pursuit.

The pursuit manager should be continuously seeking information that will assist in effectively evaluating the need to continue or terminate a pursuit. There are numerous factors that may help make a more informed decision, including the following: severity of the crime, passengers in suspect vehicle, suspect’s ID known, traffic conditions, suspect’s driving behavior, road conditions, and proximity to populated areas.

Determining appropriate supervisor to manage the pursuit: If the pursuing Deputy is a Main Office unit, the pursuit manager will be the [REDACTED]. If the pursuit is initiated by a contract Deputy working a contract assignment and their supervisor is on duty, that supervisor will manage the pursuit. It is important that a supervisor takes control as soon as practical and announces that they are managing the pursuit.

A Sergeant will manage the pursuit regardless of Command Staff being in service on the radio or involved in the pursuit. Command staff may override a shift supervisor’s decision or direct an action, but the Sergeant (pursuit manager) should continue managing the pursuit.

H. The pursuit manager shall order the termination of a pursuit when the level of danger created by the pursuit outweighs the necessity of immediate apprehension.

I. In the event a command staff member overrides the pursuit manager’s decision to terminate a pursuit, the command staff member will become the pursuit manager.

IV. Pursuit Procedures

A. Deputies operating vehicles not equipped with emergency lights that are visible for 360 degrees may engage in pursuit only when the fleeing vehicle represents an immediate and direct public safety threat. When a properly equipped vehicle becomes available to take over the pursuit, the initial Deputy will withdraw from the pursuit.

B. The appropriate patrol vehicles should be used for active pursuit depending on the nature of the incident. For example, in a high-speed pursuit, non-pursuit rated

vehicles should allow pursuit rated vehicles to take over when available. However, in a low-speed pursuit on rough gravel roads, a patrol vehicle with higher ground clearance may be more appropriate to lead the active pursuit.

- C. Unless otherwise directed by the pursuit manager, no more than three police vehicles will be in active pursuit. Other field units should pay attention to the pursuit progress and location. Absent a specific request from the pursuit manager, other field units should not be engaged in code III operation.
- D. When a pursuit is initiated by another Law Enforcement agency and the pursuit enters the County, the initiating unit and their jurisdiction will be responsible for the progress of the pursuit. Sheriff's Office field personnel may become involved in the pursuit only upon order of a LCSO supervisor. An LCSO field supervisor will ensure that only the necessary number of LCSO units become engaged in active pursuit. For example, a lone pursuing officer from another agency would be supported by two LCSO units engaging in active pursuit unless the field supervisor determined additional resources were needed. The authorizing LCSO supervisor will take on the pursuit manager role of LCSO resources assisting in the pursuit. The pursuit manager will terminate LCSO involvement if conditions are not appropriate for LCSO's participation.
- E. In the event an outside agency requests LCSO units to perform a PIT (Pursuit Immobilization Technique) the LCSO pursuit manager will evaluate the PIT request as if it were an LCSO pursuit. If PIT is deemed appropriate and approved, the pursuit manager may direct additional LCSO units into active pursuit with the plan of using LCSO units to make the PIT and immobilize the suspect vehicle per LCSO protocol.
- F. As a general policy, LCSO will not take over other agency pursuits; however, may provide assistance. Occasions in which a shift supervisor may approve a request to take over a pursuit, pursuant to LCSO policy are as follows:
 - 1. Initiating agency not in a vehicle appropriate for pursuit
 - 2. Initiating agency unfamiliar with the area
 - 3. Initiating agency's vehicle becomes disabled
 - 4. Initiating agency is pursuing a suspect in an LCSO case
- G. When a Sheriff's Office unit is involved in a pursuit that enters an adjoining jurisdiction, the Lane County unit will maintain as the primary in pursuit, and request assistance from that jurisdiction for support.
- H. Deputies will not pursue suspects driving the wrong way on interstate or other controlled access highways. Deputies may drive on the wrong side of any other divided roadway only when absolutely necessary using extreme caution. In situations where interstate or other controlled access highways have been cleared of oncoming traffic and secured, deputies may pursue suspects the wrong way with

supervisor approval.

- I. When a Sheriff's Office unit is in pursuit of a vehicle that enters Interstate 5, Oregon State Police will be notified immediately.
 - J. When in pursuit of a fleeing suspect vehicle, Deputies should not attempt to overtake or pass the suspect. This action places the Deputy in a highly vulnerable position.
 - K. Pursuit shall be terminated under any of the following conditions:
 - 1. When the Deputy believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension.
 - 2. When ordered by the pursuit manager.
 - 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.
 - L. This procedure is based upon recognition of the basic need for pursuit under certain circumstances. Reliance is placed upon the individual Deputy and field supervisors in the application of their experience, common sense, and training. All Deputies will be held accountable for continuing a pursuit when circumstances indicate it should be terminated. Deputies will be neither criticized nor disciplined when their decision is to terminate rather than continue a pursuit, when done pursuant to these procedures.
 - M. Deputies involved in pursuit driving situations will complete the Pursuit Report Form prior to the conclusion of the employee's shift, unless otherwise authorized by the employee's supervisor. The inspecting supervisor will review the form for completeness and forward it through the chain of command to the Chief Deputy.
- V. Tactical Vehicle Intervention Techniques
- A. When approved by the pursuit manager, Deputies may utilize Tactical Vehicle Intervention (TVI) techniques to intervene with the intent of de-escalating the situation in the interest of public safety. Deputies may utilize one or more TVI techniques depending on the situation and circumstances of the pursuit.
 - B. A Use of Force Report shall be completed any time a TVI technique is used.
 - C. Spike Strips
 - 1. Deputies may use spike strips to puncture and deflate fleeing vehicle tires. The spike strips can be placed in the path of the fleeing vehicle to slow and eventually stop the vehicle.

2. Before the use of spike strips there should be approval from the on-duty supervisor. In all circumstances you should consider the following conditions:
 - a. Whether the fleeing vehicle continues to present an immediate threat of serious bodily injury or death.
 - b. Other means to stop the fleeing vehicle are unavailable or not practicable for the circumstances.
 - c. The size, weight, and configuration of the fleeing vehicle.
 - d. The traffic volume, time of day, weather, and road conditions.
 - e. Use of spike strips under the following circumstances may increase the probability of serious physical injury or death:
 - 1) The fleeing vehicle is a motorcycle, moped, bicycle, a passenger van or bus, or a vehicle transporting hazardous materials.
 - 2) The placement of the spike strips around a curve, along roads with severe shoulders, blind turns, or on bridges.
 - f. When referring to the deployment of the spike strips, [REDACTED]
[REDACTED]
 - 1) Example:
[REDACTED]
 - 2) This will inform the pursuing units of the pending deployment of the spike strips and allow the units time to back off or otherwise respond accordingly.
 - g. In all cases where the spike strips have been utilized, the Deputy will complete a Use of Force Memo as required by G.O. 1.12.

D. Pursuit Intervention Technique (PIT)

In all circumstances, officers should consider the following factors before initiating a PIT:

1. Whether the fleeing vehicle continues to present an immediate and continuing threat of serious bodily injury or death to the public.
2. If other means to stop the suspect vehicle are unavailable or not practical under the specific set of circumstances at the time.
3. The size, weight, and configuration of the fleeing vehicle.

4. The traffic volume, time of day, weather conditions, and condition of the roadway.
5. Space along the roadway sufficient to safely complete the PIT maneuver.
6. Only deputies trained in the technique may employ it, with supervisor approval, unless exigent circumstance exist.
7. PIT will not be used on two-wheeled vehicles, passenger-occupied buses and vehicles transporting hazardous material or any vehicle that would pose an unusual hazard to innocent parties.
8. A preemptive PIT may be used in a pre-planned event to prevent a pursuit when there is probable cause to arrest the driver or an occupant of a vehicle and when there is an objective reasonable belief that the vehicle may attempt to elude, or the suspect has a history of elude. The use of a preemptive PIT should be attempted with additional staff to provide cover and assist in taking the suspect into custody.
9. Conducting a PIT on a vehicle traveling more than 45 miles per hours MAY increase the probability of serious physical injury or death.
10. Deputies should take into account the location, speed, traffic and the environment prior to employing the PIT technique.

E. Ramming

1. The deliberate use of a patrol vehicle to cause a forceful contact with another vehicle in order to bring that vehicle to a stop.
2. Ramming is authorized when all other practical methods of intervention have been attempted and failed and direction by a supervisor to employ the technique has been given or the use of deadly force is justified.

F. Roadblocks

1. The use of roadblocks is not encouraged. However, a field supervisor may authorize the use of a roadblock when there is reasonable knowledge that the fleeing suspect is wanted for a Felony and constitutes an immediate and continuous serious hazard and all other efforts to affect apprehension have failed.
2. The seriousness of the original and/or subsequent crimes that caused the pursuit to be initiated must be sufficient to justify the application of deadly force. A roadblock may be inherently dangerous to suspects, their potential hostages, police personnel, and the general public; therefore, there must be a determination that potentially deadly force is permissible.

3. If a roadblock becomes an alternative to be evaluated, the following criteria should be met:
 - a. There must be reasonable cause to believe that the involved vehicle and its passengers are suspected of committing a serious, life-threatening Felony and/or there is a continuing threat to the safety of others.
 - b. A less dangerous means of stopping the vehicle has failed or was inappropriate.
 - c. The patrol supervisor approves of the request to utilize a roadblock.
 - d. A location that minimizes danger to possible hostages, police personnel, and the general public is identified and is expected to be on the route of travel of the suspect vehicle.

4. Roadblock locations should be evaluated to take into consideration:
 - a. Traffic volume.
 - b. Time of day.
 - c. Pedestrian exposure.
 - d. Weather and road conditions.
 - e. Proximity of sufficient police personnel and resources to safely conduct the roadblock.

G. Discharging of Firearms from a Moving Vehicle

1. Deputies are discouraged from discharging firearms from a moving vehicle. If the decision is made to discharge a firearm from a moving vehicle to protect the lives of Sheriff's Office personnel or a citizen, the following should be taken into consideration whenever circumstances allow.
 - a. The safety of the community and innocent bystanders is of utmost importance.
 - b. Firearms should not be discharged from a moving vehicle in the direction of residences or in areas of high civilian concentrations, such as residential neighborhoods.
 - c. Deputies must realize that the accuracy potential of police weaponry is greatly reduced when firing from a moving vehicle. The decision to discharge a weapon from a moving police vehicle should be undertaken only when there is an imminent danger to the lives of Sheriff's Office personnel and/or citizens, and when the risk factors have been carefully weighed.

VI. Code III Operations

- A. There are certain situations in which a Sheriff's Office personnel may respond Code III (Refer to II Provisions of ORS 820.300) in order to expedite police response and minimize danger to victims of the incident. The following are examples of Code III calls:

1. Officer Needs Help - When an Officer is engaged in a physical struggle, or the situation is one in which the Officer's life or safety is in immediate danger.
 2. Shots Fired - When additional information indicates a possibly dangerous situation (e.g., people screaming).
 3. Person Screaming for Help - When information indicates there is a strong likelihood of danger to a person.
- B. Use of the Term Code III.
1. The term Code III will be used when any member of this Sheriff's Office exercises the authority outlined by ORS 820.300 and Sheriff's Office policy, rules, and procedures relating to emergency vehicle response. Any other terms, such as Code II, are not authorized.
- C. Field supervisors may alter the Code III response of a unit and may instruct a unit to respond Code III in other situations, if deemed appropriate. Factors that should be considered in making this decision are:
1. Will a Code III response significantly expedite the unit's response time?
 2. Is a Code III response necessary to alleviate a hazard to victims at the scene of the incident?
 3. What is the likelihood a Code III response will precipitate a hostage situation or other hazardous acts by the suspect (e.g., robbery in progress)?
- D. In every instance requiring Code III operation, the Deputy shall notify Dispatch of the intent, or actual use of such operation.
- E. It shall be the responsibility of the field supervisor to monitor Code III operations whenever possible, and to discontinue any inappropriate or unnecessary operation.
- F. This procedure shall not apply to the momentary use of lights and siren to simply get the attention of an inattentive driver while attempting to initiate a traffic stop.
- G. The Deputy utilizing Code III operation must remember that he/she is not relieved of the responsibility to drive with due regard for the safety of all other persons, and that failure to do so may result in criminal negligence or reckless conduct (ORS 820.300).
- H. Deputies operating police vehicles under Code III conditions must use caution when approaching controlled intersections. When approaching a stop sign, yield sign, or red traffic signal, it may be advisable to come to a complete stop before proceeding.