



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy # Vehicle Pursuit & Emergency Vehicle Operation	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by the Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statute: 47 O.S. 12-218: 47 O.S. 11-106 □	
CALEA Standard: 41.2.2, 41.2.3, 41.3.1, 61.3.4	
Date Implemented:	Review Date:

I. Purpose: The purpose of this policy is to provide guidelines and directions, for the establishment of responsibility for the safe operation of law enforcement vehicles during a pursuit; for the initiation or discontinuation of pursuits; for the responsibility of participating deputies and supervisor; and to provide the essential balancing of the necessity for the pursuit and more immediate apprehension of the fleeing subject against the risks involved with the pursuit which might include death, injury and/or property damage.

In fulfilling agency objectives, deputies will occasionally encounter dangerous subjects who will attempt to avoid capture by fleeing in motor vehicles. In these cases, deputies should attempt to anticipate flight and utilize tactics to prevent a pursuit. If tactics to prevent a vehicle pursuit fail, tactics should be utilized to minimize the duration of the pursuit, and if possible, to influence the subject vehicle's direction in ways that reduce the risk of harm to others. Once initiated, pursuits shall be monitored and assessed according to state statutes and this policy to ensure that the need to pursue outweighs the risk and dangers of the pursuit itself.

II. Policy: The Pawnee County Sheriff's Office recognizes its responsibility to apprehend criminals and lawbreakers, but it also recognizes that higher responsibility to protect and foster the safety of all persons in the operation of agency vehicles under pursuit conditions. Deputies in operating under pursuit conditions shall be constantly aware that no assignment is too important, and no task is to be expedited with such emphasis that any of the basic principles of safety are jeopardized. Therefore, deputies shall only engage in pursuits when the totality of the circumstances outweighs the risk to the deputy and the public. Finally, deputies shall be held accountable for the consequences of

reckless disregard for the safety of others and violations of this procedure. In initiating any pursuit, the deputy shall carefully consider the facts, the driving environment, the seriousness of the offense, the need for apprehension, all the possible consequences and the safety of all persons.

III. Definitions:

- A.** Discontinue the pursuit: the law enforcement deputy ends his or her involvement in the pursuit by slowing down to the posted speed limit and turning off his or her emergency light and siren.
- B.** Aerial support: the use of aerial surveillance to monitor a pursuit or take over the pursuit allowing vehicles to back off to a supportive role.
- C.** Authorization to continue pursuit: verbal approval, transmitted over the assigned radio channel, by the supervisor and acknowledgment by the dispatcher and the deputy driving the primary unit.
- D.** Authorized Law Enforcement Vehicle: a motor vehicle belonging to a federal, state or local law enforcement agency with a functioning audible signal and a functioning flashing or revolving light.
- E.** Boxing-in: surrounding a violator's vehicle with emergency vehicles that are then slowed to a stop, forcing the violator's vehicle to do likewise.
- F.** Canalization: a technique where objects or vehicles are positioned in a manner intended to direct or redirect a fleeing vehicle into a clearly identifiable and unobstructed path.
- G.** Caravan: operating emergency vehicles in a line or alongside each other in a pursuit.
- H.** City vehicle: any motor vehicle that is owned, leased, or borrowed by the city.
- I.** Emergency Response for emergency call: a request for service that presents an actual and immediate danger of death or serious bodily injury. (Should be adapted for local terminology.)
- J.** Deadly force: force when employed may bring about serious bodily injury or death.
- K.** Emergency operation: driving an emergency vehicle according to state law and this procedure in response to the highest-level emergency response (agency coding as applicable) call or in pursuit of a fleeing vehicle.
- L.** Inter-Jurisdictional Pursuit: Any vehicle that crosses into a neighboring jurisdiction, such as across municipal, county or state line.
- M.** Marked agency vehicle: an agency vehicle displaying the emblem and marking of the Pawnee County Sheriff's Office with overhead lights and audible warning devices.
- N.** Paralleling: operating an emergency vehicle on streets or a route parallel to the pursuit route.
- O.** Agency vehicle: a city or county vehicle assigned to the law enforcement agency.
- P.** Primary unit: The authorized law enforcement vehicle that initiates a pursuit or any other unit, which assumes control of the pursuit.

- Q.** Secondary unit(s): Any authorized law enforcement vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- R.** PIT (Precision Immobilization Technique) maneuver: a controlled deliberate contact with the rear of a fleeing vehicle by a marked agency vehicle with the intention of spinning the vehicle in a predetermined direction to bring it to a stop.
- S.** Ramming: deliberate contact with a violator's vehicle by a marked agency vehicle to force the violator's vehicle off the roadway.
- T.** Roadblock: a barricade or other physical obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.
- U.** Secondary vehicle: the marked agency vehicle that follows the primary vehicle in a pursuit acting as a back-up for the primary vehicle.
- V.** Stop Stick/Spike Strip: a rigid column or a strip of belting containing specially designed hollow spikes which when deployed across a lane of roadway, penetrates tires, slowing the pursued vehicle usually to a complete stop.
- W.** Supervisor: the supervisor assigned or assuming control of a pursuit situation.
- X.** Terminate the Pursuit: The decision to discontinue the pursuit.
- Y.** Unmarked agency vehicle: an agency vehicle not displaying the emblem or marking of the Pawnee County Sheriff's Office and not having emergency warning devices to include emergency lighting and siren.
- Z.** Vehicle Pursuit: an active attempt by a law enforcement deputy operating an authorized law enforcement vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.
- AA.** Violent felony: a serious felony that involves an actual or threatened attack that the deputy has reasonable suspicion to believe could result or has resulted in death or serious bodily injury (e.g. aggravated assault, armed robbery, and murder, etc.)
- BB.** Mobile Video Recording: (MVR): a recording device that records video and/or audio of a law enforcement event from a fixed camera mounted in an agency vehicle.

IV. Emergency Vehicle Operation:

- A.** **Unmarked** police units used for routine traffic enforcement must comply with the lighting guidelines set forth in 47 O.S. 12-218:
 - a.** Three flashing red, blue, or a combination of red and blue to the front of the vehicle;
 - b.** Two flashing white lights to the front of the vehicle;
 - c.** Flashing red, blue, white, or any combination of red, blue, or white placed at the four corners of the vehicle so that they are visible for 360 degrees; and
 - d.** One flashing red, blue, amber, or any combination of red, blue, or amber lights to the rear of the vehicle.
- B.** §47-11-106. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privilege set forth in this section, but subject to the conditions herein stated. The driver of an authorized emergency vehicle may:

- a. Park, or stand, irrespective of the provisions of the vehicle code;
- b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- c. Exceed the maximum speed limits so long as speeding does not endanger life or property;
- d. Disregard regulations governing direction of movement; and
- e. Disregard regulations governing turning in specified directions.

C. Pursuit Restrictions:

- a. Only two emergency vehicles, -- a primary vehicle and a secondary vehicle, shall engage in a pursuit, unless additional emergency vehicles are authorized specifically by the managing supervisor.
- b. Deputies shall not continue a pursuit or assist in a pursuit unless immediate authorization for the pursuit is received from the managing supervisor – if one is on duty.
- c. Deputies shall not set up roadblocks or deploy tire deflation devices without the approval of the supervisor.
- d. Deputies shall not engage in ramming, caravanning, or driving immediately alongside a fleeing vehicle.
- e. Boxing-In: Deputies shall not box a vehicle in without supervisory authorization.
 - i. Low-Speed Box-In: is a seizure and therefore may only be utilized in accordance with the Pawnee County Sheriff's Office's response to active resistance policy.
 - ii. High-Speed Box-In: is a seizure by means of force which may cause serious bodily harm or death and thus constitutes a use of deadly force. Before a supervisor may authorize the use of a "high-speed Box-In" deadly force must be justified.
- f. Pursuits shall not be undertaken where the deputy is operating a two-or three-wheeled agency motorcycle.
- g. If a pursuit is discontinued by the primary vehicle, (unless for mechanical reasons), or the supervisor, then all deputies shall discontinue the pursuit.
- h. Only emergency vehicles or marked agency vehicles with emergency warning devices shall initiate a pursuit.
- i. Deputies engaged in a pursuit shall not drive emergency vehicles the wrong way (against the regular flow of traffic) on a divided highway, interstate, or expressway or any other street or highway designated for one-way traffic, despite allowances in the state vehicular code.
- j. When a fleeing vehicle goes the wrong way against traffic, the primary deputy shall:
 - i. parallel the vehicle in the correct lane of traffic
 - ii. notify dispatch of a wrong way driver

- iii. request assistance from outside agencies to shut down vehicular traffic on the highway coming in the fleeing subject's direction
 - iv. have communications notify agency of transportation to activate reader boards to advise motorists of a wrong way driver
 - k. Deputies shall not engage in a pursuit when they are transporting prisoners, witnesses, suspects, complainants or any person who is not a member of the Pawnee County Sheriff's Office.
- D. Environmental Considerations:** Deputies shall carefully consider the facts and weigh the seriousness of the offense against the possible consequences of jeopardizing the safety of others by a continuous evaluation of the following at the time of the initiation and continuation of the pursuit:
- a. Time of day and day of the week
 - b. Lighting conditions
 - c. Vehicular and pedestrian traffic
 - d. Type of roadway
 - e. Condition of the roadway (e.g. dry, wet, paved, gravel, icy)
 - f. Weather conditions (e.g. clear, overcast, rain, fog)
 - g. Condition of the emergency vehicle and the condition and type of the fleeing vehicle
 - h. Driving ability of the deputy
 - i. Speeds of the emergency vehicle and the fleeing vehicle
- E. Initiating the Pursuit:** Deputies shall only initiate a pursuit:
- a. When there is reasonable suspicion that the driver or passenger of that vehicle has committed a violent felony, or
 - b. When there is evidence of outrageous, reckless driving generally or possibly in association with driving under the influence and these observations precede the deputy's intervention through any pursuit mode. An example would be cases where law enforcement has received numerous calls from citizens concerning the motorists reckless driving.
- F. Responsibilities of the Primary Vehicle Driver:**
- a. Upon receiving approval from the supervisor at the earliest possible moment, activate the vehicle's emergency warning devices from the point of initiation to that of completion.
 - b. Immediately notify communications of:
 - i. His or her unit number
 - ii. the location
 - iii. direction of travel
 - iv. speed
 - v. reasons for the pursuit

- vi. the description of the vehicle being pursued
- vii. the number of occupants
- viii. the presence of other law enforcement agencies
- ix. location at the time the pursuit is discontinued
- c. Provide updated information regarding direction of travel, speed, and other pertinent details;
- d. Allow the secondary vehicle driver to assume all communications;
- e. Abandon the pursuit if any mechanical problems develop in the primary vehicle;
- f. Discontinue the pursuit if the hazardous circumstances or environmental factors present an unreasonable risk to public safety.

G. Responsibilities of the Secondary Vehicle Driver:

- a. The first deputy arriving to assist the primary vehicle driver shall notify communications and becomes the secondary vehicle driver;
- b. This deputy shall receive immediate authorization from the supervisor to assist in the pursuit to the extent that a supervisor is available and monitoring the pursuit.
- c. This deputy shall activate all warning devices from the point of entry into the pursuit until it is ended while following the primary vehicle at a safe distance and shall assume the radio communications for the primary vehicle driver;
- d. If the primary vehicle driver abandons the pursuit due to mechanical failure or other reasons, the secondary driver shall become the primary vehicle driver.

H. Responsibilities of the Supervisor:

- a. Assert control over the pursuit.
- b. Control the number of authorized vehicles in the pursuit.
- c. Immediately authorize continuation of the pursuit or orders discontinuation depending on the hazardous circumstances and environmental factors present as communicated by the primary vehicle driver.
- d. Order units to clear intersections in the likely path of the pursuit where appropriate.
- e. Ensure that not more than two (2) emergency vehicles engage in the pursuit unless additional emergency or marked agency vehicles are required based on the following circumstances:
 - i. the severity of the offense;
 - ii. the number of occupants in the suspect vehicle;
 - iii. the likelihood of the suspects being armed.
- f. Direct and approve necessary tactics in the pursuit; including authorizing termination of the pursuit through approved use of force tactics.
- g. Continuously evaluate the pursuit;
- h. Assign additional deputies to traffic control, accident investigation, foot pursuit, and/or perimeter security;

- i. Order the discontinuation of the pursuit at any time hazardous circumstances or environmental factors present an unreasonable risk to public safety;
- j. Respond in all situations to the scene of any arrest resulting from the pursuit to control the scene.

I. Responsibilities of the Communications Center:

- a. Assure that the supervisor of the pursuit is clearly identified and that the approval to initiate or continue the pursuit is broadcast;
- b. Assure that pursuing deputies (primary and secondary vehicle drivers) request supervisory approval and that all critical information is received from the deputies involved and relayed to other units;
- c. Keep the supervisor apprised of all relevant traffic problems and other actions that might impact upon the conduct of the pursuit.
- d. Record all information received from the pursuing deputy
- e. Clear the radio channel
- f. Conduct an inquiry of the license plate through NCIC
- g. Notify adjacent jurisdictions of the pursuit and the potential that it may enter their jurisdiction.
- h. Continue monitoring the pursuit.

J. Uses of force/Termination of Pursuit:

- a. Remember that roadblocks, the PIT maneuver, and Stop-sticks or spike strips as well as the firearm, constitute seizures, i.e. a stopping of movement by a means intentionally applied. Roadblocks, the PIT maneuver, and tire deflation devices could under certain circumstances constitute the use of deadly force. As with any use of force tactic, prior to the deployment of such a tactic, deputies must be trained with respect to the tactic. This training shall incorporate decision-making training that includes when to use this force option as well as how to use this force option. In using these tactics deputies should consider:
 - i. How serious is the offense that the deputy suspects at the time they use the tactic?
 - ii. Is there a physical threat to the deputy or any other person and how significant is that threat?
 - iii. Is the suspect actively resisting or attempting to evade arrest by flight?
 - iv. Deputies shall also take into consideration, the potential result of the particular tactic, based upon the circumstances presented.
 - v. Deputies should recognize that the use of a tactic that is likely to result in a serious crash constitutes deadly force and shall not be used unless deadly force is justified.
 - vi. Deputies shall not use tire deflation devices on motorcycles or ATVs unless deadly force would be justified.
- b. Use of firearms:

- i. the use of firearms to affect the apprehension of a fleeing suspect is a use of deadly force.
- ii. Deputies shall not shoot at or from a moving vehicle unless:
 - (a) The deputy has a reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious physical injury to the deputy or another person, or
 - (b) The deputy has a reasonable belief that an occupant is using the vehicle in a manner that poses an imminent threat of death or serious physical injury to the deputy or another person, and there is no avenue of escape.
- c. Roadblocks: Only in the case of suspected fleeing violent felons whose escape poses a danger to life, may an deputy set up a stationary or rolling roadblock, a decision that shall be approved by the on-duty supervisor. This decision to establish a roadblock shall consider:
 - i. the safety of the deputies
 - ii. the risk of physical injury to the occupants of the pursued vehicle
 - iii. the protection of citizens and their property
 - iv. that stationary roadblocks must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The deputy in charge of the roadblock shall notify communications of the exact location.
- d. PIT maneuver: Only deputies trained in this particular maneuver will attempt to employ this procedure and shall not use this maneuver in speeds over 40 mph. unless deadly force would be justified.
- e. Stop Sticks/spike strips:
 - i. Deputies shall not attempt the use of stop sticks/spike strips unless the deploying deputy can do so in a manner which provides a zone of safety such that the deputy will not be in danger of being struck by a motor vehicle.
 - ii. Only deputies trained in the use of Stop Sticks/spike strips shall deploy them. Deputies are responsible for making sure that their use is contained in the pursuit report. The deploying deputy shall advise pursuing units and all other units that they should distance themselves from the pursued vehicle and be prepared to slow down before entering the deployment site. Other traffic shall be diverted from the site if at all possible.
 - iii. Stop Sticks/spike strips may only be used on pursuits entering this jurisdiction where an outside pursuing agency is actively engaged in the pursuit of a violent felony subject. The on-duty supervisor shall evaluate the request and may authorize the deputies to deploy Stop Sticks/spike strips.
- K. In all cases, deputies shall employ felony/high risk traffic stop techniques at the end of pursuits.
- L. **Reasons for Discontinuation of Pursuit:** Any deputy involved in a pursuit shall terminate the pursuit, and immediately notify communications of his point of discontinuation under any of the following conditions:
 - a. When ordered by a supervisor, or any other higher-ranking member of the Pawnee County Sheriff's Office;

- b. When the deputy believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension;
- c. When the risk conditions have increased and the subject's identity has been established to the point where later apprehension can be accomplished and there is no longer any need for immediate apprehension;
- d. When the location of the pursued vehicle is no longer known;
- e. When motorists/pedestrians are involved in an accident as a result of the pursuit, immediate assistance shall be given. If there is only the marked primary agency vehicle, then this vehicle must stop to provide assistance.
- f. Discontinuation of a pursuit requires the deputy(s) to abandon all active attempts to stop and/or follow the suspected vehicles and deputy(s) shall turn off all emergency equipment.

M. Inter-jurisdictional Pursuits:

- a. Pursuits from this jurisdiction into another jurisdiction: Notify, through communications, the other jurisdiction as soon as possible of the reasons for the pursuit, the vehicle description and if assistance is requested.
- b. Pursuits from another jurisdiction into this jurisdiction:
 - i. The communications staff should determine the number of agency vehicles from the other jurisdiction that are involved in the pursuit, find out the circumstances of the pursuit to include the offense, vehicle description and if assistance is requested.
 - ii. Supervisors will only approve assistance from this jurisdiction if the offense is in keeping with our justification for a pursuit, i.e. violent felony or reckless driving and the number is limited to only one vehicle from the outside jurisdiction. If the pursuit does not conform to this policy, deputies shall not engage in the pursuit but may attempt to control intersections to promote the safety of innocent persons in the vicinity.
 - iii. A supervisor from this jurisdiction will proceed to the point of completion of the pursuit as quickly as possible.
 - iv. The initiating agency will remain in control of any pursuit that crosses into this jurisdiction and will remain responsible for the pursuit.
 - v. Generally, deputies will not continue with a pursuit that has passed through this jurisdiction, once the pursuit has left this jurisdiction.

N. Report and Review Process: The on-duty supervisor conducts an immediate investigation of the circumstances of the pursuit and shall submit a written report regardless of whether the pursuit was discontinued or terminated, or the subject was apprehended. The Pawnee County Sheriff's Office Pursuit Report Form (or State designated pursuit) shall be completed after any pursuit. In addition to providing the required information on the form, the supervisor will indicate in the narrative section the following:

- a. The reason or probable cause for engaging in the pursuit;
- b. An account of all violations committed during the course of the pursuit;
- c. A summary of tactics employed to apprehend the subject;

- d. The exact point of the discontinuation, apprehension, or termination of any pursuit.
- e. If the subject is apprehended, there should be an account of the deputy's involvement in that arrest.
- f. The supervisor's report additionally will include the following:
 - i. Deputies assigned to the pursuit and the assignment of all those involved in the pursuit in various roles;
 - ii. A summary of any accidents or other incidents arising from or related to the pursuit;
 - iii. A complete evaluation on the adherence of the pursuit's conduct to the Pawnee County Sheriff's Office's pursuit policy;
 - iv. If the supervisor discontinued the pursuit, the time and location that the pursuit was ordered terminated.
 - v. Furthermore, the supervisor will:
 - (a) Collect copies of reports and vehicle video from all deputies involved in the pursuit;
 - (b) Order and include a copy of the communications/dispatch tapes;
 - (c) Review each report to ensure that all required information is present;
 - (d) Conduct an analysis of the pursuit and complete the appropriate section of the Pursuit Report;
 - (e) Attach copies of the deputies' reports, including his report and forward the packet to patrol commander
- g. The patrol commander or designee of the Sheriff will either submit the report to any Accident Review Board or determine compliance with all statutes and policies and make a recommendation for further action (various forms of discipline, suspension, letter, verbal reprimand, and/or retraining.
- O. Mobile Video Recordings: Deputies may record pursuits utilizing mobile video recordings. These recordings are for law enforcement purposes only and must be held and disseminated in accordance with Oklahoma governmental records requirements.
- V. **Training:** Deputies shall not be authorized to utilize any equipment or tactic during a pursuit unless the deputy has received proper training and/or certification with respect to that equipment or tactic.
- VI. The Pawnee County Sheriff's Office shall prepare an annual report evaluating the pursuit history and frequency during that year. This report shall assess the adequacy of the written policy, training and field implementation of the Pawnee County Sheriff's Office's pursuit policy.