



Longview Police Dept. Policies, Procedures and Guidelines

Policy Name: VEHICLE USAGE		Effective Date:
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9.0 INTRODUCTION

It is the policy of the Longview Police Department that vehicles operated by members of the department, for whatever purpose, shall be operated at all times in a manner which does not unnecessarily endanger the safety of the public or police personnel. The safety of the public and police personnel is paramount concerns and responsibilities of the department, other considerations, even the apprehension of violators of the law, shall remain secondary to public safety.

Police personnel are not only expected to set an example of obedience to the law, but they are expected to exemplify good judgment in all they do. Their every action is subject to the closest public scrutiny, invariably being weighed against a scale of perfection. The manner in which we operate police vehicles is no exception.

9.1 PURPOSE

The purpose of this policy is to prescribe the proper operation of vehicles under conditions involving routine, emergency, and pursuit situations.

9.2 POLICY

Employees have the responsibility to operate their vehicles in a careful and prudent manner. Employees shall, at all times, give due consideration to the safety and welfare of the general public. Employees shall obey all laws and Department policies pertaining to the routine, emergency and pursuit operation of vehicles during job related activities.

Legal guidelines for the operation of emergency vehicles are provided in Title 46 of the Revised Code of Washington. All members of the Department will operate emergency vehicles in accordance with these statutes. Employees shall familiarize themselves with all applicable Washington and Oregon statutes including but not limited to: RCW 46.61.035; RCW 46.61.210; RCW 46.37.190; RCW 46.37.380. ORS 133.430; and ORS 133.440.

9.3 USE OF CITY VEHICLES.

Members will only use City vehicles with the knowledge and permission of a supervisor. Members will use City vehicles only for job related activities except as authorized by a supervisor.

9.4 MINIMUM REQUIREMENTS

In order to operate a City vehicle, all members must possess a current and valid Washington State or Oregon Driver's License with proper endorsements. Members may be required to successfully complete vehicle orientation and ongoing training as prescribed by the Chief of Police. Sworn members will successfully complete emergency vehicle operation training as approved by the Department.

9.5 GENERAL REGULATIONS

Vehicles shall be used in accordance with the following regulations:

A. All members shall operate their assigned vehicles with due regard for life and property and in accordance with the laws of the State of Washington and Department policy.

B. Members assigned to operate City vehicles are responsible for the operation, care and condition of the vehicle. Before driving a vehicle, whenever practical, members should check the engine oil and note the general condition of the vehicle, reporting any mechanical problems. Members are also responsible for maintaining the cleanliness of the vehicle, whenever practical. At the end of a period of use, members shall make every reasonable effort to re-fuel the vehicle, but should not leave the vehicle with less than one-half tank of gas unless an emergency prevented re-fueling.

C. Members shall not permit City-owned vehicles to be driven or operated by non-members of the Department, except as authorized by the Chief of Police or his/her designee.

D. Members may be subject to disciplinary action if any damage to vehicles is a result of employee negligence.

E. Whenever practical, when using a City vehicle, members should visibly inspect the vehicle and report any unreported damage or operational defects to their supervisor and submit the necessary reports. At the beginning of each shift and after each prisoner transport, members will conduct a visual inspection of the front and rear seats for contraband items, unless the officer is clearing for an emergency or some other urgent circumstance. However, at the next opportunity, the officer should inspect for contraband items.

F. Members shall immediately report any damage occurring to their assigned City vehicle to their supervisor and submit the necessary written reports.

G. Unless authorized by a supervisor, members assigned to a City vehicle equipped with a police radio shall maintain the radio on the appropriate frequency, and shall not turn the radio off while operating the vehicle except when responding to explosive devices believed to be electrically or electronically activated.

H. Members shall not transport persons in police vehicles, except in connection with Department business or as authorized by a supervisor or above. Civilian ride-a-longs are covered in chapter 6.42 of the current department manual and will be covered in chapter seventeen of the 2002 revised department manual.

I. Members will secure and lock City vehicles whenever they are left unattended; this includes areas that are assumed to be secure, such as the LPD police vehicle parking lot.

J. Members are prohibited from applying or placing any signs, decals, posters, insignia, bumper stickers, window stickers or any other items on City vehicles, unless authorized to do so by the Chief of Police.

K. Members shall not use tobacco products in a City-owned vehicle.

L. At the end of each shift, whenever practical, members will replace any supplies used from the vehicle.

9.6 USE OF SEAT BELTS AND CHILD RESTRAINTS

A. Members driving City vehicles shall wear their seat belts and shall ensure that their passengers, including prisoners, wear their seat belts. This shall be strictly adhered to except at the specific direction of a supervisor or when it is impractical or unsafe during a specific law enforcement function. In all cases where a supervisor grants an exception to this policy, the efficiency of the law enforcement function must outweigh the safety benefit of the seat belt use.

B. When transporting a child, members will follow the mandates set forth in RCW 46.61.687 with regard to using child passenger restraints. If a child restraint device is not available, the member should arrange for another means of transporting the child, which may necessitate calling Child Protective Services. This shall be strictly adhered to except at the specific direction of a supervisor or when it is impractical or unsafe during a specific law enforcement function. In all cases where a supervisor grants an exception to this policy, the efficiency of the law enforcement function must outweigh the safety benefit of the child restraint use.

9.7 TAKE-HOME VEHICLES

It is the policy of the Longview Police Department to ensure that vehicles are assigned in the most cost-effective manner to support critical functions that may require use of a City-owned vehicle after an employee's regular tour of duty.

9.8 CRITERIA FOR TAKE HOME

Only employees who live within the City of Longview may take home City-owned vehicles for business purposes without the express permission of the Chief of Police or designee. In addition, at least one of the following conditions must be met in order to be authorized to take home a City-owned vehicle:

A. The person assigned a vehicle is subject to emergency response or callback directly to the scene of a call.

1. If the assigned officer is likely to be called out after hours, then a take home vehicle may be authorized.
2. If the assigned officer experiences an actual call-out less than once per workweek, then that officer can either respond to the police department to pick up a vehicle, or will be reimbursed for mileage for driving their personally owned vehicle to the scene. Mileage claims will comply with current City policy governing mileage reimbursement.
3. Command Staff or detectives who carry special equipment and who must be available for immediate response to a crime scene, without the delay of driving to headquarters for a vehicle or equipment.

B. The employee will be called back to work for after-hour community meetings. The employee must make arrangements with the Division Commander under the following circumstances:

1. If the employee assigned a vehicle will be attending evening meetings, then they may be authorized to drive the Department vehicle home on that day.
2. Employees who will be traveling directly to a meeting from their home may also be authorized to take home a vehicle the evening before that meeting.

C. Specialty Vehicles or vehicles with valuable or specialized equipment requiring personal security or care may be driven home by:

1. Motorcycle Officers
2. Sniper Team Leaders
3. K-9 Officers

D. Other Circumstances

Any other circumstance requires the express approval of the Chief of Police or Division Commander.

9.9 ROUTINE OPERATION OF POLICE VEHICLES

All members shall operate their assigned vehicles with due regard for life and property and in accordance with the laws of the State of Washington and Departmental policy.

9.10 MOBILE DATA COMPUTER USE WHILE DRIVING

The use of the mobile data computer (MDC) while the vehicle is being operated creates a potential risk to the public and officer because of the change of focus from driving to operating the MDC. Therefore, operating an MDC while the vehicle is in motion must be done with care and caution and the member should pull over to the side of the road and come to a stop whenever practical.

9.11 OPERATION OF VEHICLES OUT OF JURISDICTION

Members shall not leave the City in a police vehicle unless the member is on official business, has been assigned a take-home vehicle, or has been authorized to do so by a supervisor. Job related travel out of the City or State will be in accordance with established City and Departmental procedures.

9.12 PUSHING AND TOWING

Department vehicles shall not be used to push or tow vehicles, except in an emergency situation, to eliminate a hazard, or as authorized by a supervisor.

9.13 VEHICLE COLLISIONS

When a Department vehicle is involved in a collision, members shall render necessary aid to injured parties, remove any hazards to life or property, and contact their supervisor promptly. The member should not admit fault to the other party, but shall fully cooperate with the investigation. See also Chapter Ten (10) Accidents Involving Department Vehicles.

9.14 JUMP STARTING VEHICLES

Department vehicles shall not be used to jump start another vehicle other than another police vehicle unless authorized by a supervisor.

9.15 RESPONDING TO CALLS FOR SERVICE

Department personnel assigned or otherwise responsible to respond to an emergency call shall proceed to the location of the incident as promptly and safely as possible. Police vehicles shall be operated in strict conformance with the Motor Vehicle laws of the State of Washington, and as follows:

CODE 1: A routine response without the use of emergency equipment and obeying all traffic laws.

CODE 2: An urgent response usually involving the use of overhead emergency lights, but no siren. Operation of an emergency vehicle with emergency lights only is authorized by RCW 46.61.035(3). Officers will operate vehicles with due care and regard for the safety of other persons.

CODE 3: An emergency response involving the use of emergency lights and siren. Although all traffic is required to yield the right of way to an emergency vehicle traveling under CODE 3, officers will operate vehicles with due care and regard for the safety of other persons.

When responding Code 2, one is requesting the right of way, as opposed to demanding the right of way with a Code 3 response; therefore, due care and caution must be used when infringing upon the right of way of another vehicle or pedestrian. It is always safer to give up one's right of way rather than taking the right of way. It is also safer to let others know your intentions by the sounding of the siren than staying silent. RCW 46.61.035 only exempts a police officer from complying with the traffic laws when such vehicle is making use of the statutory required visual and/or audible signals.

A code 2 or code 3 response is inherently dangerous to the public and officer. Any employee engaging in a code 2 or code 3 response must evaluate the net benefit of such action. The question must be asked and answered in the employee's own mind as to whether there is truly a benefit to be gained by driving code 2 or code 3. Employees are authorized to make emergency vehicle responses within the parameters of this policy.

9.16 EMERGENCY OPERATION OF POLICE VEHICLES

It is the policy of the Longview Police Department that emergency vehicle response is performed in a manner that provides a reasonable degree of safety for the general public and for the employees involved. All sworn members of the Department who operate authorized emergency vehicles shall comply with State laws and Department policies and procedures regarding the use of emergency vehicles.

9.17 AUTHORIZED EMERGENCY VEHICLE DEFINED

"Authorized Emergency Vehicle" as defined by RCW 46.04.040 means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, which need not be classified, registered or authorized by the state patrol, or any other vehicle authorized in writing by the state patrol.

9.18 WASHINGTON EMERGENCY VEHICLE LAWS

RCW 46.61.035 - Authorized emergency vehicles

(1) 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 privileges set forth in this section, but subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may:

- (a) Park or stand, irrespective of the provisions of this chapter;
- (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 he does not endanger life or property;
- (d) Disregard regulations governing direction of movement or turning in specific directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of visual signals meeting the requirements of RCW 46.37.190, except that:

- (a) An authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle;
- (b) Authorized emergency vehicles shall use audible signals when necessary to warn others of the emergency nature of the situation but in no case shall they be required to use audible signals while parked or standing.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from his reckless disregard for the safety of others.

RCW 46.61.210 - Operation of vehicles on approach of authorized emergency vehicles.

(1) Upon the immediate approach of an authorized emergency vehicle making the use of audible and visual signals meeting the requirements of RCW 46.37.190, or of a police vehicle properly and lawfully making use of an audible signal only the driver of every other vehicle shall yield the right of way and shall immediately drive to the positions parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

RCW 46.37.380 - Horns, warning devices, and theft alarms.

(4) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal condition from a distance of not less than five hundred feet and of a type conforming to rules adopted by the state patrol, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the Law, in which latter events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of its approach.

9.19 EMERGENCY VEHICLE RESPONSE

Normal response to radio calls will be Code 1 (Non-Emergency) unless circumstances dictate otherwise. Responding officers are authorized (subject to interdiction by a supervisor) to respond Code 2 (Urgent) or Code 3 (Emergency) if, in the judgment of the officers, the circumstances warrant a rapid response. Officers shall consider vehicle, weather and road conditions, vehicular and pedestrian traffic, and any other existing hazardous conditions. Officers shall operate emergency lights and sirens as required by law and in accordance with Department policies and procedures.

A. Calls for service, regardless of origin, may justify emergency response if any of the following elements are present:

1. A crime of violence in progress;
2. The prevention of a crime of violence;
3. A medical emergency including a traffic accident with injuries;
4. A serious public hazard, e.g., live high voltage wires down across a roadway;
5. The preservation of life, e.g., a rescue or evacuation where time is of the essence;
6. A call for emergency assistance from another officer.

B. The supervisor will evaluate Code 3 responses and may order a reduced level of response if circumstances so warrant.

C. Any member overtaking and passing other traffic will pass on the left whenever reasonably possible.

D. The patrol car spotlight should not be used as an emergency response light. Its purpose is to illuminate persons and/or objects during darkness. Amber warning lights should not be used as an emergency response light. The purpose of amber warning lights is to act as a warning light when the patrol car is parked.

9.20 PURSUIT DRIVING RESPONSE

This policy is based upon the recognition of a basic need for pursuit driving under certain circumstances when a driver fails to stop when signaled to do so by a police officer using emergency lights and siren. Great reliance is placed upon the individual officer and supervisors in the application of their experience, common sense, and training. **In all pursuit situations, the safety of the public, officer, the suspect, occupants of the suspect vehicle, and the protection of life and property shall be the paramount concern of the Longview Police Department.**

All officers shall be held accountable for their actions during a pursuit. However, no member shall be criticized or disciplined for a decision to terminate rather than continue a pursuit.

9.21 DEFINITIONS

A. Pursuit Driving - An active attempt by a police officer operating a motor vehicle in a Code 3 mode to apprehend one or more occupants of a moving vehicle when the driver of the fleeing vehicle is resisting apprehension by maintaining or increasing the vehicle's speed; ignoring the officer; or attempting to elude the officer by evasive maneuvering or driving in excess of the legal speed limit. RCW 46.61.035 further defines fleeing or attempting to elude and its provisions are applicable to this policy.

B. Primary Pursuit Unit - The officer who begins the pursuit and has the actual responsibility of attempting to stop a fleeing vehicle.

C. Secondary Pursuit Unit - The officer in a second vehicle who assumes responsibility for giving directions and other pertinent information to all other units and dispatch.

D. Egregious - In assessing whether driving constitutes egregious behavior, the following should be taken into consideration:

1. A reasonable belief that the driver, the officers, or nearby members of the public, including occupants of the suspect vehicle will be injured by the unlawful and/or egregious actions of the driver.
2. Excessive speed or erratic vehicular movement, without potential or imminent danger to human life, is not justification for initiating a pursuit.

Some examples of qualifying circumstances include, but are not limited to the following:

- a. Actual collision, or imminent collision, with other vehicles, including emergency vehicles;
- b. Opposite lane travel where potential for oncoming vehicle danger is significant;
- c. Specific equipment violations that substantially threaten the safety of other motorists or pedestrians;
- d. Driving at night without lights at speeds that do not adequately warn others of the vehicle's presence;

- e. Driving at high speeds on flat tires or metal rims;
- f. The presence of large numbers of pedestrians or others in the immediate path or vicinity of the fleeing vehicle (e.g., large public events);
- g. Extreme disregard for traffic control devices, directly imperiling cross traffic;
- h. Off-road actions such as cutting through parking lots at high speed, where pedestrians or others are likely to be present, including driving up on sidewalks, etc.

E. Termination - To cease and desist following the fleeing vehicle. Termination means all involved police vehicles will turn off emergency lights and sirens and return to routine patrol. Dispatch will be notified of the termination of the pursuit.

9.22 FRESH PURSUIT

Officers shall adhere to the "Uniform Act On Fresh Pursuit" as defined in RCW Chapter 10.89 and ORS 133.410 to 133.440.

9.23 PURSUITS ALLOWED

Pursuits will be permitted under the following circumstances:

- A. Officers may engage in a pursuit when the officer has a reasonable belief that a felony has, or is about to occur, provided that an "attempt to elude" charge is not the only basis for initiating a felony pursuit.
- B. To prevent the escape of a fleeing felony suspect when the officer has a reasonable belief that the suspect poses a threat of death or serious injury to the public or officer(s).
- C. Officers should evaluate the risk to the driver of the suspect vehicle, the officer or members of the public, including occupants of the suspect vehicle, if apprehension is delayed, before initiating a pursuit for non-violent property crime felonies.
- D. When the officer has a reasonable belief that the driving conduct is so egregious that failure to apprehend the driver will endanger the driver of the suspect vehicle, the officer, or members of the public, including occupants of the suspect vehicle.
- E. When the officer has a reasonable belief that the offense of driving while intoxicated or domestic violence assault is occurring, or has occurred, and the driving conduct meets the definition of egregious.

In all cases the officer shall act reasonably to protect life and personal security of the officer or members of the public, including the occupant(s) of the suspect vehicle.

9.24 PROHIBITED PURSUITS

Officers will not initiate or continue a pursuit under the following circumstances:

- A. When the subject is known and could be apprehended by a warrant at a later date; except in cases where a violent felony has been committed, or the officer has a reasonable belief that a violent felony will be committed if the subject is allowed to escape.
- B. When the police vehicle involved contains any non-commissioned passenger, prisoner, suspect, complainant, witness, or citizen rider inside the vehicle.
- C. When the only basis for the pursuit is an "attempt to elude" felony charge.
- D. Misdemeanors and infractions, except as listed above.
- E. Pursuits in the opposing or "wrong" direction on a freeway or divided highway. Pursuing officers may follow, but only on the proper and legal lanes of travel.

9.25 PURSUIT PROCEDURE FOR ALL PURSUITS

In all pursuit situations, the safety of the public, officer, the suspect, occupants of the suspect vehicle, and the protection of life and property shall be the paramount concern of the Longview Police Department.

- A. An officer initiating a pursuit (primary pursuit unit) must activate emergency lights and siren, and immediately notify dispatch of the following:
 - 1. Unit identifier and the fact that he/she is in pursuit;
 - 2. Restrict the radio frequency.
 - 3. Present location as well as direction of travel and speed;
 - 4. Reason for pursuit;
 - 5. A description of the vehicle being pursued and occupant(s);
 - 6. Changes of location, speed and direction of travel during pursuit;
 - 7. Location at the time the pursuit is terminated.
- B. The secondary (backup) pursuit unit assumes communication responsibilities for the pursuit and will keep dispatch informed of current location and direction of travel. The secondary pursuit unit will take over the pursuit if the primary pursuit unit becomes unable to continue the pursuit.

C. The first supervisor that responds or becomes aware of a pursuit will assume command responsibility for the incident.

D. No more than two (2) police vehicles will engage in the pursuit of a vehicle, unless directed otherwise by a supervisor (See 9.36 -- Multiple Vehicle Assignment to Pursuits).

E. Officers hearing of a pursuit generally should not respond to assist unless they are specifically assigned to do so. Officers may take action that would increase the safety to the public, such as stopping cross traffic ahead of the pursuit path. Actions by officers who are not a part of the pursuit team are to be limited to steps, which increase the safety of the vehicular and pedestrian traffic. Officers are not otherwise permitted to join the pursuit team without supervisory authorization. Non-involved officers shall limit their radio traffic.

F. Whenever the pursuit occurs off of the roadway (i.e., cross country), the pursuing officer(s) must carefully consider whether the seriousness of the offense outweighs the risk to the officer's own safety, as well as the public's safety, and the potential damage to the police vehicle and/or private property.

G. Once the suspect is taken into custody, and the scene is secure, the primary and secondary pursuit units and the supervisor are the only officers authorized to go to or remain at the scene (unless additional units are specifically requested by the officer in charge at the scene). If no supervisor is available, it is up to the primary pursuit officer to control over-response to the scene.

H. The spotlight shall at no time be directed at the windshield or vision of a suspect vehicle in an attempt to blind or halt a pursuit. This requirement does not limit the use of a spotlight to increase officer safety after a vehicle has come to a stop.

9.26 CONSIDERATION OF ALL FACTORS

When involved in a pursuit, members shall constantly consider the risks. Members should not needlessly endanger other persons. Some factors to be considered when deciding to initiate, continue or terminate a pursuit are:

A. 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 period of low activity.

B. Volume of vehicular traffic. Pursuits occurring during periods of heavy traffic are deemed more hazardous than those occurring at other times.

C. Location of pursuit. Pursuits through residential areas or along streets near or adjacent to schools are viewed as more hazardous than those in lightly populated areas.

D. Weather conditions.

E. Road conditions.

F. Speeds involved.

G. The seriousness of the crime/violation, the likelihood of apprehension without pursuit, and the risk to the public in allowing the violator/suspect to remain at large.

9.27 PURSUIT BY UNMARKED OR SPECIAL PURPOSE POLICE VEHICLES

Members operating unmarked or special purpose vehicles may engage in a pursuit only under the following conditions:

The vehicle is equipped with flashing red and blue emergency lights and siren; **and** the vehicle being pursued is being operated by a serious or egregious offender of the law (as defined by 9.21 D) and there is an immediate and direct threat to life as a result of a crime involving serious violence.

When a marked vehicle becomes available to take over the pursuit initiated by an officer in an unmarked vehicle, then the officer in the unmarked vehicle shall assume the position of the secondary pursuit unit until a second marked unit arrives. At that time the unmarked vehicle will withdraw from the pursuit.

9.28 PURSUITS INTO OTHER WASHINGTON JURISDICTIONS

Officers involved in a pursuit traveling outside Longview City limits will request assistance, through dispatch, from the appropriate jurisdiction.

The primary and secondary pursuit units may continue in direct pursuit until the agency having jurisdiction is capable of accepting responsibility. Once another agency assumes the primary pursuit position and has a backup unit to assist, dispatch shall be notified and all Department units will discontinue their use of emergency lights and siren.

When the new agency assumes the primary pursuit position Longview Police units will be advised by dispatch if the new primary unit wishes to switch to another radio frequency. Longview units will monitor the new frequency on their **vehicle** radio until their part in the pursuit is terminated. Longview units will monitor Longview's primary frequency on their portable radios.

The primary pursuit unit and the supervisor may follow at a safe distance and normal speeds to provide necessary support and information when the fleeing vehicle is stopped. All other units will return to their respective district assignments.

9.29 PURSUITS INTO OREGON

Any pursuits by Department members into the State of Oregon will be conducted in compliance with applicable Oregon Revised Statutes (ORS).

9.30 OREGON FRESH PURSUIT LAWS

ORS 133.430 - Authority of officers of other states to make arrests

- (1) Any member of a duly organized state, county or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest the person on the ground that the person is believed to have committed a felony in the other state has the same authority to arrest and hold such person in custody as has any member of any duly organized state, county or municipal peace unit of this state to arrest and hold in custody a person on the ground that the person is believed to have committed a felony in this state.
- (2) This section shall not be construed to make unlawful any arrest in this state which otherwise would be lawful.

ORS 133.440 - Proceedings following arrest by Officer of another state

If an Officer of another state in accordance with ORS 133.430 makes an arrest in this state, the Officer shall without unnecessary delay take the person arrested before a magistrate of the county in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the magistrate determines that the arrest was lawful, the magistrate shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the Governor of this state. If the magistrate determines that the arrest was unlawful, the magistrate shall discharge the person arrested.

9.31 FELONY PURSUITS INTO OREGON

Officers may pursue a vehicle into the State of Oregon if the subject being pursued has committed a felony. Upon entering Oregon, the officer will request assistance, through dispatch, from the appropriate Oregon law enforcement agency.

A. Interstate pursuit radio procedure

1. The primary or secondary pursuit unit (whichever unit is transmitting locations and directions to dispatch) will notify dispatch when the pursuit appears it is going into Oregon.
2. Dispatch will notify the proper Oregon agency of the pursuit and the frequency being used.

3. Longview Police units involved in the pursuit will switch their **vehicle** radios to the advised frequency and monitor the pursuit while following at a safe distance in accordance with subsections B, C, D, and E of this section. Longview units involved in the pursuit will use their portable radios to monitor their primary frequency.

B. The primary and secondary pursuit units may continue in direct pursuit with emergency equipment activated until such time as an Oregon-based agency is capable of accepting responsibility.

C. Once the other agency assumes primary pursuit **and has a back up unit to assist**, all Department units will discontinue use of emergency lights and sirens.

D. The Department unit initiating the pursuit, and the supervisor, may follow at a safe distance and at reasonable speeds to provide necessary support and information when the fleeing vehicle is stopped.

E. All other Department units will return to their respective assignments.

9.32 MISDEMEANOR PURSUITS INTO OREGON

If a subject has not attempted to elude police in Longview and committed only a traffic infraction or misdemeanor, the high-speed pursuit felony rules **HAVE NO APPLICATION**.

A. The Officer may request, through dispatch, an Oregon law enforcement agency to stop the subject and then keep that agency advised of the location and vehicle description.

B. The officer must discontinue use of emergency lights and siren immediately upon entering the State of Oregon.

C. If a member of an Oregon law enforcement agency does effect a stop on the vehicle, the Longview officer who requested the stop may issue a citation for the violation that occurred in Longview.

9.33 ASSISTING OUTSIDE AGENCY PURSUITS

Pursuits, which are initiated in another jurisdiction and enter the city of Longview come under the authority of the Longview Police Department. Initial Department response will be to move into position to assume primary responsibility for the pursuit. The shift supervisor will ascertain the basis for the pursuit. If the basis for the pursuit does not meet Departmental guidelines for pursuits, the supervisor will advise units to not become involved in the pursuit. Department guidelines on pursuits will be followed if the supervisor approves Department participation in the pursuit.

When learning of the pursuit, Longview units will be informed by dispatch what frequency is being used, and if the pursuing units have the capability to switch to LPD primary frequency. If so, Dispatch will direct all involved units to switch to Longview's primary frequency. This will be done as soon as the first Longview unit assumes the primary pursuit position, and advises units that he/she assumes control of the pursuit. Once a second Longview unit is able to join in the pursuit, all Longview units will remain on Longview's primary radio frequency even if the outside jurisdiction is not capable of switching to this frequency, unless otherwise directed by a supervisor.

Dispatch will need to advise the outside agency units of the pursuits progress. Once Longview has two marked units in control of the pursuit the outside agency should be advised to discontinue direct pursuit unless otherwise directed by a Longview supervisor.

9.34 TERMINATING A PURSUIT

Any officer involved in a pursuit shall terminate the pursuit under any one of the following circumstances:

- A. When ordered by a supervisor to terminate the pursuit.
- B. When the officer believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension or creates an unreasonable hazard to innocent persons.
- C. When the suspect's identity has been established to the point that later apprehension can be accomplished unless a violent felony has been committed, or the officer has reason to believe that a violent felony may be committed if the subject is allowed to escape apprehension.
- D. When the pursued vehicle's location is no longer known.

9.35 SUPERVISION OF PURSUIT

Upon being notified or becoming aware of a pursuit, a supervisor shall assert control over the pursuit and has the discretion to order specific units into or out of the pursuit. The supervisor may order the termination of a pursuit any time he/she believes that the level of danger created by the pursuit outweighs the necessity for immediate apprehension or creates an unreasonable hazard to innocent persons.

- A. The supervisor will control excessive response to the pursuit.
- B. If the supervisor is not immediately available, it is the responsibility of the officer initiating the pursuit to conduct the pursuit according to Departmental guidelines.
- C. The supervisor will take command and control tactical responses as required.

D. The supervisor will continue to assess the need for continuation of the pursuit and weigh compliance with Departmental guidelines and the risks involved.

E. The supervisor shall be responsible for terminating a pursuit that does not meet Departmental guidelines or whenever conditions warrant such action.

9.36 MULTIPLE VEHICLE ASSIGNMENT TO PURSUITS

The supervisor may approve and assign additional backup vehicles to assist the primary and secondary pursuit vehicles based on an analysis of:

A. The nature of the offense for which the pursuit was initiated.

B. The number of suspects and any known propensity for violence.

C. The numbers of officers in the pursuit vehicles.

D. The number of officers necessary to make an arrest at the conclusion of the pursuit.

E. If a tactical vehicle intervention may be attempted.

F. Any other clear and articulable facts that would warrant the increased hazards caused by numerous pursuit vehicles.

As a general rule, the supervisor must justify response in excess of two (2) vehicles.

9.37 PURSUIT REPORTING

Whenever an officer is involved in a pursuit, the officer shall file an official report (e.g. Incident or Supplemental Report form) detailing the incident, to include, but not limited to, the following information, if available:

A. The initial reason for the pursuit.

B. The route of the pursuit (using a map to trace the route, if possible).

C. Other police units/agencies involved, including officer's names.

D. Weather and traffic conditions on the route of the pursuit.

E. How and why the pursuit was terminated.

F. A list of people who witnessed the pursuit.

G. Any special circumstances that arose during the pursuit, including special techniques or interventions used.

H. Any injuries or damage to vehicles or property.

I. Any other information pertinent to the incident.

Failure to report a police pursuit may subject the member to disciplinary action.

A copy of the pursuit report shall be forwarded to the Office of the Chief via the chain of command. The Office of the Chief may forward copies to the Training Unit for review.

The Division Commander will review the completed pursuit driving report to ensure that the actions of the officers and supervisors were reasonable, prudent and consistent with Department policy and procedure under the conditions existing at the time of the pursuit.

In those instances in which the Division Commander believes that a pursuit occurred contrary to current Department policies and procedures, the Division Commander shall submit an additional written factual summary to the Chief of Police in accordance with the Internal Affairs policies and procedures outlined in Chapter 8. The Training Unit may review all pursuits for training issues or policy changes.

Copies of any reports or suggestions for policy change generated by the Division Commander or the Training Unit will be routed to the Office of the Chief for final review and disposition.

9.38 POST-PURSUIT VEHICLE SAFETY CHECK

Any officer who has engaged in a pursuit shall arrange to have a safety check performed on the involved vehicle by City Equipment Services as soon as practical.

The officer will perform a visual inspection of the vehicle after a pursuit and assure that there is no damage to the vehicle and that all fluid levels are still at an acceptable level. This would include but is not limited to engine oil, coolant level, transmission fluid level, brake fluid level, tire pressure, and tire tread depth.

If any damage is found, the vehicle is low on fluids, or excessive tire wear has occurred the vehicle should be placed out of service until a certified mechanic can make a complete safety check. A shop slip must be left indicating the reason(s) the vehicle was taken out of service.

9.39 TACTICAL VEHICLE INTERVENTION

The purpose of Tactical Vehicle Intervention techniques is to intervene at a certain level with the intent of de-escalating the situation or resolving the same in the interest of public safety. As with other use of force options, TVI techniques are intended to be dynamic in nature and situational dependent. Officers may utilize one or more techniques depending on the situation and circumstances as they occur or develop during a pursuit.

9.40 DEFINITIONS

Tactical Vehicle Intervention (TVI) - The range of techniques intended to intervene in a suspect's attempt to flee or avoid apprehension while operating a motor vehicle. As with other use of force options, TVI techniques are intended to be dynamic in nature and situational dependent. Officers may utilize one or more techniques depending on the situation and circumstances as they occur or develop during a pursuit.

Pursuit Immobilization Technique (PIT) - The intentional and forced rotational contact of a suspect vehicle by a pursuing police vehicle in an effort to stop the suspect's flight or illegal activity.

Tire Deflation Device - A strip, belt, cord, or other carrying and holding device containing spikes or tubes capable of penetrating and puncturing a vehicle tire when the tire is rolled or driven over it. The spikes or tubes penetrate the rolling tread of a tire and allow for the rapid and controlled release of air from the tire to the point of the tire being completely deflated.

Intentional Intervention (Ramming) - The deliberate act of hitting another vehicle with a patrol vehicle(s) for the purpose of functionally damaging, disabling, or forcing the vehicle off the roadway. Intentional intervention (ramming) is considered the use of lethal or deadly force.

Roadblocks - Blocking the roadway or any other portion thereof by means of a stationary police vehicle or any other vehicle.

9.41 PURSUIT IMMOBILIZATION TECHNIQUE

A. The tactical technique commonly known as Pursuit Immobilization shall be an option to control a police pursuit and is a method to reduce risks in bringing pursuits to a conclusion. This technique, when used at speeds under 40 MPH shall be available to officers who have successfully completed the prescribed training course in the use of the technique. It shall be used by officers at their discretion on fleeing vehicles that fail to yield to patrol vehicle emergency equipment. PIT is **not** a ramming technique and shall be considered to be a lower use of force method of pursuit control.

The following factors should be considered before the application of the PIT:

1. Fleeing driver's actions exhibiting recklessness or progressively reckless actions as the pursuit continues;
2. Speed of the fleeing vehicle;
3. Pursuit towards areas of high population density, traffic congestion or school zones;
4. The amount of pedestrian traffic;
5. Whether or not there will be an opportunity to contact the fleeing vehicle at lower speeds;
6. Whether or not the suspect is armed;
7. The availability of cover units;
8. The likelihood of serious injury or death to others should the suspect escape apprehension;

9. The level of training of the driver of the police vehicle;
10. The presence of other stationary objects that could be struck by the police and/or suspect vehicle;
11. The time of day/night;
12. Supervisory instructions;
13. Any other pertinent factors.

B. When using the PIT, the following factors shall be considered:

Site selection - The area selected for the PIT should be as level and free of roadside obstructions as practicable. The PIT may be performed on straight-aways, corners, or non-level roadways, but the exit path from the PIT shall be considered prior to its use.

Oncoming Traffic - Every effort to control or limit oncoming traffic into the PIT site shall be made. The PIT should not be attempted in traffic situations where the suspect vehicle shall likely be pushed into oncoming traffic or areas containing pedestrians or occupied vehicles.

Vehicle Type - Due to the possibility of rollover, vehicles with “over-high” suspensions, oversized tires, and utility-type vehicles such as four wheel drives may have the PIT employed on them only after other methods of pursuit control have been considered.

Vehicles with Multiple Occupants - If a fleeing vehicle is occupied by more than just a driver, consideration must be given to the makeup of the other occupants before the PIT is employed. For example, if unrestrained juveniles are known by the officer to be in the pursued vehicle, other less aggressive interventions shall be given consideration prior to the PIT.

Use of the PIT over 40 MPH - The use of the PIT at speeds above 40 MPH will be considered a use of deadly force and should only be used following supervisory approval, if at all practical. This shall not limit the use of the PIT or any other use of force to protect the lives of officers, non-involved citizens, or suspects should they be in imminent danger of serious injury or death. The PIT may be used when the totality of the circumstances requires immediate intervention to stop a fleeing suspect’s vehicle.

PIT Training - Officers shall be trained in the PIT prior to using the technique in any incident. Officers shall receive update training in the technique at least once every 2 years. Training will be conducted by the Department and/or regional EVOC instructors, and the lesson plan utilized by the Washington State Patrol will be used to conduct initial and update training. Officers trained in the technique shall not be disciplined for a decision against using the PIT in a pursuit situation.

Type of Incident - The PIT shall be used to stop and apprehend felony offenders whose actions indicate a disregard for the safety of the public and police officers.

9.42 TIRE DEFLATION DEVICES (Spike Strips) or (Stop Sticks)

A. Tire deflation devices may be used alone or in conjunction with other Tactical Vehicle Intervention techniques to control and terminate vehicle pursuits. Officers shall receive training in the proper use and deployment of tire deflation devices. This shall not preclude non-trained officers from assisting with incident control when devices are deployed. A supervisor shall be notified of the intended use and deployment of a Tire Deflation Device.

B. The following guidelines for use of Tire Deflation Devices shall be considered:

1. Each device shall be deployed in a manner consistent with its intended use and instructions on how to deploy it.
2. The safety of the public, officers, and the fleeing suspect(s) shall be considered. Safety to persons shall never be knowingly sacrificed.
3. All involved officers should be operating on the same radio frequency when possible.
4. Use of the devices should be avoided in locations where geographic configurations increase the risk of serious bodily injury (i.e. near rivers, concrete bridge supports, embankments, etc.).
5. Efforts to limit or stop all oncoming and cross traffic to the exit path of a vehicle striking the device shall be made.
6. The three foot Stop Stick is designed to be used on four wheel vehicles only **DO NOT USE ON MOTORCYCLES.**
7. The three foot Stop Stick is recommended for use at speeds over 25 MPH. and deployed on paved (concrete or blacktop) surfaces only.

C. The following deployment procedures for Tire Deflation Devices shall be used:

1. Officers deploying deflation devices should do so from a position of relative safety. Natural barriers such as roadway structures, guardrails, or even cover such as shrubbery should be used by the officer to conceal his/her position. Using only a patrol vehicle for cover is discouraged.
2. The devices should be placed in a position roughly 90 degrees to the expected path of the fleeing vehicle. The devices may also be placed perpendicular to the path and be pulled in front of a fleeing vehicle.
3. Traffic cones, flares, or other items may be used in an attempt to funnel the fleeing vehicle onto the deflation devices.

4. One or more chase vehicles should be on the post impact side of the devices to continue the pursuit should the vehicle continue to flee.
5. The devices should only be removed when it is clear and safe to do so. No officer shall knowingly place himself or herself into the immediate pathway of a vehicle in an attempt to deploy or retrieve the devices.
6. After the device is retrieved, the officer should continue to provide assistance in traffic control, arresting the suspect(s), or continuing the pursuit as appropriate.
7. Should the suspect vehicle continue to flee following deflation of its tires, other Tactical Vehicle Intervention techniques may be considered and employed in order to terminate the pursuit.
8. Should a non-involved citizen receive a flat tire(s) from the deployment of the device, the on duty supervisor shall be notified and a potential for liability form will be completed.

D. The following communication procedures for Tire Deflation Devices shall be used:

1. The deploying officer should have access to a radio.
2. Pursuing officers shall inform all other officers of the pursuit:
 - a. Location and direction of travel;
 - b. Speeds and driver recklessness;
 - c. Possible weapons;
 - d. Number of suspects;
 - e. Traffic control needed;
 - f. Any other pertinent information.
3. Deploying officers shall inform pursuing officers of deployment location.
4. Pursuing officers shall slow to avoid the devices when nearing the deployment location.
5. Once clear of the devices, pursuing officers may continue to provide assistance in traffic control, arrest, or continuing with the pursuit as appropriate.
6. The supervisor may cancel deployment of a deflation device for any reason.

9.43 INTENTIONAL INTERVENTION (Ramming)

A. Intentional intervention shall be used to stop the threat **ONLY AS A LAST RESORT** and only in those situations where the officer has probable cause to believe the suspect committed a crime of violence or threatened violence **AND** the suspect is armed or presents a danger to present or future officers, or to the public, and there is a necessity to stop the suspect by using deadly force in order to protect officers and the public.

B. Intentional intervention shall not be used to apprehend a traffic offender, misdemeanor, or fleeing felon whose only felony is attempting to elude a pursuing police vehicle.

C. Officers attempting intentional intervention with a vehicle shall be held to the same standards and laws as are applied to any other use of deadly force. (Refer to Chapter 11 “Use of Force”.)

Note: The use of the PIT is **not** considered Intentional Intervention.

9.44 ROADBLOCKS

The use of roadblocks is not encouraged. However, a supervisor may authorize the use of a roadblock when there is definite knowledge or a strong belief that the fleeing suspect is wanted for a felony (other than eluding) and he or she constitutes an immediate and ongoing threat to others and all other reasonable efforts to effect apprehension have been unsuccessful.

The seriousness of the original and/or subsequent crimes, which caused the pursuit, must be of sufficient magnitude to justify the use of deadly force. A roadblock is inherently dangerous to suspects, police officers and the public. Therefore, there must be a determination that potential deadly force is permissible under Department policies. (Refer to Chapter 11 “Use of Force”)

If a roadblock is determined as a potential alternative, the following criteria must 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. A less dangerous means of stopping the suspect has either failed or is inappropriate

B. The on-duty supervisor approves the request to utilize a roadblock.

C. A location that minimizes the danger to suspects, possible hostages, Department personnel and the general public is identified and is expected to be the route of travel of the suspect vehicle.

D. Roadblock locations must be evaluated so as to take into consideration:

1. Traffic volume;

2. Time of day;
 3. Pedestrian exposure;
 4. Weather and road conditions;
 5. Proximity of sufficient police personnel and resources.
- E. If at all possible, only police vehicles will be used in the roadblock.
- F. All vehicles must be unoccupied.
- G. No personnel will use a vehicle being used to block a roadway or other possible path of travel for concealment or cover.
- H. It is preferable if a roadblock can be established that will allow a fleeing suspect vehicle to utilize an escape route to avoid collision (e.g. divert the suspect vehicle onto a dead end road or enclosed parking lot where apprehension can be made).
- I. Officers will, upon successfully stopping a fleeing vehicle by means of a roadblock, follow high-risk car stop procedures as far as practicable to maximize the safety of all concerned.
- J. The supervisor directly involved in a potential roadblock situation will be responsible for implementing the above actions and for coordinating the use of a roadblock once the decision to establish that roadblock has been made.

9.45 TVI REPORTING REQUIREMENTS

Any use of a Tactical Vehicle Intervention technique will be documented in an official officer's report of the incident. A detailed description of the technique(s), the facts supporting the use of a technique(s), the officers involved, and the results shall be articulated clearly in the report. This information shall be contained within the incident report for the pursuit completed by the primary officer(s).

A diagram of the site, photographs of the site, photographs of the vehicles involved, and photographs of any resulting property damage shall be done following the termination of the pursuit if there is any damage or bodily injury as a result of the technique.

As the use of Tactical Vehicle Intervention techniques occurs during multiple use of force incidents, each incident should be reviewed for policy issues and yearly updates.

9.46 USE OF PERSONAL VEHICLES

The use of personal vehicles for police business is not allowed, unless the employee is traveling to or from training, or if authorized by the chief or police or his/her designee. See 9.8 for further information.

9.47 SPECIAL PURPOSE VEHICLES

Special purpose vehicles may be used by the Longview Police Department to assist with special programs or events. Accountability and control of special purpose vehicles shall be in the same manner as that used for general city or police vehicles. Members assigned to use any special purpose vehicles are required to comply with any state laws or Department regulations regarding the use of such vehicle or related safety equipment.

9.48 DEFINITION OF SPECIAL PURPOSE VEHICLE

Any vehicle, that because of its design, would require specialized instruction in its handling prior to operation. This would include, but is not limited to, aircraft, boats, all terrain vehicles (ATV), motorcycles and bicycles.

9.49 TRAINING REQUIREMENTS

Prior to utilization of a special purpose vehicle, members assigned to use that vehicle will undergo specialized training in the use of such vehicle. Specialized training will consist of training established for such vehicle by the Washington State Criminal Justice Training Commission or other recognized training institution. If no basic instruction exists, the Department will establish a minimum level of proficiency for such vehicle. The information provided during training will determine the parameters of proper vehicle usage.