

LICKING COUNTY SHERIFF'S OFFICE

SUBJECT: OPERATIONS		DIRECTIVE # 41.2 GENERAL ORDER #	
RELATED DIRECTIVES: 1.3.2, 26.1.1, 61.1.1		<input type="checkbox"/> NEW <input checked="" type="checkbox"/> AMENDMENT 1-99	
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**41.2.1 Responding to Routine & Emergency Calls**

- A. All emergency vehicle operations shall be conducted in strict accordance with existing statutes. Deputies engaged in emergency vehicle operations shall utilize both audible (siren) and visual (emergency lights) emergency warning equipment in response to calls for assistance unless specifically exempted by statute.
- B. All personnel operating departmental vehicles shall exercise due regard for the safety of all persons. No assignment shall be of such importance and no task shall be expedited with such emphasis, that the principles of safety become secondary. There are no tasks in the department of such importance that they justify the reckless disregard for the safety of innocent persons. Departmental personnel will be held strictly accountable for the consequences of their reckless disregard for the safety of others.

C. DEFINITIONS

**Routine** - Any non-emergency or non-urgent call

**Emergency** - A situation where there is a high probability of death or serious injury to an individual or significant property loss, and the action of the responding deputy may reduce the seriousness of the situation.

**Urgent** - A situation where it is likely that personal injury or property loss will occur if assistance is withheld or response is unnecessarily delayed.

**Due Regard** - When a reasonably prudent and careful person, performing similar duties under similar circumstances, would act in the same manner.

D. PROCEDURES

Applicable laws:

1. While operating under emergency conditions, the operator of a public safety vehicle must comply with these sections of the ORC:
  - a. ORC Section 4511.03 - Public safety vehicle to proceed cautiously past red or stop signal
  - b. ORC Section 4511.04 - Exceptions
  - c. ORC Section 4511.24 - Public safety vehicle exempted from speed limits
  - d. ORC Section 4511.45 - Right of way of public safety vehicles
  - e. ORC Section 4513.21 - Horns, sirens and warning devices
  
2. With the exception of D.1.d., the sections listed in D.1 place two (2) requirements on the operator of a public safety vehicle:
  - a. The operator must drive with due regard for the safety of all persons using the streets or highways,
  
  - b. A public safety vehicle only gains the right of way when using both emergency lights and siren

E. RESPONSE FACTORS

Prior to engaging in the emergency use of a vehicle, several factors, in addition to vehicle control, due regard and the emergency consideration must be weighed. These include, but are not limited to:

1. The type and condition of the vehicle being operated.
2. The type and condition of the roadway to be traveled and the deputy's familiarity with the road.
3. Obstacles, both present and potential, that must be avoided.
4. Experience and training of the deputy in high-speed operation.
5. The nature of the offense and the circumstances known concerning the call.
6. Time of day, amount and type of traffic.
7. Visibility and illumination available to the operator of the police vehicle.
8. Existing weather conditions.
9. Number and location of other responding units.
10. Number of units already at the scene

F. RESPONSE MODES

1. Deputies shall use emergency warning equipment in accordance with applicable statutes and/or when specifically authorized to do so. Field supervisors and/or communications personnel assigning deputies to respond to calls for assistance shall, in addition to providing all other pertinent information, designate the response mode to notify the assigned deputy of the seriousness of the situation.
  
2. Response modes shall be designated as follows:
  - a. **Priority One** The deputy is to respond to the call immediately, proceeding directly to the location as quickly as reasonably possible, while operating the vehicle with due regard for the safety of all persons, utilizing emergency equipment
  
  - b. **Priority Two** The deputy is to respond to the call without delay, proceeding directly

to the location, while operating the vehicle with due regard for the safety of all persons, but without utilizing emergency warning equipment. All traffic regulations shall be complied with.

- c. **Priority Three** The deputy is to respond to the call without unreasonable delay, while operating the vehicle with due regard for the safety of all persons, without utilizing emergency warning equipment. All traffic regulations shall be complied with.

**Note: The shift supervisor has the authority to upgrade or downgrade any given priority according to his knowledge and/or experience with the dispatched call.**

3. Emergency contact messages and assistance to another agency calls will be handled in the same manner as similar agency calls. The communication section shall ensure that the on duty patrol supervisor is advised of all priority one calls. Drivers of police vehicles not equipped with emergency lights and siren will not engage in emergency driving. Emergency lights only, may be used in responding to certain emergency calls to avoid alerting suspects. However, the use of emergency lights only does not exempt the driver from the provisions of the Ohio Revised Code.

4. **Priority One** shall be used only for these types of calls and will be dispatched immediately:

- a. Officer in trouble.
- b. Any in progress call where life is in danger.
- c. Any call possibly involving weapons.
- d. Physical or violent domestics.
- e. Any accident with injuries.
- f. Situations where human life may be in jeopardy such as fires, tornadoes, etc.
- g. Any assaults in progress.
- h. The relay of vital fluids and/or human organs when human life may be in jeopardy.
- i. A call where a serious crime scene might be endangered by humans or weather conditions.
- j. Alarms and 911 calls that are **not** mechanically activated.
- k. Others as the supervisors may deem necessary.

5. **Priority Two** shall be used for the following types of calls and will be dispatched without undue delay:

- a. Any call involving suspicious activity, suspicious persons or suspicious vehicles.
- b. Any type of "in progress" disorderly conduct or intoxication.
- c. Any in progress or just occurred prowler calls.
- d. Non-physical or non-violent domestics.
- e. Any missing person with immediate suspicious circumstances.
- f. Any accident with no injuries.
- g. Any misdemeanor.
- h. Any felony where the threat of serious injury, death or loss of valuable property does not exist.
- i. Any other call for service that is deemed to need a response without delay, but not an emergency.
- j. Road hazards.
- k. Alarms and 911 calls that are mechanically activated.
- l. Others as the department may provide.

6. Priority Three shall be used for the following types of calls and will be dispatched as soon as a deputy is available:
- a. Non-criminal complaints, such as noise, animals, disabled vehicle or civil information.
  - b. Any late reported misdemeanor.
  - c. Any late reported felony with no crime scene.
  - d. Any runaway or returned runaway.
  - e. Any other calls for service where response without delay is not a factor.
  - f. Others as the department may provide.

G. **EMERGENCY RESPONSE PROCEDURES**

These procedures will be followed in responding to calls for emergency assistance:

1. Communication Section Responsibilities

- a. Receive and record all incoming information on the call for assistance.
- b. Evaluate the situation and designate appropriate response mode (Priority One, Two or Three).
- c. Dispatch appropriate field personnel.
- d. Perform relevant record and motor vehicle checks, if appropriate.
- e. Control all radio communications during an emergency.
- f. Coordinate assistance under the direction of the commanding deputy or field supervisor.
- g. Continue to monitor the situation until it has stabilized or terminated.

2. Initiating/Primary Response Unit Responsibilities

- a. Initiating requests for assistance. When a deputy in the field is involved in a situation where help is needed, he must be aware that a nonspecific request will result in an uncoordinated response. This may be a greater hazard to life and property than the originating incident. He must minimize this hazard by giving the following information:
  - Unit number
  - Exact location
  - Reason for request
  - Specify "nature of emergency" if required
  - Specify "nature of backup" if non emergency
  - Number of units desired to handle the situation
- b. The deputy making the request shall remain near the radio long enough to determine that the call has been acknowledged by the communications section.
- c. Additionally, the deputy shall establish a radio command post as soon as possible to provide status reports, coordinate the efforts of arriving units, and confirm that adequate assistance actually arrives.
- d. Deputies responding to assist another deputy will bear in mind that even though a rapid response is essential; they must arrive at the scene safely in order to be of assistance.
- e. Primary response units shall proceed to the specified location in accordance with the response mode specified.

- f. Primary response units shall immediately notify the communications section upon arrival at the scene and provide a status report as soon as possible.
- g. Upon receipt of a termination notice, responding units shall discontinue emergency operation and return to their assigned area unless specifically requested to continue to the location under normal driving conditions.

3. Supervisory Responsibilities

- a. Commanding deputy/field supervisor - upon notification of a request for emergency assistance, the commanding deputy/field supervisor shall review the classification/designation assigned by the communications section to determine if it is appropriate and reclassify the response, if a different response mode is called for.
- b. The field supervisor shall monitor the response until it has stabilized or terminated and assert control by directing specific units into or out of the response if necessary.
- c. Upon being notified that an emergency response has been initiated, the field supervisor shall verify the following:
  - Proper response classification/designation has been made.
  - No more than the required or necessary units are involved in the response.
  - Affected allied agencies are being notified.

4. Safety Guidelines

- a. When operating an emergency vehicle or patrolling an assigned area, a deputy is required to have the vehicle under control and prepared to yield the right of way if necessary.
- b. When a deputy indicating an emergency exists receives a call or information, the primary duty is to get there as safely as conditions permit.
- c. Do not drive immediately behind another vehicle and sound the siren or horn. The motorist may stop suddenly.
- d. A deputy may alter the sound of the siren in order that the emergency vehicle is heard, particularly at intersections.
- e. Always maintain adequate radio volume and remain cognizant of the fact that additional information may be relayed to you while you are operating as an emergency vehicle.
- f. When approaching an intersection, **EXTREME CAUTION WILL BE USED**
  - Slow to a normal rate of speed when approaching an intersection, even when crossing an intersection with the light.
  - Before going through an intersection against the light, all police vehicles will be capable of coming to a complete stop to ensure that all traffic has seen the police vehicle.
  - This also applies to stop signs and yield signs.
  - Deputies shall remain aware of over driving their lights and sirens.

## H. USE OF AUTHORIZED EMERGENCY EQUIPMENT

1. The proper use of emergency equipment is essential to the safety of the deputy and other motorists. Directive 41.2.2 details pursuit procedures and Directive 41.2.3 outlines roadblocks and forcible stopping. The overhead red and blue lights and wigwags will be activated to safely direct a motorist off the roadway during a traffic stop. If the motorist does not respond to the lights, a horn signal should be used prior to activating the siren (so as to not startle the motorist). The red and blue lights and the hazard lights shall remain on during the traffic stop.
2. When checking abandoned vehicles parked along the roadway or for minor parking violations in low traffic subdivisions or secondary and township roads, the rear alternating red and blue flashers and the hazard lights will provide adequate warning to other motorists. Caution and safety will be exercised when parking on or off the roadway.
3. The spotlight or takedown lights should only be used as protection for the deputy when hazardous conditions exist, such as a traffic stop dealing with known or suspected felons, multiple suspects in a vehicle or stopping/checking a vehicle in a dark or secluded area. The spotlight should be used to illuminate the interior of the vehicle so that any occupants will be at a disadvantage (and silhouetted) when looking back toward the patrol vehicle and deputy. The deputy should remember that he could be at the same disadvantage. The spotlight should not be used until the motorist has pulled safely off of the road so as to not temporarily blind the operator or other drivers.
4. All patrol vehicles are equipped with a public address system that is invaluable in stopping traffic violators. This permits the deputy to remain at a safe distance while directing the violator. This public address system can also be utilized to direct persons when unusual conditions exist such as a road being temporarily closed or to alert pedestrians to a potentially hazardous condition.

### 41.2.2 Pursuit of Motor Vehicles

Definitions:

**Pursuit:** An attempt by a deputy driving a marked patrol vehicle, to apprehend the occupant(s) of another vehicle, providing that the deputy reasonably believes the driver of such vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing the speed of the vehicle and ignoring the deputy's direction to stop.

**Pursuit Termination Technique (PTT):** A technique designed to prevent a pursuit from occurring, or quickly end a pursuit that has been initiated in the safest manner possible. All PTT techniques, if conducted properly, reduce the chance of damage and/or injury to property and individuals including innocent civilians, LCSO personnel, and the fleeing subject(s). The PTT techniques approved and authorized by the LCSO are: Hollow Spikes or "Stop Sticks", Stationary Roadblocks, Rolling Roadblocks, Channeling, Vehicle Intercept or "Swoop", and Precision Immobilization Technique or PIT.

**Stationary Roadblock:** The physical obstruction of the intended path of a suspect vehicle by means of an agency vehicle, cones or flares. Often times this technique will be used in conjunction with hollow spikes or "Stop Sticks." The premise of the technique is to give the violator the appearance of a completely blocked roadway so that he or she will either stop or decrease speed. When established, the technique does not completely block the roadway and in fact provides an "out" or sufficient amount of roadway for the violator to drive past. *This technique is not designed to completely block the roadway whereby a violator vehicle does not have a roadway exit to travel through.* This technique is only to be initiated by agency personnel that have received the appropriate training and certification in pursuit termination techniques. Those individuals that have received Introductory PTT training may participate yet not initiate. There are a myriad of vehicle placements that can be utilized in this technique. The agency allows all and any technique to be used by trained personnel as long as it fits within the guidelines of their training.

**Rolling Roadblock:** A technique designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then simultaneously slowing all vehicles to a stop. The technique can be initiated with as few as two pursuing

vehicles and as many as four pursuing vehicles. This technique is only to be initiated by agency personnel that have received the appropriate training and certification in pursuit termination techniques.

**Channeling:** The deliberate direction of a suspect vehicle into a given path by using stationary objects placed in the current path of the suspect's vehicle. This technique is most useful in redirecting the suspect's vehicle into an area where a stationary roadblock is set up and hollow spikes devices are deployed.

**Hollow Spikes:** A tool designed to stop a vehicle by deflating pneumatic tires. The hollow spikes utilized by the LCSO will be "Stop Stick" devices. This technique is only to be conducted by agency personnel that have received the appropriate training and certification in pursuit termination techniques.

**Precision Immobilization Technique (P.I.T.):** A forced rotational vehicle stop of a non-compliant suspect vehicle. *P.I.T. is not a ramming maneuver.* This technique is only to be conducted by agency personnel who have received the appropriate certification and training in precision immobilization techniques.

The P.I.T. technique is considered to be a less-lethal intervention technique when the following circumstances apply:

- Suspect vehicle's speed is 45 miles per hour or less.
- Road conditions are ideal for implementing technique, i.e. wide, straight, dry roadway.
- No uncontrolled traffic in either direction of travel.
- Wide shoulders clear of obstacles such as rocks, trees and deep ditches.
- Suspect vehicle is of standard size; unaltered, with a normal center of gravity.

The P.I.T. technique **may not** be used in the following conditions unless deadly force is justified:

- Suspect vehicle has a combination of higher than normal suspension, short wheelbase and/or balloon tires.
- Suspect vehicle is any vehicle that has a higher wheelbase than the vehicle that will be attempting the technique, i.e. a large truck, sport utility vehicle or large commercial vehicle.
- Any suspect vehicle that you cannot contact the body before touching the wheels.
- In inclement weather conditions that would cause slick or icy roadways.
- Suspect vehicle is a motorcycle, bicycle, scooter, tractor or horse drawn buggy.
- P.I.T. **may not** be used to stop pedestrians.

**Vehicle Intercept ("Swoop"):** A technique designed to prevent a pursuit before it even begins. Used at intersections or natural points in the roadway where a violator vehicle may come to a stop; the technique is utilized with a primary and secondary unit in one of two variations. The first variation allows a primary unit to block a violator at a point of stoppage by angling his or her vehicle in front of the halted violator. The secondary unit then approaches the violator from the rear to prevent the violator from potential escape. The second variation allows the primary unit to approach from another roadway or intersection, at the point where a violator is coming to a natural stopping point. The primary unit stations his or her vehicle to a point where the violator cannot move their vehicle; the secondary unit again blocks the rear of the violator vehicle to prevent escape. Commonly referred to as the swoop technique, this maneuver is designed to surprise the violator and prevent him or her from initiating a high-speed pursuit. As with other PTT Techniques, this maneuver is only to be initiated by individuals who have received the appropriate training.

Related Case Law:

- *TENNESSEE v. GARNER, 471 U.S. 1 (1985)*

Apprehension by the use of deadly force is a seizure subject to the Fourth Amendment's reasonableness requirement. To determine whether such a seizure is reasonable, the extent of the intrusion on the suspect's rights under that Amendment must be balanced against the governmental interests in effective law enforcement. This balancing process demonstrates that, notwithstanding probable cause to seize a suspect, an officer may not always do so by killing him. The use of deadly force to prevent the escape of all felony suspects, whatever the circumstances,

is constitutionally unreasonable. Pp. 7-12.

- *BROWER v. INYO COUNTY*, [489 U.S. 593](#) (1989) 489 U.S. 593

Consistent with the language, history, and judicial construction of the Fourth Amendment, a seizure occurs when governmental termination of a person's movement is effected through means intentionally applied. Because the complaint alleges that Brower was stopped by the instrumentality set in motion or put in place to stop him, it states a claim of Fourth Amendment "seizure." Pp. 595-599.

- *GRAHAM v. CONNOR*, 490 U.S. 386 (1989)

Claims that law enforcement officials have used excessive force in the course of an arrest, investigatory stop, or other "seizure" of a free citizen are most properly characterized as invoking the protections of the Fourth Amendment, which guarantees citizens the right "to be secure in their persons . . . against unreasonable seizures," and must be judged by reference to the Fourth Amendment's "reasonableness" standard. Pp. 394-395.

- *ROCHIN v. CALIFORNIA*, 342 U.S. 165 (1952)

What the majority hold is that the Due Process Clause empowers this Court to nullify any state law if its application "shocks the conscience," offends "a sense of justice" or runs counter to the "decencies of civilized conduct." The majority emphasize that these statements do not refer to their own consciences or to their senses of justice and decency. For we are told that "we may not draw on our merely personal and private notions"; our judgment must be grounded on "considerations deeply rooted in reason and in the compelling traditions of the legal profession." We are further admonished to measure the validity of state practices, not by our reason, or by the traditions of the legal profession, but by "the community's sense of fair play and decency"; by the "traditions and conscience of our people"; or by "those canons of decency and fairness [342 U.S. 165, 176] which express the notions of justice of English-speaking peoples."

- *CANTON v. HARRIS*, 489 U.S. 378 (1989)

A municipality may, in certain circumstances, be held liable under 1983 for constitutional violations resulting from its failure to train its employees. Pp. 385-392.

The inadequacy of police training may serve as the basis for 1983 liability only where the failure to train in a relevant respect amounts to deliberate indifference to the constitutional rights of persons with whom the police come into contact.

#### A. PRIMARY CONSIDERATION

1. The primary goal of the LCSO is the protection of life and property. If a motor vehicle pursuit exposes any deputy, member of the public or violator to undue risk, then the pursuit is inconsistent with that goal and should be terminated.
2. Deputies of the LCSO will pursue violators within the limits of safety, while utilizing other methods to identify or arrest the individual.
3. A pursuit is only justified when the necessity of the apprehension outweighs the level of danger created by the pursuit.
4. The following information should be taken into consideration prior to initiating or continuing a pursuit:



- Seriousness of the offense.
  - Possibility of apprehension.
  - Area the pursuit will take place, i.e. business, residential, rural, school zone, etc.
  - Current traffic volume.
  - Current road and weather conditions.
  - What, if any, assistance is available to the deputy.
5. The LCSO acknowledges its responsibility to enforce criminal and traffic laws within their jurisdiction. It is not the intention of this policy to avoid that responsibility; rather the intent is to provide general guidelines for pursuits that will help ensure apprehensions within the limits of safety. The LCSO can assist other agencies engaged in pursuits within Licking County as determined by the on-duty supervisor. LCSO pursuit guidelines will be considered when making this determination.

#### B. APPLICABLE LAWS

1. While operating under emergency conditions, the operator of a public safety vehicle must comply with these sections of the ORC:
- ORC Section 4511.03 – Public safety vehicle to proceed cautiously past red or stop signal
  - ORC Section 4511.041 – Exceptions
  - ORC Section 4511.24 – Public safety vehicle exempted from speed limits
  - ORC Section 4511.45 – Right of way of public safety vehicles
  - ORC Section 4513.21 – Horns, sirens and warning devices
2. With the exception of ORC Section 4511.45, these sections place two (2) requirements on the operator of a public safety vehicle.
- The operator **MUST** drive with due regard for the safety of **ALL** persons using the streets or highways.
  - A public safety vehicle only gains the right of way when using **BOTH** pursuit lights and siren.

#### C. PRIMARY PURSUING VEHICLE'S RESPONSIBILITIES

1. The primary pursuing vehicle is defined as the vehicle in closest proximity to the fleeing vehicle with primary responsibility for conducting the pursuit. The primary vehicle may or may not be the initiating unit.
2. There should be three (3) marked LCSO vehicles that are actively engaged in the pursuit: The primary vehicle and two back up vehicles. The exception to this would be if the supervisor feels it necessary to allocate additional vehicles to engage and assist with the initiation of a pursuit termination technique. All other vehicles will maintain a perimeter control on parallel or intersecting routes unless given other specific instructions by a supervisor.
3. When the primary pursuing vehicle determines that a suspect is fleeing and decides to pursue, he will immediately notify the dispatcher that he is in pursuit and the violator's:
- Location
  - Direction of travel
  - Estimated speed
  - Description, including the license number of the pursued vehicle and number of occupants
  - Reason for the pursuit

- Deputy(s) intentions
4. The primary pursuing vehicle has an obligation to insure that complete and accurate information is transmitted to the dispatcher. This is a vital tool that must be utilized at intervals during the pursuit.
  5. The primary pursuing vehicle bears the operational responsibility for the pursuit, unless relieved by a supervisor. The exception to which would be if the primary pursuing vehicle is not certified and trained in the use of a pursuit termination technique that is about to be utilized or attempted. Should this be the case, the primary pursuing vehicle will yield its position to a vehicle that is operated by a deputy who has received the applicable training and certification in the pursuit termination technique that is about to be attempted.
  6. It is the responsibility of the primary pursuing vehicle to decide whether a pursuit termination technique can be utilized or attempted. The primary pursuing vehicle will contact, via radio, any other vehicles involved in the pursuit and notify them accordingly of his or her intentions to initiate a pursuit termination technique. **No deputy is to attempt or take part in a pursuit termination technique if he/she has not been properly trained or certified accordingly.**
  7. When the primary pursuing vehicle determines that a pursuit exists, within this policy, the deputy will charge the violator with fleeing in addition to any other possible charges.

D. SECONDARY PURSUING VEHICLE'S RESPONSIBILITIES

1. The second vehicle to join the pursuit shall immediately notify the dispatcher of his unit number. The secondary vehicle should immediately assume radio communications, allowing the primary pursuing vehicle's driver to devote full attention to pursuit driving.
2. The secondary vehicle will maintain a safe distance behind the primary vehicle, but close enough to render assistance if and when it is needed.
3. If the primary pursuing vehicle becomes disabled, the secondary vehicle will then become the primary pursuing vehicle. The secondary vehicle will then assume the duties described above of the primary vehicle.
4. If there should only be one back up vehicle and the primary pursuing vehicle becomes disabled in some manner of form, then the secondary vehicle assuming the primary position will notify the dispatcher that a back up vehicle is needed to join the pursuit.

E. THIRD PURSUING VEHICLE'S RESPONSIBILITIES

1. The third vehicle in the pursuit, the tertiary unit, will replace the primary or secondary unit in the event that either of those vehicles becomes disabled or is forced to leave the pursuit situation.
2. If necessary, the third vehicle will drop out of the pursuit and render immediate aid in the event of an accident involving third parties.
3. If properly trained and certified, the third back up vehicle will aid in conducting a rolling roadblock technique or assist with:
  - The implementation of a felony stop, if appropriate.
  - Provide for containment or apprehension of fleeing suspects.
  - Provide necessary assistance in the containment or apprehension of multiple suspects.
  - Provide traffic control as appropriate.

4. It is important for the second and third vehicles to maintain a safe distance from the primary vehicle as well as each other. The exception to this distance would be when all three vehicles involved in the pursuit are setting up to attempt a rolling roadblock or pursuit termination technique. Safety is still a major factor when this occurs, yet the distances between vehicles will decrease just prior to initiating the rolling roadblock technique.
5. **NOTE:** Subsequent vehicles that are requested to engage in the pursuit by a supervisor are also held to the responsibilities listed above in the role of the secondary and third pursuing vehicles.

F. SUPERVISOR'S RESPONSIBILITY

1. It is the primary responsibility of the supervisor to direct and control the pursuit through effective communications until the pursuit ends. It is not necessary that the supervisor be physically present or directly involved in the pursuit.
2. The supervisor, upon being notified of a pursuit, shall verify:
  - That there is adherence to the provisions of this policy.
  - That aircraft assistance has been requested if applicable.
  - That the proper radio frequency is being utilized.
  - That all effected agencies have been notified.
3. The supervisor shall coordinate all deputies involved, including methods to stop fleeing vehicles. This is not to state, however, that the supervisor is the only individual who can dictate when a particular pursuit termination technique shall be conducted.
4. The supervisor shall be notified if and when a pursuit termination technique is about to be initiated by a deputy. If that supervisor is properly trained and certified in the use of the technique that is to be attempted, he will keep in mind the following:
  - Location of pursuit and surrounding area.
  - Road and weather conditions.
  - Type of vehicle being pursued.
  - Suspect vehicle's speed.
  - Number of pursuit vehicles involved in the pursuit.
5. The supervisor shall continually evaluate the pursuit in relation to the traffic area, driving action, identity of the violator and most importantly, the danger involved.
6. If the supervisor believes that a motor vehicle pursuit exposes any deputy, member of the public or violator to unnecessary risk, then the supervisor shall terminate the pursuit and employ other techniques to identify and apprehend the violator.
7. Should a supervisor initiate a pursuit, he should relinquish the pursuit to another vehicle as soon as possible and assume a supervisory role. The exception to this would be if the supervisor were the only person involved in the pursuit who is properly trained in the initiation of a particular pursuit termination technique. In this instance, the supervisor will not yield his role as the primary pursuing vehicle unless it is determined that conditions would not allow for a pursuit termination technique to be utilized.
8. Upon termination of the pursuit, the supervisor shall have the dispatcher notify the Patrol Division Commander and Lieutenant of the incident. If any unusual circumstances exist, the Commander,

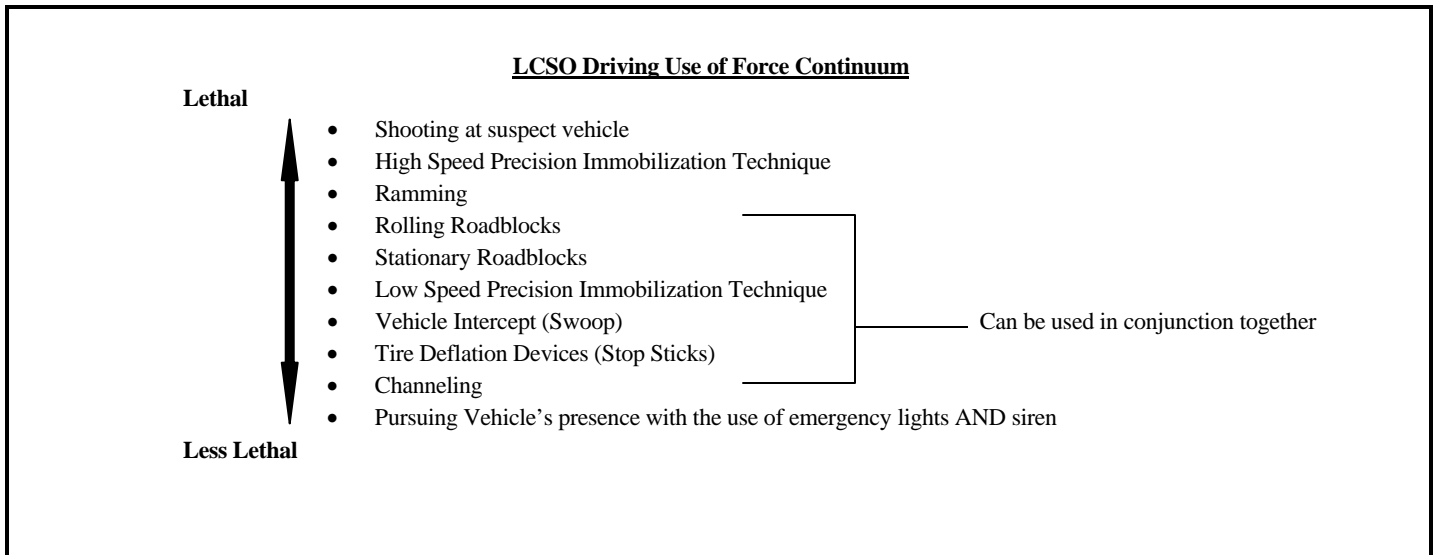
Lieutenant or their designee will be requested to respond to the scene.

**G. DISPATCHERS' RESPONSIBILITIES**

1. The dispatcher shall coordinate all communication activities while maintaining radio discipline. The dispatcher will be responsible for receiving and recording all information on the pursuit and the pursued vehicle.
2. When a pursuit is initiated, the dispatcher shall immediately notify all other units that a pursuit is in progress and request that only emergency traffic or "99 traffic" be transmitted. The dispatcher shall notify a supervisor that a pursuit is in progress and supply him with all pertinent information. The dispatcher will also keep all deputies advised of the status of the pursuit.
3. The dispatcher will notify adjacent counties and jurisdictions when it appears the pursuit may enter these areas to ascertain whether the law enforcement agency wishes to take over the pursuit or to aid this agency.
4. The dispatcher, upon notification by the primary pursuing vehicle, will notify any other agencies that are involved in the pursuit of any attempts by this agency to initiate a pursuit termination technique.

**H. STOPPING THE FLEEING VIOLATOR**

1. Pursuit at high speeds is extremely dangerous. Any tactic contemplated at high speeds must take into consideration all of the factors surrounding the incident. Safety is always the foremost factor to be considered.
2. Methods for stopping a fleeing violator should always be employed from the least dangerous progressively to the most dangerous. Deputies should keep in mind the LCSO driving use of force continuum:



3. Alternatives to forcefully stopping the violator include, but are not limited to:

- Identifying the suspect apprehending him later.
- Will attempt the use of stop sticks.
- Contacting other agencies to assist with channeling techniques.
- LCSO Channeling techniques.

- Contacting either the Ohio State Patrol or Columbus Police Department for aircraft assistance.
4. When an aircraft is available and has visual contact with the suspect vehicle, the primary vehicle will discontinue HIGH SPEED pursuit, allowing the aircraft to continue the surveillance of the fleeing vehicle. The aircraft will assume the responsibility of directing the chase units so as to apprehend the suspect.

#### I. USE OF DEADLY FORCE

1. This directive, pertaining to shots from or at a moving vehicle, and all sections in directive 1.3 (Lethal Force Directive), will be strictly enforced.
2. Ramming should only be considered to stop a fleeing vehicle as a last resort and then only in those extreme cases where the use of force is justified to prevent injury or death to the deputy or other persons. The deputies must consider the extreme danger to themselves and other users of the roadway. NOTE: The Precision Immobilization Technique IS NOT a form of ramming and is to be considered a less than lethal form of ending a pursuit.
3. Deputies shall not, under most conditions, fire upon a pursued vehicle. If fired upon, deputies may return fire when appropriate. When firing at a vehicle, deputies will take into account the location, vehicular travel and pedestrian traffic as well as the potential hazards to innocent persons. If and when the decision is made to fire at the vehicle, the following should be communicated to ALL deputies involved in the pursuit:
  - The pending action is intended for what reason.
  - Which deputy will fire.
  - The area of the vehicle where the fire will be directed.
  - The intent of this prior notification is to insure that all deputies involved in the incident are aware that shots are to be fired only by the designated deputy and others shall not fire.

#### J. PURSUIT TERMINATION

A high-speed pursuit shall be terminated under any of the following conditions:

- The suspect(s) identity has been established to the point that a later apprehension can be accomplished, and there is no longer any need for immediate apprehension.
- The prevailing traffic, roadway or environmental conditions indicate the futility of continuing the pursuit.
- If, as previously stated, in the opinion of the primary pursuing deputy or a supervisor, a clear and unreasonable danger to the deputy(s), suspect(s) or the general public is created by the pursuit that outweighs the necessity for immediate apprehension.

#### K. POST PURSUIT CRITIQUE PROCEDURES

1. Upon termination of the pursuit, the on duty supervisor will respond to the scene. Upon arrival, the supervisor will begin evaluating all parties involved. This evaluation should include not only the physical actions but also the mental state as well. The duty supervisor will evaluate the deputies' well being to determine their status. If the deputy involved is deemed unable to complete his assigned shift, that officer will be relieved temporarily of his duty. It is also the supervisor's responsibility to obtain any medical treatment needed for the involved parties if necessary.
2. It is extremely important that the on duty supervisor conduct a post incident debriefing. This critique should be done as soon as possible and include all involved personnel. These personnel may include outside or assisting agencies. The debriefing should include not only deputies, but the involved

communication personnel as well. This initial debriefing should begin at the scene and continue with a structured debriefing at a later time.

3. The on-duty supervisor will obtain all written reports and taped radio and telephone communications regarding the pursuit; compiling a written report detailing actions taken. The supervisor should include all positive and negative actions. This report will then be addressed at the debriefing.
4. Upon completion of the report, it will be forwarded to the Patrol Division Commander for his review. The Patrol Commander will then address the supervisor of any concerns regarding deputies' actions.
5. The Patrol Lieutenant will keep copies of the pursuit and critique reports. The reports shall be used for deputy training and any review and/or changes in policy.
6. If the Patrol Commander determines that policies and procedures were not followed, he shall confer with the Chief Deputy as to the appropriate action to be taken.

#### L. MISCELLANEOUS SUGGESTIONS

1. Only marked law enforcement vehicles should be used in a pursuit unless exigent circumstances dictate otherwise. This is consistent with the protection of the public. This is not to state, however, that unmarked vehicles would not be able to initiate or assist with a pursuit termination technique if the driver of said vehicle was properly trained in certified in such techniques.
2. Deputies will not pursue when civilian passenger(s) are in their vehicle.
3. Pursuits down the wrong way of a one-way street should be discouraged except in those circumstances where, in the judgment of the deputy, such actions are necessary in the interest of protecting the public.
4. General critiques and post pursuit analyses will be conducted by all parties involved for use in training and improvement of future pursuits.
5. The incident shall be reviewed at Patrol Division shift briefings for benefit of all officers assigned to the division.

**SYNOPSIS:** "Every pursuit and apprehension is unique in nature. The factors listed in these guidelines may weigh more heavily in some cases than in others. These guidelines are not meant to serve as inflexible rules, but as a framework in which every deputy shall use his or her best judgment to execute his or her duties in a safe and efficient manner."

#### M. DOCUMENTED ANALYSIS

The Licking County Sheriff's Office conducts an annual documented analysis of vehicle pursuits. This practice allows the LCSD to closely monitor trends and patterns in vehicle pursuits that may then necessitate changes in training or policy. The responsibility of completing the written analysis is that of the patrol division commander or his designee. The content of the analysis should contain the relevant factors of each pursuit as it applies to Standard 41.2.2, and 41.2.3. The completed analysis must then be forwarded to the Sheriff and Chief Deputy for review with their recommendations, if any, and forwarded to the training component.

### 41.2.3 Roadblocks & Forcible Stopping

Definitions:

**Pursuit Termination Technique (PTT):** A technique designed to prevent a pursuit from occurring, or quickly end a pursuit that has been initiated in the safest manner possible. All PTT techniques, if conducted properly, reduce the chance of damage and/or injury to property and individuals including innocent civilians, LCSO personnel, and the fleeing subject(s). The PTT techniques approved and authorized by the LCSO are: Hollow Spikes or “Stop Sticks”, Stationary Roadblocks, Rolling Roadblocks, Channeling, Vehicle Intercept or “Swoop”, and Precision Immobilization Technique or PIT.

**Stationary Roadblock:** The physical obstruction of the intended path of a suspect vehicle by means of an agency vehicle, cones or flares. Often times this technique will be used in conjunction with hollow spikes or “Stop Sticks.” The premise of the technique is to give the violator the appearance of a completely blocked roadway so that he or she will either stop or decrease speed. When established, the technique does not completely block the roadway and in fact provides an “out” or sufficient amount of roadway for the violator to drive past. *This technique is not designed to completely block the roadway whereby a violator vehicle does not have a roadway exit to travel through.* This technique is only to be initiated by agency personnel that have received the appropriate training and certification in pursuit termination techniques. Those individuals that have received Introductory PTT training may participate yet not initiate. There are a myriad of vehicle placements that can be utilized in this technique. The agency allows all and any technique to be used by trained personnel as long as it fits within the guidelines of their training.

**Rolling Roadblock:** A technique designed to stop a suspect’s vehicle by surrounding it with law enforcement vehicles and then simultaneously slowing all vehicles to a stop. The technique can be initiated with as few as two pursuing vehicles and as many as four pursuing vehicles. This technique is only to be initiated by agency personnel that have received the appropriate training and certification in pursuit termination techniques.

**Channeling:** The deliberate direction of a suspect vehicle into a given path by using stationary objects placed in the current path of the suspect’s vehicle. This technique is most useful in redirecting the suspect’s vehicle into an area where a stationary roadblock is set up and hollow spikes devices are deployed.

**Hollow Spikes:** A tool designed to stop a vehicle by deflating pneumatic tires. The hollow spikes utilized by the LCSO will be “Stop Stick” devices. This technique is only to be conducted by agency personnel that have received the appropriate training and certification in pursuit termination techniques.

**Precision Immobilization Technique (P.I.T.):** A forced rotational vehicle stop of a non-compliant suspect vehicle. *P.I.T. is not a ramming maneuver.* This technique is only to be conducted by agency personnel who have received the appropriate certification and training in precision immobilization techniques.

The P.I.T. technique is considered to be a less-lethal intervention technique when the following circumstances apply:

- Suspect vehicle’s speed is 45 miles per hour or less.
- Road conditions are ideal for implementing technique, i.e. wide, straight, dry roadway.
- No uncontrolled traffic in either direction of travel.
- Wide shoulders clear of obstacles such as rocks, trees and deep ditches.
- Suspect vehicle is of standard size; unaltered, with a normal center of gravity.

The P.I.T. technique **may not** be used in the following conditions unless deadly force is justified:

- Suspect vehicle has a combination of higher than normal suspension, short wheelbase and/or balloon tires.
- Suspect vehicle is any vehicle that has a higher wheelbase than the vehicle that will be attempting the technique, i.e. a large truck, sport utility vehicle or large commercial vehicle.
- Any suspect vehicle that you cannot contact the body before touching the wheels.
- In inclement weather conditions that would cause slick or icy roadways.
- Suspect vehicle is a motorcycle, bicycle, scooter, tractor or horse drawn buggy.

- P.I.T. **may not** be used to stop pedestrians.

**Vehicle Intercept (“Swoop”):** A technique designed to prevent a pursuit before it even begins. Used at intersections or natural points in the roadway where a violator vehicle may come to a stop; the technique is utilized with a primary and secondary unit in one of two variations. The first variation allows a primary unit to block a violator at a point of stoppage by angling his or her vehicle in front of the halted violator. The secondary unit then approaches the violator from the rear to prevent the violator from potential escape. The second variation allows the primary unit to approach from another roadway or intersection, at the point where a violator is coming to a natural stopping point. The primary unit stations his or her vehicle to a point where the violator cannot move their vehicle; the secondary unit again blocks the rear of the violator vehicle to prevent escape. Commonly referred to as the swoop technique, this maneuver is designed to surprise the violator and prevent him or her from initiating a high-speed pursuit. As with other PTT Techniques, this maneuver is only to be initiated by individuals who have received the appropriate training.

Related Case law:

- *BROWER v. INYO COUNTY*, [489 U.S. 593](#) (1989) 489 U.S. 593

Consistent with the language, history, and judicial construction of the Fourth Amendment, a seizure occurs when governmental termination of a person's movement is effected through means intentionally applied. Because the complaint alleges that Brower was stopped by the instrumentality set in motion or put in place to stop him, it states a claim of Fourth Amendment "seizure." Pp. 595-599.

- A. Deputies assigned to the agency's Patrol Division receive certification in the use of various Pursuit Termination Techniques, including, but not limited to roadblocks and precision immobilization techniques. Only those personnel who have successfully completed the Ohio Peace Officer Training Commission (OPOTC) advanced training and certification course on "Pursuit Termination Techniques" are permitted to initiate or utilize said techniques. Those personnel who have not received the certification training are not allowed to initiate any of the following techniques yet are permitted to be actively involved in a secondary role when a particular technique is utilized.
- B. The purpose of all below listed techniques is to prevent a pursuit before it begins. The agency recognizes that there is a greater risk of death, injury or property damage during a pursuit situation and that this risk and related agency liability lessens significantly if a situation can be resolved prior to a pursuit commencing. Therefore, the agency actively encourages certified personnel to utilize any available pursuit termination technique if it will prevent a pursuit, especially a high speed situation, from occurring.
- C. The agency conducts training on the various above listed techniques with OPOTC certified instructors.