

officer is needed but a Division officer is not in a position to respond within a reasonable amount of time, another law enforcement agency should be contacted.

c. The final decision to send a back-up officer rests with the on-duty supervisor, who must ensure that adequate response is sent and that officers not needed remain on their assignment. Officers not needed at the incident shall remain readily available to respond to other incidents.

H. MOTOR VEHICLE PURSUITS - An incident will be classified, defined, and reported as a pursuit if sufficient elements are present to support a charge of fleeing and eluding a law enforcement officer, whether or not an apprehension is made (e.g., the pursuit is ordered or voluntarily terminated by law enforcement, or the offender successfully eludes the pursuing officers). Officers of this Division will pursue offenders within the limits of safety, while using other methods to identify or arrest the offender. A pursuit is only justified when the necessity of the apprehension outweighs the level of danger created by the pursuit. A pursuit shall not be initiated while an officer is transporting a prisoner or any person not authorized by Division waiver. <41.2.02 a,d>

1. Vehicular Pursuit - Definition - An active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive tactics.

2. Initiating / Continuing Pursuit - The following information must be taken into consideration prior to initiating or continuing a motor vehicle pursuit:

- Seriousness of the offense
- Possibility of apprehension
- Area where the pursuit takes place (e.g., business, residential, rural, etc.)
- Current traffic volume
- Current road and weather conditions
- Assistance available to the officer
- Knowledge of the identity of the driver and/or occupants

3. Primary Pursuing Officer Responsibilities - The primary pursuing officer is normally the officer in closest proximity to the fleeing vehicle and has primary responsibility for conducting the pursuit. The primary pursuing officer may or may not be the initiating officer. The active pursuit will involve not more than two officers (the primary pursuing officer and one back-up officer); unless circumstances dictate additional officers are needed. All other officers will maintain perimeter control on parallel or intersecting routes unless given other specific instructions by a supervisor. When the primary pursuing officer determines that an offender is fleeing and decides to pursue, the officer will immediately notify the dispatcher of the pursuit and relay the following information: <41.2.02 b> 3.a-d

- Location of the pursuit
- Direction of travel
- Estimated speed of the offender
- Description, including the license number of the pursued vehicle and occupants

that the pursuing officer or on-duty supervisor must make depending on the facts of each pursuit.

f. Pursuing Officer Responsibility - Roadblocks

- Carry out the supervisor's decision to set up a roadblock.
- If a supervisor is not available, the pursuing officer will make the decision whether or not to use a roadblock.
- Safety to the public must be the determining factor.
- The risk of a continued pursuit must be greater than the risks encountered when using the roadblock. This is a decision that the pursuing officer or on-duty supervisor must make depending on the facts of each pursuit.

g. Types of Roadblocks - Once the decision is made to use a roadblock, the next step is to determine what type of roadblock to use. The primary factor in this decision is the safety of all involved. The roadblock with the least risk that will accomplish the objective should be used. <41.2.03 b> 1-3

(1) **Fusees or Traffic Cones** - Of all roadblocks, this is the least hazardous to all those involved, but it still presents a degree of danger. Fusees and/or traffic cones can be placed across the roadway in an effort to stop or funnel the fleeing vehicle onto the berm to stop. The officer setting up this roadblock must assume that the offender will not stop and must be positioned with the patrol car in a safe location. The patrol car should be off the roadway in a position to assume immediate pursuit with the pursuit lights activated.

(2) **Moving Roadblocks** - This is a partial blockage of the roadway by a moving patrol car(s) for the purpose of slowing or stopping a fleeing offender. This usually involves the use of two patrol cars in front of the offender, or one in front and one alongside the offender. Both patrol cars are then gradually slowed to a stop, forcing the offender to stop. This type of roadblock is extremely hazardous. The offender is very unpredictable and many times will choose any avenue of escape or ram the patrol car. This type of roadblock should only be used on divided highways with light traffic.

(3) **Stationary Roadblock** - This is a partial blockage of the roadway using a suitable material such as construction barricades; however, if nothing else suitable is available, an unoccupied patrol car, with pursuit lights on, can be used.

- The roadway will not be barricaded by occupied or privately-owned vehicles.

the pursuit. The dispatcher shall notify a supervisor that a pursuit is in progress and provide all pertinent information. The dispatcher will also keep all officers informed of the status of the pursuit. <41.2.02 e; 81.2.05g>

7. Alternatives to Stopping the Fleeing Offender - Pursuit and tactics contemplated must take into consideration all of the factors surrounding the incident. Safety is always the foremost factor to be considered. Methods for stopping a fleeing offender should always be progressively employed from the least to most hazardous. Alternatives include identifying the offender and apprehending later.

8. Use of Roadblocks - Roadblocks for stopping fleeing offenders may be used by Division officers only under the conditions outlined in this policy. <41.2.03 a> b,c; <41.2.03c>a-g

a. Definition - A roadblock is a deliberate obstruction of traffic on a road or street at one or more selected points installed for a specific purpose. It does not necessarily mean a complete stoppage of traffic or a complete blockage of the roadway. There are several types of roadblocks that may be used. Since each situation is different, there is no step by step procedure to dictate when or what type of roadblock is to be used.

b. Use Based on Safety - The primary factor to be considered is safety. If a roadblock will expose any person to a clear and unreasonable risk of injury, it will not be used. Safety to the public must be the determining factor; the risk of continuing a pursuit must be greater than the risks encountered when using the roadblock. This is a decision that the pursuing officer or on-duty supervisor must make depending on the facts of each pursuit. <41.2.03 b> b-d

c. Non-standard Passenger or Commercial Vehicles - When the fleeing vehicle, is other than a standard passenger or commercial vehicle (e.g., motorcycle, moped, snowmobile, etc.), a roadblock should be avoided unless the offender is wanted for or charged with a life-threatening felony.

d. Establish Location - If other traffic is affected, the roadblock must be established in an area that gives other traffic ample time to identify the roadblock and stop a safe distance away.

e. Supervisor Responsibility - Roadblocks <41.2.03 d>

- Direct and control the situation with safety being the primary concern.
- Be aware of existing conditions such as traffic volume, type of area, availability of back-up officers, and nature of violation.
- Decide what type of roadblock, if any, to use and location.
- Safety to the public must be the determining factor; the risk of continuing a pursuit must be greater than the risks encountered when using the roadblock. This is a decision

- Under no circumstances will a road be completely barricaded by unoccupied vehicles or objects. The roadblock will be constructed in such a manner as to leave a route through the area, and the design should be such that it would be necessary to proceed slowly through the roadblock.
- Stationary roadblocks will be located in an area which provides a safe stopping distance for traffic to avoid unnecessary hazards to officers and innocent persons.
- Officers shall place themselves in a position of safety. They should never expose themselves to a risk for the sake of stopping the offender. The officer should be in a position that also affords the opportunity to make an apprehension if the offender opts to terminate the pursuit at the roadblock.
- If the patrol car is not being used to block the roadway, it should be off the roadway in a safe position to resume pursuit should the offender's vehicle not stop. The pursuit lights should be in operation.

9. Use of Tire Deflation Devices - Tire deflation (Stop Stick, Roadspike) devices placed across the roadway may be used when officers are engaged in certain types of pursuits. <41.2.03 b,c> a-d

a. Stop sticks shall be assigned and stored in the trunk of every marked patrol car.

b. Stop sticks may only be used from a stationary position. The decision by a Division officer or supervisor involved in a pursuit to deploy them shall be made after giving consideration to the principles outlined in this policy. If circumstances and time permit, prior approval from a supervisor shall be sought before deployment to terminate a pursuit.

c. It is imperative that all officers involved are aware of the exact location of deployed stop sticks, so they can slow in time to allow removal after the offender's vehicle crosses. Measures should be taken to divert traffic to prevent damage to other vehicles.

d. Tire deflation devices shall not be used when the pursuit involves motorcycles, three-wheeled vehicles or all-terrain vehicles.

10. Intentional Contact - Intentional contact with the offender's vehicle may constitute a high-risk maneuver.

Therefore, intentional contact with the offender's vehicle shall be considered by a Division officer only after the dangers of intentional contact are weighed carefully and concluded at the time to be less than the danger of letting the offender continue. <41.2.03 b>

Intentional contact may be considered as a tactic for stopping a wrong-way driver when all other attempts to stop the violator have been unsuccessful. It may also be utilized as a tactic in lieu of other methods if there is an immediate need to stop the wrong-way driver due to public safety and optimal conditions for implementing this technique exist. The officer will need to weigh the risks to the public, the suspect and themselves before deciding to make intentional contact. When intentional contact is utilized, contact should be made in a manner intended to stop the suspect vehicle from continuing to travel in an unsafe manner.

11. Multiple Departments - If other police departments are involved in the pursuit, and Division officers have radio communications with them, plain English should be used instead of radio signals. When Division officers pursue vehicles into municipalities, care must be exercised to ensure that a train of police vehicles does not join the chase. The officer initiating the pursuit should remain in control until relinquishing control to another department. If the pursuit enters a substantially different area (from rural to urban), control should be turned over to the department having jurisdiction and the originating officer should assume a back-up role. <41.2.02 h> <2.1.03 b,f>

12. Crossing State Boundaries - The pursuit of a fleeing felony offender whose actions are creating a life-threatening condition, beyond the boundaries of the state, is permitted only when the nature of the felony and/or subsequent actions of the alleged offender are such that discontinuing the pursuit at the state boundary would likely result in a threat of death or critical injury to the public at large, to other law enforcement officers, or to the occupants of the felony offender vehicle.

13. Use of the Public - Officers shall not solicit the public for assistance, control, or termination of a vehicle pursuit, and any such offer of assistance from a citizen should be declined.

~~**14. Unmarked Vehicles - Plainclothes Officers**~~ - ~~Officers~~ operating unmarked vehicles will not engage in pursuits. Due to the potential for mistaken identity and/or a resulting pursuit situation, plainclothes officers attempting to serve a warrant or make an arrest of an offender operating or in physical control of a motor vehicle will be assisted by a sworn officer in uniform and in a marked patrol car. <41.2.02 d>

15. Pursuit Prohibition - MCEI Vehicles / Inspectors - Motor Carrier Enforcement Inspectors (MCEI) will not engage in

pursuits. <41.2.02 d>

I. FOOT PURSUITS - Although it is an officer's decision to initiate a stop, it is the offender who decides to precipitate a foot pursuit by fleeing. An officer's decision to pursue on foot shall be made with an awareness of, and appreciation for, the risk to which the officer and others will be exposed. Where necessary, an officer may pursue persons with reasonable belief that an act has occurred that would warrant a stop, investigative detention, or arrest.

1. Initiating Officer's Responsibilities - Shall bear operational responsibility for the foot pursuit unless circumstances dictate otherwise or until relieved by a supervisor. Pursuing officers are cautioned that voice transmissions while running and in other field tactical situations may be difficult to understand and may have to be repeated. The officer initiating a foot pursuit shall, as soon as practical, provide the following information to the communications center / dispatcher.

- Unit identifier
- Reason for the foot pursuit
- Officer location and direction of pursuit
- Number of offenders and description
- Whether or not the offender is armed

2. Risk Factors - In deciding whether to initiate or continue a foot pursuit, officers shall also consider these risk factors:

- Officer acting alone, In an unfamiliar area, In a hostile area (e.g., drug trafficking location),
- Pursuing more than one person,
- Unable to obtain backup in a timely manner,
- Unable to establish or maintain communications,
- Pursuing in inclement weather, darkness, or reduced visibility conditions,
- Pursuing into buildings, structures, confined spaces, wooded or isolated areas,
- Barricaded offender,
- Loss of firearm,
- Identity established, probable apprehension later time, and no immediate threat,
- Loss of visual contact,
- Location of offender not known,
- Injury to an officer or third party requiring assistance,
- Danger to pursuing officers or the public,
- Knowledge of own location or direction of travel, and
- Unanticipated circumstances.

3. Alternatives - In deciding whether or not to initiate a foot pursuit, an officer shall consider the following alternatives:

- Aerial support
- Containment of the area
- Canine search
- Special Response Team
- Saturation of the area with officers

- Apprehension at another time and place if the officer knows the identity of the subject or has other information that would likely allow for later apprehension.

4. Foot Pursuit Coordination - The primary (initiating) officer shall immediately coordinate - directly or indirectly through the dispatcher - with secondary officers to establish a perimeter in the area to contain the offender. Generally, the primary officer shall not try to overtake the fleeing offender but shall keep in sight until sufficient personnel are present.

a. **Containment** - Assisting officers shall immediately attempt to contain the pursued offender. Such officers shall not respond to the primary officer's location unless the offender has been stopped and the primary officer requests assistance to take the offender into custody.

b. **Isolation** - When two or more officers are in foot pursuit, they shall not separate unless they remain in sight of each other and maintain communication, but they shall allow the lead officer to concentrate on the offender's actions while the second officer provides backup and maintains communications with dispatch and other assisting officers,

c. **Termination** - The pursuing officer shall terminate a foot pursuit if so instructed by a supervisor. Upon terminating the pursuit, the pursuing officer shall notify the dispatcher with the location and request any assistance deemed necessary.

5. Supervisor's Responsibilities - Foot Pursuits - Upon becoming aware of a foot pursuit, the supervisor shall decide as soon as possible whether pursuit should continue. The supervisor shall take command, control, and coordinate the foot pursuit as soon as possible. The supervisor should allow the foot pursuit to continue if: <81.2.04f>

a. There are at least two officers working in tandem, and there is a reasonable belief that the offender has committed an act that would permit the officer to detain the offender, or

b. There is a reasonable belief that the offender poses an immediate threat to the safety of the public or other officers, or

c. The foot pursuit does not violate provisions of this or related Division policy, procedures, or training.

d. The supervisor shall terminate a foot pursuit at any time he or she concludes that the danger to pursuing officers or the public outweighs the necessity for immediate apprehension of the offender.

e. As in any tactical incident, the supervisor does not have to be physically present to assert control over the situation.

f. Once the foot pursuit has concluded, the supervisor shall proceed to the terminus of the pursuit to assert post-pursuit

discipline and control as needed.

6. Dispatcher's Responsibilities - Foot Pursuits - Upon being notified that a foot pursuit is in progress, communications personnel shall immediately notify the field supervisor and provide all available information. Communications personnel shall carry out the following responsibilities during a foot pursuit: <81.2.05g>a-c

- a. Receive, record, and immediately report incoming information on the pursuit, the officers involved and the offender.
- b. Control all radio communications and clear the radio channels of all non-emergency traffic.
- c. Coordinate and dispatch backup assistance and air support units under the direction of the field supervisor.

J. RESPONSE TO RESISTANCE REVIEW COMMITTEE <41.2.02 |> 1-4

1. Structure -The Committee will consist of:

- Assistant Superintendent - Chairperson
- Field Operations Commander
- Personnel Commander
- Training Commander
- Risk Manager
- Trooper selected by the Superintendent
- In case of an absence, the Superintendent may appoint another command level officer.

2. Responsibility - The Committee's primary mission is to determine the following and report findings to the Superintendent on a case-by-case basis:

- Whether the employee's response to resistance was reasonable;
- Whether the employee violated Division directives or criminal/civil laws;
- Performance deficiencies;
- Training needs; and
- Other recommendations that may include positive feedback, recognition, etc.

3. Review Process

a. The Committee will convene as necessary to review reports of investigation, whether criminal, administrative, or both. This includes incidents involving response to resistance by or against Division employees which results in injury or death to any person, or which presented a high risk for serious injury or death to any person, whether intentional or accidental. This includes, but is not limited to, shootings, vehicle ramming, and non-deadly responses. A non-deadly response to resistance is a response not likely to cause death.

b. Copies of the preliminary report of all response to resistance cases (Nature Codes 520, 525, 550 or 551) shall be forwarded through channels to Administrative Investigations Unit (AIU) as soon as the preliminary investigation is complete. Post commanders shall attach a Response to Resistance Route Guide with their comments and findings.

c. The post commander then shall forward the investigation to the district commander for a comprehensive review for training needs and policy or rule violations. The district commander or designee will be the final review for determination if the case is to be forwarded to the Committee for consideration. The investigation will be forwarded to the Administrative Investigations Unit for processing. The original case will remain at the post until the investigation is complete.

d. AIU will:

- Coordinate with the chairperson the agenda for scheduled Committee meetings, along with a case by case summary of facts.
- Present the summaries to the Committee members.
- Serve as facilitator and resource unit for the Committee.
- Record the Committee's recommendation for disposition in each case.

4. Reporting - A report of the committee's findings and any recommendations will be signed by the chairperson and forwarded to the Superintendent.

5. Analysis - Annually, AIU will conduct an analysis of Response to Resistance incidents, including pursuits, to reveal patterns and trends that could indicate training needs or policy changes. The report will be submitted to the Superintendent and to Risk Management for further review and analysis no later than March 10 each year. <1.3.13; 41.2.02 j>

Current Form and Supplemental References

Forms available by accessing the Central Repository System (CRS):
<http://odpsweb.ps.dps.state.oh.us/crs>

- **OHP 0095 HP-15 Weapons Qualification Record <1.3.11b>**

Use - Academy staff will record handgun, shotgun and carbine rifle qualification attempts and use as a source document for computer entry. Districts/Sections should use the "Defensive Combat Course" and "other related training" portion of the HP-15 to document attendance, performance, and related training for Civil Disturbance Training. This can then be used as a source document for computer entry into PeopleSoft at the District level. This can be accessed under Workforce Development / Competency Management / Track Person Competencies / Firearm training scores/. Search by unit number; select "Defensive Combat Scoring;" enter appropriate information.

- **OHP 0096 HP-15A Auxiliary Officer Weapons Training Record <1.3.11b>**

Use - Division firearms officers complete as the source document for auxiliary training files, recording handgun and shotgun familiarization. Complete for each auxiliary officer participating in firearms familiarization at training sessions, and record related training, entering type of training and date given (e.g., chemical mace, Conducted Energy Weapon (CEW), handcuffing, baton, flashlight, holster, etc.). Forward one copy to Academy for review. Forward a second copy to the Office of Strategic Services for each Auxiliary Officer's permanent personnel file. Retain the original at the post where the auxiliary's records are maintained.

- **OHP 1166 Response to Resistance Review Guide and Committee Findings**
- **OHP 1168 HP-54D Conducted Energy Weapon (CEW) Cartridge Issue and Use Log**

OSP Standard References

01.2.02	01.3.01	01.3.02	01.3.03	01.3.04
01.3.05	01.3.06	01.3.07	01.3.08	01.3.09
01.3.10	01.3.11	01.3.12	01.3.13	33.1.05
41.2.03	46.2.03	81.2.04		

Policy References

<u>DPS-100.01</u>	ADMINISTRATIVE INVESTIGATIONS
<u>DPS-500.02</u>	HUMAN RESOURCE MANAGEMENT SYSTEM (HRMS) - PEOPLESOFT
<u>OSP-100.01</u>	OFFENSE AND INCIDENT REPORTS / REPORTS OF INVESTIGATIONS
<u>OSP-103.19</u>	ADMINISTRATIVE INVESTIGATIONS - OSP EMPLOYEES
<u>OSP-200.06</u>	PATROL CAR / MOTOR VEHICLE OPERATION BY SWORN OFFICERS
<u>OSP-203.06</u>	CARE OF ANIMALS INVOLVED IN TRAFFIC CRASHES, INCIDENTS, OR ARRESTS
<u>OSP-203.26</u>	CUSTODIAL AND NON-CUSTODIAL CARE AND SECURITY
<u>OSP-501.02</u>	DIVISION TRAINING
<u>OSP-507.29</u>	CRITICAL INCIDENT STRESS MANAGEMENT - MEMBER ASSISTANCE TEAM (MAT)
<u>OSP-801.06</u>	EMPLOYEE INCIDENT REPORTING

Attachment(s)

OSP-203.20 Response to Resistance Training.doc
 <1.3.05; 1.3.09c&d; 1.3.10; 1.3.11c; 1.3.12; 33.1.05; 41.2.03c>
OSP-203.20 Qualification and Familiarization Course.docx
OSP-203.20 Firearms Cleaning - Maintenance.doc
 <1.3.09c&d>
OSP-203.20 Response to Resistance Investigations.doc
 <1.3.06; 1.3.07; 1.3.08; 41.2.03e; 81.2.04f>