



41.2.3 ROADBLOCKS AND FORCIBLE STOPPING

A. Roadblocks as described in this chapter, refer specifically to those roadblocks used for the purpose of stopping a motor vehicle pursuit or preventing a motor vehicle pursuit from being initiated.

1. The mere use of some of the techniques listed in this chapter does not necessarily mean that the officer has engaged in a motor vehicle pursuit under 41.2.2. (Refer to Chapter 41.2.2 for the definition of a motor vehicle pursuit).
2. A roadblock is defined as a deliberate obstruction of traffic on a roadway at a selected point for purposes of apprehending a fleeing vehicle. It does not necessarily mean a complete stoppage of traffic or a complete blockage of the roadway.
3. Roadblocks may only be used against standard passenger or commercial vehicles unless the suspect is wanted for an offense which involves the intent to inflict or attempt serious physical harm or death or the actual infliction of the same.
4. Any application of a stationary roadblock, rolling roadblock, or forcible stopping incident shall be noted in the applicable report and shall be subject the department's use of force policy.

B. There are several types of roadblocks that are authorized by the Powell Police Department. They include tire deflation device deployment, stationary roadblocks, rolling roadblocks and vehicle interception. Each type of roadblock has its own inherent risks and these must be evaluated against the risk to the public posed by allowing the pursuit to continue or abandoning the pursuit. Officers are prohibited from utilizing any roadblock unless the officer has received practical training in the implementation of a particular roadblock. In-service classroom instruction on this policy is insufficient to meet this training requirement.

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1. **Tire deflation devices** (Stop Sticks) are **not** considered an application of deadly force in that they produce a slow controlled deflation of the tire of the affected vehicle. This controlled deflation will not cause a loss of control of the affected vehicle.

Tire deflation devices may be deployed at the site of a properly marked and deployed roadblock or covertly introduced into the path of a suspect vehicle.

Whenever a pursuit has been initiated and seems likely to enter the municipality of Powell, any officer on duty will (if time permits) have the section of roadway on which the pursuit will be entering the municipal limits blocked by tire deflating devices.

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- a. The use of the devices in this manner is intended to increase the safety of persons in the community by preventing pursuits from traveling into or through its streets or roadways.
- b. The pursuing units will be notified of the placement of the devices and any lane restrictions.
- c. If there is insufficient time to place the tire deflation devices, officers of this agency will function primarily to direct the flow of traffic away from the likely route of the pursuit.
- d. The deploying officer has the responsibility to collect tire deflation devices from the roadway after deployment.

Tire deflation devices will not be used when the suspect vehicle is a motorcycle, three-wheeled vehicle, or all-terrain vehicle. However, these devices can be used on stationary vehicles if the officer believes a suspect may attempt to leave a scene. Whenever tire deflation devices are used, a "Tire Deflation Device Report" shall be completed and forwarded to the Shift Supervisor or OIC.

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2. **Stationary roadblock** is a partial obstruction of the roadway using suitable material such as construction barricades or police vehicles. Such obstruction must leave an open path through the obstruction such as would require a vehicle to proceed slowly to negotiate the path.

All stationary roadblocks must be located in an area which provides a safe stopping distance for oncoming traffic traveling at the normal rate of speed for the given roadway. No privately owned or occupied vehicles may be used in a stationary roadblock.

3. **Rolling roadblock** may be utilized by placing a police vehicle in front of, behind and to whatever side(s) are necessary, of the suspect's vehicle and by gradually slowing the police vehicles, bringing the suspect's vehicle to a halt. This type of roadblock is hazardous and should only be attempted when the need to force a conclusion to the pursuit is elevated due to the suspect's actions prior to or during the pursuit. No privately owned vehicles may be used in a rolling roadblock.

This type of roadblock should not be utilized in situations where officer safety would likely be compromised (example: bank robbery with gun).

4. **Vehicle Intercept** is a technique designed to prevent a pursuit before it even begins and is not a rolling roadblock. Used at intersections or natural points



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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.

- a. The first variation allows a primary unit to block a violator at a point of stoppage by angling the officer's vehicle in front of the halted violator. The secondary unit then approaches the violator from the rear to prevent the violator from potential escape.
- b. 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 their 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.

This maneuver is designed to surprise the violator and prevent the initiating a high-speed pursuit.

This maneuver should only be used as vehicles are slowing, stopped, or beginning to move. For the use of this maneuver the vehicle must be travelling at less the ten (10) miles per hour.

This maneuver should not be utilized in situations where officer's safety is compromised (example: known armed subjects).

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C. Forcible Stopping

1. **Precision Immobilization Technique (P.I.T.)** is a forced rotational vehicle stop of a non-compliant suspect vehicle. P.I.T. is not a ramming maneuver.

- a. The P.I.T. technique is only justified when the behavior of the suspect prior to or during the pursuit would lead a reasonable person to believe that failure or delay in apprehension of the suspect would expose the public to greater risk than that posed by the P.I.T. technique.
- b. The P.I.T. technique is considered to be a less-lethal intervention technique when the following circumstances apply:
 - i. Suspect vehicle's speed is 45 miles per hour or less;
 - ii. Road conditions are ideal for implementing technique; i.e., wide, straight, dry roadway;
 - iii. No uncontrolled traffic in either direction of travel;
 - iv. Wide shoulders clear of obstacles such as rocks, trees and deep ditches;



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- v. Suspect vehicle is of standard size, unaltered, with a normal center of gravity.
- c. The P.I.T. technique **may not** be used in the following conditions *unless* the behavior of the suspect prior to or during the pursuit would lead a reasonable person to believe that failure or delay in apprehension of the suspect would expose the public to greater risk than that posed by the potential crash which might result from the P.I.T. technique.
 - i. Suspect vehicle is travelling over 45 miles per hour;
 - ii. Suspect vehicle has a combination of higher than normal suspension, short wheelbase and/or balloon tires;
 - iii. 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;
 - iv. Any suspect vehicle that you cannot contact the body before touching the wheels;
 - v. Inclement weather conditions that would cause slick or icy roadways;
 - vi. Suspect vehicle is a motorcycle, bicycle, scooter, tractor or horse drawn buggy;
 - vii. P.I.T. **may not** be used to stop pedestrians.
- d. This technique is only to be conducted by agency personnel who have received the appropriate certification and training in precision immobilization techniques.
- 2. **Intentional contact** (ramming) between the suspect's vehicle and a police vehicle, when initiated by the pursuing officers is only justified when the behavior of the suspect prior to or during the pursuit would lead a reasonable person to believe that failure or delay in apprehension of the suspect would expose the public to greater risk than that posed by the crash which might result from intentional contact.

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D. Supervisory Responsibilities

- 1. The on-duty supervisor/OIC is responsible for overseeing the use of any roadblocks or forcible stopping techniques.

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2. Each use of a roadblock or forcible stopping will be administratively reviewed by the Chief of Police or designee.

3. The Chief of Police or designee will ensure all officers receive proper training in all approved roadblocks and forcible stopping techniques, as well as annual refresher training for the same.

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4. The Supervisor or OIC on duty shall ensure that the proper agency forms and corresponding report(s) are completed by any involved personnel as soon as reasonably possible following the incident.

Supporting Written Directives

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1.3.12 DISTRIBUTION OF RESPONSE TO RESISTANCE/AGGRESSION DIRECTIVES

1.3.13 ANNUAL REVIEW OF DISCHARGE/DISPLAY OF FIREARM REPORT AND RESPONSE TO RESISTANCE/AGGRESSION REPORT.

1.3.1 DEGREE OF FORCE

A. Each law enforcement officer shall utilize any and all legal means available to prevent or halt the commission of a criminal offense or to apprehend a criminal offender, when it is within the officer's power and authority to do so, alone or with available assistance, within the limitations contained in the official directives of the Powell Police Department.

B. Personnel will use only the force necessary to accomplish lawful objectives.

Force may be used on another only in the performance of legal duties in the following cases:

1. While protecting yourself or another;
2. While arresting a suspect;
3. While attempting to prevent a person from injuring himself/herself or committing an act dangerous to himself/herself or another.

1.3.2 DEADLY FORCE

Officers of the Powell Police Department shall exercise their duties with respect for the sanctity of human life.

A. A law enforcement officer acting within the scope of their employment may use "deadly force" only under the following circumstances:

1. To defend them from what is reasonably believed to be an imminent threat of serious physical harm or death;
2. To defend another person from what is reasonably believed to be an imminent threat of serious physical harm or death;
3. To affect the capture or prevent the escape of a suspect if there is a substantial risk that a suspect will cause death or serious physical harm if his/her apprehension is delayed.

B. Definitions

1. "Reasonable belief" is similar to "probable cause," in that it depends on the specific facts and circumstances of an incident as they are then

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known to an individual officer and which would warrant a "reasonable officer" to exercise the same or similar action.

2. "Reasonable cause," as applied to a peace officer, is a duty to use all facts accessible, which may result in accountability if the officer fails to perceive or avoid a risk due to a substantive lapse of due care required under the circumstances.(State v Bundy, 485NE(2d)1039(1985))
3. "Deadly force" means any force which carries a substantial risk that it will proximately result in the death of any person. (ORC §2901.01 E)
4. "Serious physical harm" (Ohio Revised Code 2901.01 (A)(5)), means any of the following:
 - a. Any mental illness or condition of such gravity as would require hospitalization or prolonged psychiatric treatment;
 - b. Any physical harm that carries a substantial risk of death;
 - c. Any physical harm that involves some permanent incapacity, whether partial or total, or that involves any temporary, substantial incapacity;
 - d. Any physical harm that involves some temporary, serious or permanent disfigurement;
 - e. Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain.

1.3.3 WARNING SHOTS

The use of warning shots is strictly forbidden.

1.3.4 USE OF AUTHORIZED LESS LETHAL WEAPONS

- A. Officers shall use the **minimum** amount of force necessary to affect their lawful objective.
- B. Uniformed officers assigned to patrol duties shall carry on their belts all issued less lethal weapons.
- C. Training Required

No less lethal weapons may be carried until an officer is formally trained by a recognized instructor, and a record of satisfactory completion is obtained.



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41.2.2 MOTOR VEHICLE PURSUITS

A. Motor Vehicle Pursuit Policy Scope and Purpose

Motor vehicle pursuits expose the public, law enforcement officers and fleeing violators to an inherently high risk of serious injury or death. The primary purpose of this policy is to balance the officer's duty to apprehend violators with the overall welfare and safety of the public. The fundamental goal of law enforcement is to safeguard human life and thus, the Powell Police Department has carefully restricted the use of motor vehicle pursuits as outlined in this policy.

B. Motor Vehicle Pursuit Definitions

Motor Vehicle Pursuit - An attempt by a law enforcement officer in a police vehicle (marked or unmarked) to pull over and apprehend a violator who is operating a motor vehicle **and** is willfully evading, fleeing or eluding the officer by engaging in any evasive tactics, maneuvers or operations.

Motor Vehicle has the same meaning as defined in Ohio Revised Code 4511.01.

For purposes of this definition, a pursuit will be determined to have occurred if it can be reasonably observed or inferred that the violator is intentionally attempting to evade apprehension **and** the officer in a police vehicle continues an attempt to pull over and apprehend the violator. If the officer discontinues the traffic stop as soon as the officer is aware the violator is fleeing, eluding or evading him, no pursuit will have occurred.

A motorist who simply fails to yield to a law enforcement officer as required under Ohio Revised Code 4511.45 and is not taking any evasive action would not meet the above definition.

C. Conditions and Requirements

1. Officers will not engage in motor vehicle pursuits except when the violator has committed a **violent felony offense**. It shall be the burden and responsibility of the pursuing officer to articulate reasonable suspicion that the offense in question meets that standard. This restriction is universal and applies to officers initiating a pursuit or engaging in one that is already under way by another law enforcement officer.
2. Once a determination has been made that a violent felony offense has been committed, officers are further required to evaluate whether the seriousness of that violent felony warrants a pursuit given the

conditions that exist at that time. Being able to articulate that the violator is wanted for a violent felony does not necessarily mean that the pursuit will be deemed within policy. Other factors that officers should evaluate before making a decision to pursue include, but are not limited to:

- a. Time of day;
 - b. Traffic congestion;
 - c. Pedestrian traffic;
 - d. Probable route of pursuit;
 - e. Speed of the violator;
 - f. Types of streets the pursuit will likely take;
 - g. Likelihood of apprehension;
 - h. Condition of the officer's vehicle;
 - i. The number of police vehicles available;
 - j. Readiness of aircraft assistance;
 - k. Weather and road conditions.
3. Officers must continually weigh throughout the entire pursuit whether the pursuit was necessary given the risks that specific pursuit posed to the public. The decision to initiate and continue a pursuit must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
 4. Officers will operate their vehicle within the laws prescribed in ORC 4511.03, 4511.24, 4511.45 and 4513.21, operating with the due regard of safety of all persons using the streets or highways utilizing both their lights and sirens at all times.
 5. Officers will terminate a pursuit if any of the following occur:
 - a. The violator has been identified (making it possible for an apprehension later) **and** there is no longer a need for immediate apprehension.

- b. The prevailing traffic, roadway and environmental conditions indicate the futility of the continued pursuit.
 - c. The location of the violator's vehicle is no longer known.
 - d. It is the opinion of the pursuing officer or a supervisor that a greater and unacceptable risk to the public exists by the continuation of the pursuit than if the violator escapes.
 - e. If the pursuit leaves the City of Powell and the entering jurisdiction has two units in visual range of the violator vehicle. If the entering jurisdiction has one unit present, then one Powell officer may remain in the pursuit until a second unit from the entering jurisdiction is within visual range of the violator's vehicle.
 - f. Under no circumstances are Powell officers authorized to engage in a pursuit outside the City of Powell when there are two or more police vehicles from other agencies involved.
 - g. When an aircraft is available and has visual contact with the violator vehicle.
6. Officers will **never** be administratively criticized for choosing not to initiate or for choosing to terminate participation in a pursuit.
7. Unmarked police vehicles are only authorized to engage in a pursuit when the following apply in addition to the conditions listed in C(1),(2) and (3):
- a. A delay in response from the unmarked unit poses a clear danger (example: child is abducted and the officer sees the suspect vehicle);
 - b. No marked units are in visual range of the violator vehicle.
- The unmarked unit will immediately disengage from the pursuit as soon as any marked unit engages.
8. Officers would be permitted to pursue with a civilian rider on-board their police vehicle as long as the seriousness of the crime and the necessity of apprehension outweigh the risks posed to the civilian rider.
9. Officers will not engage in motor vehicle pursuits which do not cross the City of Powell limits unless they are otherwise justified by the conditions set forth in this policy and are specifically requested under mutual aid.

D. Pursuits entering the City of Powell

1. Officers will only engage in pursuits that enter the City of Powell when the conditions prescribed in section (C) of this policy exist and Powell units are specifically requested by the pursuing agency.
2. When pursuits are likely to or are entering the City of Powell, (irrespective of whether Powell officers engage in the pursuit) officers should attempt to lay down tire deflation devices on roadway where the pursuit is headed. The use of tire deflation devices by officers is **not** considered as participation in a pursuit and their use is encouraged as to reduce the risk to residents posed by the incoming pursuit. If there is insufficient time to lay down tire deflation devices, officers should attempt to direct the flow of traffic away from the route of the pursuit. Officers shall notify the pursuing units of the location of the tire deflation devices.

E. Motor Vehicle Pursuit Operations and Supervision

1. Pursuits that are conducted within the City of Powell will be transmitted over this agency's frequency.
2. Upon engaging in pursuit, the officer shall notify DelComm of the location, direction and speed of the pursuit, the description of the pursued vehicle and the initial purpose of the stop. The officer shall keep communications updated on the pursuit.
3. Officers who parallel the pursuit with their emergency equipment activated will be considered participants in the pursuit. Officers who parallel the pursuit in a non-emergency response in order to lay down tire deflation devices or to direct traffic away from a pursuit will not be considered participants in the pursuit.
4. Unless specifically allowed by the on-duty supervisor, no more than two Powell officers will engage in a motor vehicle pursuit.
5. The back-up, or secondary officer will assume communication responsibility allowing the primary pursuing officer to focus on the violator. The back-up officer will maintain a distance that is safe to be able to assume the role as primary officer should the primary officer's vehicle become disabled.
6. Communications personnel shall notify any available supervisor of the pursuit, clear the radio channel of nonemergency traffic, and relay necessary information to other officers and jurisdictions.

7. The safe termination of the pursuit should continually be the pursuing officers' objective. Officers should use appropriate pursuit termination tactics such as deploying tire deflation devices and low speed tactical intervention techniques when it is possible to do so in safety and when the officers utilizing them have received appropriate training in their use. The quicker the pursuit can be terminated, the less risk the public is exposed to.

Use of any of the listed techniques should be documented on either a vehicle pursuit report / tire deflation report.

8. The shift supervisor/OIC's responsibilities are primarily to direct and control the pursuit through communications; to ensure the safety of involved units, methods for identifying the fleeing vehicle / driver, tactics to stop the fleeing violator, coordination of all officers involved; and to order the termination of a pursuit if conditions warrant.
9. When a supervisor/OIC is actively engaged in a pursuit, the responsibility to order termination of a pursuit if conditions warrant is delegated to personnel in the following manner:
 - a. Primary Officer In Charge;
 - b. Next Most Senior Alternate Officer In Charge;
 - c. Next Most Senior Officer On-duty.

F. Motor Vehicle Pursuit Reporting

1. Any Powell officer involved in a motor vehicle pursuit shall fill out the *Vehicle Pursuit* form at the conclusion of the pursuit and submit it to the shift supervisor.
2. The report will then be forwarded to the Chief of Police so that an administrative review of the pursuit can be conducted to verify the pursuit was done in accordance with this and other applicable policies.
3. The Powell Police Department will conduct an annual documented analysis of all motor vehicle pursuit reports conducted by agency personnel to look at trends that may indicate a need for policy revision or additional training.
4. The Powell Police Department will also conduct an annual documented review of this agency's motor vehicle pursuit policies and accompanying reporting procedures. The absence of pursuit reports