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Property, Pursuit, Peril: Ninth Circuit Navigates PIT Maneuvers and Police Protocols in Sabbe Case

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The Ninth Circuit Court of Appeals recently decided *Sabbe v. Washington County*, a case that made its way to the Circuit after law enforcement responded to a disturbance call and executed a PIT maneuver, in attempts to seize a hostile individual from their own private property.¹ On appeal, the Ninth Circuit considered the officers' emergency response protocols, the warrantless entry to the property, and the potential implications of legal liability.

Summary

This case originated from a high-tension incident taking place in Oregon in January 2018. Remi Sabbe, in a state of intoxication, was reported by a neighbor for erratically driving a pickup truck across his own rural field. The report included possible gunshots and complaints of aggressive behavior. Responding to the disturbance report, approximately thirty officers arrived, approaching in marked police vehicles with their overhead lights on. As the response escalated, two armored vehicles entered Sabbe's field, about an hour after the initial arrival of the police. The intent, as later clarified by one of the officers operating an unmarked armored personnel carrier, was to establish communication with Sabbe. However, the team of eight officers inside the carrier found themselves without a means to effectively communicate with him.

The situation took a critical turn when the driver of one of the armored vehicles resorted to a tactical maneuver. In an effort to immobilize Sabbe's pickup truck, the vehicle was used to execute a PIT maneuver. This maneuver involved the armored vehicle making intentional contact with Sabbe's truck, striking it in such a way as to force it to spin and come to a stop. In the moments that followed this intervention, officers heard the sound of a gunshot. In response, several officers at the scene discharged their firearms. Reports from the officers indicated that Sabbe was seen making threatening movements, with one officer recounting having seen Sabbe positioning a rifle in their direction, and another observing Sabbe aiming the rifle at them. The rapidly escalating encounter ended with officers shooting Sabbe a total of eighteen times, resulting in his death at the scene.

Following this incident, Sabbe's widow brought claims under 42 U.S.C. § 1983 and state law. The lawsuit focused on several key legal issues: the warrantless entry onto private property, the use of the armored vehicle for the PIT maneuver, and the use of deadly force that led to the fatal shooting. She

claimed these actions violated her late husband's Fourth and Fourteenth Amendment rights. The district court, however, sided with the defendant officers, granting them summary judgment. The Court reasoned that when viewing the facts in the light most favorable to the Plaintiff, the officers' conduct did not violate Sabbe's constitutional rights.

The heart of the appeal to the Ninth Circuit Court hinged on three main considerations: the warrantless entry onto private property, the employment of the armored vehicle for the PIT maneuver, and the use of deadly force. Ultimately, the Ninth Circuit affirmed the district court's finding in favor of the defendant officers, issuing several crucial judgments, all in support of the defendant officers.

Analysis

First, the Court's analysis began with the warrantless entry onto Sabbe's property. While the Fourth Amendment generally mandates a warrant for such entries, the Court examined the exigent circumstances exception. The court concluded that the immediate nature of the emergency presented a situation where a warrantless entry could be justified. However, it also carefully considered the lack of a direct causal link between this entry and the fatal outcome, a key factor in their decision to uphold the officers' actions.

Next, the Court considered the use of the armored vehicle for the execution of the PIT maneuver. The Court recognized this conduct, using the vehicle to collide with Sabbe's truck, as a 'seizure' under the Fourth Amendment. However, the Court extended qualified immunity to the officers for the allegations concerning this tactic. The Court cited the absence of clearly established law that would have put officers on notice that this tactic and use of force was unreasonable.

Finally, the Court's deliberation on the use of deadly force centered on the officers' assessment of the threat posed by Sabbe. Viewing the entirety of the situation, the Court took into account the challenging environment faced by the officers: multiple reports portrayed Sabbe as armed, intoxicated, and behaving aggressively. This behavior included wielding a rifle, discharging a firearm, and making aggressive maneuvers towards police vehicles. The Court found the officers' perception of an immediate threat to be justified.

Conclusion

The Ninth Circuit affirmed the decision of the district court and granted the defendant officers qualified immunity. The outcome of this case acknowledges the high-pressure, rapidly evolving situations officers often face, granting a degree of deference to their split-second decisions in such situations.

Takeaways

Sabbe v. Washington County provides several critical lessons for law enforcement officers. This case underscores the importance for officers to understand the legal standards governing warrantless entries, the use of specialized police tactics, and the application of deadly force. It highlights the legal complexities officers face in rapidly evolving situations and the need for sound judgment under pressure.

1. *Sabbe v. Wash. Cty. Bd. of Comm'rs*, 84 F.4th 807 (9th Cir. 2023). [↔](#)

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