

	<p style="text-align: center;">HEWITT POLICE DEPARTMENT</p> <p>Policy 7.15 Vehicle Pursuits</p> <p>Effective Date: 12-28-18 Replaces:</p> <p>Approved: _____ Chief of Police</p> <p>Reference: TBP: 7.13, 7.14, 7.18, and 7.19.</p>
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I. POLICY

Pursuits represent a dangerous and difficult task that receives much public and legal scrutiny when accidents, injuries, or death result. Pursuing officers and supervisors must justify their actions and, once they have decided to pursue, continuously evaluate the safety of their actions. Further, forcible measures to stop a fleeing driver, as detailed below, are prohibited except where deadly force is appropriate.

Officers shall comply with all applicable portions of Policy 7.15 when involved in vehicle pursuits.

II. PURPOSE

The purpose of this policy is to establish procedures governing the operation of police vehicles, with special attention to emergencies and pursuits.

III. DEFINITIONS

- A. **Boxing in.** A deliberate tactic by two or more pursuit vehicles to force a pursued vehicle in a specific direction or to force it to reduce speed or stop by maneuvering the pursuit vehicles in front of, behind, or beside the pursued vehicle.
- B. **Caravanning.** Direct participation in a pursuit by department vehicles other than the primary and authorized support vehicles.
- C. **Emergency driving.** Driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation.
- D. **Emergency equipment.** Emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.
- E. **Marked Vehicles** - for purposes of this policy, marked vehicles are those clearly distinguishable as police vehicles by means of equipment, markings and color, and include designated vehicles that may not be equipped with overhead lights

- F. **Neighboring Jurisdiction** – A law enforcement agency in an adjoining city or other unit of local government within the county or adjoining county or state.
- G. **Normal or routine driving.** That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly-understood "rules of the road."
- H. **Primary pursuit vehicle.** Normally the department vehicle that begins the pursuit or the vehicle closest to the fleeing suspect. The primary pursuit vehicle may be re-designated by order of the on-duty supervisor.
- I. **Pursuit.** An active attempt by an officer in an authorized emergency vehicle to apprehend a suspect, who is fleeing or evading apprehension, provided the officer reasonably believes that the suspect is refusing to stop and is willfully fleeing capture by high-speed driving or other evasive maneuvers. Pursuits shall be conducted only with activated emergency equipment and under circumstances outlined in this order. An attempt to stop a vehicle that is not fleeing, or attempts to stop a vehicle that is refusing to stop while still obeying traffic control devices and not exceeding the speed limit by more than ten miles per hour is not a pursuit.
- J. **Risk.** The degree of danger or hazard to the public or officers.
- K. **Roadblock.** Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect.
- L. **Support vehicles.** The second or additional department vehicles, participating in the pursuit, which follows the primary pursuit vehicle at a safe distance and helps the primary one once the suspect vehicle has stopped, or which can assume the primary role if circumstances dictate.
- M. **Termination of the Pursuit** - Termination of the pursuit shall be defined as the total abandonment of the pursuit. Officers, when told to terminate a pursuit, will turn off their emergency lights and siren, reduce speed to legal limits and return to normal duties
- N. **Unmarked Vehicles** - For purposes of this directive, unmarked vehicle are those vehicles without distinctive markings or colors that identify them as police vehicles. Such vehicles include those assigned to administration, and investigations.
- O. **Vehicle Pursuit** - an active attempt by a law enforcement officer in an authorized emergency vehicle as defined by the Texas Transportation Code, Section 541.201 to apprehend one or more occupants of a moving motor vehicle, providing the driver of such vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing his speed or by ignoring the law enforcement officer's attempt to stop him. Following a vehicle being operated legally, but ignoring the law enforcement officer's attempt to stop them, does not constitute a pursuit.

IV. PROCEDURES FOR PURSUITS (TBP: 7.13)

- A. The responsibility for the decision to pursue, and the methods to be employed during pursuits, rests with the individual officer. The responsibility to continue a pursuit rests with the officer and the supervisor (on-duty watch Sergeant or Lieutenant) monitoring the pursuit. In arriving at his decision, the officer must carefully consider all factors involved, including the seriousness of the offense, all possible consequences and, most importantly, the safety of citizens, whose protection is his major objective. Officers will not initiate or continue a pursuit when such safety factors outweigh the need for apprehension.
- B. The law permits officers who are engaged in pursuit to exceed the speed limit and to violate other traffic regulations as necessary in order to maintain pursuit for apprehending the violator, but only:
 1. If the emergency lights and siren are employed (designating an emergency vehicle)
 2. If the utmost safety is ensured for self and others.

Even though the officer is legally engaged in pursuit, and is complying with this directive, he/she is neither relieved of his duty to drive with "due regard" for the safety of all persons nor protected from the consequences of any reckless disregard for their safety. He/she must exercise that degree of care which a reasonably prudent person in the discharge of similar duties and under like circumstances would use. It is understood that the officer's ability to supervise or control other motorists by the nature of existing circumstances is limited, but it is his duty to avoid contributing to the danger already created by the violating motorist. When a pursued vehicle goes through red lights, stop signs or intersections, the pursuing police vehicles are to slow down or stop before going through the intersections as may be necessary for safe operation.

- C. When attempting to stop a violator who has not yet begun to flee, the pursuing officer should keep personal safety in mind and attempt everything within his authority to apprehend the subject without resorting to a pursuit situation.
- D. If a pursuit is initiated, the pursuing officer should remember that the sooner the subject is stopped or apprehended, the less the opportunity for an crash. Of the utmost importance, the officer should not endanger the public or himself as a result of his driving techniques.
- E. When an officer has activated his emergency lights in an attempt to make a traffic stop of a violator and the violator suddenly speeds up and/or begins to operate his vehicle in such a manner as to endanger the safety of others, the officer shall immediately activate the siren and shall continually use both the emergency lights and siren throughout the pursuit. One must bear in mind that it is not the officer

who has initiated the pursuit, but the violator; it is the officer's decision to continue what the violator has begun. Officers must also remember that the effectiveness of the siren decreases as the speed of the pursuit vehicle increases.

F. Justification for pursuit:

1. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intentions to avoid apprehension for a felony or misdemeanor which would result in jail, by refusing to stop when properly directed to do so. Pursuit may also be justified if the officer reasonably believes that the suspect, if allowed to flee, would present a danger to human life or cause serious injury.
2. Pursuits will not be initiated for class C traffic offenses alone.
3. The decision to initiate 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. In deciding whether to initiate pursuit, the officer shall take into consideration:
 - a. road, weather and environmental conditions;
 - b. population density and vehicular and pedestrian traffic;
 - c. the relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
 - d. the seriousness of the offense; and
 - e. the presence of other persons in the police vehicle.

G. Primary officer responsibilities

1. The officer's primary responsibility in a pursuit is the safe operation of the vehicle. Only marked vehicles with emergency equipment shall pursue.
2. Upon engaging in a pursuit, the pursuing vehicle shall activate appropriate warning equipment.
3. The officer shall notify the dispatcher of the following:
 - a. The location of the officer and the suspect's vehicle.
 - b. The direction of travel.

- c. The license number (and state) of the suspect's vehicle.
 - d. The description of the suspect's vehicle.
 - e. The reason for the pursuit.
- 4. The officer will, to the best of their ability, keep the dispatcher informed of the location and direction of travel.
- 5. Whenever the risk to the public or the officer outweighs the immediate need to apprehend the suspect, the officer will terminate the pursuit.

H. Supervisor's responsibilities

- 1. The on-duty supervisor shall monitor the pursuit by ensuring compliance with department policy, directing officers to join or abandon pursuit, redesignating primary and support pursuing vehicles if necessary, approving or directing pursuit tactics, and terminating the pursuit.
- 2. The on-duty patrol supervisor shall monitor the pursuit and may respond to the location of the stopped suspect. The supervisor may end the pursuit at any time that he or she feels circumstances warrant.
- 3. No more than two department vehicles may pursue a fleeing suspect without the specific authorization of the on-duty supervisor. In authorizing additional department vehicles to pursue, the supervisor shall consider:
 - a. The nature of the offense.
 - b. The number of suspects.
 - c. The number of officers currently participating as primary or support vehicles.
 - d. Any injuries or property damage already sustained as a result of the pursuit.
 - e. Any other clear, articulated facts that would justify the assignment of additional department vehicles.
- 4. After the incident, the supervisor shall critique the pursuit with all of the officers involved and direct participants to submit reports.

5. The on-duty supervisor at the time the pursuit was begun will retain authority over the pursuing officers of the department for the duration of the pursuit.
6. The supervisor may direct the use of tire-deflation devices, as appropriate. See paragraph K.12 below.

I. Supporting officers' responsibilities

Normally the first back-up unit to respond shall help the primary officer in pursuing the suspect and making the arrest. The secondary pursuing officer is responsible for broadcasting the progress of the pursuit and controlling the pursuit tactics. By handling these communications responsibilities, the primary officer can focus attention on the pursuit driving.

J. Dispatcher's responsibilities

1. Communications personnel shall notify any available supervisor of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.
2. Record all pertinent information about the pursued vehicle.
3. Advise all other officers of the pursuit and the information given by the pursuing officer. Assist in directing back-up units to strategic locations.
4. Alert all other nearby law-enforcement agencies of the pursuit and information given by pursuing officer when continuing beyond the city.
5. Query MVD, TCIC, and NCIC for license data and any warrants.

K. Rules of pursuits

1. Officers shall not intentionally ram, bump, or collide with a fleeing vehicle nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle.
2. Boxing-in shall be performed only at low speeds and under the direct authorization of the on-duty supervisor and then only if the participating officers have been trained in the technique.
3. Caravanning is prohibited. Only two department vehicles (excluding the supervisor) shall participate in a pursuit at any time unless specifically authorized by a supervisor.
4. Officers shall not fire their weapons from a moving department vehicle.

5. If the on-duty supervisor orders the pursuit to end, then the primary and supporting pursuing officers shall cease immediately. Also, the pursuing officer(s) shall end the pursuit if at any time during the course of the pursuit he or she loses sight of the fleeing vehicle for more than a few seconds.
6. The use of a stationary or rolling roadblock is prohibited. (TBP: 7.18)
7. When accompanied by civilian passengers, officers shall not pursue.
8. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit shall use a different siren-sound selection, if circumstances and safety permit. The use of different siren-sound combinations can help the primary and secondary vehicles hear one another and alert motorists and bystanders that two vehicles are operating under emergency conditions.
9. In case of pursuit, should the suspect drive in a direction opposite to the flow of traffic, the pursuing officer shall not follow the suspect in the wrong direction but instead transmit via radio detailed observations about the suspect vehicle's location, speed, and direction of travel. The pursuing officer may be able to follow the suspect on a parallel road.
10. Officers involved in a pursuit shall not try to overtake or pass the suspect's vehicle.
11. Intersections are a particular source of danger. When approaching an intersection where signal lights or stop signs control the flow of traffic, officers shall:
 - a. Slow and enter the intersection at a reduced speed and only when safe, when all other vehicles are aware of the officer's presence.
 - b. Resume pursuit speed only when safe. When using emergency lights, siren, and headlamps, the officer is requesting the right of way and does not absolutely have the right to run a red traffic light or stop sign.
12. Tire Deflation Devices (TBP: 7.19)
 - a. Officers who have been trained in the use of Tire Deflation Devices are authorized to deploy the devices when approved by a supervisor.
 - b. Deployment must be made in safety and in an area that is free of obstructions for at least 100 yards in each direction.

- c. Deployment is made per manufacturer's instructions always keeping the deploying officer safe from possible vehicular danger.
- d. The device must be retracted prior to departmental vehicles running over them.
- e. Officers deploying the device will notify on coming departmental vehicles of the deployment location so that they may slow to avoid running over the devices.

L. Out-of-jurisdiction pursuits

- 1. Pursuits beyond the local jurisdiction require the direct approval of the on-duty supervisor and, if approved, shall be conducted according to this order. The dispatcher shall notify the appropriate jurisdiction of the pursuit and request help.
- 2. Once the pursuit has entered another jurisdiction, if officers from that jurisdiction enter the pursuit, department officers shall cease their emergency driving (unless circumstances require their continued pursuit), turn off emergency equipment, and follow the pursuit while observing all posted speed limits and traffic control devices.
- 3. If officers from another jurisdiction pursue a suspect into our jurisdiction, department officers shall enter the pursuit only if the other agency specifically requests help and the on-duty supervisor approves our participation. Any non-pursuit assistance (including apprehension of a stopped suspect) may be provided as the circumstances dictate.

M. TERMINATING PURSUITS

- 1. This order has noted the necessity for a pursuing officer to continuously evaluate the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the officer can make.
- 2. Officers shall discontinue a pursuit under the following circumstances:
 - a. The on-duty supervisor orders it.
 - b. The pursuing vehicle experiences an equipment or mechanical failure that renders the vehicle unsafe for emergency driving.
 - c. The pursued vehicle has outdistanced the pursuing officer such that its location is not known.
 - d. A person has been injured during the pursuit and no medical or department personnel are able to provide help.

- e. The pursuing officer perceives a clear, unreasonable danger to officers, the fleeing suspect, or the public, and the danger created by continuing the pursuit outweighs the value of apprehending the suspect at the time.
3. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the officer shall stop, give his or her location, and continue efforts to apprehend on foot. Circumstances may dictate, however, a continued pursuit in a vehicle. Support vehicles shall be dispatched in close proximity to offer assistance. The pursuing officer should be cautious, however, that the pursued vehicle may carry other persons who might assault the pursuing officers. Should the individual stop and remain in the vehicle, officers will not rush the vehicle. Appropriate felony stop procedures should be used.

V. FOLLOW-UP REQUIREMENTS (TBP: 7.14)

- A. The on-duty supervisor shall ensure that all participating officers document their involvement in the pursuit whether or not the suspect was stopped. The initiating officer will complete a departmental Pursuit Report. Other officers involved will prepare a supplemental report documenting their participation. Reports shall be completed before the end of the officer's tour of duty.
- B. The supervisor shall collect and secure all video of the pursuit and shall review the pursuit for compliance with policy and forward all documentation to the Assistant Chief of Police for Review.
- C. The Pursuit Report with supervisory review will be forwarded to the Chief of Police via the chain of command. The Chief will also review the report and determine compliance with policy. The Chief of Police will inform the supervisor of his findings. Should a policy violation be identified, the Chief will direct an investigation be conducted as necessary.
- D. Annually, the Chief of Police will cause an analysis of all vehicle pursuits occurring during the previous year to be conducted. The analysis will be designed to determine if the current policy is being followed, whether any changes are needed in the current policy, and any training needs of the department.

E. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Supervisors are responsible for ensuring compliance with the provisions and intent of this directive.

