

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> February 1, 2008		<i>Amended Date</i> January 17, 2020		<i>Directive</i> 7.13.1	
<i>Subject</i> Vehicle Pursuits					
<i>Reference</i>					
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition Program Reference</i> 7.13.1 Vehicle Pursuits		<i>Review Date</i> January 17, 2023	
				<i>Pages</i> 6	

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this directive is to establish guidelines for vehicle pursuits.

SECTION 2 POLICY

The proper use of emergency equipment in a pursuit situation is essential to the safety of the officer and other motorists when special conditions exist. Principally, the emergency equipment is used to call attention to an unusual act or condition which presents a hazard to the safe operation and flow of vehicular and pedestrian traffic. Employees of this Department will adhere to established Departmental policies, procedures, and state law to ensure safety of police officers and other motorists at all times, and will maintain open communications with other agencies during an intercity police pursuit.

Pursuit of a suspect may be engaged whenever a reasonably prudent officer, under the same or similar circumstances, could believe, in the exercise of discretion, that the need to immediately apprehend the suspect outweighs a clear risk of harm to the public in initiating and in continuing the pursuit.

It is the policy of this agency that its officers may only initiate a pursuit of a violator in a motor vehicle when a law violator has clearly demonstrated the intention of avoiding arrest and there is an immediate need for apprehension of the violator. The pursuit, however, must not create unreasonable danger to the police or the public. A pursuit should be initiated only when no reasonable alternative exists. A vehicular pursuit is unwarranted when the suspect presents no obvious threat to the community, and there is no violation of a statute other than the Fleeing or Evading Arrest or Detention and the identity of the violator is known, or the pursuit creates a greater danger to the lives of the public, officers, or suspect than the suspects previous actions created.

SECTION 3 DEFINITIONS

Fixed Roadblock – A restriction, obstruction or device used for the purpose of preventing free passage of motor vehicles on a roadway in order to affect the apprehension of a suspect.

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.

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Neighboring Jurisdiction – A law enforcement agency in an adjoining city or other unit of local government within the county or adjoining county or state.

Primary Officer/unit - The first officer to initiate the pursuit.

Rolling Roadblock - One or more police units assuming a position in front of or beside the pursued vehicle to bring it to a standstill or off the roadway.

Secondary Officer/unit – Any officer, who becomes involved as a backup to the primary unit and follows the primary officer at a safe distance.

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

Unmarked Vehicles - For purposes of this directive, unmarked vehicles are those vehicles without distinctive markings or colors that identify them as police vehicles. Such vehicles include those not pursuit rated assigned to administration, and investigations and pursuit rated unmarked vehicles such as the patrol commander vehicle.

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 ignoring the law enforcement officer's attempt to stop him.

SECTION 4 GENERAL PROCEDURES

- 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 watch 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.

- C. **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 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.

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- D. 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.
- E. 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 accident. Of the utmost importance, the officer should not endanger the public or himself as a result of his driving techniques.
- F. 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.
- G. When a pursuit is begun, the following applies:
 - 1. Unmarked non-pursuit rated vehicles shall not become involved in any vehicular pursuit, except in aggravated offenses and then only to maintain visibility until a marked vehicle becomes involved. Once a marked patrol car has become involved, the unmarked non-pursuit rated vehicle should discontinue participation in the pursuit. Unmarked pursuit rated vehicles can be involved in vehicular pursuits until two marked units become involved in the pursuit, except in aggravated offenses where it will be the discretion of the supervisor to allow the unmarked pursuit rated vehicle to continue.
 - 2. Police motorcycles shall not become involved in any vehicular pursuit, except in aggravated offenses and then only to maintain visibility until a marked patrol vehicle becomes involved. Once a marked patrol car has become involved, the police motorcycle must discontinue participation in the pursuit.
 - 3. Police K-9 vehicles shall not become involved in any vehicular pursuit when the risk of injury to the K-9 outweighs the immediate need to apprehend the suspect, except in aggravated offenses and then only to maintain visibility until a marked patrol vehicle becomes involved. Once a marked patrol car has become involved, the police K-9 vehicle must discontinue participation in the pursuit. The police K-9 officer/unit must take into consideration the potential risk of injuries caused by sudden directional changes of the police vehicle.
 - 4. Marked or unmarked police vehicles without operative emergency lights and sirens are prohibited from becoming involved in, or maintaining, any vehicular pursuit.
 - 5. Generally no more than two (2) marked vehicles and one (1) supervisor will be involved in the immediate pursuit. Other police vehicles will be support units and will not become actively involved in the pursuit or operate in an emergency mode. Deviations from this standard are at the discretion of the supervisor who shall be accountable for articulating the facts and circumstances which compelled him to deviate from this directive.
 - 6. The first officer/unit to become involved in the pursuit will be the primary officer/unit. The second officer/unit will be his backup. The primary officer/unit should concentrate on the pursuit of the violator, while all radio communications should be handled by the backup officer/unit.

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7. In the event of an arrest at the conclusion of a pursuit, the prisoner can be transported by the primary or backup unit.
 8. Units transporting prisoners, witnesses, suspects, or complainants shall not become engaged in pursuit situations.
- H. The pursuing unit will immediately advise dispatch that they are involved in a pursuit, and will advise their location, speed, known charges and exact reason for the pursuit. When safe to do so, the pursuing officer shall maintain communication with the dispatcher, relaying information such as the identity of his unit, location, direction of travel, road and traffic conditions, and other details which would enable other officers in the area, as well as the dispatcher, to assist. Pursuing officers must remember to keep their voices as normal and coherent as possible and not shout. When a two-man police unit is involved, the passenger should handle all radio transmissions. Dispatchers will assume the responsibility to keep the radio channel clear and repeat transmissions as requested to ensure officer safety. All units that are involved in a pursuit will start their audio/video equipment as soon as they become involved in the pursuit, and ensure their radar unit is turned on when the officer can safely do so. All officers/units are required to provide adequate information to Supervisors to assess if the pursuit should be continued or abandoned
- I. Units responding to assist should concentrate on covering the streets parallel to the pursuit to create a "boxing in" effect which should, if not capture, at least discourage the violator from continuing his flight. This technique is also advantageous in the event the violator is able to elude the immediate pursuit vehicles, or in case the violator abandons his vehicle and flees on foot. Before giving chase on foot the officer should notify dispatch of his location, remove the ignition keys from his unit, and quickly check the violator's vehicle for other occupants who may be hidden.
- J. To the fullest extent possible, detailed descriptions of the car, license number, and occupants should be obtained and broadcast. Even a partial license number is a valuable aid in quick identification.
- K. During pursuit a safe distance shall be maintained between the vehicles, enabling the pursuing officers to duplicate any sudden turn(s) and lessening the possibility of a collision in the event of a sudden stop. Deliberate physical contact between vehicles at any time is prohibited, except as necessitated at fixed roadblocks. A supervisor may authorize contact only as a last resort when the individual to be apprehended poses a substantial risk to the community and that risk outweighs the risk of setting up a fixed roadblock.
- L. Although officers engaged in a pursuit may generally disregard certain traffic regulations, at no time will officers pursue the wrong way on a freeway, divided roadway, or any one-way roadway, or with complete disregard for all traffic and/or legal restrictions.
- M. Because of the potential danger involved, pursuing officers shall not pull alongside a fleeing motorist in an attempt to force the vehicle into a ditch, curb, parked car, or any other obstacle. The danger of a sideswipe collision is great, and the opportunity for escape is enhanced through quick application of the brakes and a sudden turn by the violator.
- N. Fixed roadblocks will not be used unless directed by the watch supervisor, Uniform Services Division Commander, or Chief of Police. Fixed roadblocks will not be used in any event unless the roadblock is clearly visible for a distance allowing space to stop before reaching the fixed roadblock. Only in extreme circumstances will the fixed roadblock even be considered. The rolling roadblock will only be used in extreme circumstances as directed by the shift supervisor, a Commander, or the Chief of Police.

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- O. To avoid being arrested, a violator may take hazardous chances. Regardless of extenuating circumstances, the pursuing officer/unit shall not duplicate these hazards. In a vehicle pursuit, the officer must always remain sensitive to the public's reaction to the pursuit situation. He must operate his vehicle in a manner that shows consideration for his own safety, the safety of the violator whom he seeks to apprehend, and, above all, the safety of others who may be using the roadway.
- P. If the pursued vehicle leaves the city limits and enters a neighboring jurisdiction, it will be within the discretion of the supervisor to continue the pursuit. If the supervisor is not readily available, such discretion will be that of the pursuing officer. If the pursuit extends beyond the city limits, the dispatcher will be notified immediately. The dispatcher will immediately notify the police agency having jurisdiction of the area of the pursuit in progress and its location.
- Q. In the event the pursued vehicle enters the State of Arkansas, the secondary officer/unit will discontinue the pursuit at the state line. The primary officer/unit and the supervisor will continue the pursuit into Arkansas until an Arkansas unit engages the pursued vehicle. At this point, the Texarkana, Texas supervisor will discontinue the pursuit, leaving only the primary officer/unit and Arkansas units involved in the pursuit. If and when the pursued vehicle is stopped, the Texarkana, Texas supervisor may proceed to the scene, if needed.
- R. Upon conclusion of the pursuit, a Departmental Vehicle Pursuit Form (Attachment ---) and applicable Offense and Arrest Reports will be completed by the primary officer involved.

SECTION 5 ABANDONING PURSUITS

- A. Pursuing officers must at all times use their best judgment in evaluating and re-evaluating the pursuit, making continuous appraisals in deciding whether the pursuit should continue. Officers should never allow the element of personal challenge to enter into his decision. The decision to abandon pursuit is, under certain circumstances, the most intelligent and most professional course of action.
- B. Officers will not initiate or continue a pursuit when:
 - 1. There is a clear and unreasonable danger to the officer, the fleeing violator, and/or any other person(s) due to excessive speed and/or reckless or erratic driving by the violator which exceeds the performance capabilities of the vehicle or the driver, and the danger created by the pursuit outweighs the necessity for immediate apprehension.
 - 2. Environmental conditions (rain, fog, ice, snow, etc.) indicate the futility of continued pursuit.
 - 3. The pursuing officers know, or are almost certain, that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor or nonviolent felony, such as unauthorized use of a vehicle, and the safety factors involved are obviously greater than a juvenile can cope with. If the driver is operating the vehicle legally but ignoring the officer's attempt to stop them, the pursuit can be continued at the discretion of the supervisor.
 - 4. The offense is a Class A, B or C misdemeanor, and it has continued outside the corporate limits of the City of Texarkana for an unreasonable distance as determined by a shift supervisor.
 - 5. The suspect presents no obvious threat to the community, and there is no violation of a statute other than the Fleeing or Evading Arrest or Detention and the identity of the violator is known.
 - 6. Any police supervisor orders the pursuit terminated.

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- C. In the above described circumstances officers will complete an offense report for the offense of Fleeing or Evading Arrest or Detention as appropriate. The officer will also seek to obtain an arrest warrant for the violator for the offense as appropriate.

SECTION 6 SUPERVISOR'S RESPONSIBILITIES

- A. Immediately upon being notified of a pursuit in progress, the supervisor will:
1. Assume command of the pursuit and notify dispatch of his status and element number.
 2. Not relinquish command of Texarkana, Texas Police Department Officers regardless of the jurisdictions entered or personnel involved until the pursuit is concluded or cancelled, or until the supervisor is relieved by a higher authority.
 3. Monitor the pursuit for adherence to Departmental procedures.
 4. Evaluate the circumstances of the pursuit based on the previously listed criteria.
 5. Decide whether the pursuit shall continue or be abandoned.
- B. The supervisor may order the pursuit abandoned at any time:
1. Changing circumstances during the pursuit affect the continuation of the pursuit. A pursuit shall be abandoned by the pursuing officer or supervisor if, in their best judgment, that the need to immediately apprehend the suspect DOES NOT outweigh a clear risk of harm to the public in initiating and in continuing the pursuit.
 2. There is doubt in his mind as to the degree of danger.
- C. The supervisor must be able to justify the continuance of any pursuit.
- D. In most instances, the supervisor will go to the scene of a concluded pursuit and take command. In all cases where the suspect is apprehended, or if injuries, death or property damage occurred as a result of, or in the course of, the pursuit, the supervisor will report to the scene and take command.
- E. The supervisor in command of the pursuit will prepare a Vehicle Pursuit Form. The Vehicle Pursuit Form is a written report that will document the reasons for the pursuit, personnel involved, results of the pursuit, injury, damages, or any other significant information as required by 7.14.1.

SECTION 7 RESPONSIBILITY

- A. All members of the Department shall know and comply with all aspects of this directive.
- B. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.