

CITY OF OAK POINT

DEPARTMENT OF PUBLIC SAFETY POLICE OPERATIONAL POLICIES and PROCEDURES

POLICY: 7.14 VEHICLE PURSUITS

REVISED DATE: 11.19.13

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 policies when involved in vehicle pursuits.

II. PURPOSE

To establish procedures governing the circumstances which permit and operation of police vehicles, as to vehicle 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.

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- E. 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."
- F. 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.
- G. 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.
- H. Risk. The degree of danger or hazard to the public or officers.
- I. Roadblock. Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect.
- J. 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.

IV. PROCEDURES FOR PURSUITS

- A. Justification for pursuit:
 - 1. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibit the intentions to avoid apprehension for a violent felony, by refusing to stop when properly directed to do so. Pursuit may 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 traffic offenses, misdemeanors or property felonies.

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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; (Car vs. Motorcycle)
 - d. the seriousness of the offense; and
 - e. the presence of other persons in the police vehicle.

B. Primary officer responsibilities

1. The officer's primary responsibility in a pursuit is the safe operation of the vehicle. Unmarked vehicles are permitted to be the primary pursuit vehicle only until relieved by marked vehicles provided that the unmarked vehicle is equipped with appropriate emergency equipment. Only marked vehicles with emergency equipment shall be primary vehicles in any pursuit unless it is unavoidable that an unmarked unit become or remain as primary.
2. Upon engaging in a pursuit, the pursuing vehicle shall activate appropriate warning equipment always to include their emergency siren, and request dispatch notify the on-call sergeant.
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.

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5. Whenever the risk to the public or the officer outweighs the immediate need to apprehend the suspect, the officer will terminate the pursuit.

C. Supervisor's responsibilities

1. The on-duty patrol supervisor or on-call sergeant 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.
2. No more than two department vehicles may pursue a fleeing suspect without the specific authorization of a 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 vehicles.
3. After the incident, the supervisor shall critique the pursuit with all of the officer's involved and direct participants to submit reports.
4. The supervisor at the time the pursuit was begun will retain authority over the pursuing officers of the department for the duration of the pursuit.
5. The supervisor may request the use of tire-deflation devices, as appropriate.

D. 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

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communications responsibilities, the primary officer can focus attention on the pursuit driving.

E. 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 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 or at a moving vehicle except in the protection of life.
5. If the 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.
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

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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. 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
 - a. At this time this department does not have any tire deflation devices and pursuing officers shall not request the use of such devices by another agency contrary to their policy.

F. Out-of-jurisdiction pursuits

1. Pursuits beyond the local jurisdiction shall be conducted according to this order. Officers shall request the dispatcher shall notify the appropriate jurisdiction of the pursuit and if needed request help.
2. Once the pursuit has entered another jurisdiction, if officers from that jurisdiction take over as primary unit of the pursuit, department officers shall drop to a support role and follow the pursuit.
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. Any non-pursuit assistance (including apprehension of a stopped suspect) may be provided as the circumstances dictate.
4. When the fleeing suspect is apprehended in another jurisdiction, the pursuing officer shall take the arrested person before a judicial officer of that jurisdiction or place him in jail within that jurisdiction for the

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Fleeing charge only. The officers shall then go before a judge within Denton County to obtain a warrant on the initial charge and request that a teletype is sent to the holding jurisdiction as soon as possible or a copy of the warrant is provided to the holding agency to act as a detainer.

G. 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 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 precede 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 requested for assistance. The pursuing officer should be cautious, however, that the pursued vehicle may carry other persons who might assault the pursuing officers. Should

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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

The 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 an Offense Report. Other officers involved will prepare a supplemental report documenting their participation. Reports shall be completed before the end of all officers' tour of duty.

- A. The Officer shall contact the sergeant who shall collect and secure all video of the pursuit and shall review the pursuit for compliance with policy and forward all documentation to the Director for review.
- B. The Director will also review all reports and determine compliance with policy. The Director will inform the supervisor of his findings. Should a policy violation be identified, the Director will direct an investigation be conducted as necessary.
- C. If applicable, the Director 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.

Approved: *M. Shackelford*
M. Shackelford

Reference: PC 38.04, Trans 545.421

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ATTACHMENT:

INTER-JURISDICTIONAL PURSUIT POLICY AGREEMENT

I. General Considerations

- A. If the reason or nature of the pursuit is in conflict with an agency's pursuit policy, that agency may decline to participate in the pursuit even though their assistance has been requested.
- B. Any agency involved in the pursuit may choose to terminate their involvement at any time the agency believes the pursuit places the lives and property of both the public and/or the officers involved at undue risk.

II. Notifications

- A. Before entering another jurisdiction, or as soon as practical, the pursuing agency will notify the other jurisdictional agency of the following information:
 - 1. A pursuit has entered or is about to enter their jurisdiction.
 - 2. The location and direction of travel.
 - 3. The primary offense for which the vehicle and occupants are wanted.
 - 4. The vehicle license number and complete description of vehicle and occupants.
 - 5. The number and description of pursuing units as well as their relative location to the vehicle being pursued.
 - 6. Whether or not assistance is needed.
- B. As appropriate, the initial agency will notify the jurisdictional agency that the pursuit is: (1) leaving the jurisdiction, (2) has been discontinued, or (3) has ceased and of the ending location.

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III. Control of the Pursuit

- A. The initiating agency will have control of and will be responsible for the pursuit. Other agencies will not participate unless requested to assist.
- B. A total of no more than (3) vehicles from the combined jurisdictions will be involved in any pursuit. Preferably at least one of the three involved units should be a supervisor. One additional unit from the current respective jurisdiction may trail the pursuit, by keeping the pursuit in site from a distance to assist officers if needed.

IV. Prohibited Practices

- A. The intentional use of roadblocks designed to stop the pursued vehicle.
- B. Intentional bumping or ramming of the pursued vehicle.
- C. Intentionally forcing the pursued vehicle off the roadway.
- D. Pursuing a vehicle the wrong way on a one-way street or the wrong way on a divided roadway.
- E. Shooting at the pursued vehicle, unless necessary to protect against imminent death or serious bodily injury to an officer or another person.

V. Responsibilities

- A. Initiating Agency
 - 1. Arrest and custody of the persons charged.
 - 2. Arraignment of arrested persons.
 - 3. Disposition of any passenger.
 - 4. Disposition of the arrested person's vehicle.
 - 5. Coordination of all reports related to the arrest, citations and criminal charges.

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- B. Agency of Primary Jurisdiction
 - 1. Reporting of any traffic collision(s) that occur as a result of a pursuit.
 - 2. As a matter of professional courtesy, a supervisor from the agency where the pursuit ceases will respond to the location to offer immediate assistance at the scene and to determine any pertinent information regarding the pursuit.

Approved: *M. Shackleford*
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