

	ROSENBERG POLICE DEPARTMENT	
	General Order 7.15 Vehicle Pursuits	
	Effective Date: 01-29-2019	Replaces: N/A
	Approved:  Chief of Police	
Reference: TBP 7.13, 7.14, 7.18, 7.19		

I. POLICY

The Rosenberg Police Department places the highest value on the life and safety of its officers and the public. This value must be accommodated in a police officer's duty to apprehend persons who have committed or are committing a violation of the law. The methods the department establishes to enforce the laws are intended to minimize the risk of injury to officers and citizens alike.

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

II. PURPOSE

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. Emergency driving: Driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation.
- C. 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.

- D. 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."
- E. 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.
- F. 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.
- G. Risk: The degree of danger or hazard to the public or officers.
- H. Roadblock: Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect.
- I. 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 (TBP: 7.13)

A. Authorized Pursuits:

1. The decision to engage in a motor vehicle pursuit is highly dependent on the ability of an officer, supervisor, or commander to continually assess the need to pursue versus the risk of injury involved in engaging in the pursuit.

B. Officers' Responsibilities

1. Officers may initiate or continue a pursuit only if all the following requirements are met:
 - a. An officer in good faith reasonably believes that under the circumstances the need to immediately apprehend the suspect outweighs a clear risk of harm to the public in initiating or continuing the pursuit.
 - b. As required by department policy and Texas Supreme Court case law, officers must constantly evaluate the risk and factors involved when initiating or continuing a pursuit. Those factors include, but are not limited to:

- i. The seriousness of the crime to which the officer is responding.
 - ii. Whether an officer's immediate presence is necessary to apprehend a suspect or to prevent injury or loss of life.
 - iii. Alternative courses of action, if any, available to achieve a comparable result.
 - c. In addition to the above factors, officers shall continually evaluate:
 - i. Knowledge about the suspect being pursued. If enough information exists to file a warrant, officers shall be expected to discontinue the pursuit. *An exception to this standard is permissible if a supervisor or commander responsible for overseeing the pursuit authorizes the pursuit to continue based on the assessment of requirements listed above.*
 - ii. The observable driving behavior of the suspect being pursued (e.g. is the suspect driving while intoxicated or driving recklessly)
 - iii. Relative performance capabilities of the vehicle being pursued
 - iv. Road conditions
 - v. Weather
 - vi. Population density
 - vii. Vehicular and pedestrian traffic
 - d. Officers shall continually assess the nature and severity of harm their actions could cause, the likelihood any harm would occur, and whether any risk of harm would be clear to a reasonably prudent officer.
 - e. While evaluating all of the listed factors, officers shall constantly assess the need to immediately apprehend the suspect versus the risk of injuring themselves, the public, or the suspect.
- 2. The officer's primary responsibility in a pursuit is the safe operation of the vehicle. Only marked vehicles with emergency equipment shall pursue.
- 3. Upon engaging in a pursuit, the pursuing vehicle shall activate emergency equipment and video.
- 4. 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.
- 5. The officer will, to the best of their ability, keep the dispatcher informed of the location and direction of travel.

C. 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, re-designating 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 began 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

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

E. 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.

F. 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, or use any form of the “boxing-in” technique.
2. Officers shall not fire their weapons from a moving department vehicle, unless deadly force is justified.
3. 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.
4. The use of a stationary or rolling roadblock is prohibited. (TBP: 7.18)
5. When accompanied by civilian passengers, officers shall not pursue.
6. 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.
7. 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.
8. Officers involved in a pursuit shall not try to overtake or pass the suspect's vehicle.
9. 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.

10. 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.

G. 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. 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.

H. 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. The pursuing officer should be cautious that the pursued vehicle may carry other persons who might assault the pursuing officers. Should the individual stop and remain in the vehicle, appropriate felony stop procedures should be used.

V. FOLLOW-UP REQUIREMENTS (TBP: 7.14)

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.

- A. 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 Division Commander for Review.
- B. The Division Commander will review the report and determine compliance with policy. The Division Commander will inform the Chief of Police of his findings. Should a policy violation be identified, the Chief will direct an investigation be conducted as necessary.
- C. Annually, the Chief of Police or designee will cause an analysis of all vehicle pursuits occurring during the previous year to be conducted. The analysis will be used to determine whether any changes are needed in the current policy, and any training needs of the department.