

214 Vehicle Pursuits

214.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers, and fleeing violators to the risk of serious injury or death. The primary purpose of this order is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this order is to minimize the potential for pursuit-related crashes. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a subject is generally not more important than the safety of the public and pursuing officers.

214.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where department general orders would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable and decisions made pursuant to this order shall be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the same circumstances, [and includes any officer involved in the pursuit](#). An unreasonable desire to apprehend a fleeing subject at all costs has no place in professional law enforcement.

214.2 DEFINITIONS

Channel - A tactic designed to cause a violator's vehicle to follow a particular path by blocking side streets and/or exit ramps with a patrol unit that has its emergency lights on.

Terminate - Deactivate lights and siren, and cease pursuit.

Tire Deflation Device (TDD) - A device that extends across the roadway designed to puncture the tires of the pursued vehicle. These are also known as Spikes or Tack Strips.

Vehicle Pursuit - An active attempt by a law enforcement officer in a motor vehicle to apprehend the occupant(s) of another moving motor vehicle when the driver is not merely failing to stop at the direction of an officer using emergency lights and siren, but is actively attempting to evade apprehension or is continuing to commit further violation(s) of the law.

Precision Immobilization Technique - A technique used to terminate a hazardous vehicle pursuit situation

214.3 PURSUIT CONSIDERATIONS AND RESTRICTIONS

The following section is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway (as required by Tex. Transp. Code § 546.005).

214.3.1 OFFENSES COMMITTED THAT ALLOW FOR A VEHICLE PURSUIT

Officers may only engage in vehicle pursuit when the suspect is believed to have committed one of the following offenses:

(a) Any felony offense.

(b) Driving While Intoxicated, regardless if the identity is known.

(c) Any Class A or B Misdemeanor, unless the identity of the suspect is known.

214.3.1-2 RESTRICTIONS ON VEHICLE PURSUITS

Officers will not engage in a pursuit under any of the following circumstances:

- (a) The subject evades after having committed any non-hazardous traffic violation, regardless of the class of offense only:
 - ~~1. Any Class C Offense, including traffic; or~~
 - ~~2. A non-hazardous traffic violation, regardless of the class of offense.~~
- ~~(b) The subject is committing, or has committed, only a misdemeanor other than suspected DWI/DUI, and his identity is known to the officer.~~
- ~~(c)~~(b) The officer has a prisoner, subject, or other non-police passenger who has not signed a liability release.
- ~~(d)~~(c) The road surface is wet or otherwise slippery, u If any of the following road conditions exist in a pursuit, all involved officers shall terminate the pursuit unless the violator has committed a felony involving violence, and then only when all considerations for safety have been taken into account and the pursuit is still deemed reasonable.
 - 1. The road surface is wet or otherwise slippery.
 - 2. Any Construction Zone with workers present.
 - 3. Any active school zone.
 - 4. Any area with a large amount of pedestrians, such as a festival or concert.

214.3.2-3 FACTORS TO CONSIDER BEFORE INITIATING A PURSUIT

With the exception of the specified restrictions on vehicle pursuits listed in this order, officers are authorized to initiate a pursuit when it is reasonable to believe that a subject is attempting to evade arrest or detention by fleeing in a vehicle.

- (a) The following factors will be considered both individually and collectively when deciding whether to initiate or continue a pursuit:
 - 1. Seriousness of the known or reasonably suspected crime and its relationship to community safety.
 - 2. The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
 - 3. Apparent nature of the fleeing subject (e.g., whether the subject represents a serious threat to public safety).
 - 4. Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.
 - 5. The identity of the subject has been verified and there is comparatively minimal risk in allowing the subject to be apprehended at a later time.
 - 6. Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
 - 7. Pursuing officer's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.
 - 8. Weather, traffic, and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the subject's escape.
 - 9. Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
 - 10. Vehicle speeds.
 - 11. Other subjects in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
 - 12. Availability of other resources such as aircraft assistance.

214.3.3-4 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known, or which reasonably ought to be known, to the officer or supervisor during the pursuit indicates that the present

risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the subject's escape. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to motorists, themselves, and the public when electing to continue a pursuit. This section shall not be construed to authorize a pursuit that is expressly prohibited as outlined in the Restrictions on Vehicle Pursuits section of this order. Any officer has the authority to terminate it if they observe road or traffic conditions, or unsafe driving conditions that indicate it has become too dangerous to continue (i.e. another Officer or the suspect driving on the wrong side of a high speed roadway or other dangerous policy violations.)

- (a) The factors listed in this order on when to initiate a pursuit are expressly included herein and shall also apply to the decision to discontinue a pursuit. In addition to those factors listed, the following should also be considered in deciding whether to terminate a pursuit:
1. Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
 2. Pursued vehicle's location is no longer definitely known.
 3. Officers shall discontinue the pursuit when they become aware their vehicle has developed a mechanical malfunction. This includes, but is not limited to:
 - (a) Any engine warning light activates on the dash (e.g., brake, ABS, or check engine lights).
 - (b) Audible warning tones.
 - (c) Physical damage that affects the performance, maneuverability, or functioning of the vehicle.
 4. Hazards to uninvolved bystanders or motorists.
 5. If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
 6. Directed by a supervisor.
 7. Pursuit speeds:
 - (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
 - (b) Pursuit speeds have exceeded the driving ability of the officer.
 - (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

214.3.4-5 PURSUIT DRIVING CONSIDERATIONS AND RESTRICTIONS

The decision to use specific driving tactics requires the same assessment of factors to be considered concerning pursuit initiation and termination. The following driving tactics apply to units involved in a pursuit:

- (a) Officers will space themselves from other involved vehicles, in consideration of their driving skills and vehicle performance capabilities, so they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle and other police units.
- (b) Officers should not attempt to pass other units in a pursuit unless the situation indicates otherwise or requested to do so by the primary unit or control supervisor.
- (c) In the event that the pursued vehicle drives the wrong way on a roadway, the following tactics should be used:
 1. Request Air Support assistance.
 2. If a divided roadway, maintain visual contact with the pursued vehicle by paralleling on the correct side.
 3. Request other units to watch for exits available to the vehicle.
- (d) Officers will not ~~pursue a vehicle driving~~ drive the wrong way while pursuing a vehicle on a:
 1. Highway or Freeway,
 2. Highway or Freeway frontage / service roads, or
 3. any roadways that are:
 - (a) directly connected to highway/freeway entry or exit ramps, or
 - (b) adjacent to or running parallel to a highway or freeway.

- (e) Officers have an obligation to drive with a due regard for the safety of lives and property. Driving the wrong way on a roadway does not necessarily protect the officer from the consequences of a disregard for traffic and/or legal restrictions.