

# TYLER POLICE DEPARTMENT

## GENERAL ORDER: 07.200

	<b>PURSUIT POLICY</b>	
	<b>EFFECTIVE DATE: 12-20-1993</b>	
	<b>REVISED DATE: 02-10-2020</b>	
<b>CALEA STANDARDS: 41.2.2</b>		

### 07.201 PURPOSE

- A. The Department recognizes that on occasion it may be necessary to engage in automobile pursuits of suspected fleeing offenders. The officer's decision to pursue must be based on the totality of the circumstances including such factors as the offense committed, the officer's ability, training and experience, road and traffic conditions, weather conditions, and condition of the marked police vehicle.
- B. The officer's utmost concern must always be to not unnecessarily endanger themselves or the public. A pursuit must cease when the risk created by the pursuit outweighs the need for immediate apprehension of the suspect. This policy is intended to guide the decision-making process.

### 07.202 EMERGENCY DRIVING

- A. Emergency Response - It should be remembered that for an officer to be of any benefit in an emergency situation, they must reach the scene safely.
  - 1. An officer shall use emergency equipment when responding to an incident only when they determine that an emergency response is necessary to:
    - a. Prevent serious bodily injury.
    - b. Prevent loss of life.
    - c. Prevent the escape of a person who has inflicted serious bodily injury or caused the death of another person.
    - d. Reach the scene of a potentially violent felony in progress.

2. The officer's determination will be based upon information received from the dispatcher or from third parties. The officer will advise dispatch that the officer is responding "Code 3".
- B. Officers will adhere to the following guidelines when operating a police vehicle under emergency conditions (**"Code 3" - red/blue lights and the siren activated**).
1. The [Texas Transportation Code Chapter 546](#) allows Officers to respond under "Code 3" conditions to an emergency call or in pursuit of a suspected violator of the law only when it can be done safely.
  2. Officers will evaluate and consider the type of vehicle being operated by the officer, traffic volume, time of day, and the type of violation(s) committed before becoming involved in a pursuit. If an imminent injury or property damage becomes apparent during any "Code 3" operation, the speed of the police vehicle shall be reduced to a safer speed or the officer will cease "Code 3" operation.
    - a. Pick-up trucks commonly used by PSO personnel will not be involved in pursuits.
  3. Department authorized emergency lights and siren will be activated on all marked police vehicles in compliance with [Texas Transportation Code Chapter 546.003](#) when operating a vehicle in a "Code 3" response. "Code 3" shall be considered the normal emergency response mode unless exceptions as listed in Chapter 546.004 of the Texas Transportation Code are present.
  4. The exceptions to operating "Code 3", as defined by Chapter 546.004 of the Texas Transportation Code, are that a Police Officer may operate an authorized emergency vehicle for a law enforcement purpose without using audible or visual signals if the Officer is responding to an emergency call or pursuing a suspected violator of the law with probable cause to believe that:
    - a. Knowledge of the presence of the officer will cause the suspect to destroy or lose evidence of a suspected felony, end a suspected continuing felony before the officer has obtained sufficient evidence to establish grounds for arrest, or evade apprehension or identification of the suspect or the suspect's vehicle; or,
    - b. Because of traffic conditions on a multi-lane roadway, vehicles moving in response to audible or visual signals may increase the potential for a collision or unreasonably extend the duration of the pursuit.
    - c. It is important to remember that traffic law exemptions provided by this traffic section are contingent upon due regard for the safety of all persons. If an officer decides not to use department authorized emergency lights and/or siren when responding to a "Code 3"

emergency due to one of the exceptions the officer shall verbally inform dispatch via radio in the following manner:

1. *Responding "Code 3" without lights.*
  2. *Responding "Code 3" without siren.*
  3. *Responding "Code 3" without lights and siren.*
5. When an officer changes the emergency mode under which they were operating, the officer shall notify dispatch by the term "*now responding*" followed by the new code under which they will be responding.
  6. A supervisor, at their discretion, may alter the emergency code under which an officer responds to a call when the supervisor feels it is necessary given the circumstances. When a response mode has been altered by a supervisor, that supervisor shall verify that dispatch is clear on the altered response mode.
    - a. Dispatch personnel shall make the appropriate entries into CAD noting the response mode.

#### 07.203 ROADBLOCKS

- A. **Moving roadblocks are strictly prohibited.** Officers will not cause intentional contact (ramming) between their vehicle and the vehicle being pursued unless deadly force is authorized. See [General Order 07.400 – Roadblocks](#).
- B. Officers shall not maneuver their vehicles alongside or in front of a vehicle being pursued, or in any position that may result in a collision with the fleeing / suspect vehicle.

#### 07.204 PURSUIT EVALUATION

- A. Definitions
  1. Pursuit – Occurs when the operator of a motor vehicle is directed or signaled to stop by an officer making a vehicular attempt to apprehend the occupant(s) of a motor vehicle and the operator resists apprehension by increasing the vehicle's speed or otherwise maneuvers the vehicle in an evasive manner designed to elude the officer (e.g. running red light, disregarding stop sign, passing other vehicles).
- B. Marked vehicles not equipped with department authorized emergency lights and siren, police motorcycles, unmarked vehicles (with or without department authorized vehicle lights), and PSO pick-up trucks (whether operated by a PSO or a sworn employee) **will not** initiate or directly participate in any motor vehicle pursuit.
  1. Police motorcycles, unmarked vehicles equipped with department authorized vehicle lights, and PSO pick-up trucks may act in a traffic

control capacity (e.g. stop traffic, hold intersections).

- C. When available unmarked vehicles should respond in the most expedient manner possible to active incidents for reasons detailed in subsection [07.202 \(A-1\)](#) of this policy. However, unmarked vehicles are **strictly prohibited** from using the vehicle's lighting equipment to respond in a "Code 3" / emergency response fashion or engage in any other conduct that places them and/or the public in immediate danger, including, but not limited to:
  - 1. Speeding in excess of 10 mph above the posted speed limit;
  - 2. Approaching or proceeding through any intersection without the lawful right-of-way as defined by the [Texas Transportation Code Subchapter D., Section 545.151](#); and
  - 3. Driving in opposing lanes of travel.
- D. Unmarked vehicles equipped with department authorized vehicle lights may activate the vehicle's lighting system once on scene to better navigate the scene and increase the vehicle's visibility.
  - 1. Unmarked vehicles equipped with department authorized vehicle lights may also activate the vehicle's lighting system when assisting a stranded motorist or assisting in a Crash investigation in or adjacent to the roadway.
- E. Officers will not engage in high-speed pursuits when the marked vehicle is occupied by a prisoner, civilian observer, or any other person not on-duty as a police officer.
- F. Unless otherwise approved by a supervisor, pursuing units will be limited to three (3) units: Primary Unit, Secondary Unit, and Supervisor.
- G. Each officer shall, as soon as practical during their probationary period of employment, be provided with specialized training in pursuit driving. The training shall be documented and maintained by the Training Unit.
  - 1. An officer shall not initiate or engage in a pursuit unless they have received this training.
- H. All sworn personnel shall receive annual training on this policy, which is to be documented and maintained by the Training Unit.
- I. Officers will only engage in a vehicle pursuit when the vehicle being pursued is occupied by a person or persons that the officer reasonably believes is committing, has committed or is attempting to commit a violent felony offense.
- J. Officers will only engage in a vehicle pursuit involving an impaired driver (DWI or DUI) when the officer has witnessed obvious signs of an imminent public danger based on driving characteristics observed prior to the initiation of a pursuit.

- K. When, in the course of conducting an investigation regarding any violent felony offense, it is determined that the suspect vehicle is equipped with a vehicle locator system, reasonable efforts should be made to locate the vehicle by calling the monitoring company.
  - 1. Officers aware that a suspect vehicle is equipped with a vehicle locator device / system shall not engage in a motor vehicle pursuit with said vehicle, except under life-threatening circumstances.
    - a. This type of technology can be utilized to minimize the hazards to the community and officers, lessen department liability, and reduce possible property damage to the vehicle.
  - 2. When available, unmarked vehicle(s) should be used to locate and monitor the suspect vehicle. When possible, officers should not wait and let a suspect enter the vehicle and become mobile.
- L. Vehicles with suspects that are known and/or when the license plate of the vehicle has been obtained that refuse to stop will not be pursued unless conditions in [subsections F or G](#) noted above are met. A supervisor may at his discretion call-out an Investigator to conduct an immediate follow-up. Otherwise, an Evading, Non-Pursuit case will be flowed to the Property Crimes Unit for follow-up.
- M. An officer may follow any vehicle suspected of a crime for a reasonable distance as long as the officer follows all traffic laws. The officer should notify dispatch immediately if they are following an individual suspected of criminal activity. A Supervisor should approve or deny any course of action that takes the unit outside the City of Tyler limits.
- N. If a pursuit begins and a decision is made to discontinue the chase or the officer is unable to continue the chase due to unforeseen circumstances (e.g. equipment failure, accident) a pursuit review shall be completed, indicating that the pursuit was discontinued.
  - 1. Officers involved in the pursuit are required to save all video / audio recordings (i.e. in-car, body worn) of the pursuit for review and complete an Evading report.
- O. An officer who makes the decision not to pursue or become involved in a pursuit will not be subject to any pursuit discipline.

#### 07.205 RESPONSIBILITIES OF THE PRIMARY UNIT

- A. Immediately activate department authorized emergency lights and siren upon initiation of a pursuit.
- B. The primary unit will be the unit responsible for the initiation and actual pursuit of the suspect vehicle. The primary unit will notify and provide Dispatch with the following information:

1. Description of the vehicle being pursued.
  2. Description and number of occupants in the vehicle, if possible.
  3. The offense for which the vehicle and occupants are suspected of committing. In situations involving DWI / DUI officer shall articulate observed driving characteristics.
  4. The evading vehicles location, speed, and direction of travel.
  5. Any known or possible hazards to assisting officers.
  6. The primary officer shall periodically notify dispatch of the suspect vehicle's location and direction of travel.
- C. The primary unit / officer shall be responsible for the completion of all appropriate pursuit reports unless otherwise directed by a supervisor.
- D. At times, the most reasonable course of action is to abandon / terminate a pursuit. Officers will discontinue a pursuit when one of the following is highly likely or does occurs:
1. The risks of exposing the officer, the offender(s), and the public to unnecessary dangers are high.
  2. The environmental conditions point towards the futility of continuing the pursuit.
  3. The officer loses sight of the suspected / fleeing vehicle for more than just a moment.
  4. Equipment failure presents a possible hazard to the officer, offender, and/or the public.
  5. Any time an accident occurs involving significant property damage or an injury. It is the officer's responsibility to provide aid and protect the scene.
  6. The distance between the pursuing officer and the violator is so great that further pursuit is futile.
- E. The pursuit of a motorcycle, motorized bicycle, all-terrain vehicle, semi-truck tractor, or tanker shall be terminated if the driver of the vehicle engages in evasive maneuvers (e.g. disregarding stop signs, dangerous or continuous lane changes, excessive speeds) unless the use of deadly force is authorized.
- F. When a pursuit ceases, the pursuing officer will immediately notify Dispatch of the location and whenever possible the circumstance surrounding the reasons for the pursuits end (e.g. suspect voluntarily stopped, accident, pursuit disregarded).
1. When an officer is instructed to disregard or voluntarily disregards a pursuit, the officer must immediately stop the operation of their authorized

emergency lights and siren. The officer shall then stop or turn their vehicle in a direction different from the suspect's last known direction.

2. The officers is to save all video / audio recordings (i.e. in-car, body worn) of the pursuit for review and complete an Evading report.

#### 07.206 THE RESPONSIBILITY OF THE SECONDARY UNIT

- A. The secondary unit shall be responsible for the following:
  1. Take over radio communications for the primary unit.
  2. Assume the role of back-up officer at the conclusion of the pursuit.
  3. Take over the role of the initiating unit, if necessary.
- B. The secondary unit will maintain control of radio communications until another police unit is able to assume the secondary unit function.

#### 07.207 COMMUNICATION'S RESPONSIBILITY

- A. Record all suspect vehicle information and direction of travel as reported by the primary or secondary pursuing officer.
- B. Clear the radio channel of all but emergency traffic.
- C. Announce that a motor vehicle pursuit is in progress and repeat all information as broadcasted by the primary or secondary pursuing officer.
- D. Assign the closest officer as a secondary unit for the primary unit.
- E. If necessary inform a Patrol Division supervisor.
- F. Closely monitor all radio traffic and relay information, repeat instructions, and arrange for additional assistance as requested from the field.
- G. Enter all related activities into the CAD narrative.

#### 07.208 PATROL DIVISION SUPERVISOR'S RESPONSIBILITIES

- A. Monitor the progress of all pursuits and issue appropriate instructions.
- B. Give authorization for the pursuit to continue or be terminate based on the information provided by the primary / initiating unit.
- C. Follow and/or become involved in the pursuit. This will allow the supervisor to:
  1. Control the conduct of the pursuit, including:
    - a. The number of units involved.

- 1) Consideration should include the seriousness of the crime and the number of occupants believed to be in the suspect / fleeing vehicle.
    - b. The type of units involved.
    - c. Closing the radio channel, if necessary.
  2. Requesting additional support from within, or outside the Department.
    - a. Only a supervisor can request assistance from outside agencies.
  3. Notify Shift Commander / Acting Shift Commander as soon as practical.
- D. If officers from another agency attempt to join a pursuit while still within the city limits without being requested, Dispatch will be notified. A supervisor will have Dispatch contact the agency and ask them to discontinue their part in the pursuit.
- E. Terminating pursuits that create an undue hazard to the public.
1. Pursuits shall be terminated when the safety of the public is endangered by the conduct or purpose for the pursuit. The potential for imminent property damage or injury to any party shall be a paramount consideration.
- F. Maintaining post pursuit discipline.
- G. Shift Commander / Acting Shift Commander's responsibilities include:
1. Monitoring the progress of the pursuit and issue proper instructions when appropriate.
  2. Notify the Patrol Division Commander / Asst. Chief of Police at the earliest suitable time.

#### 07.209 OTHER ON-DUTY OFFICER RESPONSIBILITIES

- A. Not become involved in or with the pursuit in any way unless instructed to do so by a supervisor.
- B. Monitor the pursuit via radio and be ready to assist if instructed to do so by a supervisor. This may include holding intersections until the all vehicles have safely passed.

#### 07.210 SPECIFIC CONSIDERATIONS REGARDING PURSUITS

- A. The following actions place the officer and the public in unreasonable danger and are to be avoided unless there is a known substantial risk of endangerment to the public by the offender:

1. Ramming, bumping or otherwise intentionally or negligently colliding the police vehicle with the fleeing vehicle.
  2. Traveling the wrong way on a one way divided street or highway.
  3. Driving through yards, on sidewalks, or in other pedestrian ways.
  4. Shooting at fleeing vehicles. See [General Order 12.103 – Use of Force](#).
  5. Shining a spotlight or flashlight at the fleeing vehicle in such a manner as to obstruct or impair the pursued operator's vision or the vision of any other vehicle operator.
  6. Passing other police vehicles involved in the pursuit, except for tactical reasons, and only after communication with the other units involved in the pursuit has occurred.
- B. The officer must never regard a pursuit as a personal challenge, and never be indifferent to the safety of the public. Every endeavor should be made to handle a pursuit with such care that it can rationally be justified as a help, not a hazard, to highway safety.

#### 07.211 PURSUIITS - OTHER AGENCIES OR JURISDICTIONS

- A. When a pursuit begins within the City of Tyler enters another jurisdiction, the primary unit will notify the Communications Unit. A Supervisor will notify the Communications Unit to inform the affected agency, specifying:
1. The location and direction of the pursuit, the reason for the pursuit, and the number of units involved.
  2. If there is a request for assistance.
  3. That no assistance is requested, and only notification is being made.
- B. The supervisor handling the pursuit will evaluate the entire incident and make the decision to let the pursuit continue or be terminated.
- C. If the agency with jurisdictional authority joins in active pursuit, the secondary unit will discontinue pursuit and cease emergency operations.
1. If two units from the other agency or a combination of other agencies join the pursuit **all** Department units will terminate their pursuit and discontinue emergency operations.
  2. The supervisor handling the pursuit will go to the pursuit's termination point to assist the other agency with initial information on pursuit.
- D. In the event another jurisdiction becomes involved in a pursuit within the City of Tyler, the following guidelines shall be observed:

1. Department units will not become involved in the pursuit, unless specifically requested to do so by the pursuing agency and the request meets Department pursuit policy guidelines.
  - a. The request must be approved by a sworn supervisor.
2. The direction of the pursuit shall be monitored, and the Communications Unit will be informed of the pursuit's conduct.
3. Department units in the path of the pursuit may block or stop traffic at intersections; facilitate safe passage of the pursuit only.
4. At no time will Department units become actively engaged in a pursuit if two or more units from another agency, who are already in active pursuit and continue the pursuit, unless otherwise instructed to do so by a supervisor.
5. If the pursuing agency is joined by Department units and the agency's backup unit arrives to assist, Department units will terminate active pursuit and cease emergency operations unless otherwise instructed to do so by a supervisor.

#### 07.212 POST-PURSUIT

- A. The supervisor monitoring the pursuit shall be responsible for ensuring post-pursuit discipline. In all cases, whether the suspect was apprehended or not, an appropriate Incident Report will be completed.
- B. The primary unit will complete a Pursuit Review report. If the primary unit is unable to complete the report, a supervisor will see to it that the Pursuit Review report is completed. This report will contain the following information:
  1. The date, time, and location where the pursuit was initiated.
  2. The violation(s) observed, or reason for the pursuit.
  3. Lighting and traffic conditions at the onset of the pursuit.
  4. Vehicle and suspect description(s).
  5. The duration and path of the pursuit, including any traffic violations observed.
  6. The number of units involved and the name(s) of the officer(s) operating them, include information regarding whether in-car and/or body worn video of the pursuit exists and has been saved for review.
  7. The manner in which the pursuit ended (e.g. terminated, suspect surrendered, accident).
  8. List any property damage, traffic accidents, and injuries to officers,

suspects or third parties.

- C. The Pursuit Review report will be sent through the chain of command for review and recommendations. These reports will be maintained by the Integrity Unit Sergeant. The supervisor involved in the pursuit will be the first one to comment during the review process. This should include the actions taken by the supervisor during the pursuit and an opinion statement, indicating whether department policy was or was not adhered to during the pursuit.
  - 1. The purpose of the review is to determine if policy may need to be reviewed, if there are any training issues to address, and to maintain data for management purposes.
  - 2. Annually, the Integrity Unit will examine all Pursuit Review reports and compile an analysis for submission to the Chief of Police. Additionally, a documented review of agency pursuit policies and reporting procedures will be conducted.

07.213 FUNERAL ESCORT

- A. This policy does not prohibit an officer from using department authorized emergency lights and siren to regulate traffic during a funeral escort.

Approved: 11-02-2018

  
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Chief of Police