

TATUM ISD POLICE DEPARTMENT

VEHICULAR PURSUIT POLICY

EFFECTIVE DATE: July 27, 2022

Approved by: Omar Zuniga

Chief of Police

I. PURPOSE

The purpose of this policy is to establish guidelines for the initiation and continuation of vehicular pursuits for the Tatum ISD Police Department.

II. POLICY

Vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers, and suspects involved in the pursuit. Tactics used to stop a fleeing vehicle may be considered a use of force. It is the policy of this law enforcement agency to regulate the manner in which vehicular pursuits are undertaken and performed. It is also the choice of the Chief of Police or the Chief of Police's designee as to when to terminate the pursuit.

III. DEFINITIONS

Vehicular Pursuit: A deliberate attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude apprehension.

Authorized Emergency Vehicle: A vehicle of this agency equipped with operable emergency equipment as designated by state law.

Pursuit-Rated Vehicle: An authorized emergency vehicle that is specially designed and equipped for use during high-speed pursuits.

Primary Unit: The police unit immediately following the suspect vehicle at a reasonable distance and that assumes primary control of the pursuit.

Secondary Unit: Any police unit that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

Trail or Trailing: The unauthorized following of a pursuit at any distance, to include paralleling, intercepting, or tracking.

Caravanning: Direct participation in, or following of, a pursuit by emergency vehicles other than the primary and authorized secondary units.

Terminate: To abandon or abort the pursuit.

Termination Point: The location where the pursuit comes to a conclusion.

IV. PROCEDURES

A. Initiation of Pursuit

1. Pursuit is authorized only if the officer has a reasonable belief that the suspect, if allowed to flee, would present a danger to human life or cause serious injury. In general, pursuits for minor violations are discouraged.
2. The decision to initiate a 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.
3. Unless a greater hazard would result, a pursuit should not be undertaken if the subject(s) can be identified with enough certainty that they can be apprehended at a later time.
4. In deciding whether to initiate or continue a pursuit, the officer shall take the following into consideration:
 - a. The seriousness of the offense
 - b. Known information on the suspect
 - c. Road configuration (e.g. interstate, divided highway, work zone)
 - d. Physical location and population density (e.g. residential area, school zone, business district)
 - e. Existence of vehicular and pedestrian traffic
 - f. Lighting and visibility
 - g. Weather and environmental conditions
 - h. The relative performance capabilities of the pursuit vehicle and the vehicle being pursued
 - i. Officer training and experience
 - j. Available equipment
 - k. Speed and evasive tactics employed by the suspect
 - l. The presence of other persons in the police and suspect vehicle
 - m. Any other condition or situation that would create an unreasonable risk
5. A pursuit should not be initiated or engaged in while providing transportation for any person, other than law enforcement officers.

B. Pursuit Operations

1. All emergency vehicle operations shall be conducted following jurisdictional laws and related regulations.
2. Upon undertaking a pursuit, the pursuing vehicle shall activate emergency lights, sirens, and cameras, and they shall remain activated for the duration of the pursuit.
3. Upon undertaking a pursuit, the officer shall notify communications of the
 - a. initial purpose of the stop;
 - b. any information concerning the use of firearms, threat of force, or other unusual

- hazard;
 - c. location, direction and speed of the pursuit;
 - d. description of the pursued vehicle, including license plate number, if known; and
 - e. number, identity, and description of any known occupants.
4. The officer shall continuously update communications on the pursuit conditions, location, weather conditions, and presence of other traffic.
 5. Communications personnel shall notify an available supervisor of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.
 6. When available, the secondary unit shall immediately notify communications that they are joining the pursuit and should assume responsibility for relaying information to communications.
 7. No pursuit shall be conducted in a direction against the lawful flow of traffic on a one-way street or lane of a divided highway.
 8. Unless circumstances dictate otherwise, a pursuit shall consist of no more than two police vehicles: a primary and a secondary unit.
 - a. All other personnel shall stay clear of the pursuit unless instructed to participate by a supervisor.
 - b. Caravanning and trailing is prohibited. However, officers should monitor the progress of the pursuit and be prepared to assist if directed by a supervisor.
 - c. The number of vehicles engaged in a pursuit may be adjusted to fit the situation with supervisory approval.
 - d. A supervisor who has joined in the pursuit and supervises the units shall be considered an additional unit.
 - e. The supervisor shall consider units from other jurisdictions in determining the number of vehicles participating.
 9. Whenever possible, pursuit-rated vehicles should be utilized.
 10. The primary unit shall become secondary when the fleeing vehicle comes under air surveillance or when another unit has been assigned as the primary unit.

C. Supervisory Responsibilities

1. Supervisors are responsible for managing all vehicular pursuits to include determining whether the pursuit should continue or be terminated.
2. When made aware of a vehicular pursuit, the appropriate supervisor shall notify communications that he or she is monitoring the pursuit and accepting supervisory responsibility.
3. The supervisor is responsible for

- a. monitoring incoming information;
 - b. coordinating and directing activities as needed to ensure that proper procedures are used, to include ensuring that
 - (1) no more than the necessary number of units are involved,
 - (2) where available, aircraft has been requested,
 - (3) the appropriate radio channel is being utilized, and
 - (4) surrounding jurisdictions have been notified; and
 - c. discontinuing the pursuit when necessary.
4. A supervisor shall respond to the termination point following a pursuit.

D. Pursuit Tactics

1. All officers involved in a vehicular pursuit shall wear a seat belt.
2. Non-involved officers shall not follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
3. Available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit, such unit shall disengage when a marked unit becomes available.
4. Motorcycles should not be used for pursuits except in extremely exigent circumstances and when weather and related conditions allow. Motorcycle units shall disengage when support from marked patrol units becomes available.
5. All intervention tactics short of deadly force such as spike strips, low speed tactical intervention techniques, PIT maneuver, and low speed channeling (with appropriate advance warning) should be used when it is possible to do so safely and when the officer utilizing such tactics has received appropriate training.
 - a. Officers shall employ only the force option that reasonably appears necessary to control the situation.
 - b. The decision to use intervention tactics shall be based on careful consideration of all facts known to the officer and should be initiated when conditions permit.
 - c. A supervisor's permission should be obtained prior to the use of intervention tactics.
6. Intervention tactics should be used only when
 - a. the officer has reason to believe the continued movement of the pursued vehicle would place others in imminent danger of serious physical injury or death; and
 - b. the apparent risk of harm, to other than the occupant of the pursued vehicle, is so great as to outweigh the apparent risk of harm involved in making the forcible stop.

7. Firearms shall not be discharged from a moving vehicle.

8. Once the pursued vehicle is stopped, officers shall utilize appropriate officer safety tactics. The suspect(s) shall be taken into custody in accordance with law and agency policy, using only the amount of force reasonably necessary to affect an arrest.

E. Termination of the Pursuit

1. The primary unit and supervisor shall continually reevaluate and assess the pursuit situation including all of the initiating factors and terminate the pursuit whenever it is reasonable to believe the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.

2. The pursuit may be terminated by the primary unit at any time.

3. A supervisor may order the termination of a pursuit at any time.

4. A pursuit should be terminated if the suspect's identity has been determined, immediate apprehension is not necessary to protect the public or officers, and apprehension at a later time is feasible.

5. The pursuit should be terminated if the pursued vehicle's location is no longer definitively known.

F. Interjurisdictional Pursuits

1. The pursuing officer shall notify a supervisor and communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line. Communications shall immediately notify law enforcement in the jurisdiction being entered by the pursuit.

2. When a pursuit extends into another jurisdiction, the responsible supervisor, or the primary unit if a supervisor is not available, shall determine if the other jurisdiction should be asked to assume the pursuit. The following should be considered:

a. The distance between the pursuing and pursued vehicles and the speed involved

b. The pursuing officer's level of familiarity with the area

c. The willingness and capability of the other jurisdiction to assume control of the pursuit

d. Communication limitations at longer distances

3. If it is determined that the control of the pursuit should be relinquished to another jurisdiction, the request shall be clearly relayed to that agency. Confirmation of their acceptance of control of the pursuit should be obtained.

4. Pursuit into a bordering jurisdiction shall conform to the laws of both jurisdictions and any applicable interjurisdictional agreements. The action of officers shall be governed by the policy of the officers' own agency.

5. Once a pursuit has been taken over by the law enforcement agency of another jurisdiction, the initial pursuing officers shall cease emergency driving and proceed to the termination point.

G. Pursuits from Other Jurisdictions

1. Participation in a neighboring jurisdiction's pursuit is appropriate only in response to a specific request for participation. Mere notification of the existence of a pursuit shall not be construed as a request for participation. Upon such notification, the communications center shall clarify whether this agency is being requested to assist in the pursuit.
2. Prior to acceptance of a pursuit from another agency, the responsible supervisor shall determine the degree of this agency's involvement, if any, and provide the appropriate direction.
3. When the pursuit is assumed by this agency and where appropriate, the supervisor shall attempt to cancel units from the other agency.

H. Post-Pursuit Procedures

1. Whenever an officer engages in a pursuit, he or she shall file a written report on the appropriate form detailing the circumstances. This report shall be reviewed by the appropriate supervisor(s) to determine compliance with policy.
2. Any pursuit that results in a fatality, personal injury, or serious property damage shall be investigated by personnel who were not directly involved in the pursuit.
3. All videos of vehicular pursuits shall be reviewed following the incident.
4. The department shall analyze police pursuit activity at least annually and identify any additions, deletions, or modifications warranted in departmental pursuit procedures. This analysis shall
 - a. considers the following implications on the organization:
 - (1) Policy
 - (2) Equipment
 - (3) Training
 - (4) Philosophical approach
 - (5) Interjurisdictional issues; and
 - b. occurs even if a pursuit did not occur during the designated time period.
5. Any vehicle involved in a pursuit should be inspected before returning to service.

I. Training

Officers who drive police vehicles shall be given initial and periodic updated training in the agency's pursuit policy and in safe driving tactics.