

## PROCEDURES CHAPTER EIGHT

### EMERGENCY DRIVING/PURSUIT

#### SECTION 1 PURPOSE AND INTENT

- A POLICY.** The series of orders contained herein sets forth policy and procedures aimed at reducing injuries and deaths of police officers and citizens resulting from vehicular pursuits.
- B DUE REGARD FOR SAFETY.** No provision of State law or Department policy regarding high speed pursuit or emergency calls for service shall relieve the driver of a police vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.
- C LEGAL DISCLAIMER.** This policy is for departmental use only and does not apply in any criminal or civil proceeding. Department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

#### SECTION 2 DEFINITIONS

- A HIGH-SPEED PURSUIT.** Police vehicular pursuit of another vehicle at speeds, which exceed the legal speed for non-emergency vehicles.
- B ROADBLOCK.** Any method, restriction, or obstruction used to prevent free passage of motor vehicles on a highway, in order to effect the apprehension of an actual or suspected violator in a motor vehicle.
- C PROBABLE CAUSE** - That total set of apparent facts and circumstances based on reasonably trustworthy information which

would warrant a prudent person (in the position of and with the knowledge of the particular peace officer) to believe something, for example, that a particular person has committed some offense against the law.

### SECTION 3

### VEHICULAR PURSUIT

**A PRIMARY CONSIDERATION.** The primary consideration regarding a vehicular pursuit is an officer's obligation to balance necessity for pursuit and immediate apprehension against the danger to life and property inherent in pursuit situations.

The following factors shall be considered in determining whether or not to engage in pursuit:

1. The seriousness of the offense committed by the suspect who is being pursued;
2. The extent to which the suspect may later be identified if not immediately apprehend;
3. Knowledge of the suspect's possible destination or direction of travel;
4. The present ability to apprehend the suspect without pursuit;
5. The likelihood that the suspect may be armed or forcibly resist apprehension; and,
6. Potential for harm to persons or property resulting from a high-speed pursuit based on road and weather conditions, time of day, traffic and pedestrian density, available routes of escape, etc.

### **B VEHICLE PURSUIT TACTICS.**

1. All units involved in a pursuit shall operate their police vehicles in compliance with all provisions of this general order.
2. There shall be no attempt by any unit to pass another unit engaged either directly or indirectly in pursuit-related activities unless specifically requested to do so by the officer in the unit being passed.
3. Officers shall not drive on the wrong side on streets, freeways, or any other type of roadway. In the event

the pursued vehicle is going the wrong way, the following options shall be utilized:

- a. Maintain visual contact with the pursued vehicle by paralleling on an adjacent street, on the correct side of the roadway.
  - b. Request other units to proceed to and monitor exits available to the pursued vehicle.
4. Loss of pursued vehicle:
- a. If visual contact with the pursued vehicle is lost, other than momentarily, the pursuit and Code 3 status shall be immediately discontinued.
  - b. The primary unit shall immediately broadcast available information and coordinate a search for the vehicle as needed.

**C PURSUIT PROHIBITED.** An officer shall NOT engage in vehicular pursuit if:

1. The potential harm to persons or property arising from the pursuit outweighs the potential harm threatened by the escape of the suspect;
2. A safe and expedient identification and apprehension of the suspect can be made by other means; or,
3. There is a civilian in the officer's vehicle.

**D CONSTANT PURSUIT.** An officer engaged in pursuit need not maintain a constant view of the suspect, but the pursuit must be constant and continuous and without unreasonable or extraneous delays. If the officer engages in activities unrelated to the pursuit which remove him from the pursuit, he may not renew the pursuit.

**E PRIMARY UNIT.** The primary unit is the unit, which initiates a pursuit, or any unit, which assumes control of the pursuit. The primary unit has responsibility for following the suspect vehicle, for directing the movement of all other units involved in the pursuit and for the arrest of the suspect upon termination of the pursuit.

Upon initiation of a high-speed pursuit, the primary unit shall inform the radio operator of the following:

1. That the unit is in pursuit;
2. The unit's location and direction of travel;

3. The description of the vehicle being pursued;
4. The description of the vehicle occupants; and,
5. The officer's reason for pursuit.

**F SECONDARY UNIT.** The secondary unit shall be responsible for following and assisting the primary unit as necessary.

**G ADDITIONAL ASSISTANCE.** Only the primary and secondary units shall become involved in a high-speed pursuit. No other unit shall become involved in or move toward the route of a high-speed pursuit.

1. Intercepting units shall never intersect the path of an oncoming high-speed vehicle.
2. There shall be no caravanning of units either behind a suspect vehicle or on routes parallel to a pursuit.
3. No unit shall attempt to pass the primary pursuit unit unless ordered to do so by a supervisor or at the request of the primary unit.

**H EMERGENCY EQUIPMENT.** No police unit shall engage in high-speed pursuit without the use of siren and red lights.

**I UNMARKED VEHICLES.** Officers operating an unmarked vehicle shall abandon pursuit at such time as a marked unit is available to assume the responsibilities of the primary pursuit unit.

**SECTION 4 TERMINATING THE PURSUIT**

**A CONDITIONS.** When conditions indicate there is an unreasonable risk of injury to the pursuing officers or to any other persons, the pursuit shall be abandoned.

**B HEAVY TRAFFIC.** A Code 3 pursuit into heavy traffic shall be abandoned if the original offense was a traffic offense, Class C Misdemeanor, (or a warrant for either); no felony has been committed during the pursuit; and there is no reason to believe that the pursued person is escaping from apprehension for any felony involving physical harm to persons.

**C RISK OF HARM.** The pursuing officer and supervisor shall continuously consider whether the pursuit itself will bring a greater risk of harm to persons or property than the loss of the suspect.

**D BROADCAST.** In the event that either the primary unit or a supervisor determines that a pursuit should be abandoned, a broadcast shall be made of that determination and all units involved shall immediately abandon the pursuit.

**E MANDATORY TERMINATION ACTION.** When a pursuit is terminated, all involved officers shall:

1. Turn off all emergency equipment and return to lawful speed;
2. Broadcast to dispatch that you have returned to service;
3. Make no attempt to follow the offender; and,
4. Return to normal patrol.

## **SECTION 5 USE OF FORCE IN VEHICULAR PURSUIT**

**A GENERAL PROVISIONS.** The following measures shall be taken **ONLY** when established departmental policy would allow the use of deadly force:

1. Intentional striking or ramming of the suspect's vehicle by any portion of the police vehicle;
2. The use of one or more police units to physically contain and stop a fleeing vehicle during high speed pursuits; or,
3. The use of firearms.

**B BLOCKADES AND BARRIERS.** Blockades or barriers shall not be constructed tactics such as establishing a physical barricade (road block), boxing in, heading off, ramming, driving alongside the pursued vehicle, or getting in front of the vehicle and slowing down are extremely dangerous and prohibited.

The sole exception to this policy is a police vehicle may be used as a stationary barricade only when necessary to protect human life, e.g. injured person lying in the roadway that cannot be moved. In such cases, when possible, officers shall use emergency lights, flares, and any other device available, to warn of the barricade.

**C PURSUIT BY OTHER AGENCY.** When a high speed pursuit has been initiated by an officer of another agency and is in progress

within the city limits of Lubbock, LISD officers shall only render assistance to that officer in accordance with Departmental policy. Such assistance may be discontinued by order of an LPD or LISD PD supervisor.

#### **D MOBILE HOSTAGE SITUATIONS**

1. The officer in charge on the scene shall be in full command until properly relieved.
2. The officer in charge shall be responsible for coordinating all police activities.
3. The officer in charge shall be responsible for deciding the number of patrol units to be assigned and any escalation of force to be used.
4. If jurisdictions change during the pursuit, only the authorized number of patrol units may participate.
5. Once a mobile hostage situation is contained or becomes stationary, officers will secure the perimeter, and tactical negotiations will commence to have the hostages released.
6. The safety of the hostages may be the primary consideration in determining the tactics that will be utilized to effect the release of the hostages and apprehension of the suspects, but officers must also consider the risk of harm to other persons or property.

#### **SECTION 6 EMERGENCY CALL RESPONSE**

**A OFFICER RESPONSIBILITY.** After receiving all pertinent information regarding a call for service, it will be the officer's responsibility to determine the appropriate call designation. An officer may be ordered by a supervisor to use a call designation other than that which would normally be authorized by Department policy.

**B CALL DESIGNATION.** Call response shall be designated as follows:

1. **Non-Emergency Call Response:** Officer shall respond to the call without using emergency equipment or procedures. Such calls will be designated as "CODE ONE" calls.

2. **Emergency Call Response:** Code 3 vehicle mode is operation of a police vehicle contrary to traffic rules and regulations and requires use of both emergency lights and siren. Police officers may drive contrary to traffic laws and regulations, if they are operating under Code 3, as specified in V.A.C.S. 67old Sec 24, in the following instances.
  - a. In answering calls assigned by the Director of Police and Safety and designated with a Code 3 response.
  - b. In immediate pursuit of an actual or suspected violator of the law if at least one of the following conditions is met.
    - 1) A felony offense has been committed in the officer's presence or probable cause exists to believe a felony offense has been committed and the offender is escaping.
    - 2) A misdemeanor offense has been committed in the officer's view and the offender is escaping.
    - 3) An officer has a warrant of arrest for the person and the person is escaping.
  - c. Code 3 operation is subject to the following limitations and restrictions:
    - 1) The driver must be a commissioned peace officer.
    - 2) The vehicle must be a marked police unit.
    - 3) The police vehicle must have both emergency lights and siren operating.
    - 4) The officer in charge shall notify the base operator of Code 3 operation.
    - 5) The base operator shall notify the LPD Communications center of the Code 3.

**C**            **VEHICLE OPERATION.** When responding to an emergency call for service, an officer may:

1. Park or stand irrespective of the provisions of the Uniform Act.
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
3. Disregard regulations governing direction of movement or turning in specified directions.
4. Exceed the maximum speed limit by no more than 10 miles per hour. Exceeding the speed limit by MORE than 10 miles per hour shall only be permitted if:
  - a. A life threatening situation exists; and,
  - b. Traffic conditions permit such speeds without causing an unreasonable risk.