
	<b>Richland Hills Police Department</b>		
	<b>Subject:</b> Vehicle Pursuits		<b>Number:</b> 700.15
	<b>Category:</b> Law Enforcement Operations		
	<b>Effective Date:</b> July 01, 2023	<b>Supersedes:</b> GO 700.15 (05/2022)	<b>Review Date:</b> July 2025
	<b>Issuing Authority:</b> Kimberly L. Sylvester, Chief of Police		
	<b>Signature of Issuing Authority:</b>		
	<b>References:</b> TBP 7.13, 7.14, 7.18 and 7.19		

NOTE: This General Order is for internal use only and does not enhance an Officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this General Order, if proven, can only form the basis of a complaint by this Department and only in a non-judicial, administrative setting.

## I. POLICY

Pursuits represent a dangerous and difficult task that receives much public and legal scrutiny when accidents, injuries, or death result. Pursuing Officers and supervisors must justify their actions and, once they have decided to pursue, they must constantly evaluate the safety of their actions. Further, forcible measures to stop a fleeing driver, as detailed below, are prohibited except where deadly force is appropriate.

Officers shall comply with all applicable portions of this General Order when involved in vehicle pursuits.

## II. PURPOSE

The purpose of this General Order is to establish procedures that shall be undertaken by personnel during vehicle pursuit situations.

## 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. Caravanning - Direct participation in a pursuit by Department vehicles other than the primary and authorized support vehicles.

- C. Emergency driving - Driving in response to a life-threatening or other serious incident (based on available information) that requires emergency equipment in operation.
- D. Emergency equipment - Emergency lights and a siren, whistle, air horn or any other equipment designed to give intermittent signals automatically. All marked vehicles have additional distinctive and reflective decals for enhanced visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.
- E. Normal or routine driving - Driving that 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."
- F. 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.
- G. Pursuit - A motor vehicle pursuit is an attempt by a Law Enforcement Officer operating an authorized emergency vehicle, utilizing emergency equipment, to apprehend the occupants of another motor vehicle when the driver of the fleeing vehicle is aware, or should reasonably be aware of that attempt, and is resisting apprehension by maintaining or increasing the speed of his vehicle, disobeying traffic laws, or attempting to elude the Officer. Pursuits shall be conducted only with activated emergency equipment and under circumstances outlined in this order.
- H. Not a pursuit - An attempt to stop a vehicle that is not fleeing, or an attempt 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.
- I. Risk - The degree of danger or hazard to the public or Officers.
- J. Roadblock - Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect.
- K. Support vehicles - The second or additional Department vehicles participating in the pursuit that follow the primary pursuit vehicle at a safe distance. Once the vehicles have stopped, Officers in the support vehicles can provide help for the Officer in the primary vehicle or they can assume the primary role if circumstances dictate.

#### **IV. PROCEDURES FOR PURSUIT [TBP 7.13]**

Engaging in a pursuit requires a conscious weighing of the risk of harm from the suspect's escape against the risk of harm posed by the pursuit itself. This balance must continue as the pursuit progresses by constantly evaluating the circumstances and additional information that becomes apparent. Authority to initiate a pursuit may not justify its furtherance.

A. Justification for pursuit:

1. A motor vehicle pursuit is an attempt by a Law Enforcement Officer operating an authorized emergency vehicle, utilizing emergency equipment, to apprehend the occupants of another motor vehicle when the driver of the fleeing vehicle is aware, or should reasonably be aware of that attempt, and is resisting apprehension by maintaining or increasing the speed of his vehicle, disobeying traffic laws, or attempting to elude the Officer.
2. It is the goal of the Department to protect the lives and property of all persons. Officers are obligated to enforce the law and apprehend or cite violators. However, there is no justification for the reckless disregard for the safety of any person.
3. A pursuit shall be considered to be initiated if the conditions listed herein have been met, the Officer reasonably believes the need to apprehend the suspect outweighs the risk posed to the public at that time, and the Officer continues in his effort to bring the fleeing vehicle to a stop and apprehend the individual(s) therein.

B. Initiation of pursuit:

1. The decision to initiate a pursuit must be based on the pursuing Officer's reasonable belief 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.
2. Unless a greater hazard would result, a pursuit shall not be initiated if the pursuing Officer reasonably believes that the subject(s) can be identified and apprehended at a later time.

C. A pursuit shall not be initiated when:

1. The offense is a misdemeanor and the driver of the vehicle is known.
2. The driver of the vehicle is known to be a juvenile or suspected to be a juvenile, except in critical or life-or-death circumstances that can be articulated by the pursuing Officer and approved by the on-duty supervisor.
3. The only offense known prior to attempting to stop the vehicle was a class "C" traffic offense.
  - a. The act of evading arrest in a vehicle, committed after the initiation of a traffic stop for a Class "C" traffic offense and absent any other offense, shall not be sufficient to justify a pursuit under this General Order.

4. The fleeing vehicle is a motorcycle (two or three-wheeled), except in critical or life-or-death circumstances that can be articulated by the pursuing Officer and approved by the on-duty supervisor.
- D. Once a pursuit has begun, the responsibility to continue a pursuit, or to discontinue a pursuit when conditions no longer justify a pursuit, rests with the pursuing Officer(s) and supervisor.
- E. During the pursuit the Officer(s) and the supervisor shall re-evaluate the need to apprehend against the potential for injury to any person or damage to property if the pursuit is continued and as circumstances change.
- F. Pursuit Considerations:
1. In deciding whether to initiate or continue a pursuit, the Officer shall take all of the following into consideration:
    - a. Road, weather and environmental conditions;
    - b. Risk of harm to the public as assessed by population density and vehicular and pedestrian traffic;
    - c. The relative performance capabilities of the pursuit vehicle and the vehicle being pursued, to include safe operating speed capabilities;
    - d. Time of day;
    - e. Officer's abilities (experience and training);
    - f. Visibility and illumination;
    - g. Possibility of identification and apprehension at a later date and time;
    - h. Likelihood of successful apprehension;
    - i. Geographic location;
    - j. Officer's familiarity with the area;
    - k. The seriousness of the offense;
    - l. The presence of other persons in the police vehicle; and
    - m. Knowledge of previous activities of the offender.

G. Primary Officer responsibilities:

1. The Officer's primary responsibility in a pursuit is the safe operation of the vehicle. Only marked vehicles with emergency equipment shall pursue without specific authorization from a supervisor.
2. Upon engaging in a pursuit, the pursuing vehicle shall activate appropriate warning equipment (vehicle emergency lights; warning siren; air horn [as needed]).
3. 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. Road and traffic conditions;
  - d. Speed of fleeing vehicle and of pursuit vehicle;
  - e. The license plate number of the suspect's vehicle (if available);
  - f. The description of the suspect's vehicle; and
  - g. The reason for the pursuit.
4. The Officers will, to the best of their ability, keep the dispatcher informed of the location and direction of travel.
5. The pursuing Officer shall remain cognizant of their proximity to the pursued vehicle and shall always leave sufficient reactionary distance between vehicles in the event the Officer needs to take evasive or emergency action or conduct a felony traffic stop.

H. Supervisor's responsibilities:

1. The on-duty supervisor shall monitor the pursuit and has the responsibility to ensure that it is conducted in compliance with Department policy, and includes 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.
  - a. Whenever the risk to the public or to the Officers outweighs the immediate need to apprehend the suspect, the pursuit shall be terminated.

2. The on-duty patrol supervisor shall monitor the pursuit and shall respond to the location where the suspect is apprehended. The supervisor may end the pursuit at any time that he 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; and
    - 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 Officers involved and direct participants to submit a Pursuit Summary Report in the LEFTA software system.
  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 on-duty supervisor may direct the use of tire-deflation devices, as appropriate (refer to Section K.14. below).
- I. Supporting Officers' responsibilities:
1. Normally the first back-up unit to respond shall help the primary Officer in pursuing the suspect and making the arrest.
  2. The secondary pursuing Officer is responsible for broadcasting the progress of the pursuit and controlling the pursuit tactics. Without being tasked with these communications responsibilities, the primary Officer can focus attention on the pursuit driving.
  3. The supporting Officer may also advise of observed conditions which warrant termination of the pursuit and recommend termination.

J. Dispatcher's responsibilities:

Communications personnel are governed by the policies and procedures of the North Richland Hills Police Department in accordance with the Interlocal Agreement for Combined Public Safety Dispatching for the Cities of North Richland Hills, Haltom City, Richland Hills, & Watauga Texas. The following are general guidelines:

1. 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.
4. Assist in directing back-up units to strategic locations.
5. Alert all other nearby Law Enforcement agencies of the pursuit and information given by the pursuing Officer(s) when continuing beyond the city.
6. Query MVD, TCIC, and NCIC for license data and any warrants.

K. 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, unless deadly force is authorized and the risk to third parties is minimal.
2. Boxing-in shall be performed only at low speeds and under the direct authorization of the on-duty supervisor and then only if the participating Officers have been trained in the technique.
3. Caravanning is prohibited. Only two Department vehicles (excluding the supervisor) shall participate in a pursuit at any time unless specifically authorized by a supervisor.
4. Officers shall not fire their weapons from a moving Department vehicle at or into a fleeing vehicle unless such immediate deadly force is justified
5. If the on-duty supervisor orders the pursuit to end, 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 loses sight of the fleeing vehicle for an unreasonable amount of time.
6. The use of a stationary or rolling roadblock is strictly prohibited. [TBP 7.18]

7. When accompanied by a non-sworn occupant, Officers should not pursue or be involved in pursuits.
  - a. For the safety of the non-sworn occupant, an officer should make all reasonable attempts to leave the observer at a safe location within the city limits, such as the Richland Hills Police Department./ Refer to General Order 700.22 Ride-Along Program.
8. 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.
9. 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 over 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.
10. Officers involved in a pursuit shall not try to overtake or pass the suspect's vehicle.
11. Intersections are a particular source of danger. When approaching an intersection where signal lights or stop signs control the flow of traffic, Officers shall consider the following:
  - a. Safely enter the intersection at a reduced speed and only when the Officer reasonably believes that drivers in other vehicles, in the immediate vicinity, should be aware of the Officer's emergency driving actions.
  - b. Be mindful that, when using emergency lights, siren, and headlamps, the Officer is requesting the right of way and does not have the absolute right to disregard a red traffic light or stop sign facing the Officer's direction of travel.
  - c. Resume pursuit speed only when safe to do so.
12. Only marked emergency vehicles with emergency equipment shall pursue without specific authorization from a supervisor.
13. Unmarked vehicles involved in pursuits shall be equipped with emergency lights and sirens and should avoid being the primary pursuit unit whenever possible.
14. Tire Deflation Devices [TBP 7.19]
  - a. Only Officers who have been trained in the use of tire deflation devices are authorized to deploy the devices and only 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 devices 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 down and avoid running over the devices.
  - f. Officers shall not deploy tire deflation devices on a vehicle with less than four (4) wheels.
  - g. After deployment, Officers shall wait to retrieve tire deflation devices until all pursued and pursuing vehicles have cleared the roadway and it is safe to do so.
15. If any person is injured as a result of a pursuit, appropriate medical aid shall be summoned to the location of the injured person. If a third party is injured and no medical aid is immediately available to that person, the pursuit Officer shall cease their pursuit and render immediate aid to the injured party. If the occupant(s) of a pursuit vehicle are injured, the pursuit Officer shall administer aid as it is safe and appropriate to do so (Officers should not perform first aid on a subject while a suspect is unsecured and in the area of the Officer, for example). In any circumstance where any person is injured to the point that person requires medical aid or assistance, the on-duty supervisor shall notify the Chief of Police through the chain of command.
16. If weather conditions create interference to the safe operation of a vehicle in emergency operation, such as ice on the road, heavy rain or fog, or similar conditions, the Officer shall terminate the pursuit immediately.
- L. 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 assistance.

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 the participation. If the pursuing agency does not have an assist unit, Officers may enter the pursuit until a second unit from the initiating agency or another jurisdiction joins the pursuit with approval from the on-duty supervisor. Any non-pursuit assistance (including apprehension of a stopped suspect) may be provided as the circumstances dictate.
3. When a fleeing suspect is arrested, they shall be taken before a judicial Officer of the jurisdiction in which he was arrested regardless of where the pursuit began, unless it would prove to be more expeditious to bring the person arrested before the City's magistrate, as permitted by Texas Code of Criminal Procedure Article 15.17. The pursuing Officers from the original jurisdiction shall then go before their local magistrate to obtain a warrant and ensure that a teletype is sent to the apprehending jurisdiction as soon as possible, acting as a detainer.
4. When a fleeing suspect from another jurisdiction is apprehended within the county, the apprehending Officer shall take the arrested person before the city judge. The on-duty supervisor shall confer with the other jurisdiction to determine which shall maintain custody of the suspect based upon the seriousness of the charges and the likelihood of release by respective magistrate.

**V. TERMINATING PURSUITS [TBP 7.13]**

- A. This General Order has noted the necessity for a pursuing Officer to frequently re-evaluate the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the Officer can make.
- B. Officers shall discontinue a pursuit under the following circumstances:
  1. The on-duty supervisor orders it.
  2. The primary or secondary Officer determines termination is the best course of action.
  3. The pursuing vehicle experiences an equipment or mechanical failure that renders the vehicle unsafe for emergency driving.
  4. The pursued vehicle has outdistanced the pursuing Officer such that its location is not known.
  5. A person has been injured during the pursuit and no medical or Department personnel are able to provide help.

- 6. 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.
- 7. Traffic conditions inhibit the safe initiation or continuation of a pursuit.
  - a. Traffic conditions may also include locations where heavy traffic or unique traffic conditions exist, such as in or near school zones or construction zones.
- C. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and continue on foot, the Officer shall stop, give their location, and continue efforts to apprehend on foot. Circumstances may dictate, however, a continued pursuit in a vehicle. Support vehicles shall be dispatched in close proximity to offer assistance. The pursuing Officer should be cautious, however, that the pursued vehicle may carry other persons who might assault the pursuing Officers. Should the individual stop and remain in the vehicle, Officers shall not rush the vehicle. Appropriate felony stop procedures should be used.
  - 1. Emergency vehicles shall not be used to ram or run over a person who is fleeing on foot unless deadly force is justified.
- D. If an Officer pursues into another jurisdiction, the Officer or supervisor may terminate their pursuit and allow the other jurisdiction's Officers to continue the pursuit. If this occurs, the supervisor shall notify the other jurisdiction of any intention to charge the occupant(s) of the pursued vehicle if the vehicle is stopped.
- E. A pursuit shall be considered terminated when:
  - 1. The Officer discontinues use of all emergency equipment, changes the vehicle's speed to the posted or known speed limit, and notifies Communications over the radio they have discontinued the pursuit;
  - 2. The fleeing vehicle or suspect(s) have come to a stop and are detained; therefore, the Officer is no longer attempting to apprehend the suspect(s); or
  - 3. The Officer encounters vehicle mechanical or operational malfunctions rendering it unsafe for the pursuit to continue and therefore terminates the pursuit.

**VI. ACCOUNTABILITY [TBP 7.14]**

Great reliance is placed upon the individual Officer and the on-duty supervisor in the application of experience, common sense, and training. All Officers involved in a motor vehicle pursuit shall be held accountable for continuing a pursuit when circumstances indicate that it should have been terminated. Officers shall be neither criticized nor disciplined when their decision is to terminate rather than continue a pursuit.

A. After-Action Reporting:

1. Whenever an Officer engages in a pursuit, the Officer shall file a written report, and complete a Pursuit Summary Report in the LEFTA software system, detailing the circumstances. This report shall be critiqued by the appropriate supervisor or supervisors to determine if the policy has been complied with and to detect and correct any training deficiencies.
2. The Department shall periodically analyze police pursuit activity and identify any additions, deletions or modifications warranted in Department pursuit procedures.

B. Annual Report of Agency Pursuits:

1. An annual report shall be prepared for the Chief of Police by the Office of the Chief of Police at the end of each calendar year. The report shall include the following information:
  - a. Total number of pursuits;
  - b. Total number of injuries or deaths;
  - c. Total number of crashes;
  - d. Total number of incidents involving property damage;
  - e. Total number of apprehended suspects; and
  - f. Total number of terminated pursuits.
2. The Office of the Chief of Police shall review all pursuit summaries completed in that calendar year and consult with the Command Staff to identify and ensure the following information is contained within the annual report:
  - a. Trends;
  - b. Need for policy changes;
  - c. Training recommendations; and
  - d. Equipment recommendations.

C. Training:

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