

General Order

Houston Police Department



ISSUE DATE:

December 20, 2011

NO.

600-04

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-04, dated August 4, 2011

SUBJECT: MOTOR VEHICLE PURSUITS

POLICY

The Houston Police Department places the highest value upon the life and safety of its officers and the public at large. This value must be accommodated within a police officer's duty to apprehend persons who have committed or are committing a violation of the law. The methods the department establishes to enforce the laws are intended to minimize the risk of injury to officers and citizens alike.

The driver of an authorized emergency vehicle shall drive with due regard for the safety of all persons and is responsible for the consequences of reckless disregard for the safety of others.

This General Order applies to all classified and emergency communication personnel.

DEFINITION

Motor Vehicle Pursuit. A motor vehicle pursuit (pursuit) occurs when an officer operating an emergency vehicle attempts to stop or apprehend a suspect who refuses to stop while operating a motor vehicle. The suspect must exhibit one of the following types of conduct:

- a. A willful disregard for personal safety or the safety of others in an attempt to avoid arrest.
- b. A refusal to obey an officer's repeated signal to stop.

1 AUTHORIZED PURSUITS

The decision to engage in a motor vehicle

pursuit is highly dependent upon the ability of an officer, supervisor, or commander to continually assess the need to pursue versus the risk of injury involved in engaging in the pursuit.

2 OFFICERS' RESPONSIBILITIES

Officers may initiate or continue a pursuit only if all the following requirements are met:

- a. An officer in good faith reasonably believes that under the circumstances the need to immediately apprehend the suspect(s) outweighs a clear risk of harm to the public in initiating or continuing the pursuit.
- b. As required by department policy and Texas Supreme Court case law, officers must constantly evaluate the risk and factors involved when initiating or continuing a pursuit. Those factors include, but are not limited to:
 1. The seriousness of the crime to which the officer responds.
 2. Whether an officer's immediate presence is necessary to apprehend a suspect or to prevent injury or loss of life.
 3. Alternative courses of action, if any, available to achieve a comparable result.
- c. In addition to the above factors, officers shall continually evaluate:
 1. Knowledge about the suspect being pursued. If enough information exists to file a warrant, officers shall be ex-

pected to discontinue the pursuit.

An exception to this standard is permissible if a supervisor or commander responsible for overseeing the pursuit authorizes the pursuit to continue based on the assessment of requirements as listed above.

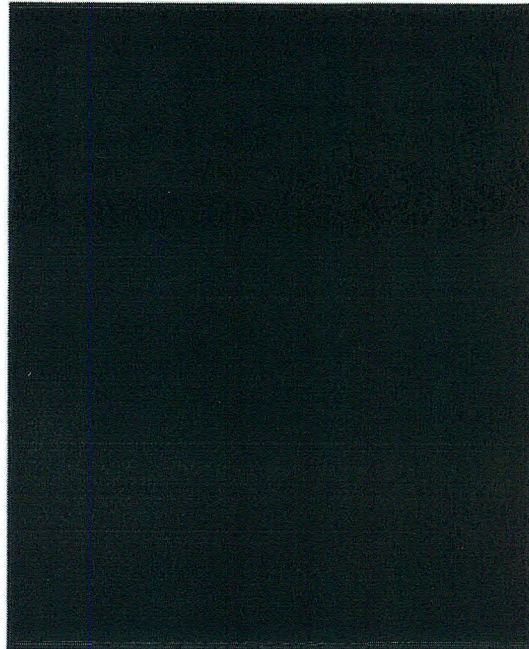
2. The observable driving behavior of the suspect being pursued (e.g., is the suspect driving while intoxicated or is the suspect driving recklessly).
 3. Relative performance capabilities of the vehicle being pursued.
 4. Road conditions.
 5. Weather.
 6. Population density.
 7. Vehicular and pedestrian traffic.
 8. The presence of other persons in the police vehicle.
- d. Officers shall continually assess the nature and severity of harm their actions could cause (including injuries to bystanders as well as the possibility an accident would prevent the officer from arriving on the scene or assisting in the apprehension of the suspect), the likelihood any harm would occur, and whether any risk of harm would be clear to a reasonably prudent officer.

While evaluating all of the listed factors, officers shall constantly assess the need to immediately apprehend the suspect versus the risk of injuring themselves, the public, or the suspect.

3 SUPERVISORS' RESPONSIBILITIES

The designated on-duty field supervisor:

- a. Shall be in command of the pursuit. The field supervisor shall immediately and succinctly advise the dispatcher if the pursuit should continue based upon communication and the assessment of the circumstances.



- c. Shall continually assess the motor vehicle pursuit and its changing circumstances relative to the points stressed by the Texas courts as outlined in section 2 items "b" and "c" above. Also, periodically, as prompted by the dispatcher, the supervisor shall state the pursuit should continue or direct the pursuit be terminated.
- d. May terminate the pursuit immediately if it is determined officers have sufficient information to establish both probable cause for the criminal activity and the identity of the suspect, making the filing of a to-be warrant feasible.

However, this does not apply to a case in which the nature of the criminal activity (e.g., deadly weapon involved,

serious bodily injury inflicted, hostage taken, or a flagrant DWI) is such that the need to immediately take the suspect into custody justifies the possible risks to the public resulting from the pursuit.

- e. Shall order any response necessary, appropriate, and within department policy to terminate the pursuit.
- f. May become involved in the pursuit if in close proximity and provided the supervisor's police vehicle has emergency equipment.
- g. Shall immediately go to the scene where the pursuit has ended and take command.
- h. Shall supplement the original report documenting all supervisory actions taken during the pursuit. For pursuits lasting less than fifteen minutes, the supervisor must review all available information from the pursuit and supplement the report with any available relevant or pertinent information (e.g., automated vehicle location [AVL] records, unit histories, videos) within five *calendar* days of the pursuit.

4 MANAGEMENT'S RESPONSIBILITIES

Shift Commanders

The on-duty shift commander(s) of the division(s) initiating a pursuit shall be notified immediately by the on-duty Emergency Communications Division (ECD) supervisor of a pursuit being initiated by any of their officers.

Although the actual management of the pursuit is the responsibility of field supervisors, the designated shift commander shall assess the reasonableness of continuing the pursuit using the same parameters listed in section 2 items "b" and "c" of this General Order.

The shift commander shall continue to closely monitor pursuits and maintain contact with field supervisors and dispatchers until the event ends. If at any time the shift commander's assessment indicates the pursuit should not continue, then the shift commander shall order termination of the pursuit.

If the shift commander is unavailable for any reason, another on-duty lieutenant or division commander from the initiating division(s) shall be designated to fulfill this responsibility.

For motor vehicle pursuits that last fifteen minutes or more or if a unit from another jurisdiction becomes involved in the pursuit, the shift commander must review all available information from the pursuit and must supplement the original incident report with any available relevant or pertinent information.

Night Commander

The on-duty ECD supervisor shall immediately notify the Command Center who in turn shall contact the on-duty night commander. If, for any reason, a ranking officer from the division(s) initiating the pursuit is not located, the night commander shall assume all the management responsibilities described above.

In addition, the night commander must sign off on the copies of all vehicle pursuit forms that are submitted during the night commander's shift and ensure all pertinent information is included in all required reports and supplements.

Captains' Responsibilities

Captains shall be held accountable for ensuring this General Order is followed. Captains shall ensure compliance through training and counseling, and when obvious and purposeful deviations occur, by initiating an internal affairs investigation.

5 VEHICLES ELIGIBLE TO USE IN PURSUITS

An officer may initiate or continue a pursuit only if all the following requirements are met. The officer's police vehicle is:

- a. Equipped with working emergency lights and sirens.
- b. Believed to be in sound mechanical condition including, but not limited to, brakes, steering, and police radio systems.

Vehicles transporting prisoners, witnesses, suspects, complainants, or other non-police personnel shall not be used to initiate or participate in a pursuit.

A pursuit initiated by a solo unit (HPD motorcycle) shall be reassigned to the first arriving marked patrol unit. Officers in unmarked police vehicles who reasonably suspect a criminal offense has occurred and immediate action is warranted, may attempt to follow a fleeing vehicle until a marked unit with operable emergency equipment arrives to initiate the pursuit.

6 NOTIFYING DISPATCHER

Officers initiating a pursuit shall promptly notify the dispatcher a pursuit situation exists. The dispatcher shall determine if it is necessary to switch the incident to another dispatch channel (e.g., channel 5) or to keep the incident on the existing channel.

If the pursuit remains on the existing channel, all other officers shall immediately refrain from non-emergency radio transmissions on that channel. The information transmitted to the dispatcher should include the following:

- a. Unit number.
- b. Present location.
- c. Where the pursuit began.
- d. Direction of travel.

- e. Reason for the pursuit.
- f. Description of the fleeing vehicle (e.g., make, model, color, license number).
- g. Description and number of occupants in the fleeing vehicle.
- h. Estimated speed of the fleeing vehicle.

As necessary, the dispatcher shall prompt the supervisor managing the pursuit to confirm that the pursuit is authorized to continue.

7 PARTICIPATING UNITS

When notified of a pursuit, the dispatcher shall designate the initial pursuing vehicle as the primary unit. The dispatcher shall also designate a secondary unit and a field supervisory unit.

Unless the field supervisor approves additional units, the primary and secondary units shall be the only police vehicles authorized to pursue the fleeing vehicle. A field supervisor may approve additional units if any of the following situations exist:

- a. There are an insufficient number of officers in the authorized units to safely effect an arrest.
- b. An authorized unit is unable to continue the pursuit or the dispatcher has been informed an authorized unit is terminating its involvement. In this case, the field supervisor shall authorize replacement units as needed.

Canine Unit

Upon learning of a pursuit and if a canine unit has not been designated, the closest on-duty canine unit shall travel toward the area of the pursuit in anticipation of being needed. When practical, the canine unit shall notify the dispatcher of its location and

estimated time of arrival.

adhered to when a police helicopter is involved in a pursuit:

8 RESTRICTIONS

Officers shall not:

- a. Pursue a fleeing vehicle by driving the wrong way on a freeway.
- b. Pursue a fleeing vehicle while operating a vehicle without emergency equipment or without the emergency equipment activated.
- c. Drive along the side or in front of a fleeing vehicle in an attempt to force the vehicle from the roadway, unless authorized as an approved stopping technique (see section 10, *Stopping Techniques*).
- d. Ram or bump a fleeing vehicle in an attempt to force it from the roadway.
- e. Continue a pursuit if the primary unit, on-scene police helicopter, or any on-duty supervisor orders the pursuit discontinued.
- f. Discharge a firearm to disable or stop a fleeing vehicle (see General Order 600-17, *Use of Force*).
- g. Use a privately owned vehicle in any part of a pursuit or as a termination technique.
- h. Use an occupied or privately owned vehicle in a roadblock.

9 POLICE HELICOPTER

The dispatcher shall assign a police helicopter to all pursuits. If no helicopter is in service, the dispatcher shall contact the department's Air Support Division and have one dispatched to the scene weather permitting. The following procedures shall be

a. When the helicopter crew has informed the dispatcher the suspect vehicle is in view, the ground units shall modify their speed accordingly, but maintain the use of their emergency equipment.

b. The helicopter crew, under the direction of the field supervisor, shall monitor the pursuit. This includes, but is not limited to, transmitting the suspect vehicle's location, approximate speed, and potential traffic problems. If the aircrew is operating in the Class B Airspace the information given to ground units may be limited. Class B Airspace is the controlled area that extends outward to a radius of 15-30 miles from airports such as Hobby Airport and Bush Intercontinental Airport. The purpose of the airspace is to provide separation from all the aircrafts that operate within it. To operate in this airspace the aircrew must have approval to enter and operate in the airspace prior to entering the boundary.

c. The helicopter crew shall relay the roof numbers of all involved police vehicles to the dispatcher.

10 STOPPING TECHNIQUES

Before any stopping technique is deployed, officers must be adequately trained by Training Division personnel in its proper use and shall assess the risk of bodily harm to bystanders, any passengers in the suspect's vehicle, themselves, or the suspect as a result of using a stopping technique versus the threat to the public if the pursuit continues.

The following stopping techniques may be used provided the field supervisor authorizes the use and the techniques are used in accordance with current department procedures:

- a. **Standard Roadblocks.** Barricades or other obstructions set across a roadway to stop or prevent the escape of a fleeing vehicle.
- b. **Rolling Roadblocks.** Moving police units placed in front of and behind the fleeing vehicle in an attempt to stop it. This method may be used only if the suspect is not speeding but is willfully failing to stop. Extreme caution is urged prior to using this tactic as it could expose officers to danger if suspects are armed, potentially placing officers in a crossfire situation.
- c. **Tire Deflation Devices.** Devices such as Stingers® and Stop Sticks® are designed to cause the controlled deflation of a fleeing vehicle's tires. Any employee who deploys a tire deflation device (a.k.a. "spike strip") must supplement the original report indicating the approximate location where the device was deployed, whether or not the target vehicle or others ran over the device, and if applicable, why the vehicle did not run over the device.
- d. **Slow-Speed Diverting Tactics.** On a freeway, officers may perform a serpentine movement designed to slow the general flow of traffic ahead of the fleeing vehicle.

11 TERMINATION OF PURSUITS

Any of the following personnel may terminate a pursuit:

- a. Officer in the primary unit.
- b. On-duty officer holding the rank of sergeant or above.
- c. On-scene Tactical Flight Officer.

The decision to terminate a pursuit by an on-duty supervisor other than the field supervisor managing the pursuit must be made with the same diligence as stated throughout this policy.

For instance, an on-duty supervisor, lieutenant, or commander from the initiating division(s) or night command captain or lieutenant with access to video coverage of a pursuit shall assess available information relative to the nature of the offense and other pertinent variables before making a decision to allow the pursuit to continue or be terminated.

The assessment of this information shall be in accordance with the factors and variables listed in section 2 items "b" and "c" of this General Order.

12 APPREHENSION OF SUSPECTS

Once the pursuit has ended, officers shall utilize appropriate officer safety tactics regarding high-risk vehicle approaches as outlined in General Order 600-34, **High-Risk Vehicle Approaches**.

If the pursuit is not initiated or is terminated without apprehending a suspect and the identity of the suspect is known, the primary unit shall attempt to obtain a to-be warrant through the appropriate district attorney's office prior to the end of the officer's shift.

13 DOCUMENTATION OF A PURSUIT

Officers' Duties

Officers shall document the pursuit incident in a thorough report containing a detailed description of the vehicle, suspect information if possible, other pertinent facts, and witness information. If a decision is made not to pursue a known suspect or a pursuit

is terminated in accordance with restrictions set out in this General Order, officers shall still complete a thorough report so an officer or investigator can attempt to locate the suspect and file a warrant at a later date.

Supervisors' and Management's Duties

The field supervisor assigned to the pursuit shall complete the *Houston Police Department Vehicle Pursuit* form (see HPD's Intranet Portal) at the conclusion of the pursuit. The form shall be completely filled out and submitted regardless of the duration of the pursuit. The completed form shall be immediately faxed to the Command Center and the field supervisor's division shall maintain a copy. The original form shall be forwarded through the chain of command to the division's assistant chief.

In addition, the on-duty field supervisor and any involved supervisors must supplement the original incident report documenting all supervisory actions taken during the pursuit and must list all units who participated in the pursuit.

The shift commander shall supplement the original incident report if the motor vehicle pursuit lasts fifteen minutes or more or if a unit from another jurisdiction becomes involved in the pursuit.

Command Center's Duties

Command Center personnel receiving a pursuit form from the field shall immediately review it to determine if the pursuit meets the criteria of a *Significant Event* (see General Order 200-10, **Notification and Emergency Management**). If so, Command Center personnel shall immediately create a *Significant Event* report based on the pursuit information and make the required notifications to HPD personnel and other applicable City departments.

14 INTERJURISDICTIONAL PURSUITS

ECD, with the approval of the field supervisor, shall notify outside law enforcement agencies when this department is involved in a pursuit in the outside agency's jurisdiction. The person notifying the outside agency shall specify whether the call is a request for assistance or a courtesy notification with no participation requested.

Officers may become involved in another agency's pursuit either inside or outside HPD's jurisdiction if an HPD field supervisor authorizes participation and any of the following are true:

- a. The other agency requests assistance.
- b. It is clear the other agency's unit is unable to request assistance.
- c. The emergency nature of the situation dictates the need for assistance.

All department pursuit policies must be followed whenever an employee is involved in any pursuit.

15 PUBLIC STATEMENTS FOLLOWING PURSUITS

After a pursuit has ended, officers shall refer all media requests for a statement to the designated field supervisor involved in pursuit. Upon the request of the media, the designated field supervisor may make a limited statement to the media or defer to a Public Information Officer (PIO) or a higher-ranking on-scene supervisor. Initial statements shall be limited to preliminary factual information and the statements shall be in compliance with General Order 800-02, **Media Relations**. If the media requests additional information such as comments concerning policy, supervisors shall contact the on-duty PIO or a higher-ranking supervisor, whichever is appropriate. The PIO or higher-ranking supervisor shall make the scene of the pursuit and after re-

ceiving a briefing on the pursuit, provide statements to the media.

16 RELATED GENERAL ORDERS

- 200-08, **Conduct and Authority**
- 200-10, **Notification and Emergency Management**
- 400-07, **Vehicle Use and Assignment**
- 400-08, **City Vehicle Crashes**
- 400-10, **Unit and Radio Numbering**
- 400-21, **Mobile Data Computers**
- 500-01, **Effecting Arrests and Searches**
- 600-03, **General Broadcasts**
- 600-05, **Special Threat Situations**
- 600-17, **Use of Force**
- 600-32, **Ride-Along Program**
- 600-34, **High-Risk Vehicle Approaches**
- 800-02, **Media Relations**
- 800-07, **Criteria for Submitting Incident Reports**



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