

	Houston Independent School District Police Department Directives	DIRECTIVE: 450-009
		EFFECTIVE DATE: May 18, 2013
	SUBJECT: Vehicular Pursuits	REVISED DATE: February 5, 2022

PURPOSE

This policy establishes guidelines for decision-making regarding vehicular pursuits within the HISD Police Department. This directive applies to all HISD Police department personnel.

DEFINITIONS

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

Authorized Pursuits: The decision to engage in a motor vehicle pursuit is dependent upon the ability of an officer, supervisor, or command staff member to assess the need to pursue and the risk of injury involved.

Motor Vehicle Pursuits: A motor vehicle pursuit occurs when an officer operating a marked 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 willing disregard for personal safety or the safety of others to avoid arrest; and;
- b) Refusal to obey an officer's repeated signal to stop.

Primary Unit: The police unit which initiates a pursuit or any unit which assumes control of the pursuit

Secondary unit: Any police vehicle that becomes a backup to the primary unit and follows the primary unit safely.

Vehicular Pursuit: An active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect actively attempting to elude the police.

VEHICULAR PURSUITS

Vehicular pursuits of fleeing suspects can present a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the responsibility of the HISD Police department to assist officers in the safe performance of their duties. To fulfill these obligations, it shall be the policy of this law enforcement agency to regulate how vehicular pursuits are undertaken and performed. The officer 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 apprehend the suspect immediately

outweighs the potential risk of harm to the public in initiating or continuing the pursuit.

- b) As required by departmental policy and Texas Supreme Court case law, the officer 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 the suspect or prevent injury or loss of life.
 3. Alternative courses of action, if any, available to achieve a comparable result.
 4. In addition to the above factors, officers will continue to evaluate the following:
 - Knowledge about the suspect being pursued. If enough information exists to file a warrant, officers will be expected to discontinue the pursuit.
 - The observable driving behavior of the suspect being pursued (i.e., is the suspect driving while intoxicated or driving recklessly).
 - Performance capabilities of the vehicle being pursued.
 - Road conditions.
 - Weather.
 - Population density.
 - Vehicular and pedestrian traffic; and
 - The presence of other persons in the police vehicle

Officers will continually assess the nature and severity of harm their actions could cause, the likelihood of any harm, and whether any risk of harm would be apparent to a reasonably prudent officer.

VEHICLES ELIGIBLE TO USE IN PURSUITS

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

- a) Marked police vehicle 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 system; and
- c) Emergency lights and sirens shall always be activated during a vehicle pursuit.

Police 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.

Vehicles transporting prisoners, witnesses, suspects, complainants, or other non-police personnel will not be used to initiate or participate in any pursuits.

DISPATCH NOTIFICATION

Officers initiating a pursuit will promptly notify the dispatcher when a pursuit situation exists. The information transmitted to the dispatcher should include the following:

- a) Unit number.
- b) Present location.
- c) Where the pursuit began.
- d) The 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, and
- h) Estimated speed of the fleeing vehicle.

DISPATCH RESPONSIBILITIES

It is the responsibility of the primary unit to immediately notify the dispatcher when the fleeing motorist initiates evasive measures. The dispatcher shall immediately request a supervisor to monitor the pursuit. If a supervisor does not respond, an on-duty patrol supervisor will be assigned to the pursuit.

Due to the imminent dangers of vehicular pursuits, radio transmissions not concerning the pursuit should be kept to a minimum. All units not directly involved in the apprehension effort will refrain from non-emergency transmissions.

Upon engaging in pursuit, the officer shall notify dispatch of the location, direction, and speed of the pursuit, the description of the pursued vehicle, and the initial purpose of the stop. The officer shall keep dispatch updated on the pursuit. Dispatch shall notify any available supervisor of the pursuit, clear the radio channel of emergency traffic, and relay necessary information to other officers and jurisdictions.

If the pursuit appears heading for another jurisdiction or the freeway, dispatch shall inform the other agency of the pursuit.

SUPERVISORS' RESPONSIBILITIES

The designated on-duty field supervisor or any other on-duty supervisor:

- a) Will be in command of the pursuit. The field supervisor will immediately and briefly advise the dispatch if the pursuit should continue based on communication and assessing the circumstances.
- b) Monitor all radio communications related to the pursuit and make every effort to ensure only authorized units participate.
- c) Continually assess the pursuit and its changing circumstances.

- d) Terminate the pursuit if it is determined the officers have sufficient information to establish probable cause for the criminal activity and the suspect's identity, making filing 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 take the suspect into custody immediately;
- e) May become involved in the pursuit if nearby and provided the supervisor's marked police vehicle has working emergency equipment.
- f) If not nearby, will proceed to the location as expeditiously as possible while obeying all traffic laws; and
- g) Will immediately go to the scene where the pursuit has ended and take appropriate actions.

PARTICIPATING UNITS

When notified of a pursuit, the dispatcher will designate the initial pursuing vehicle as the primary unit. The dispatcher will also designate a secondary unit and a field supervisor unit. The primary and secondary units will be the only police vehicles authorized to pursue the fleeing vehicle(s) unless the field supervisor approves additional units. A field supervisor may approve additional units if any of the following situations exist:

- a) There is an insufficient number of officers in the authorized units to effect an arrest safely.
- b) An authorized unit cannot continue the pursuit, or the dispatcher has been informed an authorized unit is terminating its involvement. In this case, the field supervisor will authorize replacement units as needed.
- c) The authorized secondary unit will communicate to dispatch the direction of travel and all actions of the pursuit; and
- d) Once a pursuit is stopped, officers shall utilize appropriate officer safety tactics and be aware of the necessity to utilize only reasonable force to take suspects into custody.

AFTER ACTION REPORT

Whenever an officer engages in a pursuit, the officer shall file a written report on the appropriate form detailing the circumstances. The appropriate supervisor or supervisors shall review this report to determine if the policy has been complied with and detect and correct any training deficiencies.

CANINE UNIT

Upon learning of the pursuit, and if a canine patrol unit has not been designated, the closest on-duty canine unit will travel toward the area of the pursuit in anticipation of being needed. When practical, the canine unit will notify the dispatcher of its location and estimated arrival time. If not nearby, the Canine Unit will proceed to the location as expeditiously as possible while obeying all traffic laws.

JURISDICTION

HISD Police Department officers are required to limit their actions to district-related incidents, except in cases where they have a statutory duty to involve themselves as Texas peace officers.

PURSUIITS INTO OTHER JURISDICTIONS

Upon leaving the jurisdiction of HISD, the primary unit shall notify the dispatcher. HISD Dispatch shall immediately notify the field supervisor that the pursuit is proceeding outside the city and establish contact with the law enforcement agencies with jurisdiction in the pursuit. Pursuits that continue outside the city limit must be authorized by a supervisor and may be terminated by the field supervisor or the commanding officer.

CONTINUED PURSUIITS

Upon approval of the pursuit, the dispatcher shall immediately notify the primary unit and continue to relay information between all units and agencies involved. If practical, the field supervisor should request assistance from the assisting agency through HISD Dispatch.

The field supervisor will closely monitor the pursuit and coordinate operations with the other law enforcement agencies through the dispatcher. As soon as practical, the primary unit will allow any assisting agency's unit to become the primary and secondary.

If the assisting agency responds with a secondary unit, the HISD secondary unit will discontinue pursuit. The HISD primary unit may continue in a non-emergency mode to the point of termination at the discretion of a field supervisor.

A maximum of two units is authorized in a vehicle pursuit unless a field supervisor or commanding officer approves additional units. In case of a suspect's capture, the field supervisor will proceed to the termination point and assist the primary agency.

Officers of this department may assist in the pursuit at the request of the originating agency. The field supervisor will immediately approve or deny assistance. If approved, the field supervisor will ensure that an approved pursuit is conducted using the guidelines established in the department's pursuit procedures as far as practical. The dispatcher will assign HISD units as directed by the field supervisor or commanding officer. HISD Dispatch will maintain contact with the agency initiating the pursuit and relay information between both agencies.

TERMINATION OF PURSUIITS

Any of the following personnel may terminate a pursuit:

- a) Officer in the primary unit; and
- b) On-duty supervisor.

SPECIFIC RESTRICTIONS

Officers will not fire shots from moving vehicles or fleeing vehicles unless required for self-defense or the protection of others. Warning shots are not authorized under any circumstances. Officers shall never attempt to:

- a) Force a fleeing vehicle from the roadway by driving next to or in front of the vehicle.
- b) Attempt to slow or stop a fleeing vehicle by positioning the officer's car in front of the fleeing vehicle.
- c) Pursue a fleeing vehicle by driving the wrong way on any roadway.
- d) Pursue a fleeing vehicle while operating a vehicle without emergency equipment or the emergency equipment activated.
- e) Intentionally collide with a vehicle to force it from the road.
- f) Continue a pursuit if the primary unit or any on-duty supervisor orders the pursuit discontinued.
- g) Discharge a firearm to disable or stop a fleeing vehicle.
- h) Use a privately owned vehicle in any part of pursuit or as a termination technique.
- i) Use an occupied or privately owned vehicle in a roadblock, or
- j) Create a roadblock.

The primary officer or supervisor may cancel a pursuit at any time. Any officer initiating or participating in a vehicular pursuit shall complete a police report documenting all aspects of the pursuit and a Use of Force Form or a Significant Incident/Event Report.

TRAINING

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

ANNUAL ANALYSIS

The department shall analyze police pursuit activity annually and identify any additional modifications warranted in departmental pursuit procedures. A copy of this report shall be forwarded to the Office of the Assistant Chief of Police for review. This review aims to determine if all policies related to pursuits and use of force were followed and if remedial training or disciplinary action is warranted.

Approved By


Pedro Lopez Jr., Chief of Police