


# TEXARKANA POLICE DEPARTMENT

## GENERAL ORDERS MANUAL

<b>SUBJECT</b>	<b>Pursuit Driving</b>		
<b>NUMBER</b>	<b>1102.30</b>	<b>EFFECTIVE DATE</b>	<b>December 21, 2009</b>
<b>Scheduled Review Date</b>	<b>July 30, 2018</b>	<b>ISSUE DATE</b>	<b>December 21, 2009</b>
<b>Date Reviewed</b>	<b>June 01, 2017</b>	<b>REVISION DATE</b>	<b>June 01, 2017</b>
<b>APPROVED BY</b>		<b>ALEAP Standards</b>	7.15, 7.16, 7.20

### I. Purpose

- A. The purpose of this policy is to define the Texarkana Police Department's policies and procedures governing the pursuit of motor vehicles by members of the Police Department.

### II. Policy

- A. The Police Department's primary concern in pursuit situations is the protection of the lives and safety of all citizens and officers. The operation of emergency vehicles is governed by A.C.A. § 27-51-202, which authorizes emergency vehicles (activated emergency lights and siren) to exceed the posted speed limit, but does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons. It also does not relieve the driver of any emergency vehicle from the consequence of a reckless disregard for the safety of others.

### III. Definition

- A. **Pursuit Driving** – A motor vehicle pursuit is an active attempt by a law enforcement officer operating an emergency vehicle and utilizing, simultaneously, all emergency equipment (emergency lights and siren) to apprehend one or more occupants of another moving vehicle, when the driver of a fleeing vehicle is aware of that attempt and is resisting apprehension by maintaining or increasing his speed, disobeying traffic laws, ignoring or attempting to elude the officer.
1. A pursuit begins when the violator's actions indicate that he/she is not going to comply with a lawful directive to stop and the officer makes the determination that he/she will actively follow the vehicle for the purposes of contacting and detaining the violator.
  2. At that point, all procedures listed in this General Order are in full effect, including but not limited to, activation of ALL EMERGENCY EQUIPMENT including In-Car Video, and IMMEDIATE NOTIFICATION to dispatch of the particulars of the pursuit.
    - a. It is **not** a pursuit when an officer activates his/her emergency equipment in order to catch up to a vehicle to conduct a traffic stop. Officers operating their units with emergency lights and siren during a pursuit or while attempting to catch up to a vehicle to conduct a traffic stop may only pass through a red light, stop sign or through an uncontrolled intersection after slowing down and ensuring that other drivers are aware of the officer's presence and have yielded the right of way pursuant to A.C.A. § 27-51-202.

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- b. This policy shall be followed unless exigent circumstances exist that would tend to increase a hazard to the safety of a victim, the public, or officers if the suspect was alerted to the presence of law enforcement responding to a call for service, or a self-initiated call.
- c. This policy includes the emergency response (code 3) calls for service where compliance with A.C.A. § 27-51-202 is applicable. In those instances, the officer shall activate all emergency equipment while responding to the incident location, but if exigent circumstances exist, the officer may deactivate emergency equipment, and reduce speed, and exercise extreme caution when approaching the incident location in order to provide for a covert approach when required in the interest of public safety.

**IV. Procedure**

A. The following factors shall be considered by officers and supervisors in making the decision to continue or terminate a police pursuit:

- 1. Environmental factors such as rain, fog, ice, snow, darkness or roadway conditions that would substantially increase the danger of the pursuit.
- 2. The officer’s familiarity with the area and his/her ability to accurately notify Communications of his/her location and the direction in which the pursuit is proceeding.
- 3. Congestion caused by traffic or pedestrians. This would be especially important during rush hours or in the area of any school.
- 4. The pursued vehicle proceeds the wrong way on any freeway, divided highway or a one-way street. At no time will officers pursue violators the wrong way on a freeway, divided highway or one-way street.

B. The following procedures will govern vehicular pursuits:

- 1. Absent exigent circumstances, unmarked police vehicles are prohibited from participating in any vehicular pursuit. In the event an unmarked unit becomes involved in a pursuit under exigent circumstances, the unmarked unit will be replaced as soon as practical by a marked police unit
- 2. No more than two marked emergency vehicles will be involved in the immediate pursuit. Other police vehicles will be support units and will not become actively involved in the pursuit or operate in an emergency mode.
- 3. Upon initiation of a pursuit, the Communications Center will declare emergency traffic only on the primary police channel. Additionally, the dispatcher shall initiate a call for service in the CAD System regarding the pursuit.
- 4. The first unit to become involved in a vehicle pursuit will be designated the primary vehicle and will have the following responsibilities:
  - a. The officer will activate the police vehicle’s emergency lights, siren, in-car video system and notify Communications of the following information:
    - (1) The unit identifier;
    - (2) The location and direction of the suspect vehicle;
    - (3) The charges involved; if known; and
    - (4) The license number, vehicle description and number of occupants.

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5. In a pursuit, the second marked police unit will become the backup. Upon joining the pursuit, the backup officer will activate the vehicle's emergency lights and siren and advise Communications.
  - a. Only one backup unit is to be used unless authorization for additional backup units is obtained from a police supervisor.
  - b. The backup vehicle will follow the primary vehicle at a distance that will provide adequate maneuvering and stopping capability.
  - c. Upon joining the pursuit, the backup unit will be responsible for conducting all radio traffic concerning the pursuit.
  - d. Additional police units will not assume emergency status and follow the primary and backup units. Nothing in this policy prohibits an additional police unit from activating emergency equipment for the purpose of warning oncoming motorists or the public of an approaching fleeing vehicle, or for warning motorists or the public while covering potential escape routes.
6. Additional units shall be support vehicles and will not become actively involved in the pursuit, violate traffic laws or operate in emergency status.
  - a. Support units will cover escape routes.
  - b. Marked support units will be available to assume a backup or primary role should one of those units be unable to continue the pursuit.
  - c. If a support vehicle inadvertently intercepts the suspect vehicle, the support vehicle will not attempt to intervene. The support vehicle will attempt to obtain additional suspect vehicle description and information.
7. Officers will not operate their vehicles as primary or secondary units when any passengers other than another police officer or a person who has signed a release or waiver of liability occupy their vehicles.
8. Except under exigent circumstances, police vehicles will not be used for the following purposes:
  - a. Ramming of suspect vehicles;
  - b. Boxing in or surrounding a suspect vehicle, rolling road blocks. Marked and unmarked units may be used to box in an unaware suspect in order to avoid a pursuit;
  - c. Overtaking, driving alongside or forcing suspect vehicles off the roadway; or
  - d. The Texarkana Police Department prohibits the use of roadblocks. Members are therefore prohibited from using any Department vehicle or other means to create a roadblock.
9. Pursuits will be immediately terminated under the following conditions:
  - a. When **any** police supervisor orders the pursuit terminated;
  - b. The officer knows the suspect's identity and knows that the suspect is wanted only for a traffic violation, misdemeanor or nonviolent felony;
    - (1) The squad commander or the patrol squad sergeant may order the continuation of a pursuit, if in his/her best judgment, the necessity of apprehension outweighs the level of danger.
  - c. When the suspect's identity is unknown and the pursuing officer reasonably believes the suspect is only guilty of a misdemeanor or non-violent felony;

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- (1) The squad commander or the patrol squad sergeant may order the continuation of a pursuit, if in his/her best judgment, the necessity of apprehension outweighs the level of danger.
- d. The pursuing officer knows or has reason to believe that the fleeing vehicle is being operated by a juvenile who has committed a traffic violation, misdemeanor or nonviolent felony, and who is driving in such an unsafe manner that it is obvious he/she does not have the maturity to deal with the danger involved;
- e. The distance between the officer and suspect is such that, in order to continue the pursuit, it would place the officer or the public in unreasonable danger;
- f. The primary officer loses visual contact with the suspect for an extended period of time (approximately 15-20 seconds). This is not to imply that the officers must cease looking for the suspect, but they must terminate the pursuit after loss of contact;
- g. When there is a clear and unreasonable danger based on environmental conditions and or the underlying purpose of the pursuit to the officer, fleeing suspect and/or any other persons. This may be due to excessive speed, reckless driving techniques, or the erratic driving by the suspect, which exceeds the performance capabilities of the vehicle or the driver; and
- h. When the danger created by the pursuit outweighs the necessity for immediate apprehension.

**10. Pursuits - Other Agencies or Other Jurisdictions**

- a. When other agencies pursue vehicles into the city limits, the following shall govern Texarkana Police Department involvement:
  - (1) Texarkana Arkansas Police Department officers will not assist in an active pursuit, unless requested by the pursuing agency and such assistance is approved by a police supervisor.
  - (2) At no time will TAPD units become actively engaged in a pursuit if two police vehicles from another agency are already in active pursuit.
  - (3) If TAPD units join the pursuing agency, and the agency's backup unit arrives to assist, TAPD units will terminate the active pursuit and cease emergency operations.
- b. When a pursuit leaves the city limits and enters other jurisdictions the following shall apply:
  - (1) The primary officer will advise Communications that the pursuit is leaving the city. The Communication Center personnel shall notify the appropriate agency that the pursuit is entering their jurisdiction.
  - (2) The supervisor handling the pursuit will evaluate the entire incident and make the decision to allow the pursuit continue or terminate.
  - (3) If the agency with jurisdictional authority joins in active pursuit, the TAPD backup unit will discontinue pursuit and cease emergency operations. If two units from the other agency join the pursuit, all TAPD units will safely terminate their pursuit and discontinue emergency operations. At no time will TAPD units be involved in pursuits when two police units from another agency are already involved.
- c. When other agencies become involved in TAPD pursuits, within the city limits of Texarkana, Arkansas the following shall apply:
  - (1) If another agency becomes involved in the immediate pursuit as a backup, the TAPD backup unit will terminate emergency operations. If another agency becomes involved in

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the pursuit as the primary, the TAPD primary will become the backup and the TAPD backup will terminate emergency operations.

- (2) The primary unit will, if possible, advise Communications of the identity of the other agencies involved so that Communications can make contact and begin communications with the involved agency.
- (3) Due to limited radio communications with other agencies, the assigned supervisor shall re-evaluate the pursuit and terminate if necessary.
- (4) At no time will TAPD units be involved in multi-vehicle pursuits with other agencies. For the purpose of this Policy, a total of two units in active pursuit are authorized in pursuit situations. If there are already two police vehicles from another agency in pursuit, TAPD units will not become involved, but will provide support and assistance.

#### 11. Supervisors' Responsibilities

- a. A patrol supervisor will immediately, upon hearing of a police pursuit, take command of the situation, and will be accountable for compliance with this policy until the pursuit is terminated.
- b. **Any** police supervisor may order a pursuit terminated, if in his/her best judgment, the level of danger outweighs the necessity of apprehension.
- c. The squad commander or the patrol squad sergeant may order the continuation of a pursuit, if in his/her best judgment, the necessity of apprehension outweighs the level of danger.
- d. The Squad commander or patrol squad sergeant will determine the feasibility of utilizing the stinger spike system, and if appropriate, use the spike system in an attempt to end the pursuit.

#### V. Reports

- A. A supervisor will ensure that a Vehicle Pursuit Report is generated and that each officer involved in the pursuit details the facts of the pursuit.
- B. The officer's supervisor will review the officer's report for accuracy and policy compliance.
- C. The supervisor will submit a detailed written evaluation of the pursuit and make his/her recommendations.
- D. Supervisors will advise the Communications supervisor to maintain a recording of all radio traffic pertaining to the pursuit for future reference.
- E. The reports will be forwarded through the chain of command for evaluation and review at each level.
- F. All documentation will be secured in a report file, in order to minimize the loss of documents.
- G. Any photographs, audio or videotapes will be placed in an envelope attached to the original report.
- H. The initial evaluating supervisor shall be responsible for ensuring that all necessary documentation is obtained and properly completed before routing it through the chain of command.
- I. The Chief of Police / Respective Division Commander will sign and date each form showing proof of review.

#### VI. Annual Review and Training

- A. Officers will receive pursuit driving policy training.

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- B. An annual review of all pursuits will be conducted by the Patrol Commander. The review will include an analysis identifying trends and draw conclusions about the need for policy changes, training or changes in equipment.

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