

General Order

Houston Police Department



ISSUE DATE:

June 5, 2018

NO.

600-04

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 600-04, dated December 20, 2011

SUBJECT: MOTOR VEHICLE PURSUITS

POLICY

The Houston Police Department places the highest value on the life and safety of its officers and the public at large. This value must be accommodated in 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 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 on 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 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 is responding.
 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 expected 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 a crash 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 advise the dispatcher if the pursuit should continue based on communication and the assessment of the circumstances.

- b. Shall monitor all radio communications related to the pursuit and make every effort to ensure only authorized units participate in the pursuit. Whenever time and air traffic allow, supervisors assigned to a pursuit shall affirmatively break the air and remind officers:
1. To maintain their professional composure.

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- 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 whether 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 incident 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 incident report with any available relevant or pertinent information (e.g., automated vehicle location [AVL] records, unit histories, body worn camera videos) within five *calendar* days following the pursuit.

4 MANAGEMENT'S RESPONSIBILITIES

Shift Commanders

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 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

If a motor vehicle pursuit is initiated any time between the hours of 1800 to 0600, the on-duty Emergency Communications Division (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 initiating the pursuit is not located, the night commander shall assume all the management responsibilities described above.

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

HPD Marked Vehicles

An officer may initiate or continue a pursuit only if all the following requirements are met. The officer's HPD marked 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.

A pursuit initiated by a solo unit (HPD motorcycle) shall be reassigned to the first arriving marked patrol unit.

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

HPD Unmarked Vehicles

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

- a. Equipped with emergency lights (e.g., in the grill or by a light bar on the dash or rear deck) AND sirens.
- b. Believed to be in sound mechanical condition including, but not limited to, brakes, steering, and police radio systems.
- c. Driven by an officer in uniform or by an officer who is otherwise readily identifiable as an HPD officer.

Officers initiating or continuing a pursuit while in an HPD unmarked police vehicle meeting the criteria listed above shall immediately notify dispatch and yield to the first arriving marked patrol unit.

Officers in an HPD unmarked vehicle that does *not* have emergency lights and sirens shall not initiate a traffic stop or pursuit even if exigent circumstances exist.

Personal Vehicles and Vehicles Used for Extra Employment

An off-duty officer in a non-HPD vehicle that is equipped with emergency lights and sirens and is clearly marked as a police vehicle, as defined in the Transportation Code Sec. 541201(1)(A), may initiate a traffic stop and a pursuit only if the pursuit is initiated because of suspected felony activity. This does *not* include Evading as a state jail felony. If a pursuit qualified by this policy is initiated, the officer shall immediately notify dispatch and yield to the first arriving marked patrol unit.

An off-duty officer in a non-HPD or personal vehicle, even a vehicle equipped with emergency equipment (e.g., temporary light bars and/or siren for use in extra employment), shall *not* initiate a traffic stop or pursuit even if exigent circumstances exist.

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.

Whenever possible, 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.
- c. The Pursuit Intervention Technique (PIT) Maneuver is authorized. There should be at least two units on scene to implement the PIT Maneuver, but three units are ideal. See section 10, *Stopping Techniques*.
- d. There is a likelihood that the suspect has a deadly weapon.

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.

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 unless trained and authorized to implement the PIT Maneuver (see section 10, *Stopping Techniques*).
- 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, **Response to Resistance**).
- g. Use a privately owned vehicle in any part of a pursuit or as a termination technique.
- h. Use tire deflation devices on controlled access freeways.
- i. Use barricades or other obstructions set across a roadway to stop or prevent the escape of a fleeing vehicle.

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

- 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 and 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.

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:

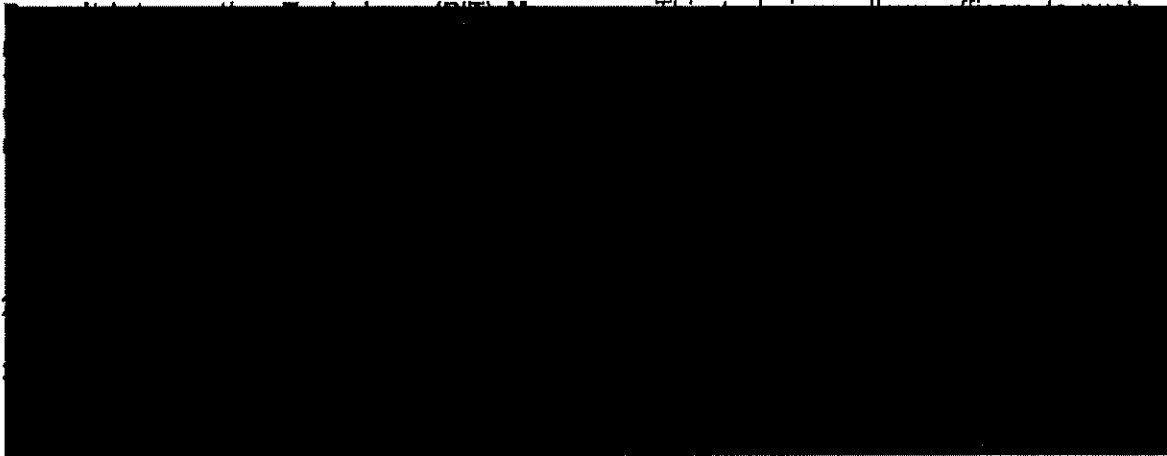
- a. **Rolling Roadblocks.** Moving police units placed in front of and behind the fleeing vehicle in an attempt to stop it. This method may be used only if the suspect is not speeding but is

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.

- b. **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") shall supplement the original incident 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.

Use of tire deflation devices shall be restricted to those times and incidents that do not place the lives of the officers or citizens in extreme danger while taking into consideration current traffic conditions, road conditions, and weather conditions. See section 8, *Restrictions*, for other restrictions regarding tire deflation devices.

c.



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.

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 PIT Maneuver is utilized and is successful in ending the pursuit, all officers shall be ready for Tactical Vehicle Containment procedures.

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 incident 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 incident report so an officer or investigator can attempt to locate the suspect and file a warrant at a later date.

Anytime the PIT Maneuver is attempted, whether successful or not, the implementing officer or supervisor shall include the following information in the original or supplemental incident report:

- a. Who implemented and who authorized the PIT Maneuver.
- b. Date, time, location, estimated speed, and direction of travel of the suspect at the time of implementation.
- c. The result and any damage to any vehicle.
- d. Any unintended traffic collision and any injuries observed or complained of.
- e. Name of the supervisor who made the scene.

Supervisors' and Management's Duties

At the conclusion of the pursuit, the field supervisor assigned to the pursuit shall electronically complete a *Houston Police Department Vehicle Pursuit* form by entering the information into the *Vehicle Pursuit* database via the HPD Intranet Portal prior to the end of his shift. The field supervisor assigned to the pursuit shall also adhere to the requirements in General Order 200-10, **Emergency Management**, regarding the process for submitting a *Significant Event Report* to the Command Center for incidents involving vehicle pursuits that meet such criteria.

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.

In addition to the above reporting guidelines for the PIT Maneuver, supervisors shall ensure digital images and/or photographs are taken of all vehicles and other property affected by the PIT Maneuver. These are intended to show any damage or lack thereof resulting from the intervention. Damage to department vehicles shall be recorded in accordance with established guidelines for reporting vehicle damage. Since the PIT Maneuver is an intentional act, it is not considered a "crash" unless a third party is struck. In the event of an unintended third party crash involving the suspect's vehicle and any vehicle, person, or property, the supervisor shall assign an officer (not the PIT Maneuver officer) to complete a crash report.

If the crash resulted in a fatality or serious bodily injury, the Vehicular Crimes Division shall complete a crash report. Vehicular Crimes Division shall also complete a crash report if the City vehicle is involved in an unintended crash with any vehicle, person, or property.

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.

14 INTERJURISDICTIONAL PURSUITS

ECD, with the approval of the field supervisor managing the pursuit, 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 shall 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 the pursuit. Upon request of the media, the designated field supervisor may make a limited statement to the media or defer to 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**.

An on-duty department public information officer (PIO) shall make all scenes of pursuits that result in a fatality.

16 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

200-08, **Conduct and Authority**
200-10, **Emergency Management**
400-07, **Vehicle Use and Assignment**
400-08, **City Vehicle Crashes**
400-10, **Unit and Radio Numbering**
400-21, **Mobile Computing Devices**
500-01, **Effecting Arrests and Searches**
600-03, **General Broadcasts**
600-05, **Special Threat Situations**
600-17, **Response to Resistance**
600-32, **Ride-Along Program**
600-34, **High-Risk Vehicle Approaches**
800-02, **Media Relations**
800-07, **Criteria for Submitting Incident Reports**
Critical Incident Review Board (CIRB) Houston Police Department Report #4


Art Acevedo
Chief of Police