

ELGIN POLICE DEPARTMENT POLICY MANUAL - PART 5



5/1.07.00 VEHICLE EMERGENCY OPERATION & VEHICLE PURSUIT

5/1.07.01 Vehicle Operation

The Police Department has a responsibility to protect life and property and to provide service to the residents of Elgin. To fulfill this obligation, it must provide an appropriate response to calls. Officers should be ever mindful that they have a responsibility to **use caution, good judgement, and due care** when operating vehicles in an emergency capacity to ensure the safety of motorists and pedestrians. This document describes the conditions under which a police vehicle may be operated as an emergency vehicle. This procedure exceeds the requirements of Texas Traffic Code, Chapter 546 ("Operation of Authorized Emergency Vehicles".)

For purposes of this policy, patrol units will be considered conspicuously marked patrol vehicles that are readily identified as law enforcement vehicles (this includes those vehicles commonly referred to as "Ghost" vehicles.) Markings should include but are not limited to: exterior mounted emergency lights, siren/public address speaker, EPD's logo & name, 9-1-1, and reflective material on the sides and rear of each vehicle. Unless previously approved, the operation of these units on or off duty, will only be done while wearing the Class A or B approved uniform.

Unmarked units will typically have emergency lights and siren/public address speaker. Unless previously approved, the Class A or B and/or the Special Unit/Event uniform will be worn while operating these units.

- **Code 3 (Emergency Operation)**

This designation is used to describe the operation of a vehicle while the emergency lights and siren are activated.

- A. This mode of operation may be used when responding to emergencies. These include situations in which death or injury has just occurred or in which someone is actively engaged in conduct that may result in death or injury. Examples of Code 3 calls include but are not limited to:
 1. Active pursuits (see below)
 2. Aggravated assault in progress
 3. Rape in progress
 4. Armed robbery in progress
 5. Kidnapping in progress
 6. Serious injury accident just occurred
 7. Officer needs assistance; and
 8. With supervisor authorization.
- B. When operating Code 3 in response to calls, officers will:
 1. Maintain constant and continuous use of emergency lighting and audible signals.
 2. Will regulate their speed so as not to endanger life or property and not exceed the posted speed limit by more than 10 miles per hour. (Exception is during an active pursuit – see below.)
 3. Proceed with caution through traffic signals and stop signs after slowing and, if necessary, stopping to ensure the intersection is safe/clear.
 4. Disregard laws governing direction of movement and turning when it can be done in safety.
- C. Unmarked vehicles equipped with a siren and red lights may be operated Code 3.
- D. Only the primary unit, the assigned backup(s), and a supervisor may operate Code 3 when responding to an emergency call. Once a "Code Four" has been broadcast by a unit at the scene, all remaining responding units will immediately terminate Code 3 operation.

- **Code 2 (Limited Emergency Operation)**

This designation is used to describe the operation of patrol units and unmarked vehicles while the emergency lights are activated, but without use of the siren.

- A. This mode of operation may be used when responding to urgent calls. Urgent calls are

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those type calls in which someone is actively engaged in criminal conduct and there is reason to believe the immediate response of a police officer will prevent the situation from worsening, or there is a reasonable possibility that the suspect can be apprehended. Examples of Code 2 calls include but are not limited to:

1. Burglary in progress
 2. Assault in progress
 3. Disorderly conduct involving violence in progress
 4. Proceeding to a location in order to deploy TDD's.
- B. When operating Code 2, officers will obey all traffic laws and regulations.
1. If it becomes necessary, officers may temporarily operate Code 3 in order to pass through traffic control devices or heavy traffic congestion.
 2. Officers will at all times use due regard for the safety of motorists, pedestrians and property.
- C. Only the primary unit, the assigned backup(s), and a supervisor may operate Code 2 when responding to an urgent call. Once a "Code Four" has been broadcast by a unit at the scene, all remaining responding units will immediately terminate Code 2 operation.
- **Code 1 (Routine Operation)**

This designation is used to describe the normal operation of a vehicle without the use of emergency lights or siren.

 - A. When responding to a Code 1 call, officers may not violate any traffic law, nor may they use emergency lights or siren.
 - B. Police officers may exceed the speed limit while operating Code 1 in order to clock or catch up with vehicles that appear to be speeding, if they can do so in safety

5/1.07.02 Vehicle Pursuit

DEFINITION

The operation of the police vehicle in a pursuit is the same as above in Code 3 operation.

An active attempt by an officer in an authorized emergency vehicle – as defined by the Texas Transportation Code, as may hereafter be amended – to apprehend a suspect fleeing in a vehicle and attempting to avoid apprehension through evasive tactics.

It is the Department's policy that its officers (after initial training on this policy) may only engage in a pursuit of a violator operating a motor vehicle when the operator has clearly demonstrated the intention of refusing to bring the vehicle to a stop and/or flees, attempts to elude to avoid arrest/detention and there is an immediate need for apprehension of the violator. The pursuit must not create unreasonable danger to the police or the public and the continued operation of the vehicle by the operator poses an inherent danger to others.

PURSUIT CRITERIA

- A. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit only when **ALL** of the following criteria are met:
1. The decision to initiate pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at-large.
 2. High Risk Pursuit:
 - a. When an officer reasonably believes the fleeing suspect has committed a **violent felony and poses an imminent threat**. For the purposes of this policy, a violent felony and imminent threat shall be restricted to the following offenses: Murder, Aggravated Robbery, Aggravated Kidnapping, Rape, Aggravated Assault and any other felony offense which involves the use or threat of physical force or death against another person. Facts gathered after initiation of a

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- pursuit will not be considered part of the justification to initiate a pursuit.
- b. Officers and supervisors must consider the nature of the offense committed by the offender. There is no justification for endangering human life, or even property, for a minor violation.
 - c. Officers are prohibited from engaging in pursuits resulting solely from Class C traffic offenses, with the exception that a person/vehicle suspected of DWI may be pursued in a manner consistent with department policy. Reasonable suspicion shall be established prior to initiating a traffic stop.
 - d. The officer's unit is not occupied by a prisoner, suspect, complainant, witness, civilian observer, or any person not a law enforcement officer; and
 - e. The officer intending to pursue is equipped with a marked patrol unit. Exceptions to this will only occur with supervisory approval and should be limited to special circumstances.
- B. Low Risk Pursuit
1. Is an authorized pursuit following an officer's attempt to stop a suspect or violator who obeys all traffic laws but fails to stop. There are no offense limitations for a Low Risk Pursuit, but officers must recognize that any pursuit is justified only when the necessity of immediate apprehension outweighs the level of danger created by the pursuit.
 2. Officers may pursue a vehicle in these circumstances only with emergency lights and siren activated providing both a continuous indication to the driver to stop the vehicle and to alert other motorists of the situation.
 3. Officers shall terminate a Low Risk Pursuit when the violator eludes the officer with traffic violations such as speeding, running traffic lights or stop signs, or other hazardous driving actions and the officer is forced to violate traffic laws in order to continue the pursuit unless the pursuit meets the criteria for a High Risk Pursuit.
 4. Low Risk Pursuits will not exceed jurisdictional boundaries.
- C. The pursuing officer shall have considered and concluded that the following factors would not increase the danger to the lives of the public, officers, or suspects involved in or affected by the pursuit:
1. The performance capabilities of the pursuit vehicle;
 2. The condition of the road surface upon which the pursuit is being conducted;
 3. The amount of vehicular and/or pedestrian traffic in the area;
 4. Weather conditions; and
 5. The officer's own driving skills and knowledge of the roadway. (The officer should know his or her driving abilities and limitations and should not exceed them.)

Officers are prohibited from "caravanning" or paralleling while operating in the "code 3" mode, except in such cases where the officers are involved in a coordinated effort to deploy spikes or other vehicle-disabling devices directed by a supervisor or senior patrol officer controlling the pursuit. The primary unit may request, under extraordinary circumstances, additional units to join the pursuit.

CONSIDERATIONS BEFORE ENGAGING IN A PURSUIT

Before making the decision to pursue, an officer should consider the:

1. Nature of the offense;
2. Performance, capability and condition of the pursuit vehicle;
3. Condition of the road surface;
4. Amount of vehicular and pedestrian traffic;
5. Weather conditions;
6. Age of the offender and/or whether the identity is known;
7. Direction of travel away from or toward traffic.

CONTROL OF THE PURSUIT

- *Primary Unit*
 1. Shall notify Communications immediately that a pursuit is under way and provide Communications with the following information:
 - a. Location, speed, and direction of travel of the fleeing vehicle;

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- b. Description and license plate number of the vehicle, if known;
 - c. Number of occupants in the vehicle, and descriptions, if known; and
 - d. Reasons(s) for the decision to pursue
2. Activate emergency lighting, audible signal and in-car video and audio system.
 3. Shall attempt to apprehend the suspect(s) without unnecessary risk to other persons or property.
 4. Shall broadcast the progress of the pursuit (until joined by a second unit), control pursuit tactics (until relieved by a supervisor) and decide if the pursuit should be continued (unless relieved by a supervisor.)
- *Secondary Units*
 1. Upon joining the pursuit, activate emergency lighting, audible signal and in-car video and audio system.
 2. Assume control over broadcasting its progress.
 3. Shall become the primary unit if the primary unit cannot continue the pursuit.
 - *Additional Units*
 1. Upon joining the pursuit, activate emergency lighting, audible signal and in-car video and audio system.
 2. If Secondary and/or primary unit cannot continue, shall become the primary unit or assume secondary unit responsibilities.
 - *Field Supervisor*
 1. Shall monitor the pursuit, evaluate the risks, and ensure compliance with applicable procedures.

5/1.07.03 Tactical Considerations

- *Definitions:*

- Road-Blocks

- Includes any method using signs, barricades, actual physical obstructions, vehicles or other devices to establish a stationary or moving physical impediment to traffic in order to stop a vehicle on a roadway and effect the apprehension of an actual or suspected violator, deny or restrict access to an area or to meet any other emergency situation.

- Blocking Vehicles

- This policy does not preclude the use of both marked and unmarked patrol vehicles to affect the capture of a stationary suspect vehicle by blocking escape avenues of the suspect vehicle. When performing this maneuver, officers' primary concern should be for the safety of the public.

- *Procedures*

1. No shots will be fired at the vehicle being pursued except in defense of life.
2. Police vehicles will not be used to ram, bump, push, collide with, or physically force a pursued vehicle off the roadway or to a stop, or to otherwise change its direction of travel or alter its speed, unless the use of deadly force would be justified.
3. The pretense (i.e., bluff) of the use of such methods is also prohibited.
4. Roadblocks will not be set up. Be cautious of roadblocks set up by other agencies.
5. The driver of an emergency vehicle has the obligation to drive with due regard for the safety of all persons, motorists and property.
6. At no time will officers pursue the wrong way on a freeway, freeway service road, or divided roadway service road, or with total disregard for all traffic and/or legal restrictions. Officers should parallel the violator using a service road or freeway to continue the pursuit.
7. Officers should maintain a safe distance behind the fleeing vehicle, thus allowing for sudden stops, changes in direction or unexpected obstacles.

5/1.07.04 Deadly Force Options

Deliberate physical contact by an officer between a police vehicle and a suspect vehicle (ramming, forcing a vehicle off the road) is prohibited unless as a last resort when the suspect(s) poses such a

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substantial risk to the community that the deliberate collision is a clearly preferable alternative. An intentional collision must be predicated on the same factors that justify the use of deadly force (i.e., to protect the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily injury) as described in Response to Resistance policy.

5/1.07.05 Deployments of Tire Deflation Devices

1. All tire deflation devices (TDD) will be stored in designated vehicles.
2. Officers who are driving units equipped with a TDD and who have received training in the deployment of these devices, may proceed Code 3, to a location likely to be in the path of the pursuit.
3. Due to increased risks to humans and property, the type of vehicle being pursued must be considered prior to the deployment of the TDD.
 - a. TDD's should not be used on motorcycles or all-terrain vehicles unless the use of deadly force can be justified.
 - b. Vehicles transporting hazardous materials, and occupied passenger and school buses also involve additional risks requiring further consideration prior to deployment.
 - c. TDD's will not be used when a motorcycle unit from any law enforcement agency is involved.
 - d. TDD's will not be used in Low Risk Pursuit situations.
4. TDD units shall advise Communications when they have reached the deployment site and give its location.
5. After a deployment site has been established, the control supervisor may authorize other units to "channel" the fleeing vehicle to this location.
 - a. Channeling may include blocking freeway exits and/or major side streets.
 - b. Police units shall not attempt to make a fleeing vehicle take any action other than continuing straight on the road upon which it is already traveling.
 - c. Police units SHALL activate all vehicle emergency lighting while blocking exits or streets.
6. The pursuing officer(s) shall broadcast the identity of the target vehicle to the TDD unit when the pursuit approaches the deployment site.
 - a. The target vehicle should be visually confirmed to reduce errors in deployment.
 - b. All pursuing units should maintain at least a three to five second gap between target vehicle to allow sufficient time for the set up and retrieval of the TDD.
 - c. Pursuing vehicles proceed cautiously upon approaching and crossing the TDD site. Actions by a fleeing vehicle may be unpredictable.
7. No officer shall deploy or attempt to deploy a TDD without first having completed Department-approved training on its use.

5/1.07.06 Pursuits Initiated by Other Law Enforcement Agencies

1. When a pursuit begins within another agency's primary geographical jurisdiction and passes into or ends within EPD's primary geographical jurisdiction, the originating agency will have arrest responsibility. Any offense that occurs within EPD's jurisdiction from a pursuit that began in another jurisdiction will be investigated by EPD officers and charges coordinated with the pursuing agency.
2. When Communications notifies the patrol supervisor of the area involved, or into which the pursuit is entering, that another agency's pursuit is in progress, the patrol supervisor will request/verify the following information is provided:
 - a. Identity of the outside agency requesting assistance;
 - b. Reason for the pursuit;
 - c. Type of assistance being requested;
 - d. Direction of travel;
 - e. Rate of speed;
 - f. Description of vehicle and occupants;
 - g. Current number of outside agency units involved.

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3. The supervisor receiving the above information may assign one or more units to assist.
 - a. Supervisors who authorize EPD units to assist the other agency will then assume the role of control supervisor for **EPD units only**.
 - b. Officers authorized by the control supervisor to assist in the other agencies pursuit will comply with all provisions of this policy.
4. The use of a tire deflation device to stop a vehicle being pursued by an outside agency will be allowed under the following conditions:
 - a. The deployment is approved by a EPD supervisor;
 - b. The use of the device would fall within the guidelines of this policy; and,
 - c. The pursuing agency has requested and been made aware of the deployment to prevent damage to their vehicles.
5. The control supervisor may terminate EPD involvement in the other agencies pursuit for the same reasons as outlined within this policy, or when the pursuit leaves EPD's primary geographical jurisdiction.

5/1.07.07 Terminating The Pursuit

- *Primary and Secondary Units*
 1. Shall consider present danger, seriousness of the crime, if the suspect's identity is known and possible later identification of the suspect when deciding whether to continue the pursuit. The most reasonable action may be to abandon the pursuit.
 2. Shall terminate the pursuit when the dangers of the pursuit outweigh the need to apprehend the suspect or when so ordered by a supervisor or senior patrol officer.
 3. Shall discontinue Code 3 driving, change direction, and contact supervisor for further instructions.
- *Primary Unit*
 1. Shall effect an arrest when the suspect voluntarily stops, becomes involved in a collision or otherwise ceases fleeing.
 2. Shall broadcast the information necessary to assist in locating the suspect or returning to normal duty if the pursued vehicle is lost.
 3. Shall coordinate any further search for the vehicle and/or suspect.
- *Secondary Unit*
 1. Shall assist the primary unit and make broadcasts when terminating the pursuit.
 2. Shall coordinate activities should the primary unit become involved in a foot pursuit.
- *On-duty Supervisor*
 1. Shall order termination of the pursuit when the necessity for apprehending the violator is outweighed by the level of danger created by the pursuit.
 2. Shall respond to the termination point of the pursuit and assume control of the scene.
 3. Shall ensure all applicable reports are completed and required notifications made to the appropriate entities.
 4. Shall advise the affected division commanders regarding whether the pursuit was conducted in accordance with applicable procedures.

5/1.07.08 Post Pursuit Requirements

- *Primary Officer and all units involved*
 1. Shall complete required reports, including offense and administrative reports regarding the pursuit.
 2. Shall forward a copy of the administrative report the officer's supervisor.
- *Supervisor*
 1. Review all documentation for policy and or procedural violations.
 2. Shall send a copy of the pursuit packet to include their findings to the primary officer's Commander or designee.
- *Division Commander*

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1. Shall review all pursuit materials and present to command staff to determine if pursuit procedures were followed and identify any adjustments needed in equipment or training.
2. Shall initiate any corrective actions deemed appropriate.
- *Command Staff*
 1. Shall review pursuit reports and make appropriate recommendations to the Chief of Police concerning policy changes or modifications in the training curriculum.
 2. In the first quarter of the new year, will cause:
 - a. a documented annual analysis of pursuit reports, to include a review of policy and reporting procedures, approved by the Chief.
 - b. a documented review of this policy by sworn personnel.

5/1.07.09 Unresponsive Motorist

DEFINITIONS

- UNRESPONSIVE MOTORIST – A person inside a vehicle who appears unconscious or non-responsive, often with the vehicle still in gear and/or on a public roadway.
- UNRESPONSIVE MOTORIST PROTOCOL – The coordinated use of police vehicles by police personnel to restrict the movement of a vehicle occupied by an individual who may be “passed out” or otherwise unresponsive, with the goal of evaluating the wellness and status of the driver who may be in need of medical attention or intoxicated.

APPLICATION AND AUTHORIZATION

1. The application of these procedures must be applied on a case-by-case basis, taking into account potential risk factors and dangers.
2. Unresponsive Motorist Procedures described herein are authorized for members who have been appropriately trained and in compliance with requirements.

PROCEDURE

- *Pre Deployment Considerations*
 1. Upon receiving a report of an unresponsive or “passed out” motorist a minimum of 3 (three) officers should respond whenever possible.
 2. The initial (primary) officer will respond and assess the situation, checking for safety threats as well as an obvious medical emergency. If there is no obvious medical emergency there should be no attempt to contact the driver until the scene is properly staged. The officer should attempt to determine if the vehicle is in gear (if possible and safe to do so).
 - a. Safety threats such as a weapon (Firearm, knife, etc.) in view and within reach of an occupant increases the danger to both officers and the occupant(s). In such situations, a supervisor shall be requested and make location prior to making contact or entry into the vehicle.
 - b. An officer should be positioned to maintain visual and lethal cover of the occupant(s).
 - c. Officers should take special notice for signs of potential “chemical suicide”. If this is suspected, **OFFICERS SHALL NOT ATTEMPT TO ENTER VEHICLE!** Fire/HazMat/EMS should immediately be requested.
 - d. If the officer believes there is an immediate medical emergency, where a delay may cause death or serious injury, they will make a determination on whether or not to attempt contact with the motorist prior to the set-up of responding vehicles.
 - e. Fire/EMS should immediately be requested to stage.
 3. Supervisors have authority to restrict or prohibit deployment based on totality of circumstances.

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DEPLOYMENT

1. Decisions made at the scene may be based on a number of factors, including:
 - a. Availability and ETA of additional units
 - b. Level of distress of occupant(s)
 - c. Danger to officer, public, and occupants if vehicle begins to move (traffic, intersecting roadways, grade of roadway, etc.)
 - d. Whether or not the vehicle is in gear
 - e. Resources immediately available to the officer
2. Vehicle Positioning: While the first responding officer will typically position their vehicle behind the suspect vehicle, circumstances may dictate otherwise. The purpose of positioning a vehicle in front and behind the suspect vehicle is to prevent the vehicle from rolling forward or backwards, as well as to prevent the driver from being able to evade officers. Officers may deviate from the protocol in instances where such deviation is done for safety reasons or when the specific instance makes it impractical. Officers deviating should consider taking other measures to account for safety. (I.e., a subject passed out in a parking spot directly in front of a business may not be able to place a patrol vehicle in front. Officers may need to request bystanders vacate the building momentarily while contact is made to keep everyone safe.)
 - a. One officer will position their patrol vehicle directly behind the target vehicle. Positive pressure should be applied.
 - b. Another officer should “nose up” to the front of the vehicle, putting the push bar in direct contact with the target vehicle. Positive pressure should be applied.
 - c. The third officer will position their vehicle with the overhead emergency lights activated to create a safe “work area” on the side of the vehicle.
 - d. In some instances, a 4th or more vehicles may be necessary dependent on the specific situation.
3. Officers will attempt to make contact by knocking on the window and identifying themselves. If after a short time the driver is not able to be roused the officers should check for unlocked doors.
4. In the event there are no other means of access to the vehicle and a window needs to be broken, the front passenger side window is generally the preferred option. The officer’s initial responsibility will be to shut off the vehicle or at minimum, shift the vehicle into park.
5. In the event that the driver becomes responsive, attempts to flee, strikes a patrol vehicle, or is otherwise uncooperative during this process, the officers will need to make a decision based on the totality of the circumstances if it is more tactically sound and overall more advantageous to attempt to shut the vehicle off or disengage from the vehicle. The additional officer’s main responsibility is to ensure the officer is not dragged with or under the vehicle should it begin to drive off.
6. In the event the target vehicle is able to drive away, the third officer will be the preferred officer to initiate the pursuit of the vehicle. If the secondary officer is able to safely join, they may be considered the secondary vehicle.
7. The primary officer’s responsibility is to address any primary scene issues.

As with all emergency response, an exact plan of action cannot be completed which covers every possible scenario. Some changes may need to be made dependent upon specific circumstances.

POST-DEPLOYMENT AND REPORTING REQUIREMENTS

1. After the scene of an unresponsive motorist is stabilized, medical aid shall be provided if requested by occupants of the suspect vehicle.
2. Documentation shall be generated in compliance with current reporting procedures in RMS.

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- a. Damage to vehicles caused by the violator vehicle requires additional documentation and photographs (i.e., rammed by violator vehicle).
3. Administrative review of each such incident.

TRAINING UNRESPONSIVE MOTORIST

Unresponsive motorist procedures are trained during field training or at the discretion of the Training Unit. Periodic refresher training may occur on patrol shifts as directed by the shift supervisor.

Signed Original Maintained in the Office of the Chief

John C. Noble