

	<b>SAN MARCOS POLICE DEPARTMENT</b>	
	<b>Policy</b> 7.15 Vehicle Pursuits	
	<b>Effective Date:</b> May 9, 2019 <b>Revised Date:</b> April 20, 2021	<b>Replaces:</b> GO 210
	<b>Approved:</b> _____ <div style="text-align: center; margin-top: 10px;">   Chief of Police </div>	
	<b>Reference:</b> TBP 7.13, 7.14, 7.18, 7.19	

### I. POLICY

Pursuits represent a dangerous and difficult task that receives much public and legal scrutiny when accidents, injuries, or death result. Pursuing officers and supervisors must justify their actions and, once they have decided to pursue they must continuously evaluate the safety of their actions.

Officers shall comply with all applicable portions of this policy when they are involved in vehicle pursuits.

### II. PURPOSE

The purpose of this policy is to establish procedures governing the operation of police vehicles, with special attention to emergencies and pursuits.

### III. DEFINITIONS

- A. Caravanning: Direct participation in a pursuit by department vehicles other than the primary and authorized support vehicles.
- B. Emergency Driving: Driving in response to a life-threatening or other serious incident (based on available information) that requires emergency equipment in operation.
- C. Emergency Equipment: Emergency lights and a siren, whistle, air horn or any other equipment designed to give intermittent signals automatically. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.
- D. Normal or Routine Driving: Driving that dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly understood "rules of the road."
- E. Primary Pursuit Vehicle: Normally the department vehicle that begins the pursuit or the vehicle closest to the fleeing suspect. The primary pursuit vehicle may be re-designated by order of the on-duty supervisor.
- F. Pursuit: An active attempt by an officer in an authorized emergency vehicle to apprehend a suspect who is fleeing or evading apprehension, provided the officer reasonably believes that the suspect is refusing to stop and is willfully fleeing capture by high-speed driving or other evasive maneuvers. Pursuits shall be conducted only with activated emergency equipment and under circumstances outlined in this order.

- G. Pursuit Immobilization Technique (PIT): Forced rotational technique applied to a suspect vehicle that spins the suspect vehicle to a stop.
- H. Not a Pursuit: An attempt to stop a vehicle that is not fleeing, or an attempt to stop a vehicle that is refusing to stop while driving with due regard and not exceeding the speed limit by more than ten miles per hour is not a pursuit.
- I. Risk: The degree of danger or hazard to the public or officers.
- J. Roadblock: Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect.
- K. Support vehicles: The second or additional department vehicles participating in the pursuit that follow the primary pursuit vehicle at a safe distance. Once the vehicles have stopped, officers in the support vehicles can provide help for the officer in the primary vehicle or they can assume the primary role if circumstances dictate.

#### **IV. PROCEDURES FOR PURSUITS (TBP: 7.13)**

##### **A. Justification for Pursuit**

1. Vehicle pursuits may only be initiated when the immediate danger to the officer and the public created by the pursuit is less than the immediate danger to the public, should the suspect(s) remain at large.
2. The decision to avoid apprehension and cause a pursuit to be initiated rests with the suspect. Once a pursuit has begun, the responsibility to continue a pursuit in the safest possible manner or to discontinue a pursuit when conditions no longer justify a pursuit rests with the pursuing officer and their supervisor(s).
  - a. DWI Investigations
 

The officer, prior to initiating the pursuit, has reasonable suspicion to believe that the driving ability of the suspect is so impaired that the suspect may cause death or serious bodily injury to other persons also on the roadway. However, if the suspect's impaired driving becomes more hazardous because of the pursuit (he or she speeds up to elude, for example) the pursuit shall be discontinued. Officers must weigh need versus risk continuously.
  - b. Felony Investigations
 

Prior to initiating the pursuit, probable cause exists that the violator has committed a violent felony offense. Pursuits for wanted, violent felons who have existing warrants and are already known will only be authorized if failure to apprehend poses an immediate threat of death or serious bodily injury to others.
  - c. Active Assault
 

Prior to initiating the pursuit, it is known that the person attempting to flee is committing an assaultive act that places a person in immediate danger of injury to health, life and/or safety of persons other than the suspect.
  - d. Imminent Assault
 

Prior to initiating the pursuit, the officer is attempting to apprehend the suspect to prevent the suspect from acting out threats to the life, health and/or safety of persons other than the suspect and the pursuit is necessary for the prevention of offenses related to the threats.

3. In deciding whether to initiate pursuit, the officer shall take the following into consideration:
    - a. Road, weather and environmental conditions;
    - b. Population density and vehicular and pedestrian traffic;
    - c. The relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
    - d. The seriousness of the offense;
    - e. The presence of other persons in the police vehicle.
- B. Primary Officer Responsibilities
1. The officer's primary responsibility in a pursuit is the safe operation of the vehicle.
  2. Only vehicles with emergency equipment shall pursue.  
NOTE: Unmarked vehicles may pursue until relieved by marked vehicles only as per policy 7.14 Vehicle Operation VI.D.
  3. Upon engaging in a pursuit, the pursuing vehicle shall activate appropriate warning equipment.
  4. The pursuing officer, when safe, shall notify communications of the following:
    - a. The location of the officer and the suspect's vehicle.
    - b. The direction of travel.
    - c. The license number (and state) of the suspect's vehicle.
    - d. The description of the suspect's vehicle.
    - e. The nature of the offense committed by the suspect.
  5. The officers will, to the best of their ability, keep communications informed of:
    - a. The location, direction of travel and points of intercept,
    - b. A description of the offender(s) and his demeanor if possible,
    - c. The material circumstances of the pursuit, such as the degree of risk being taken by the suspect(s), additional offenses being committed, excessive speed, ramming, etc...
  6. To avoid unnecessary and unreasonable risk of harm, injury or death, the officer will continually evaluate the conditions of the pursuit and its potential hazards.
  7. Whenever the risk to the public or to the officer outweighs the immediate need to apprehend the suspect, the officer will terminate the pursuit.
- C. Supervisor's Responsibilities
1. The on-duty supervisor shall monitor the pursuit, and has the responsibility to ensure that it is conducted in compliance with department policy, and includes directing officers to join or abandon pursuit, re-designating primary and support pursuing vehicles if necessary, approving or directing pursuit tactics, and terminating the pursuit.
  2. The on-duty patrol supervisor shall monitor the pursuit and may respond to the location of the stopped suspect. The supervisor may end the pursuit at any time that he or she feels circumstances warrant.

3. The number of department vehicles directly involved in the pursuit is limited to that number which is necessary to enhance the safety of personnel. The on-duty supervisor is responsible for managing the number of department vehicles involved. In authorizing additional department vehicles to pursue, the supervisor shall consider:
    - a. The nature of the offense.
    - b. The number of suspects.
    - c. The number of officers currently participating as primary or support vehicles.
    - d. Any injuries or property damage already sustained as a result of the pursuit.
    - e. Any other clear, articulated facts that would justify the assignment of additional department vehicles.
  4. After the incident, the supervisor shall critique the pursuit with all of the officers involved and direct participants to submit reports.
  5. The on-duty supervisor at the time the pursuit was begun will retain authority over the pursuing officers of the department for the duration of the pursuit.
  6. The on-duty supervisor may direct the use of forced stop methods, as appropriate.
- D. Supporting Officers' Responsibilities
1. Normally the first back-up unit to respond shall help the primary officer in pursuing the suspect and making the arrest.
  2. The secondary pursuing officer is responsible for broadcasting the progress of the pursuit and controlling the pursuit tactics. Without being tasked with these communications responsibilities, the primary officer can focus attention on the pursuit driving.
- E. Dispatcher's Responsibilities
1. Notify any available supervisor of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.
  2. Record all pertinent information about the pursued vehicle.
  3. Advise all other officers of the pursuit and the information given by the pursuing officer.
  4. Assist in directing back-up units to strategic locations.
  5. Alert all other nearby law-enforcement agencies of the pursuit and information given by pursuing officer when continuing beyond the city.
  6. Query available databases for license data and any warrants.
  7. Query available databases for history.
- F. Rules of Pursuits
1. With the exception of authorized PIT maneuvers, officers shall not intentionally ram, bump, or collide with a fleeing vehicle nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle.

2. Caravanning is prohibited. Only authorized department vehicles (excluding the supervisor) shall participate in a pursuit at any time unless specifically authorized by a supervisor.
3. Except for the most extreme deadly force encounters, officers shall not fire their weapons from a moving department vehicle.
4. If the on-duty supervisor orders the pursuit to end, the primary and supporting pursuing officers shall cease immediately. Also, the pursuing officer(s) shall end the pursuit if at any time during the course of the pursuit they lose sight of the fleeing vehicle for more than a few seconds.
5. The use of a stationary or rolling roadblock is prohibited. (TBP: 7.18)
6. When multiple vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit shall use a different siren-sound selection, if circumstances and safety permit. The use of different siren-sound combinations can help the primary and secondary vehicles hear one another and alert motorists and bystanders that two vehicles are operating under emergency conditions.
7. Absent supervisory approval, Should the suspect drive in a direction opposite to the flow of traffic, unless attempting a PIT maneuver, the pursuing officer shall not follow the suspect in the wrong direction but instead transmit via radio detailed observations about the suspect vehicle's location, speed, and direction of travel. The pursuing officer may be able to follow the suspect on a parallel road.
8. Intersections are a particular source of danger. When approaching an intersection where signal lights or stop signs control the flow of traffic, officers shall:
  - a. Slow and enter the intersection at a reduced speed and only when safe, when all other vehicles appear to be aware of the officer's presence.
  - b. Resume pursuit speed only when safe. When using emergency lights, siren, and headlamps, the officer is requesting the right of way and does not absolutely have the right to run a red traffic light or stop sign.
9. Tire Deflation Devices (TBP: 7.19)
  - a. Officers who have been trained in the use of tire deflation devices are authorized to deploy the devices when approved by a supervisor.
  - b. Deployment must be made in safety and in an area that is free of obstructions for at least 100 yards in each direction.
  - c. Deployment is made per manufacturer's instructions, always keeping the deploying officer safe from possible vehicular danger.
  - d. The devices must be retracted prior to departmental vehicles running over them.
  - e. Officers deploying the device will notify on-coming law enforcement vehicles of the deployment location so that they may slow down and avoid running over the devices.
10. Pursuit Immobilization Technique (PIT)

- a. Without the willful compliance of a fleeing suspect voluntarily to bring his vehicle to a stop at an officer's request, circumstances may develop that warrant the use of a PIT, or pursuit immobilization technique.
- b. Primary and secondary units will exhaust all other means of apprehension before using a PIT, and they will use only the amount of force that appears necessary to affect the PIT, consistent with the accomplishment of the mission.
- c. Officers authorized to use PIT will be trained on PIT methods and when the use of PIT is permissible. Only officers who maintain current certification may use this stopping technique.
- d. Members driving department SUV type vehicles, pickup trucks or vans, are not authorized to use PIT unless the vehicle is pursuit rated by the manufacturer.
- e. PIT is considered a reportable use of force under this manual.
- f. Circumstances warranting the use of PIT are:
  - i. The officer reasonably believes that continued movement of the pursued vehicle would place persons other than the vehicle's occupants in danger of bodily harm or death, or
  - ii. The officer reasonably believes that the apparent risk of harm to other than the occupants of the pursued vehicle is so great as to outweigh the risk of harm in making the forcible stop, or
  - iii. All other means of apprehension have been considered and rejected as impractical.
- g. Officers will consider the safety of the public and suspects before executing this technique, evaluating the following locations and hazards:
  - i. Areas with high concentrations of pedestrians,
  - ii. Other vehicle traffic,
  - iii. Parked vehicles,
  - iv. Telephone or utility poles,
  - v. Bridges,
  - vi. Areas adjacent to paved roads with large elevation change, and
  - vii. High center of gravity vehicles, such as vans, SUVs, pickups, and Jeeps, are prone to roll over.

## **V. INTER-JURISDICTIONAL PURSUITS**

If it appears that a pursuit will extend outside of the city and into the jurisdiction of an outside law enforcement agency.

- A. Before, or as, an officer enters another jurisdiction; Communications will provide the law enforcement agency of that jurisdiction with the following information:
  - 1. That a pursuit has, or is about to enter their jurisdiction,
  - 2. The reason for the pursuit and nature of violation,

3. The location and direction of pursuit,
  4. A complete description of vehicle and occupants,
  5. The number of emergency vehicles involved in pursuit,
  6. Whether assistance is needed, and
  7. When applicable, notify the agency when the pursuit is leaving their jurisdictional boundaries, or the location of termination of the pursuit.
- B. Any report or request by an outside agency involved in a vehicular pursuit entering the City of San Marcos should provide the information listed in V.A, above.
- C. The outside agency is responsible for the pursuit.
1. Officers will not assume control of outside agency pursuits unless authorized by SMPD supervisors.
  2. Officers may support outside agency pursuits by restricting access to pursuit routes or assisting with apprehensions of offenders from pursuits that have stopped in our jurisdiction.
  3. If an outside agency terminates the pursuit at any time, the San Marcos Police Department may pursue the offender based on offenses committed in our jurisdiction, if a supervisor authorizes the pursuit.

## **VI. TERMINATING PURSUITS**

- A. This order has noted the necessity for a pursuing officer to continuously evaluate the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the officer can make.
- B. Officers shall discontinue a pursuit under the following circumstances:
1. The on-duty supervisor orders it.
  2. The pursuing vehicle experiences an equipment or mechanical failure that renders the vehicle unsafe for emergency driving.
  3. The pursued vehicle has outdistanced the pursuing officer such that its location is not known.
  4. A person has been injured during the pursuit and no medical or department personnel are able to provide help.
  5. The pursuing officer perceives a clear, unreasonable danger to officers, the fleeing suspect, or the public, and the danger created by continuing the pursuit outweighs the value of apprehending the suspect at the time.
- C. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and precede on foot, the officer shall stop, give his or her location, and continue efforts to apprehend on foot. Circumstances may dictate, however, a continued pursuit in a vehicle. Support vehicles shall be dispatched in close proximity to offer assistance. The pursuing officer should be cautious, however, that the pursued vehicle may carry other persons who might assault the pursuing officers. Should the individual stop and remain in the vehicle, officers will not rush the vehicle. Appropriate high risk stop procedures should be used.

## **VII. FOLLOW-UP REQUIREMENTS (TBP: 7.14)**

- A. The on-duty supervisor shall ensure that all participating officers document their involvement in the pursuit whether or not the suspect was stopped. The initiating officer will complete a BlueTeam pursuit report in addition to an incident report. Other officers involved will prepare a supplemental report documenting their participation. Reports shall be completed before the end of the officer's tour of duty.
- B. The supervisor shall ensure all video of the pursuit is uploaded and shall review the pursuit for compliance with policy.
- C. The pursuit report with supervisory review will be forwarded to IAPro. Should a policy violation be identified, the supervisor will notify the chain-of-command.
- D. All pursuits should be reviewed by the Event Review Board.
- E. Annually, the chief of police will cause an analysis of all vehicle pursuits occurring during the previous year to be conducted. The analysis will be designed to determine if the current policy is being followed, whether any changes are needed in the current policy, and whether any training needs were identified.