

<p>GENERAL ORDER</p> 	Effective: 03-20-15	# 09-01
	Section: Operations	Replaces or Modifies: GO 26
	Title: Vehicle Pursuits / Call Responses	
Issued by: Chief Deputy D. Marcaurele 		

Purpose:

To establish procedures for vehicle pursuits and driving standards for responses to calls for service.

Policy:

It is the policy of the Fort Bend County Sheriff’s Office (FBCSO) that employees will adhere to established agency procedures and state law to ensure the safety of employees and citizens while employees are operating vehicles (including but not limited to pursuits and response to calls for service).

Definitions:

Authorized Emergency Vehicles – All FBCSO vehicles being operated by a FBCSO peace officer. [legal reference: Texas Transportation Code 541.201 (1)(A) & (13-a)]

Emergency Call for Service – A response to a situation where there is reasonable cause to believe that there is an ongoing risk of injury or death to persons involved in the situation, there is a felony in progress, or where a supervisor authorizes emergency response based upon articulable facts supporting an emergency response based upon reasonable public safety concerns in a particular situation.

FBCSO vehicle – defined in General Order 05-03.

Pursuit - A multi-stage process by which a peace officer initiates a vehicular stop and a driver resists the signal or order to stop, increases speed, takes evasive action and/or refuses to stop the vehicle.

Shift Commander – The on duty shift Lieutenant in Patrol. In the absence of a Lieutenant, the Commander over the Patrol Division will establish a system of designating an on duty sergeant as shift commander (this system will include a mechanism to insure that Dispatch is aware of who the shift commander is for each shift). A shift commander is not relieved of this function until another shift commander takes his/her place.

Procedure:

SECTION ONE: Operating Vehicles in Routine Driving and Responding to Calls for Service

I. Rules on Operating Vehicles

- A. Except where a different operating procedure/guidance is provided by this General Order (09-01) - FBCSO vehicles will be operated in compliance with General Order 05-03.
- B. Except where a different operating procedure/guidance is provided by this General Order (09-01) - FBCSO authorized emergency vehicles may park or stand, irrespective of Laws regulating parking or standing; proceed past a red or stop signal or stop sign, after slowing as necessary for safe operation; exceed a maximum speed limit (as long as the driver does not endanger life or property); and disregard a regulation governing the

direction of movement or turning in specified directions – when engaged in the following activities: [legal reference Texas Transportation Code 546.001 & 546.004]

1. Responding to emergency calls for service - In these cases emergency lights and siren are to be used except where their use is reasonably seen to warn perpetrators of police presence and said presence might enable escape of perpetrators, destruction of evidence, and/or increase danger to the public. Emergency lights and siren may be used independent of each other (FBCSO employees are to continuously assess situations and tailor response to public safety needs). An employee who is not using lights or siren in these responses will indicate this to Dispatch by the term “Code 2”.
 2. Overtaking speeding vehicles - In these cases emergency lights and siren are to be used except where their use is reasonably seen to warn perpetrators of police presence and said presence might enable escape of perpetrators, destruction of evidence, and/or increase danger to the public. Emergency lights and siren may be used independent of each other (FBCSO employees are to continuously assess situations and tailor response to public safety needs). Further, it may be advisable not to activate emergency lights/siren until in close proximity to a vehicle to decrease chances for fleeing.
 3. Pursuits - In these cases emergency lights and siren are to be used by all FBCSO vehicles actively engaged in the pursuit. {see also Section Two of this General Order for particular procedures concerning pursuits}.
 4. Conducting an FBCSO approved police escort as defined in Texas Transportation Code 546.002(a)
 5. Directing or diverting traffic for public safety purposes.
- C. In all cases, each employee has a duty of care to operate FBCSO vehicles with appropriate regard for the safety of all persons [legal reference Texas Transportation Code 546.005]
1. Each employee is accountable for the consequences of the employee’s reckless disregard for the safety of others.
 2. Each employee is responsible for driving within the limitations of the vehicle being operated. This includes but is not limited to issues such as distance required to come to a stop at any given speed, risk of rollover, areas of limited vision “blind spots”....
 3. Each employee is responsible to drive at a speed that provides a reasonable degree of safety at all times (regardless of the seriousness of the situation). While there is no set limit on top speed for operation of vehicles in emergency situations, employees may be disciplined for crashes where travelling at a high speed is determined to be a contributing factor. Employees may also be disciplined in cases where review indicates their rate of speed was unwarranted or unsafe. Employees are reminded that high speed operation of vehicles significantly diminishes the driver’s ability to react - especially concerning intersections (public and private), curves, roadway obstacles, and pedestrians.

SECTION TWO: Pursuits

- I. Vehicles authorized for pursuits:
 - A. FBCSO vehicles not equipped with emergency lights and sirens are prohibited from engaging in pursuits.
 - B. Special purpose vehicles, including but not limited to motorcycles, pickups, and non-

- police package sport utility vehicles are prohibited from engaging in pursuits.
- C. Employees operating unmarked police vehicles, properly equipped with emergency lights and/or siren, may engage in pursuits only when the fleeing vehicle presents an immediate threat to life. When at least two marked units become available to take over the pursuit, the unmarked police unit will terminate the pursuit and serve in a support role.
 - D. Employees will not participate in pursuits when prisoners, suspects, complainants, witnesses, civilian observers, or other persons who are not employed as a peace officer occupy their vehicles, or while in towing capacity.

II. Initiating a pursuit

- A. Prior to initiating, and during a pursuit, employees will continually question whether the seriousness of the offense reasonably warrants the initiation or continuation of the pursuit. Factors to consider include, but are not limited to:
 - 1. Reason for the pursuit (is the need to immediately apprehend the suspect more important than the risk created by the pursuit and do the dangers created by the pursuit exceed the danger posed by allowing the perpetrator to escape).
 - 2. Likelihood of personal injury or property damage.
 - 3. Probability of identifying the suspect.
 - 4. Probability of apprehension.
 - 5. Time of day.
 - 6. Weather conditions and condition of road surface.
 - 7. Approximate age of the suspect.
 - 8. Observed driving ability of the suspect.
 - 9. Mechanical condition of the employee's vehicle and the suspect's vehicle.
 - 10. Observed number of passengers.
 - 11. Ability to maintain clear radio communication.
 - 12. Pedestrian and vehicular traffic.
- B. Employees are prohibited from pursuing motorcyclists who are carrying passengers, unless authorized by a supervisor.

III. Primary Unit

- A. The police vehicle closest to the fleeing vehicle. Generally this is the vehicle initiating the pursuit and remains primary until relieved of this duty by another unit when necessary.
- B. In order to diminish the likelihood of a pursuit, employees intending to stop a vehicle should, when practical, be in close proximity of the vehicle prior to activating emergency equipment.
- C. The employee initiating a pursuit shall notify Dispatch that a pursuit is underway and provide the following information:
 - 1. Employee's unit identification;
 - 2. Location, speed, and direction of travel;
 - 3. Vehicle description;
 - 4. Reason for pursuit.
- D. The primary unit will initially keep Dispatch informed of the status of the pursuit. Failure to provide the above information may be cause for a patrol supervisor or Shift Commander to order termination of the pursuit.

IV. Other Unit Responsibilities

- A. Secondary Unit - The police vehicle which shall remain at a safe distance behind the primary unit but close enough to provide support and communicate with dispatch. The secondary unit shall notify Dispatch of their identity and assume the responsibility for radio communication, allowing the primary unit to devote full attention to driving.
- B. Backup Units – Additional police vehicles that a supervisor authorizes to become directly involved in the pursuit. These vehicles shall maintain a safe distance behind the primary and secondary units and are there to provide support if needed. A unit involved in a pursuit as a backup unit must notify dispatch and obtain supervisory approval.
- C. Support Units – Any other FBCSO vehicle that is not the primary unit, secondary unit, or backup unit shall not become directly involved in the pursuit. These units should monitor the pursuit and remain ready to act if called upon. These units are not authorized to proceed towards a pursuit unless requested to do so by supervisory personnel. These units are authorized to anticipate the entry of a pursuit into their location area and be prepared to assist at the conclusion of a pursuit or upon direction from supervisory personnel.

V. Dispatch responsibilities:

- A. Will be responsible to notify a patrol supervisor of the pursuit.
- B. Receive and record all incoming information on the pursuit and the pursued vehicle.
- C. Clear primary radio channel of unnecessary traffic and advise all other law enforcement units that a pursuit is in progress, providing all relevant information.
- D. Perform relevant record and motor vehicle checks. During the vehicular pursuit Dispatch personnel will use any available information to further develop and ascertain the possible identity of the fleeing driver and/or occupants, plus attempt to discover other possible reasons for which the individual(s) might be fleeing. (i.e. wanted/suspect vehicle, etc.)
- E. Will forward any pertinent information regarding safety issues to the pursuing employees. All other information will be held until requested by involved employees.
- F. Coordinate assistance under the direction of the patrol supervisor.
- G. Continue to monitor the pursuit until it has been terminated.

VI. Supervisor responsibilities:

- A. A supervisor will assert control by monitoring the pursuit and taking the necessary action to ensure compliance with this General Order, until the pursuit is concluded. The supervisor performing this task will make this known to dispatch over the air.
- B. In the absence of adequate information from the primary or secondary unit, a supervisor will order the termination of the pursuit.
- C. When the public safety risks outweigh the immediate need to apprehend, a supervisor will order employees to terminate the pursuit.
- D. It is not necessary that a supervisor be physically present in order to coordinate and assert control of the pursuit.
- E. Should promptly proceed to the termination point to provide guidance and necessary supervision.
- F. Has the authority and responsibility to assign or disregard additional employees, as deemed necessary to control the incident.
- G. The Shift Commander will either act as the Supervisor over the pursuit or if another Supervisor has taken this function monitor the pursuit and issue necessary orders to

enforce this General Order.

VII. Emergency vehicle operation and tactics concerning Pursuits

- A. All FBCSO vehicles in a pursuit shall space themselves at a safe distance that will ensure proper braking and reaction time in the event the lead vehicle stops suddenly, slows or turns.
- B. A pursuing FBCSO vehicle shall not duplicate reckless or hazardous driving maneuvers. This includes but is not limited to: employees are prohibited from pursuing violators the wrong way on any interstate, controlled access or divided highway/roadway.
- C. The ramming of a fleeing vehicle by a FBCSO vehicle is generally prohibited. Such action may be approved only when the use of deadly force is justified and immediate apprehension is absolutely necessary.
- D. Use of tire deflation devices
 - 1. The Patrol Division Commander will approve the type and brand of tire deflation devices to be used by the FBCSO.
 - 2. Employees should receive departmental training prior to deploying tire deflation devices.
 - 3. An employee must obtain supervisor approval before deploying tire deflation devices.
 - 4. The employee deploying the tire deflation devices shall be responsible to make all employees involved aware of the exact location of deployed devices so they can slow in time to maneuver around them. The deploying employee is responsible for ensuring the tire deflation devices are retrieved as soon as possible.
 - 5. Tire deflation devices will not be used when the pursuit involves motorcycles or three-wheeled vehicles.
- E. Roadblocks
 - 1. A supervisor shall approve the use and maintain control over any type of roadblock prior to and during implementation. There are different types of roadblocks that may be used. Since each situation is different, there is no step-by-step procedure to dictate when or what type of roadblock is to be used. The primary factor to be considered is safety. Once the decision is made to use a roadblock, the next step is to determine what type of roadblock to use. The primary factor in this decision is the safety of all involved. The roadblock with the least risk, which will accomplish the objective, should be used.
 - 2. Flares or traffic cones - of all roadblocks, this is the least hazardous to all those involved, but it still presents a degree of danger.
 - a. Flares and/or traffic cones can be placed across the roadway in an effort to stop or funnel the fleeing vehicle to a specific area to stop.
 - b. The employee setting up this roadblock must be prepared for the suspect to not stop and must position themselves and any FBCSO vehicles in a position of safety. A marked vehicle should be off the roadway in a position to assume immediate pursuit with the emergency lights activated.
 - 3. Moving roadblocks - this is a partial blockage of the roadway by moving marked vehicles for the purpose of slowing or stopping a fleeing suspect.
 - a. A moving roadblock is not recommended, but may be used in circumstances where it is necessary to protect a third party.
 - b. A moving roadblock usually involves the use of two marked vehicles

in front of the violator, or one in front and one along-side the violator. Both marked vehicles are then gradually slowed to a stop, forcing the violator to stop.

4. Stationary roadblock involving moving suspect vehicles is a partial blockage of the roadway using a suitable material such as construction barricades. However, if nothing else suitable is available, one or more unoccupied marked vehicles with activated emergency lights may be used.
 - a. The roadway will not be barricaded by occupied or privately-owned vehicles. Traffic congestion is not a roadblock.
 - b. Unless deadly force is justified (under the FBCSO General Order on Use of Force), a road will not be completely barricaded.
 - c. The roadblock will be constructed in such a manner as to leave an escape route. An escape route must be established in such a manner to be maneuvered through at a reasonable speed.
 - d. The roadblock will be located in an area that provides a safe stopping distance for traffic to avoid unnecessary hazards to employees and innocent persons.
 - e. Employees should place themselves in a position of safety while affording an opportunity for apprehension.
- F. The use of both marked and unmarked FBCSO vehicles to affect the capture of a stationary suspect vehicle is acceptable. Placement of FBCSO vehicles in these situations should be made so as to provide maximum protection to employees and the general public.
- G. Discharging a firearm towards a pursued vehicle is only allowed in instances where deadly force is authorized and is governed by the General Order on Use of Force.

VIII. Pursuits leaving Fort Bend County

- A. When the pursuit continues beyond the boundaries of Fort Bend County, the pursuing employees will notify Dispatch who will notify the appropriate jurisdictional law enforcement agency.
- B. Pursuit beyond the boundaries of Fort Bend County will only continue with the approval of the Shift Commander or higher authority. The approving authority will monitor the pursuit and will make determination on terminating the pursuit based upon overall public safety interests.

X. Pursuits in Fort Bend County involving other Agencies

- A. When other law enforcement agencies are involved in a pursuit approaching or entering the unincorporated areas of Fort Bend County, FBCSO employees will act as support units only. FBCSO employees will only become the primary unit, secondary unit, or backup unit after approval for this is obtained from the Shift Commander or higher authority.
- B. Prior to authorizing active engagement the supervisory authority will assess the following
 1. Reason for the pursuit;
 2. Number of occupants;
 3. Number of pursuing law enforcement units;
 4. The ability to communicate directly with all participating law enforcement agencies.
- C. FBCSO employees will terminate the pursuit if the pursuit was initiated by another

agency, the pursuit enters into an incorporated City, and there is a minimum of two other non FBCSO vehicles involved in the pursuit. Any exception to this must have approval of the Shift Commander or higher authority.

- D. FBCSO employees must continually appraise the need for the pursuit and may at their own discretion terminate their involvement, notifying dispatch.

XI. Termination of Pursuits

- A. All pursuits shall be terminated by involved employees under any of the following circumstances:
 - 1. When public safety risks created by the pursuit outweigh the necessity for immediate apprehension;
 - 2. When the violator's identity is known, and the offense is a misdemeanor, or non-violent felony;
 - 3. When visual contact with the suspect's vehicle is lost or the pursued vehicle's location is no longer known;
 - 4. When conditions clearly indicate the futility of continued pursuit;
 - 5. When continuation of a pursuit would violate provisions of this General Order (09-01);
 - 6. At the direction of a supervisor.
 - 7. Employees are prohibited from continuing a pursuit based solely on a class C traffic violation unless there is articulable reason to believe that a more serious offense has occurred that would justify continued pursuit. The continuation of a pursuit based solely on the more serious offense of evading and/or reckless driving resulting from the original class C traffic offense is prohibited.

XII. Reporting responsibilities

- A. The initiating employee is generally the primary reporting employee and responsible for the offense report.
- B. All employees involved in the pursuit shall submit a written supplement report, which will include details on their involvement.
- C. A Pursuit Review will be completed on all pursuits on the form and in the manner approved by the Chief Deputy.
- D. After a Pursuit Review is completed, the Chief Deputy will assign responsibility for maintenance of the documentation.