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	Subject: <i>Emergency Driving</i>	Issued: <b>12/16/2022</b>	TBP: 7.13, 7.14, 7.15, 7.18, 7.19

## **Non-Emergency Driving**

Unless otherwise authorized by this Chapter, all officers of the Department will operate their vehicles in compliance with all traffic laws.

## **Emergency Driving (General)**


The intent of this policy is to cultivate a culture of responsibility and safety with regard to emergency driving. In furtherance of this goal, the policies and procedures described below are in accordance with Texas Transportation Code Chapter 546. The Department's primary objective in all emergency driving situations is the protection of lives and the safety of all persons. During emergency driving situations, officers will operate their vehicles with extreme caution and in accordance with Chapter 546 of the Transportation Code. Driving under emergency conditions does not relieve the officer from the duty to drive with due regard for the safety of all persons, nor will these provisions protect officers from the consequences of their reckless disregard for the safety of others.

Negligent or reckless driving or actions committed by police officers while in pursuit or when responding to emergencies is prohibited by law and expressly forbidden by the Department. The duty to avoid damage or injury to innocent third parties is superior to that of the pursuit or emergency response.

Deviations from this policy may be necessary only in extreme situations. If a policy deviation occurs, the event shall be thoroughly examined by the Event Review Board to evaluate the following:

- A. The facts and circumstances known to the officer at the time of the event;
- B. The necessity of the policy deviation at the time of the event;
- C. Any corrective action necessary; and
- D. Any point of training from which the officer or Department would benefit.

The Event Review Board will provide an evaluation of the event to the Chief of Police within five (5) business days of review for a final decision on the necessity of the policy deviation.

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## **Emergency Driving (Non-Pursuit) (TBP 7.15)**

### **Definitions and Authorization:**


Non-pursuit emergency driving is the operation of an authorized emergency police vehicle (with emergency lights activated or emergency lights and siren activated) by a police officer, in authorized violation of state law, using due regard for the safety of all persons for the purpose of:

- A. Responding to an emergency call;
- B. Pursuing an actual or suspected violator of the law;
- C. Directing or diverting traffic for public safety purposes; or
- D. Conducting a police escort.
  1. "Police Escort" means facilitating the movement at a funeral, oversized or hazardous load, or other traffic disruption for public safety purposes by a police officer.
  2. Funeral escorts are considered emergency driving with the following exceptions. The initial officer in the escort shall use all emergency warning devices to clear intersections. Follow-on officers may use lights only. However, the speed and driving of follow-on officers shall not exceed their ability to maintain due regard for all other traffic present.

### **Factors**

The decision by an officer or a supervisor to drive, or continue to drive, under emergency conditions will be in accordance with the provisions of this policy and will be based on the following considerations:

- A. Officers will consider factors such as time of day, traffic conditions, location, weather, and other facts that may be a safety hazard or liability to themselves or other persons.
- B. Officers will have sufficient information to justify the decision to drive under emergency conditions.
- C. When responding to an emergency situation, including "officer needs assistance," officers will remain aware that, although a rapid response may be important, safe arrival is necessary in order for them to be of assistance.
- D. Dash-cam video systems that activate during emergency driving shall not be deactivated until after arrival at the stop/call necessitating the response or after the officers have ceased their response.
- E. Officers engaged in non-pursuit, emergency driving will continually evaluate the need to engage in emergency driving and the manner in which it is conducted against the risk of injury to any innocent person or damage to property.

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- F. Officers must weight need versus risk continuously. In addition to need versus risk assessments, speeds shall not exceed twice that of the posted speed limit, or 110 M.P.H., whichever is less. Deviation from policy may be acceptable based on a totality of the circumstances and articulable facts. The deviation from policy will be reviewed by the Event Review Board with recommendations forwarded to the Chief or Police or his/her designee.

## **Operations and Practices**

### **Utilization of Emergency Warning Equipment**


All emergency warning equipment shall be utilized during a response to a call if:

- A. The officer is exceeding the posted speed limit; or
- B. The officer is clearing an intersection in a situation which, under non-emergency driving mode, would require the office to yield the right of way (for example, stop light or stop sign). Officers should approach all intersections with caution, proceeding only when it is safe to do so, and make sure each vehicle and pedestrian in the area acknowledges their presence. The officer is responsible for entering the intersection in a safe and controlled manner.

Emergency warning equipment utilization exceptions:

Officer may make an exception to the "Utilization of Emergency Warning Equipment" section when traveling no more than 10 M.P.H. over the posted speed limit or 15 M.P.H. on a limited access highway if the officer determines that:

- A. Knowledge of the officer's presence will cause the suspect to:
  - a. Destroy or lose evidence of a suspected felony;
  - b. End a suspected continuing felony before the officer has acquired sufficient evidence to establish grounds for arrest; or
  - c. Evade apprehension or identification of the suspect or suspect's vehicle;
- B. Traffic conditions on a roadway are such that movement to motorists, in response to the emergency warning devices, may increase the potential for a collision;
- C. An officer or citizen needs assistance in a situation that could immediately result in loss of life or severe bodily injury to persons involved, and a constant utilization of emergency warning equipment is likely to escalate the situation; or
- D. An officer needs assistance, but the gravity of the situation does not require a response that requires constant utilization of emergency warning equipment.

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**Emergency Driving (Pursuit) (TBP 7.13, 7.14, 7.15, 7.18)**

**Definition:** A motor vehicle pursuit is an attempt by a law enforcement officer operating an authorized emergency vehicle, utilizing emergency equipment, to apprehend occupant(s) of another motor vehicle, when the driver of the fleeing vehicle is aware or should reasonably be aware of that attempt, and is resisting apprehension by maintaining or increasing the speed of his/her vehicle, disobeying traffic laws, ignoring the officer, or otherwise attempting to elude the officer.

**Justification**


[REDACTED]

[REDACTED]

- [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]

If the suspect driver exceeds the speed limits stated above, commits a hazardous violation after the pursuit has begun, or beings to drive in a hazardous manner, the pursuit will be terminated.

- B. 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 bodily injury to other persons also on the roadway. However, if the suspect’s impaired driving becomes more hazardous because of the pursuit (for example, he or she speeds up to elude), the pursuit shall be discontinued. Officers must weigh need versus risk continuously. In addition to need versus risk assessment, speeds should not exceed twice that of the posted speed limit, or 110 M.P.H., whichever speed is less.
- C. Prior to initiating the pursuit, probable cause exists that the violator has committed a violent felony offense and failure to apprehend poses an immediate threat of death or serious bodily injury to others.
- D. 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 the life, health, and/or safety of persons other than the suspect.
- E. 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.
- F. Except for low speed pursuits, units not equipped with lights and siren are not authorized to engage in a pursuit unless deadly force is authorized.


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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 safety possible manner, or to discontinue a pursuit when conditions no longer justify a pursuit, rests with the pursuing officer(s) and their supervisor(s).

During a pursuit, the officer(s) and the supervisor(s) will constantly evaluate the need to continue the pursuit against the risk of injury to an innocent person or damage to property. The decision to terminate a pursuit based upon the greater safety needs of the community is proper police procedure.

When an officer decides to continue a pursuit a suspect has begun:

- A. The officer attempting to make the initial stop will be the primary unit; the other officers will be the back-up units;
- B. The primary unit will activate the vehicle's emergency lights and siren and immediately notify Communications of the pursuit by using the term "10-80" and give the following information (failure to give any of the information may be cause for the supervisor in command to terminate the pursuit):
  1. The unit identifier;
  2. Location and direction of travel;
  3. All available identifying information of the suspect vehicle and occupant(s); and
  4. The nature of the offense for which the fleeing vehicle is being pursued.
- C. A secondary unit upon becoming actively involved in the pursuit will:
  1. Activate the vehicle's emergency lights and siren;
  2. Immediately notify Communications;
  3. Maintain sufficient distance between their unit and the primary unit to ensure safe operation of both vehicles; and
  4. Take over radio communications.
- D. Units not directly involved but in close proximity will:
  1. Cover possible escape routes; and
  2. Be available to assume a backup or primary role should one of the original units become unable to continue the pursuit.
- E. Police motorcycle units and K9 units may become involved in a pursuit only when immediately necessary to ensure the safety of officers and citizens. Drivers of these units should carefully consider the hazards of their involvement and should begin and/or continue the pursuit only when no other reasonable alternatives are available. When any other marked police unit joins the pursuit, the motorcycle or K9 officer shall immediately terminate their involvement.
- F. In the event the primary unit initiating the pursuit is a supervisor, it is the responsibility of any other on-duty supervisor to take command of the pursuit. The supervisor engaged in the pursuit should relinquish the role of primary unit once a secondary unit is engaged. The supervisor should take a secondary unit role if no other units are available.

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When Communications receives notification that a pursuit is in progress, the operator will:

- A. Immediately ensure a Patrol supervisor is aware of the pursuit;
- B. Clear the primary channel of all traffic not specifically related to the pursuit;
- C. Begin all available intelligence checks using the information supplied by the primary unit;
- D. Report the results of the intelligence checks as soon as possible to the involved units when radio traffic and a consideration for the safety of the units involved make it feasible to do so; and
- E. Record all incoming information concerning the suspect and suspect vehicle descriptions, direction of travel of the pursuit, and all times when information is received. It is not necessary or recommended to broadcast all times. Times of major events of the pursuit and other occasional time references are all that are necessary to be broadcast.

The supervisor, upon notification a pursuit is in progress, will immediately notify Communications that they are aware of the pursuit and has assumed command of and responsibility for the pursuit. Thereafter, the supervisor will:


- A. Not become actively involved in the pursuit as the primary or support unit;
- B. Be responsible for the safe conduct of the pursuit in accordance with these provisions;
- C. Continually re-evaluate the need to continue the pursuit;
- D. Terminate the pursuit when, in his/her opinion, the dangers of continued pursuit outweigh the need to apprehend the suspect; and
- E. Be responsible for seeing a pursuit report is prepared and forwarded.

During the pursuit, the supervisor will be responsible for:

- A. Directing units into or out of the pursuit;
- B. Re-designation of primary or support units when necessary;
- C. Approval and use of tactics to disable the fleeing vehicle; and
- D. Approval to leave the jurisdiction of the Department in order to continue the pursuit.

The pursuit will be immediately terminated if:

- A. Any supervisor terminates the pursuit;
- B. Environmental factors such as rain, ice, snow, fog, or dust substantially increase the dangers of the pursuit;
- C. The pursuit proceeds into an area of heavy traffic or pedestrian congestion;
- D. The primary unit loses sight of the suspect vehicle for any period of time other than a very short period of time; or

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- E. When it reasonable appears that potential harm to person or property arising from such pursuit outweighs the potential harm threatened by the offender. The officer must consider all relevant factors, including:
1. The nature of the offense committed by the offender;
  2. The extent to which the offender may be identified;
  3. Present ability of other officers to apprehend the offender;
  4. Knowledge of previous activities of the offender; and
  5. The potential for physical harm to persons or property resulting from the pursuit of the offender.

Upon notification that a pursuit has been terminated, all units will:

- A. Immediately cease emergency driving;
- B. Acknowledge by radio the pursuit has been terminated; and
- C. Return to normal police operations.

At no time will any officer continue in pursuit of a suspect vehicle after notification that the pursuit has been terminated.


Except for a PIT maneuver, Department units will not be used for ramming a suspect vehicle.

Officers will not create a blockade unless the following conditions exist:

- A. Only when the use of deadly force is authorized, and only after all other reasonable means of apprehension have been exhausted, may an officer attempt to apprehend a fleeing offender by creating a blockade.
- B. Prior to creating a blockade, an officer must receive permission and specific instructions to proceed from the Chief of Police, shift commander, or designated supervisor.
- C. If a blockade is created, the officer must employ a reasonably effective advance warning system in order to alert motorists, including the offender, of an approaching blockade. Such deployment shall occur no later than at the time the blockade becomes operative.
- D. At no time shall the officer position himself or herself behind the blockade in the direct line of the offender.

An officer shall not use deadly force against a fleeing offender unless the officer has probable cause to believe his/her own actions will not further jeopardize innocent bystanders, and the offender:

- A. Has committed a felony that involved the use or threatened use of deadly force or otherwise caused death or serious bodily injury;
- B. Will likely cause death or serious bodily injury to others if the offender's arrest is delayed;
- C. Cannot safely be apprehended by using less than deadly force; and
- D. Where feasible, the officer has given some warning of the use of deadly force.

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If the pursuit leaves the jurisdiction of the Department:

- A. The primary officer will advise Communications;
- B. The supervisor will decide whether to terminate the pursuit or allow it to continue; and
- C. If the agency with jurisdiction joins the pursuit, the Department will remain as the primary unit until the agency with jurisdiction, by action or voice, assumes the role as the primary unit. Department units will remain in the pursuit, as a primary or secondary unit, until the suspect is apprehended, escapes, or the pursuit is terminated by the Department. If the Department terminates the pursuit, all efforts will be made to inform the outside assisting agencies that the pursuit is being terminated and why.

If another agency becomes involved in a Department pursuit within the city limits, the following will apply:

- A. If a unit from another agency becomes involved, the Department units will continue their roles as primary and support units until such time as the supervisor deems our roles need to be changed.
- B. The primary unit will immediately advise Communications so that Communications can establish communications with the other agency. Communications will ask the other agency to switch to a common frequency so the pursuit supervisor can communicate car-to-car with the other agency and determine what role each agency will take.
- C. The supervisor in command will re-evaluate the pursuit and terminate this Department's involvement in the pursuit if the situation becomes so hazardous that our continued pursuit is unreasonable. If the supervisor terminates the pursuit or changes the roles of our units, he/she will advise the other agency of the termination or role changes.


When a pursuit involving units of another jurisdiction enters the city limits of Abilene:

- A. Communications will advise the shift commander of the pursuit;
- B. Police units of the Department will serve only as support units and will not become actively involved in the pursuit unless assigned by a supervisor; and

The Patrol commander on duty during the pursuit is responsible to ensure a full report of every pursuit will be forwarded to the Chief of Police through the chain of command, including:

- A. Officer's report of the pursuit, to include all required documentation;
- B. Supervisor's report, including an evaluation of the involved officer's report and any required documentation;
- C. Communication's pursuit report, including a copy of the recording made during the pursuit; and
- D. Shift commander's evaluation of the pursuit.



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**Stop Stick Deployment (TBP 7.19)**

Stop Sticks are located in each unit assigned to patrol. Stop Sticks may be used in a variety of instances, such as:


- A. Intoxicated driver passed out at a light or in a drive through in which Stop Sticks are deployed in front of tires.
- B. At a scene where a vehicle is present and officers/swat personnel are attempting to prevent a vehicle from going mobile.

The goal of deployment is to quickly and safely end calls for service/situations with minimal property damage and/or injury to any party. The safety of citizens and officers is of the utmost concern.

Stop Sticks shall not be deployed during motor vehicle pursuits.

After successful deployment of the Stop Sticks, the supervisor will take the utilized sections of the Stop Sticks out of their black sleeves and replace with new sections. Used section, after removing the information sticker, may be sent to the Training Division for use in future training.

A Use of Force form will be completed and forwarded to the Incident Review Board chairman.

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**Vehicle Pinning Effective Date 6-1-2022**

Officers are authorized to engage in Vehicle Pinning when they reasonably believe that the driver, if not detained immediately, may create a real and substantial risk of another person being killed or seriously injured. When feasible, and under limited circumstances, a stationary vehicle may be pinned using two marked police units, both equipped with push bumpers, in an attempt to prevent the vehicle from moving from its stationary position.


Vehicle Pinning is permitted only for stationary vehicles in situations where no indication to flee has been noted (i.e., an unconscious driver, a driver exhibiting only passive resistance, or a driver not exhibiting any assaultive cues). If a driver becomes attentive or conscious and attempts to flee, the sole act of swerving a vehicle near an officer does not presumptively constitute a threat justifying the use of deadly force. Other factors must be present.

Vehicle Pinning may involve the deployment of Department approved tire deflation devices designed to puncture and deflate the tire of a vehicle if moved from its stationary position.

Any damage sustained to either the pinned vehicle or a marked police unit(s) during Vehicle Pinning will not be considered a motor vehicle accident, provided the technique was implemented under the established training protocol was properly attempted.

If Vehicle Pinning is utilized, it shall be documented in a case report for the incident and a Use of Force form completed. A supervisor shall ensure photographs are taken of the pinned vehicle's bumper, as well as any patrol units, to document any damage, or absence thereof, and upload the photos into the Department's conduct tracking system.

A vehicle that successfully defeats an attempt to pin it in does not constitute grounds to initiate a pursuit or escalate the use of force, absent other articulable facts.

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**Precision Immobilization Technique (PIT) Effective Date 7-20-2022**

**Vehicle-to-Vehicle Contact** – The intentional contact by a police unit with a fleeing vehicle for the purpose of stopping the vehicle. This technique is to be used when the elements of deadly force are present; specifically, when immediate action is required to stop an individual posing an immediate threat of serious bodily injury or death to officers, other motorists, or pedestrians.

The Precision Immobilization Technique (PIT) is a tactical maneuver used to forcibly stop and immobilize a moving vehicle or to redirect a vehicle in motion from its current path of travel.

Due to an increased risk of serious injury or death to the suspect or others, officers should consider speeds, structures, traffic, and other hazards prior to engaging in a PIT maneuver.

Slower speeds may result in a secondary impact on the target vehicle, or rotation of less than 180 degrees.

Officers shall not engage in a PIT maneuver with any vehicle that by its nature is obviously unstable or not comparable in size, for example:

- A. Motorcycles;
- B. All-Terrain Vehicles;
- C. Golf carts;
- D. Three-wheeled vehicles;
- E. Vehicles with children inside;
- F. Pickup trucks with persons in the bed;
- G. Vehicles carrying known hazardous materials; and
- H. Tanker-type vehicles.