



**AUSTIN POLICE DEPARTMENT
GENERAL ORDERS, POLICIES, AND PROCEDURES**

B103a

Part B – Enforcement Operations

Chapter 1 – Critical Policies

B103a – Pursuit Policy

This order is for departmental use only and does not apply in any other criminal or civil proceeding. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. Violation of these procedures will only form a basis for departmental administrative action.

.01 General Policies

Pursuits are an active attempt by an officer in a motor vehicle to apprehend one or more occupants of another moving motor vehicle, where the driver of the fleeing vehicle is aware of the attempt and is resisting apprehension. Pursuits present a danger to the lives of officers, the fleeing suspects, and the general public.

- A. An officer involved in a pursuit is driving an "authorized emergency vehicle" and the law statutorily imposes a standard of care upon the driver.
- B. The officer has the duty to drive with due regard for the safety of all persons using the roadway.
- C. A pursuit will only be initiated when the officer has balanced this risk to the public with their duty to enforce the law and determines that pursuit is appropriate. If a pursuit is initiated, and the officer or the control supervisor determines that the balance has changed during the pursuit, the pursuit will be terminated.

.02 Restrictions on Pursuits

Officers will not engage in pursuits under any of the following circumstances:

- A. The officer is operating a vehicle not equipped with operable emergency lights and siren;
- B. The suspect evades after having committed only:
 - 1. Any Class C offense, including traffic; and/or
 - 2. A non-hazardous traffic violation, regardless of the class of offense.
- C. The suspect is committing, or has committed, a misdemeanor only other than suspected DWI/DUI, and their identity is known to the officer
- D. The officer has a prisoner, witness, suspect, complainant, or other non-police passenger who has not signed a liability release in the vehicle at the time;
- E. The road surface is wet or otherwise slippery, unless the violator has committed a felony involving violence; and then **only** when all considerations for safety have been taken into account and the pursuit is still deemed reasonable.

.03 Considerations Before Pursuit

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

- A. Nature of the offense;
- B. Performance capability of the pursuit vehicle;
- C. Condition of the road surface;
- D. Amount of vehicular and pedestrian traffic;
- E. Weather conditions;
- F. Age of the offender and/or whether the identity is known;
- G. Direction of travel away from or toward traffic.
- H. Capabilities of the department vehicle being operated.

.04 Pursuit Procedures

The following procedures will apply in all pursuits:

- A. The officer initiating a pursuit shall broadcast the fact as soon as possible and make every effort to broadcast the following information:

1. Reason for the pursuit;
 2. Location of the pursuit;
 3. Direction of travel and rate of speed;
 4. Description and license plate of the fleeing vehicle;
 5. Description of the occupants of the vehicle; and
 6. Evasive actions being used, such as running without headlights, intentional collisions, driving on the wrong side of the roadway, etc.
- B. Designation of Control
A control supervisor will be designated in all pursuits.
1. The immediate supervisor of the officer who originated the pursuit will normally be designated as control supervisor.
 2. If the immediate supervisor is unavailable for any reason, and no supervisor volunteers as control supervisor, the Communication's dispatcher will designate the nearest available field supervisor as control supervisor.
 3. Any supervisor who becomes involved or engaged in the pursuit is immediately to assume control supervisor responsibilities for that pursuit.
 4. The control supervisor will acknowledge the pursuit on the radio.
 5. Only supervisors the rank of Sergeant or above will be designated as a pursuit's control supervisor. At no time will a Corporal be a pursuit's control supervisor.
- C. Termination
1. Any officer involved in or monitoring a pursuit may terminate the pursuit if they believe the pursuit is unsafe. The officer will advise "terminate" over the radio and the pursuit will be terminated.
 2. Communications will broadcast a citywide alert tone and advise the pursuit has been terminated. All units will cease any pursuit functions at that time.
 3. In making the decision terminate a pursuit, the supervisors and officers are to continue to evaluate the criteria outlined in *.03 Considerations Before Pursuit* in order to evaluate if the dangers posed by any high speeds of the involved vehicles are still justified and whether the need to continue pursuit outweigh these risks.
 4. Pursuing officers and the control supervisor should discontinue pursuit when the violator is clearly leaving the officers behind, or when the pursuing officer loses radio contact with the dispatcher or control supervisor.
 5. When an officer becomes aware their vehicle has developed a mechanical malfunction, they will discontinue the pursuit. This includes, but is not limited to:
 - a. Any engine warning light activates on the dash (e.g., brake, ABS, or check engine lights);
 - b. Audible warning tones;
 - c. Physical damage that affects the performance, maneuverability, or functioning of the vehicle.
 6. Upon termination of a pursuit, all units (other than any who are specifically designated by the control supervisor to investigate associated collisions, complete arrest reports, etc.) will go back into service and return to their normal assignments.
- D. Authorized Pursuits
1. Officers will operate their vehicles at Code 3 when involved in a pursuit. Pursuing officers will ensure their vehicle's Mobile Video Recording system has been activated if the vehicle is equipped.
 2. Only the primary pursuit vehicle (the officer who initiated the pursuit), one backup vehicle and the control supervisor are authorized. Absolutely no other vehicles may join a pursuit without specific approval from the control supervisor.
 3. An officer engaged in a pursuit need not maintain a constant view of the escaping offender, but the pursuit must be constant and continuous, without unreasonable delay.
 4. Field lieutenants are not authorized to join the pursuit or operate Code 3 unless they are the control supervisor.

5. Officers not directly involved in the pursuit should monitor the pursuit to remain aware of its location and direction of travel, and may proceed **Code I** to appropriate locations to assist as needed.
- E. Use of APD Air Support Unit
1. The communications supervisor should ensure that Air Support is requested during all vehicle pursuits.
 2. Once on scene, the Tactical Flight Officer may recommend the primary and secondary units to fall back and follow at a distance to allow the Air Unit to track the suspect. Upon approval by the control supervisor those units will fall back and assist the Tactical Flight Officer in calling direction and street names.
 3. Once a vehicle pursuit has been terminated, the Tactical Flight Officer may request permission, from the control supervisor, to allow the Air Unit to track the suspect. If permission is granted to track, the Air Unit will advise location and any pertinent information relative to the safety of the public. If the control supervisor denies permission to track, the Air Unit will break off all contact with the suspect immediately and go in-service.
 4. If the Air Unit determines, in the interest of safety, that it can no longer assist or continue tracking the suspect, the Air Unit shall discontinue its role and notify the control supervisor.
- F. Secondary Unit Responsibilities
1. In order for the primary officer to concentrate on safely operating their vehicle and successfully apprehending the suspect, the secondary unit shall assume responsibility for constant and clear communication of:
 - a. Pursuit location, direction of travel, and speed of pursuit;
 - b. Traffic violations committed by suspect;
 - c. Damage to property and/or vehicles;
 - d. Other actions perceived to have caused injury/damage;
 - e. Changes in weather, road, or traffic conditions;
 - f. If the pursuit is leaving the Austin jurisdiction.
 2. The secondary unit shall serve as backup officer at the pursuit's end, and assist with securing any subject(s) apprehended and/or evidence recovered.
- G. Reporting Procedures
1. Primary Officer
 - a. Submit a detailed incident report;
 - b. Submit the MVR tape as evidence.
 2. Secondary Officer
 - a. Submit a supplement report to the original incident report;
 - b. Submit the MVR tape as evidence.
 3. Any other officer who has been involved during the course of a pursuit will submit a detailed supplement to the original incident report and their MVR tape.
 4. Control Supervisor
 - a. Assemble an Officer-Involved Pursuit Packet containing:
 - (i) Supervisor's supplement report to original incident report;
 - (ii) Pursuit Log;
 - (iii) Incident & supplement reports from all involved officers;
 - (iv) CAD call history;
 - (v) Crash report and diagram (if applicable);
 - b. Request copies of all audiotapes and/or videotapes of the pursuit.
 - c. Submit completed packet to the on-duty lieutenant of the area command in which the pursuit originated.
- H. Review Process
1. Upon receiving the Officer-Involved Pursuit Packet and obtaining copies of the MVR tape(s) the area lieutenant will:
 - a. Review the information contained in the packet and on the MVR tape(s).
 - b. Prepare a critique memorandum which provides the following

information:

- (i) A brief synopsis of the pursuit;
 - (ii) Identity of the control supervisor;
 - (iii) Location (start and end);
 - (iv) Time (start and end);
 - (v) Elapsed time;
 - (vi) Weather and traffic conditions;
 - (vii) Policy compliance/non-compliance;
 - (viii) Arrests and charges filed;
 - (ix) Conclusions regarding the pursuit.
- c. Forward the Officer-Involved Pursuit Packet, the MVR tape and the critique memo to the initiating officer's commander.
 - d. Forward a copy of the pursuit packet and the critique memo (without the MVR tape), to the commander(s) of other officer(s) involved in the pursuit.
- 2. After reviewing the pursuit packet and related documentation the initiating officer's commander will ensure they are forwarded to the Vehicular Homicide Unit for retention.
 - 3. The Vehicular Homicide Unit will forward pursuit packets to the Chairman of the Force Review Board when the pursuit resulted in death or serious bodily injury. Following the Board's review, the packet will be returned to the Vehicular Homicide Unit.

.05 Tactical Considerations

- A. No shots will be fired at the vehicle being pursued except in defense of life.
- B. 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. The pretense (i.e., bluff) of the use of such methods is also prohibited.
- C. Roadblocks will not be set up. Be cautious of roadblocks set up by other agencies.
- D. The driver of an emergency vehicle has the obligation to drive with due regard for the safety of all persons, motorists and property.
- E. 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.
- F. Officers should maintain a safe distance behind the fleeing vehicle, thus allowing for sudden stops, changes in direction or unexpected obstacles.
- G. Any motorcycles and/or unmarked units (including supervisors) will discontinue pursuit once marked units become engaged in the pursuit.

.06 Pursuit Communications

- A. At the beginning of a pursuit, Communications will broadcast an alert tone citywide to inform officers that a pursuit is in progress.
- B. The channel on which the pursuit is originated will be designated as the primary channel for the pursuit. The primary unit, backup unit, and control supervisor should have exclusive use of that frequency.
- C. As quickly as possible after a pursuit is initiated, the dispatcher shall notify the communications supervisor and the area field lieutenant from the area in which the pursuit originated that a pursuit is in progress. Should the area field lieutenant be unavailable, or does not respond within a timely manner, the lieutenant from an adjacent area will be contacted.
- D. Dispatchers will keep other sectors advised if the pursuit is likely to enter or cross another sector. Units monitoring or actively involved in the pursuit will remain on the primary channel to avoid confusion between the pursuing officers, dispatchers, and the control supervisor.
- E. Officers driving units equipped with tire deflation devices shall monitor the radio channel,

- which is handling the pursuit until such time as the pursuit is terminated.
- F. Upon verbal confirmation that a pursuit has been terminated, Communications will again broadcast the designated alert tone, signifying the pursuit has been terminated. At this time all police units will cease all pursuit activity.

.07 Deployments of Tire Deflation Devices

- A. All tire deflation devices (TDD) will be stored in designated vehicles.
- B. 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.
- C. Due to increased risks to humans and property, the type of vehicle being pursued must be considered prior to the deployment of the TDD.
1. TDD's should not be used on motorcycles or all-terrain vehicles unless the use of deadly force can be justified.
 2. Vehicles transporting hazardous materials, and occupied passenger and school buses also involve additional risks requiring further consideration prior to deployment.
 3. TDD's will not be used when a motorcycle unit from any law enforcement agency is involved.
- D. TDD units shall advise Communications when they have reached the deployment site, and give its location.
- E. After a deployment site has been established, the control supervisor may authorize other units to "channel" the fleeing vehicle to this location.
1. Channeling may include blocking freeway exits and/or major side streets.
 2. 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.
 3. Police units SHALL activate all vehicle emergency lighting while blocking exits or streets.
- F. The pursuing officer(s) shall broadcast the identity of the target vehicle to the TDD unit when the pursuit approaches the deployment site.
1. The target vehicle should be visually confirmed to reduce errors in deployment.
 2. 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.
 3. Pursuing vehicles proceed cautiously upon approaching and crossing the TDD site. Actions by a fleeing vehicle may be unpredictable.
- G. No officer shall deploy or attempt to deploy a TDD without first having completed Department-approved training on its use.

.08 Pursuits Initiated by Other Law Enforcement Agencies

- A. When a pursuit begins within another agency's primary geographical jurisdiction and passes into or ends within APD's primary geographical jurisdiction, the originating agency will have arrest responsibility. Any offense that occurs within APD's jurisdiction from a pursuit that began in another jurisdiction will be investigated by APD officers and charges coordinated with the pursuing agency.
- B. Communications will notify the patrol supervisor of the area involved, or into which the pursuit is entering, that another agency's pursuit is in progress, and will provide the following information:
1. Identity of the outside agency requesting assistance;
 2. Reason for the pursuit;
 3. Direction of travel;
 4. Rate of speed;
 5. Description of vehicle and occupants;
 6. Current number of outside agency units involved.
- C. The supervisor receiving the above information may assign one or more units to assist.
1. Supervisors who authorize APD units to assist the other agency will then assume the role of control supervisor for **APD units only**.
 2. Officers authorized by the control supervisor to assist in the other agencies

pursuit will comply with all provisions of this policy.

- D. The control supervisor may terminate APD involvement in the other agencies pursuit for the same reasons as outlined in .04, D., or when the pursuit leaves APD's primary geographical jurisdiction.

.09 Supervisors Involved in a Pursuit

The following rules are intended to maintain control of a pursuit initiated by a supervisor or a pursuit in which a control supervisor becomes involved.

- A. Designation of Control
1. When a supervisor initiates a pursuit, another supervisor working in the same sector should acknowledge the pursuit over the radio and be designated as the control supervisor.
 - a. If a supervisor in the same sector is unavailable, and no supervisor volunteers as control supervisor, Communications will designate the nearest available field supervisor as control supervisor.
 - b. Acknowledgement by the appointed control supervisor must be made by radio.
 2. The supervisor who initiates the pursuit may continue pursuing the suspect vehicle until such time as patrol units are able to assist, or the pursuit is terminated.
 - a. As authorized patrol units engage the pursuit, the initiating supervisor will allow those units to take up the first and subsequent positions behind the suspect vehicle and call the pursuit.
 - b. The initiating supervisor will move to the last position behind the authorized units and assume the role of Control Supervisor.
 3. Once the initiating supervisor is in a position to assume the role of control supervisor, they will advise Communications by radio that they are now control supervisor. The previously designated control supervisor will then be relieved of that duty.
 4. The supervisor acting as control supervisor at the conclusion of the pursuit will complete all appropriate paperwork.
 - a. Any other supervisor who acted as control supervisor, or became involved in a supervisory capacity at any time during the pursuit, will write a supplement documenting their involvement.