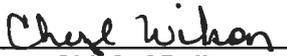


LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> August 26, 2015		<i>Amended Date</i>		<i>Directive</i> 7.10.1	
<i>Subject</i> Vehicle Pursuits					
<i>Reference</i>				<i>Approved</i>  Cheryl Wilson Chief of Police	
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition Program Reference</i> 7.13; 7.14; 7.18; 7.19		<i>Review Date</i>	
				<i>Pages</i> 9	

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. 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. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

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

SECTION 2 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. Further, forcible measures to stop a fleeing driver, as detailed below, are prohibited except where deadly force is appropriate.

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

SECTION 3 DEFINITIONS

- A. **Emergency Equipment:** Flickering, blinking, LED, or alternating emergency lights and a siren, whistle or air horn designed to give intermittent signals automatically.
- B. **Department Vehicles:** Vehicles owned or leased by the Lancaster Police Department.
- C. **Marked Vehicles:** Vehicles with conspicuous markings or colors that identify them as police vehicles and are fully equipped with emergency equipment.
- D. **Unmarked Vehicles:** Vehicles **without** conspicuous markings or colors that identify them as police vehicles and are fully equipped with emergency equipment; such vehicles include, but are not limited to, those assigned to administrative personnel, detectives, investigators, and members of other specialized units.
- E. **Authorized Emergency Vehicles:** Lancaster Police Department vehicles equipped with emergency equipment, these vehicles may, or may not be conspicuously marked as police vehicles.

LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> August 26, 2015	<i>Amended Date</i>	<i>Directive</i> 7.10.1
<i>Subject</i> Vehicle Pursuits		

- F. **Authorized Pursuit Emergency Vehicle:** A conspicuously marked police vehicle of the Lancaster Police Department equipped with operable emergency equipment to include emergency warning lights (red and blue) and siren, and which is pursuit rated by the manufacturer.
- G. **Normal or Routine Driving:** That driving which 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," and courtesy.
- H. **Emergency Driving:** That driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. Sections 546.001; 546.002 and 546.005, Texas Transportation Code.
- I. **Supervisor:** A supervisor is a supervising officer with rank of Sergeant or higher.
- J. **Rolling Roadblock:** One or more police units assuming a position in front of or beside the pursued vehicle to bring it to a standstill or off the roadway.
- K. **Primary Officer/Unit:** The first officer to initiate the pursuit.
- L. **Secondary Officer/Unit:** Any officer who becomes involved as a backup to the primary officer/unit and follows the primary officer at a safe distance.
- M. **Vehicle Pursuit:** An active attempt by a law enforcement officer in an authorized emergency vehicle as defined by Section 541.201, Texas Transportation Code to apprehend one or more occupants of a moving motor vehicle, providing the driver of such vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing his speed or by ignoring the law enforcement officer's attempt to stop him. Following a vehicle being operated legally, but ignoring the law enforcement officer's attempt to stop them, does not constitute a pursuit.

SECTION 4 GENERAL PROCEDURES

A. INITIATION OF PURSUITS AND PURSUIT PROCEDURES (TPCA 7.13)

- 1. Involvement of an offender's vehicle may increase the risk of harmful result to the officer and innocent third parties in a pursuit. Officers must realize that they may be held responsible for death, injury, or property damage caused by the pursued offender's actions. Engaging in a pursuit requires a conscious weighing of the risk of harm from the offender's escape against the risk of harm posed by the pursuit itself. This balance must continue as the pursuit progresses. Authority to initiate a pursuit may not justify its continuation. Continuing a pursuit would not be reasonable, for example, after the officer learns that the offender may be apprehended otherwise at less risk or that the risk of harm to others from the offender's escape is less than the risk of the pursuit itself. Among factors to be considered in deciding to engage in or continue pursuit are:
 - a. nature of the offense for which the pursuit was initiated;
 - b. driving behavior of the suspect being pursued;
 - c. time of day, road, weather, and vehicle conditions;

LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> August 26, 2015	<i>Amended Date</i>	<i>Directive</i> 7.10.1
<i>Subject</i> Vehicle Pursuits		

- d. knowledge of the offender's identity, possible destination, and previous activities;
 - e. likelihood that the suspect could be apprehended otherwise;
 - f. risk of harm to others from the offender's escape;
 - g. risk of the pursuit itself;
 - h. any other factors that bear on weighing the risk of harm of continuing the pursuit against the risks of not apprehending the suspect or recovering the property
2. Officers are prohibited from pursuing for traffic violations only. Pursuits may be initiated when the officer reasonably determines from the circumstances that it will not expose any person to a risk of collision, injury, or death greater than a reasonable need to apprehend the offender or recover property and one of the following conditions exist:
 - a. A Texas Penal code felony offense which involves the threat of injury, or involves the act of injury, serious bodily injury, or death and has been committed in the officer's presence or the officer has reasonable grounds to believe it has been committed and the offender is escaping the officer's presence and the officer reasonably believes it is immediately necessary to apprehend the offender or recover property; or
 - b. If the offense of driving while intoxicated (DWI) has been committed in the officer's presence or the officer has reasonable grounds to believe it was committed and the officer reasonably believes it is immediately necessary, and can clearly articulate the need to apprehend the offender to protect others from an immediate threat of death or serious bodily injury; or
 - c. Pursuit initiated by another agency and that agency has requested assistance in the pursuit, and the pursuit's initiation was not based solely for traffic or misdemeanor non-violent offenses. However, if a single vehicle from another jurisdiction is engaged in a pursuit that enters into Lancaster jurisdiction, and request assistance, one Lancaster unit may participate in the pursuit, for the purpose of providing backup and emergency assistance to the initiating agency. However, termination of the Lancaster unit must be made as soon as possible.
 - d. A pursuit will not be initiated solely on the officer witnessing the offense of evading.
3. An officer engaged in a lawful pursuit under this directive may operate a patrol vehicle in excess of the posted and applicable speed limits and may reasonably violate other traffic laws and regulations necessary in order to maintain the pursuit for the purpose of apprehending a violator, but only if the necessary emergency lights and siren are activated (designating it as an emergency vehicle), and only if the utmost safety is ensured for the officer and others.
4. Even though the officer is legally engaged in pursuit and in compliance with this directive, the officer is neither relieved of the duty to drive with "due regard" for the safety of all persons, nor is the officer protected from the consequences of any reckless disregard for the safety of others.

LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> August 26, 2015	<i>Amended Date</i>	<i>Directive</i> 7.10.1
<i>Subject</i> Vehicle Pursuits		

The officer must exercise that degree of care, which a reasonably prudent officer in the discharge of similar duties and under similar circumstances would use. It is understood that the officer's ability to supervise or control other motorist by nature of existing circumstances is limited, but it is the officer's duty to avoid contributing to the danger already created by the violating motorist.

5. When attempting to stop a suspect, the officer attempting to initiate the stop must keep in mind personal safety and try everything within their authority to apprehend the suspect without resorting to a pursuit.
6. When a pursuit is initiated, the officer shall immediately notify the telecommunicator that a pursuit is in progress. The telecommunicator shall immediately close the radio channel to all other traffic except emergencies. The telecommunicator will also notify the on-duty supervisor of the pursuit. The initiating or unit joining a pursuit will immediately notify the tele-communicator of:
 - a. unit number;
 - b. direction of travel and the name of the roadway;
 - c. traffic and road conditions (i.e. heavy and wet);
 - d. speed;
 - e. description of the pursued vehicle and occupants; and
 - f. reason (offense) for the pursuit
7. No more than two (2) officers and a supervisor may be in a pursuit at one time, unless authorization is given by a supervisor.
8. No assisting officer shall move toward the route of a pursuit without notifying the tele-communicator or the original pursuing unit of that movement.
9. When two or more units are pursuing, the second unit shall coordinate all radio traffic, unless superseded by a supervisor or telecommunicator acting on orders from a supervisor.
10. Units responding to assist and who are not involved in the actual pursuit, should concentrate on covering the streets parallel to the pursuit route. This will assist in capturing the evader, or at least discourages the evader from continuing flight. This also enables officers to be of further assistance in the event the violator eludes the primary pursuing unit, or abandons the vehicle and flees on foot. In the event a foot pursuit ensues, the officer shall notify the telecommunicator of the location, remove keys from the police vehicle, and check the evader's vehicle for other occupants who may have hidden before beginning foot pursuit.
11. During pursuit, a safe distance based on the speed and traffic volume on the roadway, shall be maintained between all vehicles enabling pursuing officers to duplicate any sudden turns or stops and lessen the possibility of a collision.

LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> August 26, 2015	<i>Amended Date</i>	<i>Directive</i> 7.10.1
<i>Subject</i> Vehicle Pursuits		

12. The use of a stationary or rolling roadblock is prohibited. (TPCA 7.18) Deliberate physical contact between vehicles at any time is prohibited unless predicated on the same factors that are justifiable in an officer's use of deadly force.
13. No officer will pursue a vehicle, when accompanied by civilian passengers.
14. 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 are aware of the officer's presence.
 - b. Resume pursuit speed only when safe. When using emergency lights and siren the officer is requesting the right of way and does not absolutely have the right to run a red traffic light or stop sign.
15. Officers shall not fire their weapons from a moving department vehicle, except:
 - a. When an occupant of the vehicle is using or attempting to use deadly force on an officer or other persons.
 - b. As a last resort to prevent death or substantial harm to the officer or other person and/or at the direction of an on-duty supervisor who has been made aware of the situation.
16. Because of potential dangers involved, pursuing officers shall not pull alongside of an evader, or attempt to force the evader into a ditch, curb, parked car, or other obstacle.
17. Although officers engaged in a pursuit may generally disregard certain traffic regulations, at no time will officers pursue the wrong way on a freeway, divided roadway, on any one way roadway, or with complete disregard for all traffic and/or legal restrictions. If a suspect drives in a direction opposite to the flow of traffic, the pursuing officer shall notify the tele-communicator 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.

B. SAFETY IMPEDIMENTS AND OBSTACLES

1. To avoid being arrested, many violators will take unnecessary chances. Regardless of the extenuating circumstances, the officer shall not duplicate these hazards. In the apprehension of an evader, the officer must be sensitive to the public's reaction. This means that in all cases the officer must operate their vehicle in a manner that shows consideration of the officer's own safety, the safety of the evader, and above all, the safety of others who may be using the roadway. Because of the many handicaps the officer encounters, the officer must recognize and accept the fact that it will not be possible to apprehend each and every person evading.
2. The primary pursuing officer is never by any reason obligated to continue a pursuit. The primary pursuing officer may abandon a pursuit at any time in the interest of safety. That officer and/or the tele-communicator shall immediately communicate their decision to abandon a pursuit (via radio)

**LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

<i>Effective Date</i> August 26, 2015	<i>Amended Date</i>	<i>Directive</i> 7.10.1
<i>Subject</i> Vehicle Pursuits		

to all other units. Upon receiving information that the primary pursuing officer is abandoning the pursuit, all other units shall immediately abandon the pursuit.

3. A pursuit will be terminated when the danger to the public and officers exceeds the need to apprehend the fleeing suspect or directed by a supervisor.
4. A supervisor is required to request continued updates regarding the pursuit, and has the authority to terminate the pursuit at any time.
5. No officer shall initiate or participate in a pursuit in any vehicle that is not equipped with emergency lights and siren.
6. If pursuit is necessary, officers in unmarked vehicles equipped with emergency equipment (lights and siren) will pursue only as long as it can be done safely, and until a marked squad can intercept and pick up the pursuit. When a marked squad has taken over as the primary pursuer, the unmarked squad may serve as cover for the primary pursuing officer, until another marked unit can take the secondary position. A supervisor may authorize an unmarked vehicle with equipped emergency equipment to continue in a pursuit. Because of the limitations of the equipment being used, officers operating unmarked units shall exercise a great degree of care and caution when operating an unmarked unit with emergency equipment.

C. INTER-JURISDICTIONAL PURSUIT POLICY

1. Before entering another jurisdiction during a pursuit, the pursuing officer shall request the telecommunicator to make notification to the agency into which the pursuit is entering. The notification shall contain the following information:
 - a. pursuit is about to enter their jurisdiction;
 - b. reason for the pursuit and nature of violation;
 - c. location and direction of the pursuit ;
 - d. complete description of the vehicle and occupants;
 - e. number of units involved in the pursuit;
 - f. whether or not assistance is needed;
 - g. when applicable, notify the agency when pursuit is leaving their jurisdiction, or the location of the termination of the pursuit
2. The initiating agency will have control and be responsible for the pursuit. Other agencies will not participate unless requested to assist. Lancaster officers will not participate in a pursuit from another jurisdiction if the pursuit violates department's guidelines and directives as related to initiation and continuance of pursuits.

LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> August 26, 2015	<i>Amended Date</i>	<i>Directive</i> 7.10.1
<i>Subject</i> Vehicle Pursuits		

3. No more than three (3) units from the combined jurisdictions will be involved in any pursuit. The three (3) units will consist of two (2) pursuing units and one (1) supervisor.
4. During a pursuit involving more than one agency, the following practices are strictly prohibited:
 - a. roadblocks or barriers;
 - b. ramming;
 - c. forcing evader off roadway;
 - d. shooting at evader, except to protect against the use of unlawful deadly force
5. Responsibilities of initiating agency:
 - a. arraignment of arrested persons;
 - b. disposition of any passenger;
 - c. disposition of arrested person's vehicle;
 - d. coordination of all reports, citations, and criminal charges
6. As a matter of courtesy, a supervisor from the agency where the pursuit is terminated will be requested to respond to the termination location so that he or she may be informed of all pertinent information regarding the pursuit.

D. USE OF STOP STICKS (TPCA 7.19)

1. When properly used, Stop Sticks have the potential to save lives, protecting the motoring public, and prevent unnecessary damage to city vehicles. Stop Sticks are only to be used on motor vehicles such as cars and trucks. They are prohibited from being used on motorcycles, bicycles, all-terrain vehicles (ATV) and four-wheelers. Stop Sticks work best when properly deployed on a paved surface.
2. Officers must communicate via radio that the Stop Sticks are being deployed.
3. Stop Sticks must be pre-loaded in the nylon sleeve, with the cord reel attached in the storage position inside the back or trunk of the patrol vehicle.
4. Stop Sticks should be removed along with the attached cord reel from the back or trunk of the patrol vehicle and once removed close the back or trunk of vehicle so as to not block the visibility of the vehicle's emergency lights.
5. The Stop Sticks should be placed (perpendicular) to the roadway on the shoulder. The officer shall then unreel the cord across the roadway. The Stop Sticks should not be attached to any part of an officer's body or uniform. If time does not permit the aforementioned actions the Stop Sticks should be tossed in front of the suspect vehicle.

LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> August 26, 2015	<i>Amended Date</i>	<i>Directive</i> 7.10.1
<i>Subject</i> Vehicle Pursuits		

6. Immediately after the suspect vehicle has traveled over the Stop Sticks the deploying officer should immediately pull the sticks out of the way so they do not pose a hazard to pursuing vehicles.

7. Vehicle Placement

- a. The deploying vehicle should be placed on the side of the roadway facing the direction of the pursuit, and with all emergency lights activated. The deploying vehicle may be angled slightly to narrow the roadway, in efforts to force the suspect to drive over the Stop Sticks.
- b. Any emergency vehicle involved in the deployment of Stop Sticks shall not be occupied.
- c. When possible a second vehicle should be placed on the opposite side of the roadway, with all emergency lights activated. This will hopefully funnel the suspect's vehicle toward the direction of the Stop Sticks.

8. Officer Positioning

- a. The deploying officer should be ten (10) to twenty (20) feet in front of their patrol vehicle when deploying Stop Sticks. If the patrol unit is facing towards the pursuit the officer should position themselves ten (10) to twenty (20) feet to the rear of their vehicle.
- b. The deploying officer is responsible for reporting the use of the Stop Sticks to their supervisor. The deploying officer will be responsible for completing a memorandum detailing their actions. The memorandum must be attached to the departmental pursuit critique. In addition, the supervisor on-duty during the Stop Stick deployment is responsible for completing an online "Pursuit Reporting Form" at www.stopstick.com. A copy of the completed online report shall also be printed and accompany the pursuit critique and memorandum.
- c. Only officers who have received approved training in the deployment of Stop Sticks are authorized to deploy them. It is the responsibility of the supervisor or officer who provided the training to ensure it is properly recorded with the Training Supervisor.

E. PURSUIT DOCUMENTATION (TPCA 7.14)

1. Each officer responsible for initiating a pursuit is responsible for documenting the incident on a departmental "Vehicle Pursuit Form." The officer shall complete the vehicle pursuit form by the end of the officer's shift and submit it through their chain of command for review.
2. The officer responsible for initiating a pursuit shall complete an offense/incident report in the department's Records Management System by the end of the officer's shift and submit it to the on-duty supervisor for review and approval.
3. All officers involved in a vehicle pursuit (secondary units or used or attempted to use Stop Sticks) shall complete a supplement report (under the assigned offense/incident number) in the

**LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

<i>Effective Date</i> August 26, 2015	<i>Amended Date</i>	<i>Directive</i> 7.10.1
<i>Subject</i> Vehicle Pursuits		

department's Records Management System by the end of the officer's shift and submit it to the on-duty supervisor for review and approval.

4. The on-duty supervisor shall ensure that all participating officers document their involvement in the pursuit whether or not the suspect was stopped and the use or attempted use of Stop Sticks by an officer.
5. The supervisor shall tag and download two (2) copies of the in-car videos and body worn camera videos from all officers involved in the pursuit or Stop Stick deployment.
6. The supervisor shall review the pursuit for compliance with policy and complete the supervisor review section on the bottom of the vehicle pursuit form. The supervisor shall forward the vehicle pursuit form, memorandum of Stop Stick deployment (if applicable), offense/incident report, arrest report (if applicable), all in-car and body worn camera videos from officers involved in the pursuit or Stop Stick deployment and any other information that would be helpful during the review of the pursuit and forwarded to the Chief of Police, via the supervisor's chain of command.
7. The Chief of Police will review the report and determine compliance with policy. The Chief of Police will inform the supervisor of his or her findings. Should a policy violation be identified, the Chief of Police will direct that an investigation be conducted as necessary.
8. Annually, the Operation Division Assistant Chief of Police will complete an annual report of the department's vehicle pursuits. The report will identify trends and draw conclusions about the need for policy changes, training or changes in equipment. The report will be presented to the Chief of Police for final review and decisions on any changes.

F. SCOPE OF RESPONSIBILITY

1. All members of the department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.