

# Austin Police Department

## Policy Manual

### Force Review Board

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- (g) Recommendations on the quality and timeliness of the reporting, investigation, and chain-of-command review.

#### **212.5 FORCE REVIEW BOARD RECOMMENDATIONS AND FOLLOW-UP**

##### **(a) Corrective Actions:**

1. If the FRB Report contains approved recommendations for corrective actions for specific personnel (e.g., training), the Chief shall assign it to the appropriate assistant chief.
2. The assigned assistant chief shall ensure the approved recommendations are implemented.
  - (a) Upon completion of the recommended corrective action(s), the assistant chief shall prepare and forward a memorandum documenting the completion to the Force Review Board and Chief of Staff within thirty (30) calendar days of receipt, unless extended by the Chief.

##### **(b) Department-Related Recommendations:**

- (a) If the FRB report contains Department-related recommendations (e.g., policy revision, equipment evaluation, tactical changes, Training Bulletins, or improvements in the quality and timeliness of the reporting, investigation, and chain-of-command review), the Chief shall assign the required tasks to the appropriate assistant chief.
- (b) The assistant chief shall implement the approved recommendations and present a status update to the Command Staff at the next Command Staff meeting. Recommendations shall be placed on the agenda until completed.
- (c) The Chief of Staff shall monitor and document the implementation of Board recommendations and advise the Chief when:
  - (a) Implementation is completed.
  - (b) An extension has been requested and the reason for the extension request.
  - (c) Implementation has not been completed within thirty (30) calendar days and no extension has been requested.

#### **212.6 RECORDS RETENTION AND REPORTING**

##### **212.6.1 RECORDS RETENTION**

The FRB Chairperson shall add the original FRB reports and any additional documents/material into the Inquiry Packet and forward it to IA.

IA shall serve as the custodian of records for Force Review Board Reports, Response to Resistance Inquiry Packets, In-Custody Death Inquiry Packets, and Vehicle Pursuit Report

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Packets if the pursuit resulted in serious bodily injury or death to any person. Records shall be retained consistent with IA's records retention policy.

#### 212.6.2 ANNUAL REPORTING

The following annual reports shall be prepared and distributed by the end of the third quarter of the following year to the Chief.

- (a) The commander over Internal Affairs shall prepare an annual Response to Resistance analysis report.
- (b) The chairperson of the FRB shall prepare an annual analysis of all incidents examined by the FRB in the prior year to identify any patterns and practices that have policy, training, tactical, equipment, quality control, or other implications.

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## Vehicle Pursuits

### 214.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers, and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related crashes. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a subject is generally not more important than the safety of the public and pursuing officers.

#### 214.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable and decisions made pursuant to this policy shall be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the same circumstances. An unreasonable desire to apprehend a fleeing subject at all costs has no place in professional law enforcement.

### 214.2 DEFINITIONS

**Channel** - A tactic designed to cause a violator's vehicle to follow a particular path by blocking side streets and/or exit ramps with a patrol unit that has its emergency lights on.

**Terminate** - Deactivate lights and siren, and cease pursuit.

**Tire Deflation Device (TDD)** - A device that extends across the roadway designed to puncture the tires of the pursued vehicle. These are also known as Spikes or Tack Strips.

**Vehicle Pursuit** - An active attempt by a law enforcement officer in a motor vehicle to apprehend the occupant(s) of another moving motor vehicle when the driver is not merely failing to stop at the direction of an officer using emergency lights and siren, but is actively attempting to evade apprehension or is continuing to commit further violation(s) of the law.

**Precision Immobilization Technique** - A technique used to terminate a hazardous vehicle pursuit situation.

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#### **214.3 PURSUIT CONSIDERATIONS AND RESTRICTIONS**

The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway (as required by Tex. Transp. Code § 546.005).

##### **214.3.1 RESTRICTIONS ON VEHICLE PURSUITS**

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

- (a) The subject evades after having committed only:
  - 1. Any Class C Offense, including traffic; or
  - 2. A non-hazardous traffic violation, regardless of the class of offense.
- (b) The subject is committing, or has committed, only a misdemeanor other than suspected DWI/DUI, and his identity is known to the officer.
- (c) The officer has a prisoner, subject, or other non-police passenger who has not signed a liability release.
- (d) 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.

##### **214.3.2 FACTORS TO CONSIDER BEFORE INITIATING A PURSUIT**

With the exception of the specified restrictions on vehicle pursuits listed in this policy, officers are authorized to initiate a pursuit when it is reasonable to believe that a subject is attempting to evade arrest or detention by fleeing in a vehicle.

- (a) The following factors will be considered both individually and collectively when deciding whether to initiate or continue a pursuit:
  - 1. Seriousness of the known or reasonably suspected crime and its relationship to community safety.
  - 2. The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
  - 3. Apparent nature of the fleeing subject (e.g., whether the subject represents a serious threat to public safety).
  - 4. Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.
  - 5. The identity of the subject has been verified and there is comparatively minimal risk in allowing the subject to be apprehended at a later time.

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6. Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
7. Pursuing officer's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.
8. Weather, traffic, and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the subject's escape.
9. Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
10. Vehicle speeds.
11. Other subjects in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
12. Availability of other resources such as aircraft assistance.

#### 214.3.3 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known, or which reasonably ought to be known, to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the subject's escape. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to motorists, themselves, and the public when electing to continue a pursuit. This section shall not be construed to authorize a pursuit that is expressly prohibited as outlined in the Restrictions on Vehicle Pursuits section of this policy.

- (a) The factors listed in this policy on when to initiate a pursuit are expressly included herein and shall also apply to the decision to discontinue a pursuit. In addition to those factors listed, the following should also be considered in deciding whether to terminate a pursuit:
  1. Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
  2. Pursued vehicle's location is no longer definitely known.
  3. Officers shall discontinue the pursuit when they become aware their vehicle has developed a mechanical malfunction. 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.

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- (c) Physical damage that affects the performance, maneuverability, or functioning of the vehicle.
- 4. Hazards to uninvolved bystanders or motorists.
- 5. If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- 6. Directed by a supervisor.
- 7. Pursuit speeds:
  - (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
  - (b) Pursuit speeds have exceeded the driving ability of the officer.
  - (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

#### 214.3.4 PURSUIT DRIVING CONSIDERATIONS AND RESTRICTIONS

The decision to use specific driving tactics requires the same assessment of factors to be considered concerning pursuit initiation and termination. The following driving tactics apply to units involved in a pursuit:

- (a) Officers will space themselves from other involved vehicles, in consideration of their driving skills and vehicle performance capabilities, so they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle and other police units.
- (b) Officers should not attempt to pass other units in a pursuit unless the situation indicates otherwise or requested to do so by the primary unit or control supervisor.
- (c) In the event that the pursued vehicle drives the wrong way on a roadway, the following tactics should be used:
  - 1. Request Air Support assistance.
  - 2. If a divided roadway, maintain visual contact with the pursued vehicle by paralleling on the correct side.
  - 3. Request other units to watch for exits available to the vehicle.
- (d) Officers will not pursue a vehicle driving the wrong way on a:
  - 1. Highway or Freeway,
  - 2. Highway or Freeway frontage / service roads, or
  - 3. any roadways that are:

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- (a) directly connected to highway/freeway entry or exit ramps, or
- (b) adjacent to or running parallel to a highway or freeway.
- (e) Officers have an obligation to drive with a due regard for the safety of lives and property. Driving the wrong way on a roadway does not necessarily protect the officer from the consequences of a disregard for traffic and/or legal restrictions.

#### 214.4 PURSUIT GUIDELINES

Pursuit units shall be limited to four vehicles (three units and a control supervisor); however, a control supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely stop the pursuit and/or arrest the subject(s). All other officers will stay out of the pursuit but should remain alert to its progress and location.

- (a) All officers involved in a pursuit shall:
  - 1. Operate their police unit with emergency lights and siren activated (Code 3).
  - 2. Ensure their Mobile Audio Video (MAV) recording system has been activated if their vehicle is equipped with one.
- (b) Any officer who drops out of a pursuit may, with permission of a control supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance in the arrest of the subject(s).
  - 1. The term "trail" means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.
- (c) Pursuit communications shall be handled as follows:
  - 1. If a pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher.
  - 2. If a pursuit contains multiple agencies and/or leaves APD jurisdiction, Communications will determine the appropriate radio channel to use.

#### 214.4.1 POLICE MOTORCYCLES AND UNMARKED UNITS

Police motorcycles and unmarked units equipped with emergency lights and siren may initiate a pursuit; however, those officers should terminate their involvement in the pursuit immediately upon arrival of a sufficient number of distinctively marked law enforcement vehicles equipped with emergency lights and siren, or any law enforcement aircraft.

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#### 214.4.2 POLICE UNITS WITHOUT EMERGENCY EQUIPMENT

Police units not equipped with emergency lights and siren are generally prohibited from initiating or joining in a pursuit. Officer(s) in such vehicles may become involved in emergency activities involving serious crimes or life-threatening situations; however, those officers should terminate their involvement in the pursuit immediately upon arrival of a sufficient number of distinctively marked law enforcement vehicles equipped with emergency lights and siren, or any law enforcement aircraft.

#### 214.4.3 UNITS NOT INVOLVED IN A PURSUIT

- (a) There shall be no paralleling of a pursuit route by officers not authorized to be in a pursuit.
- (b) Officers not directly involved in the pursuit are authorized to proceed safely to controlled intersections ahead of the pursuit and use emergency equipment to warn vehicular and pedestrian traffic in an effort to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.
- (c) Non-pursuing personnel needed at the termination of a pursuit should respond in the appropriate manner based on the totality of the circumstances and type of assistance needed.

#### 214.4.4 SUPERVISORS INITIATING A PURSUIT

- (a) When a supervisor initiates a pursuit, another supervisor working in the same area should acknowledge the pursuit over the radio and assume responsibility as the control supervisor.
  - 1. If a supervisor in the same area is unavailable, and no supervisor volunteers as control supervisor, Communications shall notify the nearest available field supervisor that a control supervisor is needed. Corporals serving as acting sergeants may not assume responsibility as the control supervisor in this situation.
  - 2. Acknowledgment by the appointed control supervisor must be made by radio.
- (b) The supervisor who initiates the pursuit may continue pursuing the subject vehicle until such time as patrol units are able to assist, or the pursuit is terminated.
  - 1. As authorized patrol units engage the pursuit, the initiating supervisor will allow those units to take up the first and subsequent positions behind the subject vehicle and call the pursuit.
  - 2. The initiating supervisor shall move to the last position behind the authorized units and assume the role of control supervisor.
- (c) Once the initiating supervisor is in a position to assume the role of control supervisor, they shall advise Communications by radio that they are now control supervisor and the previous control supervisor shall be relieved.

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- (d) The supervisor acting as control supervisor at the conclusion of the pursuit shall complete all appropriate paperwork.
  - 1. Any other supervisor who acted as control supervisor, or became involved in a supervisory capacity at any time during the pursuit, shall write a supplement documenting his involvement.

#### 214.4.5 PURSUITS INITIATED BY OTHER LAW ENFORCEMENT AGENCIES

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not participate in, join, or assume control of a pursuit initiated by another agency unless approved by a supervisor or the Watch Lieutenant. As soon as practicable, a supervisor or the Watch Lieutenant should review a request for assistance from another agency to determine if assistance will be provided.

- (a) At no time should a request to join or take over a pursuit from another agency that has entered this jurisdiction be granted if it violates the considerations and restrictions on vehicle pursuits outlined in this policy, with the following exceptions:
  - 1. Authorization to participate in the pursuit may be granted for the sole purpose of ending the pursuit using TDD's, PIT or other approved devices and methods as outlined in this policy, regardless of the reason for the pursuit.
  - 2. In the event that a pursuit from another agency terminates within this jurisdiction, approval may be given to provide appropriate assistance to officers from the allied agency including, but not limited to, scene control, containment, subject search, completion of supplemental reports, and any other assistance requested or needed.
- (b) Pursuit assistance to an allied agency by officers of this department should terminate at the City limits. Ongoing participation from this department may only continue with the approval of a supervisor.

#### 214.4.6 APD PURSUITS ENTERING OTHER JURISDICTIONS

- (a) Officers should request communications to notify the appropriate law enforcement agency when it appears that the pursuit may enter another jurisdiction.
- (b) When a pursuit enters another agency's jurisdiction, the primary officer or supervisor should determine whether to request the other agency to assume the pursuit by taking into consideration distance traveled, unfamiliarity with the area, and other pertinent factors.

#### 214.4.7 LOSS OF PURSUED VEHICLE AND SUBJECT BAILING

- (a) When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the vehicle. The control supervisor will determine if the pursuit should be terminated and whether Air Support should continue searching the area.

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- (b) When subjects abandon the vehicle and flee on foot, the primary unit will be responsible for coordinating any further search with the permission of the control supervisor.

#### **214.5 PURSUIT UNIT ROLES AND RESPONSIBILITIES**

This section outlines the roles and responsibilities of police units involved in a pursuit.

##### **214.5.1 PRIMARY UNIT RESPONSIBILITIES**

The initial pursuing officer will be the primary pursuit unit and is responsible for the conduct of the pursuit unless unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the subject(s) without unreasonable danger to themselves or other persons.

- (a) The primary unit should notify Communications on the appropriate primary channel corresponding to the area the vehicle pursuit was initiated in and, as soon as practicable, provide the following information:
1. Reason for the pursuit.
  2. Location and direction of travel.
  3. Speed of the fleeing vehicle.
  4. Description of the fleeing vehicle and license number, if known.
  5. Number of occupants.
  6. The identity or description of the known occupants.
  7. Evasive actions being taken by the fleeing vehicle (e.g., disregard of traffic control devices, intentional collisions, driving on the wrong side of the roadway).
  8. Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.
- (b) Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

##### **214.5.2 SECONDARY UNIT(S) RESPONSIBILITIES**

- (a) The second officer in the pursuit is responsible for the following:
1. Immediately notify the dispatcher of entry into the pursuit.
  2. Broadcast the progress of the pursuit unless the situation indicates otherwise.
- (b) The secondary unit should remain a safe distance behind the primary unit unless directed to assume the role of primary unit (e.g., the primary unit is unable to continue the pursuit).

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##### 214.5.3 CONTROL SUPERVISOR RESPONSIBILITIES

It is the policy of this department that supervisor control shall be exercised over all vehicle pursuits involving officers from this department.

- (a) The immediate supervisor (sergeant or corporal) of the officer initiating the pursuit, or if unavailable, the nearest available field supervisor (sergeant or corporal) shall assume the responsibility as the control supervisor.
- (b) The control supervisor is responsible for the following:
  - 1. Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
  - 2. Engage in the pursuit when appropriate and provide on scene supervision.
  - 3. Exercise management and control of the pursuit even if not engaged in it.
  - 4. Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
  - 5. Direct that the pursuit be terminated if, in his judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
  - 6. Ensure that aircraft assistance is requested.
  - 7. Ensure that the proper radio channel is being used.
  - 8. Ensure the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
  - 9. Control and manage APD units when a pursuit enters another jurisdiction.
  - 10. Prepare a post pursuit critique and analysis of the pursuit for training purposes.

##### 214.5.4 COMMUNICATIONS RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Communications shall:

- (a) Broadcast an alert tone citywide to inform officers that a pursuit is in progress.
- (b) Assign an incident number and log all pursuit activities.
- (c) Coordinate communications of the involved units and personnel.
- (d) Notify and coordinate with other involved or affected agencies, as needed.
- (e) Broadcast updates and other pertinent information, as necessary.
- (f) Ensure that the Communications supervisor and appropriate lieutenant are notified of the pursuit.

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1. If the lieutenant over the area where the pursuit initiated is unavailable or does not respond in a timely manner, the nearest available lieutenant shall be contacted.
- (g) Notify the Watch Lieutenant as soon as practicable.
- (h) Dispatchers shall keep other areas of the city advised if the pursuit is likely to enter or cross into multiple areas.
- (i) Upon verbal confirmation that a pursuit has been terminated, Communications shall again broadcast the designated citywide alert tone signifying the pursuit has been terminated.

#### **214.5.5 AIR SUPPORT RESPONSIBILITIES**

Once the Air Unit has established visual contact with the pursued vehicle and is capable, it should start calling the actions of the pursuit to allow ground units to focus on driving. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

- (a) The Air Unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the Air Unit determines that it is unsafe to continue the pursuit, the Air Unit should recommend terminating the pursuit.
- (b) 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 subject. 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 Air Unit indicates that the subject vehicle has stopped, the control supervisor may authorize ground units to proceed to the vehicle location. The control supervisor shall determine the manner in which units respond.
  1. If the control supervisor denies permission to track, the Air Unit will break off all contact with the subject.
  2. If the Air Unit determines, in the interest of safety, that it can no longer assist or continue tracking the subject, the Air Unit shall notify the control supervisor.

#### **214.5.6 WATCH LIEUTENANT RESPONSIBILITIES**

Upon becoming aware that a pursuit has been initiated, the Watch Lieutenant should monitor and continually assess the situation.

#### **214.6 APPROVED PURSUIT INTERVENTION AND TERMINATION TACTICS**

Any approved tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in the vehicle being pursued. It is imperative that officers act within the bounds of legality, good judgment, accepted practices, and policy.

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- (a) Certain applications of intervention and termination tactics may be construed to be a use of force, including deadly force, and are subject to Department policies guiding such use and reporting.
- (b) In deciding whether to use an approved tactic, officers and supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers, and subjects in or on the pursued vehicle. With these risks in mind, the decision to use any tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.
- (c) Unless exigency exists, the use of intervention tactics should be employed only after approval of a supervisor.

#### 214.6.1 USE OF FIREARMS

Officers should exercise good judgment and not place themselves in the path of a moving vehicle since doing so may increase the likelihood of having to resort to the use of deadly force.

- (a) Unless it reasonably appears that it would endanger officers or the public, officers are expected to move out of the path of any approaching vehicle.
- (b) Officers shall adhere to the guidelines set forth in Policy 202 (Firearm Discharge Situations) in regards to the discharge of a firearm at or from a moving vehicle.

#### 214.6.2 TIRE DEFLATION DEVICE (TDD)

The use of a Tire Deflation Device (TDD) should be approved in advance by the control supervisor and deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is transporting hazardous materials, or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

- (a) TDD's shall not be used when a motorcycle is involved in the pursuit.
- (b) TDD Deployment
  - 1. Only officers who have received and successfully completed Department approved training in the application and use of an approved TDD shall use this intervention tactic.
  - 2. The following scenarios require supervisor approval prior to TDD deployment:
    - (a) The fleeing vehicle has made overt attempts to strike any other vehicles, persons, or structure during the pursuit, or
    - (b) There is a reasonable belief that the suspect is armed (independent witness claims, self-admittance, multiple victim statements, etc.)

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3. Officers who are driving units equipped with a TDD and are authorized to deploy the TDD may proceed Code 3 to a location likely to be in path of the pursuit.
4. TDD units shall advise Communications when they have reached the deployment site and give their location.
5. Prior to deploying TDD officers shall consider the following:
  - (a) The need to continue pursuit versus terminating the pursuit in the event the deployment of TDDs are ineffective;
  - (b) The risk to the public or pursuing law enforcement vehicles caused by the deployment of the TDD; and,
  - (c) The hazard to the occupants of the pursued vehicle.
6. After a deployment site has been established, the control supervisor may authorize other units to operate Code 3 in order to channel the fleeing vehicle to this location.
  - (a) Channeling may include blocking freeway exits and/or major side streets.
  - (b) 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.
  - (c) Police units shall activate all emergency lighting while blocking exits or streets.
7. The officer calling the pursuit shall broadcast the identity of the target vehicle to the TDD unit when the pursuit approaches the deployment site. The information should include details of the vehicle such as license plate, color, make and model.
  - (a) The target vehicle should be visually confirmed by the TDD unit to reduce errors in deployment.
  - (b) All pursuing units should maintain at least a three to five second gap behind the target vehicle to allow sufficient time for the setup and retrieval of the TDD.
  - (c) Pursuing vehicles should proceed cautiously upon approaching and crossing the TDD site.

#### 214.6.3 PRECISION IMMOBILIZATION TECHNIQUE

The use of the PIT should be approved in advance by the control supervisor. Officers and supervisors should weigh the need to immediately stop the vehicle based on the driving behavior and risk to the public, versus apprehension of the suspect, or termination of the pursuit.

- (a) PIT shall not be performed on the following vehicles:
  1. Motorcycle.
  2. All-Terrain Vehicle.
  3. Vehicles pulling trailers.

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4. Tractor trailers.
5. Large Motor homes.
6. Vehicle's carrying known hazardous materials.

#### (b) Special PIT Considerations

1. If known, the use of PIT should generally be avoided in the following situations:

- (a) Pickup truck with passengers in the bed.

#### (c) PIT Application

1. The primary unit involved in a pursuit may attempt to utilize the PIT to end a pursuit provided the risks to the public outweigh the risks of continuing the pursuit.
  - (a) The primary unit will be certified to perform the PIT. If the primary unit is not certified, the control supervisor will authorize a PIT certified officer to move to the front of the other police vehicles to perform the PIT.
2. Other units involved in the pursuit will assist with the Tactical Vehicle Containment once the PIT is performed.
  - (a) If additional units are utilized in the pursuit, they are responsible for immediately notifying the dispatcher of their entry into the pursuit.
3. Prior to deploying PIT officers shall:
  - (a) Give the operator of the suspect vehicle a reasonable opportunity to stop and comply with police authority.
  - (b) Ensure that there are at least two additional units in the pursuit.
  - (c) Consider the risk to the public and suspect from utilizing the PIT, versus terminating the pursuit.
  - (d) Advise communications and the officers involved in the pursuit that he/she is going to attempt the PIT by using the phrase "PIT, PIT, PIT" and identify whether or not the Tactical Vehicle Containment (TVC) is a "two" or "three" vehicle containment.
  - (e) Under normal circumstances, a PIT maneuver at speeds above 40 mph should not be applied. However, if exigent circumstances exist, higher speeds may be authorized with supervisor approval.
  - (f) At the conclusion of a successful PIT application, tactical vehicle containment procedures shall be used by all officers when practical.

#### (d) Reporting PIT

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1. Any attempt or use of PIT against another vehicle shall be documented in the related incident report/supplements.
  2. For the purposes of reporting and review:
    - (a) PIT is a Level 2 force incident, unless the PIT results in serious bodily injury or death.
    - (b) PIT is a Level 1 force incident if the PIT results in serious bodily injury or death.
- (e) Post PIT Requirements
1. The Special Investigations Unit shall be called to all crashes resulting in serious bodily injury or death as a result of PIT.
  2. A CR-3 is not required after the utilization of the PIT unless there is damage to third-party property. In the event of third-party property damage as a result of a PIT, an incident title code "crash/city vehicle" (3651) will be included in the report with the following documentation included in the pursuit packet:
    - (a) A CR-3.
    - (b) A large, not to scale, diagram; and
    - (c) Digital photographs of the scene/including damage to vehicle(s)/person(s).

#### 214.6.4 LOW SPEED INTERVENTION

Other than an approved usage of PIT, police vehicles shall not be used to 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:

- (a) The pursued vehicle is at a *stop or near stop*; and
- (b) The police vehicle is maneuvering at low speed; and
- (c) Doing so would reduce or eliminate the risk associated with the pursuit continuing.

Before engaging in such actions, officers must consider the unintended consequences of the low speed intervention and recognize that a better course of action may be to terminate the pursuit altogether.

#### 214.6.5 STARCHASE PURSUIT MANAGEMENT SYSTEM

The StarChase system allows an officer to remotely affix a GPS tracking device to a pursued (or about to be pursued) vehicle using an air pressure system to discharge the tracker from the front of the StarChase equipped patrol car to the vehicle in front of it. Once the tracker is affixed, its location can be tracked by an employee (StarChase Monitor) using a computer with an internet connection. This concept is similar to a RAT/GPS.

- (a) For the purpose of clarity of communications, radio traffic should identify the device as "StarChase".

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- (b) StarChase equipment in the patrol vehicle will only be operated by officers who have been trained in its use. StarChase equipped vehicles will not be assigned to officers who are not trained on its use unless required by exigent circumstances.
- (c) Except as specified below, officers shall use their own judgment regarding affixing a StarChase tag upon a pursued vehicle and do not need prior approval from a supervisor:
  - 1. All safety decisions related to the discharge of a StarChase tag rest with the operating officer. While supervisors may direct or approve the deployment of a StarChase equipped patrol car in a pursuit and/or the discharge of a tag, safety decisions related to passing other involved vehicles and the actual discharge of the device rest solely upon the operating officer whose decisions must take into account the guidelines contained in this Special Order and the APD policy regarding pursuits. In accordance with policy, the safety of officers, uninvolved persons and persons inside the pursued vehicle shall be considered. The following decisions are specifically included:
    - (a) Whether the officer can safely maneuver close enough to the suspect vehicle to come within targeting range.
    - (b) Whether the officer can safely pass any other vehicle involved in the pursuit.
    - (c) Whether any circumstance would indicate the device would not work (e.g. weather conditions, suspect vehicle weaving, etc.)
- (d) StarChase equipped patrol cars, with approval from a supervisor, are authorized to respond Code 3 to join a pursuit for potential use of the device.
  - 1. Unless directed otherwise, the StarChase equipped vehicle will join the pursuit at the rear of authorized pursuing vehicles until cleared to pass.
  - 2. Once a StarChase equipped vehicle joins a pursuit, it becomes an authorized unit as it relates to the number of authorized pursuing vehicle.
  - 3. StarChase equipped vehicles may pass other pursuing vehicles only when deemed safe and only with specific permission from the unit to be passed. Permission is to be sought and acknowledged one passing at a time. Officers driving the StarChase equipped vehicle will identify which side of the overtaken vehicle they will pass.
- (e) StarChase tags will be deployed in accordance with training.
  - 1. Once the StarChase tag has been successfully deployed, pursuing vehicles should normally drop back significantly from the suspect vehicle.
  - 2. Officers will maintain constant communication with the StarChase Monitor for speed/direction/location updates of the suspect vehicle.
  - 3. The Control Supervisor will coordinate with the StarChase Monitor to direct resources and officers to appropriate locations to apprehend the suspect.
  - 4. No officer who is driving a moving patrol car will access the StarChase Monitor data as this creates an unnecessary hazard.
- (f) Tactical Considerations

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1. The StarChase tag will not normally be deployed in the following situations unless the suspect poses a substantial risk to the public:
  - (a) During heavy rain.
  - (b) While driving on exceptionally rough terrain.
  - (c) On a motorcycle.
  - (d) When pedestrians are between or very near the suspect vehicle and the StarChase equipped vehicle.
- (g) In addition to the normal pursuit reporting procedures required by policy, Officers who use the StarChase system will report all tag deployments to the Police Technology Unit by using an electronic reporting form; the electronic address of this form will be provided to officers during training conducted for the StarChase system.

#### **214.7 REPORTING AND REVIEW REQUIREMENTS**

##### **214.7.1 INVOLVED OFFICER(S) RESPONSIBILITY**

All officers involved in the pursuit will write a detailed incident report or supplement and submit their MAV media as evidence. This includes the primary officer initiating the pursuit, any secondary officer(s), and any additional officer(s) who assisted with the pursuit (e.g., Officers using a TDD, Air Support).

##### **214.7.2 CONTROL SUPERVISOR RESPONSIBILITIES**

The control supervisor shall promptly complete an electronic officer involved pursuit folder and forward the link by email to an on-duty lieutenant over the area where the pursuit was initiated. Additionally, the supervisor will complete the pursuit log on SharePoint and a supplement report for the offense. The packet should contain:

- (a) The supervisor's supplement report will include the following information:
  1. Date/Time of pursuit.
  2. Length of pursuit.
  3. Involved units and officers.
  4. Initial reason for pursuit.
  5. Starting and termination points.
  6. Any attempts or uses of PIT and the level of force reviewed.
  7. Disposition: arrest, citation or other release. Arrestee information should be provided if applicable.
  8. Injuries and/or property damage.
  9. Medical treatment.
  10. Acknowledgment of the pursuit via Communications.

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11. Assumption of control supervisor duties.
  12. Any on-scene response.
  13. Internal pursuit review initiation
  14. Weather conditions
  15. That any items of evidentiary value are submitted in accordance with policy.
  16. If the DMAV was operational and identify the pertinent files by the involved officers' employee numbers and the DMAV file numbers.
  17. A notation whether photographs were taken of the scene, property damage or any injuries and indicate that those photographs are located in the Digital Crime Scene application.
  18. A notation whether there was a response to resistance incident and if so, that an internal inquiry has been initiated.
- (b) Create an electronic folder with the case number in the folder G:\Digital Pursuit Packet containing:
1. Incident and supplement reports from all involved officers.
  2. CAD call history.
  3. Crash report and diagrams, if applicable.
  4. Copies of all audio and/or video media of the pursuit. If a recording includes audio/video media from a Digital Mobile Audio Video (DMAV) in car-system, supervisors shall state in the supplement report that the video is located on the DMAV system. Supervisors are not required to provide a physical copy of the audio/video media from a DMAV in car-system.
- (c) Complete the SharePoint pursuit log and include the following items in the comments section:
1. Pursuit Duration (minutes and seconds)
  2. Policy Violations (specific violation)
  3. Training Issues (specific issue)
  4. Tactical Issues (specific issue)
  5. DMAV Files Bookmarked (APxxxx File #)
  6. Audio File , " Yes/No Note: If a wave file was obtained it should be placed in the pursuit folder on the G drive (G:\Digital Pursuit Packet).
  7. Photographs - Yes/No
  8. Injuries (officer/suspect)

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- (d) Provide a debriefing to the primary officer's shift(s) within 10 days. The supervisor may forward the debriefing to the other involved officer's supervisors.

#### **214.7.3 LIEUTENANT RESPONSIBILITIES**

After receiving copies of reports, logs, and other pertinent information the lieutenant or designee shall:

- (a) Review the pursuit log on SharePoint for completeness.
- (b) Review the information contained in the electronic folder, SharePoint, and on the MAV media.
- (c) Prepare a critique memorandum which provides the following information:
  - 1. An overview of the pursuit.
  - 2. Notation of any procedural issues found.
  - 3. Notation of any policy violations.
  - 4. Notation of any training issues.
  - 5. Notation of any tactical issues.
  - 6. A determination whether the pursuit is in compliance with this policy or if additional review and/or follow up is warranted.
- (d) Attach the critique memorandum to the file on the SharePoint site
- (e) Notify the initiating officer's commander, via e-mail with a link and/or case management queue, that the pursuit log is ready for their review.
- (f) Notify the commanders of any other officers involved in the pursuit, via e-mail with a link, that the pursuit is ready for their review.

#### **214.7.4 COMMANDER RESPONSIBILITIES**

- (a) If the initiating officer's commander determines that the pursuit falls within policy guidelines, he shall enter a case note in the Versadex Report indicating his findings.
- (b) If the initiating officer's commander determines that the pursuit violates policy guidelines, he shall ensure that appropriate corrective actions are taken. Notification of the corrective action taken shall be made to their Assistant Chief.
- (c) If the pursuit resulted in death or serious bodily injury the pursuit packet link shall be forwarded via email to the chairperson of the Force Review Board.

#### **214.8 DEATH OR SERIOUS BODILY INJURY DURING PURSUITS**

The Vehicular Homicide Unit shall forward pursuit packet link via email to the chairperson of the Force Review Board when the pursuit resulted in death or serious bodily injury.