



**OFFICE OF THE DIRECTOR  
THE UNIVERSITY OF TEXAS SYSTEM POLICE  
POLICIES AND PROCEDURES MANUAL**



TITLE: <b>EMERGENCY DRIVING IN PURSUIT AND NON-PURSUIT SITUATIONS</b>		
POLICY NUMBER: <b>C-2</b>	EFFECTIVE DATE: <b>09/01/04</b>	RESCINDS / AMENDS: <b>II-86-14 6/1/91 &amp; I-74-3 10-1-98</b>
RELATED LAWS: <b>Texas Transportation Code, Chapter 546, Subchapter A</b>		RELATED STANDARD(S) / RULE(S): <b>System Police Standard s 11.2.1 &amp; 11.2.2</b>

**I. PURPOSE:**

To establish a uniform policy concerning emergency driving in pursuit and non-pursuit situations.

**II. EMERGENCY DRIVING – GENERAL:**

A. Authorization:

1. The operation of a police vehicle as an authorized emergency vehicle is governed by the Texas Transportation Code, Chapter 546, Subchapter A. (see Appendix-A).
2. University of Texas System Police vehicles are authorized to be operated as emergency vehicles in compliance with this policy in non-pursuit and pursuit situations.

B. Emergency Mode:

1. The use of visual and audible equipment on police vehicles is governed by the Texas Transportation Code, Section 546.003.
2. When operating a System Police vehicle as an authorized emergency vehicle, the officer will immediately activate all emergency lights and siren unless one of the exceptions to same is justified under Section 564.004 Texas Transportation Code (see Appendix-A).

(NOTE: Officers who are operating in emergency mode should not operate the emergency flashers, as that will make the turn signals inoperative.)

3. Section 546.005, Texas Transportation Code puts officers on notice that a certain “duty of care” exists. This section points out that operators of emergency vehicles are not relieved from: (1) the duty to operate the vehicle with appropriate regard for the safety of all persons or, (2) the consequences of reckless disregard for the safety of others. (See Appendix-A)
  4. Officers will immediately notify the Dispatcher.
  5. Officers will not operate a police vehicle in emergency mode if it is occupied by any passengers other than another police officer.
  6. Police vehicles without emergency lights and sirens will not be operated as emergency vehicles.
- C. The Chiefs of Police at institutions in The University of Texas System whose officers have occasion to use police emergency equipment off campus should contact the Chief of Police or an appropriate police official in their respective cities and determine the following:
1. The provisions of the city ordinance relating to the use of emergency equipment in the city;
  2. The policy of the police department with regard to the operation of emergency vehicles;
  3. Any other policy that may affect the use of emergency vehicles off the property of The University of Texas System.

### **III. EMERGENCY DRIVING IN NON-PURSUIT SITUATIONS:**

A. Definition of Emergency Driving in Non-Pursuit Situations:

Emergency driving in non-pursuit situations is defined as the operation of an authorized emergency vehicle with emergency lights and siren activated by a police officer in response to a life threatening or a violent crime in progress, using due regard for the safety of others.

B. Limitations on Emergency Driving in Non-Pursuit Situations:

Emergency responses shall be made only when the incident involves a life-threatening situation or a violent crime in progress.

C. Decision to Drive in Emergency Mode (Non-Pursuit Situation):

1. In the event a component police department has in effect a policy concerning non-pursuit emergency driving which is more restrictive than this policy, the component’s policy will take precedence over this policy.

2. In the absence of a component policy, the decision to drive in emergency mode will be discretionary with each individual officer, based on the following considerations:
  - a. When deciding to initiate or continue driving in emergency mode, officers will consider such factors as traffic volume, time of day, and potential hazard or liability to themselves and the public.
  - b. Officers will have sufficient information to justify the decision to drive in emergency mode.
  - c. Officers responding to an "officer needs assistance" type call must bear in mind that even though a rapid response is important, they must arrive at the scene safely in order to be of assistance.
3. Supervisors will override the officer's decision to drive in emergency mode if, in their judgment, it is not warranted or is unsafe. The Supervisor will normally be responsible to make this determination.

#### **IV. EMERGENCY DRIVING IN PURSUIT SITUATIONS:**

##### **A. Definitions of Pursuit Driving:**

A motor vehicle pursuit is an active attempt by a law enforcement officer, operating an emergency vehicle in emergency mode, to apprehend one or more occupants of another moving vehicle, when the driver of a fleeing vehicle is aware of that attempt and is resisting apprehension by maintaining or increasing the speed of the vehicle and/or disobeying traffic laws and/or ignoring the officer and/or attempting to elude the officer.

##### **B. Policies Governing Vehicular Pursuits:**

1. Prohibitions Concerning Vehicular Pursuits:
  - a. Probable cause must exist for the belief that a felony offense is being or has been committed and failure to apprehend a suspect immediately may result in loss of life or serious bodily injury to another.
  - b. No more than two (2) marked emergency vehicles will be involved in the immediate pursuit. Other police vehicles will be support units and will not be operated in emergency mode.
  - c. Police vehicles will not be used for the following purposes:
    - (1) Ramming the suspect vehicles;

- (2) Boxing in or surrounding a suspect vehicle;

(NOTE: Marked and unmarked units may be used to box in an unaware suspect in order to prevent flight.

- (3) To overtake, drive along side, or force suspect vehicle off the roadway;
- (4) Create roadblocks.

2. Units Involved in Pursuit:

a. Primary Unit:

The first unit to become involved in a vehicular pursuit will be designated the primary vehicle. Upon activating the emergency lights and siren, the officer will notify the Dispatcher of the following information:

- (1) The unit identifier;
- (2) The location and direction of travel of the suspect vehicle;
- (3) The charge involved;
- (4) The license number, vehicle description and number of occupants, if known.

b. Backup Unit:

If a second marked police unit is available, its role will be to serve as the backup unit and it must be driven in emergency mode.

- (1) The backup vehicle will follow the primary vehicle at a safe distance.
- (2) Unless specifically authorized by a police supervisor, additional police units will not operate in emergency mode and will not follow the primary and backup units.

c. Support Unit(s):

Additional units will serve as support and will not become actively involved in the pursuit or violate traffic laws or operate in emergency mode.

- (1) Support units will cover escape routes.

- (2) Marked support units will be available to assume a backup or primary role should one of those units be unable to continue the pursuit.
- (3) If a support vehicle inadvertently intercepts the suspect vehicle, the support vehicle will not attempt to intervene. The support vehicle will attempt to obtain additional vehicle or occupant(s) description.

3. Determining Necessity of Pursuit:

- a. The on-duty supervisor will determine whether the pursuit is justified and immediately notify the primary unit via the Dispatcher or direct radio contact whether to continue or discontinue the pursuit.
- b. In the event no supervisor is available, the officer of the primary unit is solely accountable for compliance with this policy.

4. Considerations Involving Pursuit:

The following factors shall be considered by officers and supervisors in making the decision to pursue, to continue a pursuit, or to terminate a police pursuit:

- a. Environmental factors such as rain, fog, ice, snow, or darkness that would substantially increase the danger of pursuit.
- b. The officer is unable to inform the Dispatcher accurately of the location and direction in which the pursuit is proceeding.
- c. Traffic conditions are congested. This would be especially appropriate during rush hour traffic or during the interval between classes on campus.
- d. The pursued vehicle proceeds the wrong way on any freeway, divided highway, or one-way street. At no time will officers pursue violators the wrong way on a freeway.
- e. Variables such as performance capabilities of the vehicles involved and road conditions.

5. Conditions Requiring Termination of Pursuit

Pursuits will be terminated immediately under the following conditions:

- a. When any police supervisor orders the pursuit terminated.
- b. The distance between the officer and suspect is such that continuing the pursuit would place the officer or the public in serious danger.

- c. The primary officer loses visual contact with the suspect for an extended period of time (approximately 15-20 seconds). This is not to imply that the officers must cease looking for the suspect, but they must slow to a safe speed after loss of visual contact.
  - d. When there is a clear and unreasonable hazard to the officer, fleeing suspect and/or any other persons. This may be due to excessive speed, reckless driving movements, or the erratic driving of the suspect which exceeds the performance capabilities of the vehicles or the drivers.
  - e. When the danger created by the pursuit outweighs the necessity for immediate apprehension.
6. Pursuit Involving Other Agencies or Jurisdictions:
- a. Another Agency Pursues Vehicle into Campus Jurisdiction:
    - (1) System police officers will not assist in active pursuit unless requested by the pursuing agency and such assistance is approved by a supervisor from within their department.
    - (2) At no time will a System Police unit become actively engaged in a pursuit if two police vehicles from another agency are already in active pursuit.
    - (3) If the pursuing agency is joined by System Police serving in a backup role, and the agency's backup unit arrives to assist, the System Police unit will terminate active pursuit and cease operation in emergency mode.
  - b. System Police Pursuit Leaves Campus Jurisdiction and Enters Another Jurisdiction:
    - (1) The primary officer will advise the Dispatcher that the pursuit is leaving the campus.
    - (2) The supervisor handling the pursuit will re-evaluate the entire incident and make the decision to let the pursuit continue or terminate.
    - (3) If the agency with primary off-campus jurisdiction authority joins an active pursuit:
      - (a) The System Police will assume a backup role
      - (b) When, and if, a second unit from the agency with primary off-campus jurisdiction arrives, the System Police unit

serving in the backup role will discontinue the pursuit, cease operation in emergency mode, but remain available to provide assistance to the pursuing units if the violator is apprehended.

- (c) Any unit in a backup role when the pursuit leaves the campus will immediately discontinue the pursuit when the first unit from the law enforcement agency with primary jurisdiction arrives.

c. Other Agency Involvement in System Police Pursuit Within Campus Jurisdiction:

- (1) The primary unit will, if possible, advise the Dispatcher of the identity of the other law enforcement agency involved so that the Dispatcher can make contact and begin communications with this agency to advise them as to the role the other agency will perform.
- (2) Due to limited radio communications with other law enforcement agencies, the assigned supervisor shall re-evaluate the pursuit and terminate if necessary.
- (3) Upon active involvement by the other law enforcement agency, any System Police unit serving as the backup unit will cease operating in emergency mode and will assume the role of a support unit.
- (4) At no time will System Police units be involved in multi-vehicle pursuits with other law enforcement agencies. For the purpose of this policy, a maximum of two units are authorized to operate in emergency mode in a pursuit situation.

7. Supervisor's Responsibilities:

- a. A supervisor will immediately, upon hearing of a police pursuit, take command of the situation. The supervisor will be accountable for compliance with this policy until the pursuit is terminated. (The supervisor of the officer who initiates the pursuit should normally be the supervisor assuming command.)
- b. In the event a Sergeant does not take command immediately, the shift Lieutenant will assume command and/or assign a Sergeant.
- c. Any police supervisor may order a pursuit terminated, if in their best judgment, the necessity of the apprehension is outweighed by the level of danger.

- d. In the event there is no supervisor available to evaluate the pursuit, the officer(s) involved are solely accountable for compliance with this policy.

C. Reports:

1. All officers who are involved in a pursuit will complete a report detailing the facts associated with the pursuit.
2. The officer's supervisor will review the reports for accuracy and policy compliance.
3. The supervisor will write a detailed report, containing recommendations if applicable, of the pursuit incident.
4. The file containing the officers' and supervisor's reports will be forwarded through the chain of command to the chief.

D. Review:

1. A review of all pursuits will be conducted by the officer's chain of command.
2. The purpose of the review is to determine if:
  - a. The pursuit complied with departmental and System policy;
  - b. There are training needs to be considered, or
  - c. Any policy changes need to be considered.

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## APPENDIX A

### TEXAS TRANSPORTATION CODE (excerpt)

#### CHAPTER 546. OPERATION OF AUTHORIZED EMERGENCY VEHICLES AND CERTAIN OTHER VEHICLES

##### SUBCHAPTER A. AUTHORIZED EMERGENCY VEHICLES

###### § 546.001. Permissible Conduct

In operating an authorized emergency vehicle the operator may:

- (1) park or stand, irrespective of another provision of this subtitle;
- (2) proceed past a red or stop signal or stop sign, after slowing as necessary for safe operation;
- (3) exceed a maximum speed limit, except as provided by an ordinance adopted under Section 545.365, as long as the operator does not endanger life or property; and
- (4) disregard a regulation governing the direction of movement or turning in specified directions.

###### § 546.002. When Conduct Permissible

- (a) In this section, "police escort" means facilitating the movement of a funeral, oversized or hazardous load, or other traffic disruption for public safety purposes by a peace officer described by Articles 2.12(1)-(4), (8), and (22), Code of Criminal Procedure.
- (b) Section 546.001 applies only when the operator is:
  - (1) responding to an emergency call;
  - (2) pursuing an actual or suspected violator of the law;
  - (3) responding to but not returning from a fire alarm;
  - (4) directing or diverting traffic for public safety purposes; or
  - (5) conducting a police escort.

§ 546.003. Audible or Visual Signals Required

Except as provided by Section 546.004, the operator of an authorized emergency vehicle engaging in conduct permitted by Section 546.001 shall use, at the discretion of the operator in accordance with policies of the department or the local government that employs the operator, audible or visual signals that meet the pertinent requirements of Sections 547.305 and 547.702.

§ 546.004. Exceptions to Signal Requirement

- (a) A volunteer fire fighter who operates a private vehicle as an authorized emergency vehicle may engage in conduct permitted by Section 546.001 only when the fire fighter is using visual signals meeting the pertinent requirements of Sections 547.305 and 547.702.
- (b) An authorized emergency vehicle that is operated as a police vehicle is not required to be equipped with or display a red light visible from the front of the vehicle.
- (c) A police officer may operate an authorized emergency vehicle for a law enforcement purpose without using the audible or visual signals required by Section 546.003 if the officer is:
  - (1) responding to an emergency call or pursuing a suspected violator of the law with probable cause to believe that:
    - (A) knowledge of the presence of the officer will cause the suspect to:
      - (i) destroy or lose evidence of a suspected felony;
      - (ii) end a suspected continuing felony before the officer has obtained sufficient evidence to establish grounds for arrest; or
      - (iii) evade apprehension or identification of the suspect or the suspect's vehicle; or
    - (B) because of traffic conditions on a multilaned roadway, vehicles moving in response to the audible or visual signals may:
      - (i) increase the potential for a collision; or
      - (ii) unreasonably extend the duration of the pursuit; or
  - (2) complying with a written regulation relating to the use of audible or visible signals adopted by the local government that employs the officer or by the department.

§ 546.005. Duty of Care

This chapter does not relieve the operator of an authorized emergency vehicle from:

- (1) the duty to operate the vehicle with appropriate regard for the safety of all persons; or
- (2) the consequences of reckless disregard for the safety of others.