

From the DPS General Manual

05.67.00 EMERGENCY AND PURSUIT OPERATIONS WITHOUT USE OF EMERGENCY WARNING DEVICES (Rule §1.191)

The following guidelines will be observed by Department personnel when taking advantage of the exceptions provided for emergency vehicles in Transportation Code, Section 545.365, SPEED LIMIT EXCEPTION FOR EMERGENCIES, AND Chapter 546, OPERATION OF AUTHORIZED EMERGENCY VEHICLES AND CERTAIN OTHER VEHICLES.

67.01 Guidelines. When operating a unit so equipped, an officer will activate the siren and/or emergency lights before a pursuit or emergency run begins and will continue such activation until the pursuit or emergency run is concluded as required by Transportation Code Section 546.003.

The option (as provided by Transportation Code, Section 546.004) of not using the siren and/or emergency lights may be exercised when, in the driver's opinion, one or more of the following conditions exists:

1. If knowledge of a Department member's presence will cause a suspect to destroy evidence of a suspected felony or cause a loss of evidence of a suspected felony.
2. If knowledge of a Department member's presence will cause a suspect to cease a suspected continuing felony before sufficient evidence has been acquired to establish grounds for arrest.
3. If knowledge of a Department member's presence will cause a suspect to evade apprehension or identification of the suspect or his vehicle.
4. If traffic conditions on a multi-lane roadway are such that movements of motorists in response to the emergency warning devices may increase the potential for a collision or may unreasonably extend the duration of the pursuit or emergency run.
5. If the Department vehicle is not equipped with siren or emergency lights.

In deciding not to operate the emergency lights or siren in compliance with the above exceptions, the driver should give consideration to the safety of others as required by Transportation Code, Section 546.004.

From the Texas Highway Patrol Manual

05.04.95.00 EMERGENCY AND PURSUIT OPERATIONS ([Rule 1.91, Texas Administrative Code, Title 37, Part 1, Chapter 1, Subchapter N](#))

05.04.95.01 The Texas Department of Public Safety complies with [Texas Transportation Code, §546.004](#), requirements that promulgate exceptions to the operation of an authorized emergency vehicle that is used for law enforcement purposes. The exceptions relate to operation without the use of audible and visual warning devices.

05.04.95.02 In deciding not to operate the emergency lights or siren in compliance with the provisions of [Texas Transportation Code, §546.004](#), the driver of the emergency vehicle should consider the safety of others.

05.04.95.03 Policy. Members have an obligation to the citizens of the state of Texas to protect their lives and property, especially on the highways.

1. On routine assignment, the Trooper should always give consideration to the traffic conditions existing, the terrain, and the condition of the roadways in their area. The mission of apprehension cannot be accomplished if the officer is involved in a collision.
2. The Department recognizes that while it is the trooper who initiates the traffic stop, it is the violator who initiates a vehicle pursuit. There are many times when it is not practicable to continue pursuit of a violator. The decision of when to abandon pursuit can only be made by the officer involved. When, in the judgment of the officer, the mission of the Department can no longer be served or when it becomes evident that continued pursuit will bring about unwarranted danger to the public or to the officer, they should delay the arrest or abandon the pursuit and take whatever legal action is practicable. Strong consideration on abandoning a pursuit should be given especially if the suspect's identity is known, later apprehension can occur, and there's no immediate threat to the public safety other than the threat created by the offense of evading.
3. Troopers shall make an objectively reasonable determination to begin or continue a vehicle pursuit based upon the following factors:
 - a. The underlying crime for which the suspect is being pursued (e.g., whether the crime is a life threatening felony or misdemeanor property crime).
 - b. The actions of the suspect driver.
 - c. Whether the identity of the suspect is known to the point where later apprehension is possible.
 - d. Volume, type, speed, and direction of vehicular traffic, including the vehicle pursued.
 - e. Nature of and familiarity with the area (e.g., residential, commercial, school zone, open highway).
 - f. Environmental factors (e.g., weather, darkness, lighting, visibility).
 - g. Road conditions (e.g., construction, poor repair, extreme curves, intersections controlled by traffic signals or signs). H. Population density and volume of pedestrian traffic.
4. The employee's First Line supervisor shall review and evaluate each pursuit from an objectively reasonable standpoint, considering the totality of the circumstances and report the findings to the chain of command.
5. In pursuits involving multiple DPS units, one unit will naturally be a lead unit in the pursuit. Assisting units have an obligation and duty to alert the lead Trooper to possible dangers that may be present or that the lead Trooper cannot see do to their proximity to the fleeing vehicle or tunnel vision.

Assisting Troopers when practical, should help alleviate the lead unit's task burden by assisting with radio traffic and coordination efforts with other troopers and agencies.

6. The law provides certain exceptions to the speed limits, parking, stopping, and turning movements when such activities are necessary for an officer to carry out their duties.
7. Members will refrain from driving a vehicle over, across, or within any median strip, dividing space, or physical barrier on a divided highway except under conditions requiring necessary police action.
8. In all cases, before a Trooper crosses a median, consideration will be given to the potential hazards to themselves, their equipment, and the public.
9. The above exceptions for emergency operation do not relieve the officer from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the officer from the consequences of reckless disregard for the safety of others. The use of a siren or emergency lighting does not reduce the need for cautious defensive driving.
10. No traffic law violator will be directed to stop within the median strip except under extreme emergency conditions when it is vital that they be stopped at once and when stopping on the right hand side is not feasible or practicable.
11. Use of Spot Lamp. When it becomes necessary for a member, during the course of enforcement responsibilities, to use a spot lamp or take-down lamp on a vehicle in motion, good judgment shall be utilized to ensure the safety of all persons. These devices will not ordinarily be used on vehicles moving in the main traffic lanes. (Exception: Usage should not be restricted when the officer perceives that the situation poses a potential threat to their safety or that of the public.)