



PROPER USE OF VEHICLES & RELATED EQUIPMENT

Enforcement Division
Policy Number: LE 5.01.01

Effective Date: 2/1/08

POLICY

Certified peace officers (CPOs) will use agency-owned vehicles and related equipment according to the law, TABC policies and procedures included in this manual, the *TABC Fleet Management Plan*, and the *TABC Driving Policy*. It is the responsibility of the CPO to know and understand laws and TABC policies and procedures relating to the use of vehicles.

PROCEDURES

a. Storage of Vehicle While Off-Duty.

1. When off-duty, a CPO will store the CPO's agency-owned vehicle at his or her residence or in a secure area approved by a supervisor.
2. CPOs living farther than 30 miles from his or her assigned office may be required to park his or her vehicle in a secure location within 30 miles of his or her assigned office and approved by a supervisor when off-duty.
3. A CPO will not use an agency-owned vehicle for any activities unrelated to TABC duties or to transport individuals unrelated to TABC duties.

b. Proper Use of Vehicle While On-Duty.

1. CPOs will operate their vehicles according to the *TABC Driving Policy*.
2. If a CPO executes a vehicle stop, the CPO will complete a *Vehicle Stop Report* for each person with whom the CPO makes contact in the vehicle.

c. Proper Use of Emergency Equipment.

1. CPOs will use emergency equipment, as circumstances require.
2. If a CPO chooses to engage in an emergency response or in a pursuit, he or she must turn on the vehicle's emergency equipment, including the red and blue lights and the siren, during the entire emergency response or pursuit. Exceptions to this rule include situations in which a CPO has probable cause to believe that:
 - knowledge of the CPO's presence will cause the suspect to destroy or lose evidence of a suspected felony;
 - knowledge of the CPO's presence will cause the suspect to cease a suspected continuing felony before the CPO has acquired sufficient evidence to make an arrest;
 - knowledge of the CPO's presence will cause the suspect to evade apprehension or identification of the suspect or his or her vehicle; or

- traffic conditions on the road suggest that movement 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.

d. Pursuits

1. CPOs may only participate in pursuits when:
 - these policies and procedures do not otherwise prohibit the pursuit, and
 - the need to apprehend the suspect outweighs the risk to the public created by carrying out the pursuit.
2. Before participating in a pursuit and when determining whether to continue a pursuit, a CPO will consider:
 - the nature of the suspected violation;
 - the performance capability of the pursuit vehicle;
 - the condition of the road surface;
 - the amount of vehicular and pedestrian traffic;
 - the weather conditions;
 - the age of the suspect and whether the suspect's identity is known; and
 - the direction of travel away from or toward traffic.
3. CPOs may not participate in pursuits when:
 - the suspect is committing, or has committed, a non-hazardous traffic violation or a Class C misdemeanor other than a breach of the peace; or
 - the CPO has a civilian passenger in the vehicle who has not signed a liability release form.
4. A CPO participating in a pursuit will drive with regard for the safety of persons, motorists, and property. If a fleeing vehicle drives the wrong direction on a roadway, the CPO will not do the same. The CPO will follow the suspect on a parallel roadway in the correct direction.
5. The TABC prohibits CPOs from participating in the following acts:
 - firing shots at the vehicle being pursued, except in defense of life;
 - using a vehicle to ram, bump, push, collide with and physically force another vehicle off of the roadway, or pretend to do so unless the use of deadly force would be absolutely justified;
 - using a vehicle to set up roadblocks;

- driving with a total disregard for all traffic laws; and
 - failing to maintain a safe distance behind the fleeing vehicle to allow for sudden stops, changes in direction, or unexpected obstacles.
6. As soon as possible after initiating a pursuit, the CPO will alert others to the pursuit via radio broadcast and provide the following information:
- the reason for the pursuit;
 - the location of the pursuit;
 - the direction of travel and rate of speed;
 - the description and license plate number of the fleeing vehicle;
 - a description of the driver and occupants of the vehicle; and
 - a description of evasive actions being used by the fleeing vehicle, such as running without headlights, intentional collisions, and driving on the wrong side of the road.
7. When participating in a pursuit, a CPO will yield to ambulances and fire equipment.
8. A CPO will abandon a pursuit when immediate and potential danger to the community exceeds the immediate and potential danger presented by the subject escaping. After abandoning the pursuit, the CPO will notify other law enforcement via radio broadcast of abandoning the pursuit due to the potential danger.
9. A CPO who has participated in a pursuit will notify his or her sergeant or supervisor as soon as reasonably possible.
- The CPO will complete and submit a report on the pursuit to his or her sergeant or supervisor before the end of the shift.
 - The sergeant or supervisor will notify the captain as soon as reasonably possible.
 - The sergeant or supervisor will make all reports available via the agency computer system by the next business day.

e. Emergency Responses.

1. CPOs may respond to emergency calls when:
- a CPO requires or requests assistance;
 - an emergency involves a felony;
 - an emergency involves death, serious bodily injury, or the risk of death or serious bodily injury; or
 - the CPO is in the immediate area of the emergency call and no local authority is

nearby.

2. A CPO will discontinue an emergency response when:
 - the CPO learns that the emergency has ended;
 - the CPO learns that sufficient assistance has been provided by others; or
 - a sergeant or supervisor advises the CPO to do so.

f. Civilian Passengers Permitted.

1. **TABC Employees.** TABC employees who are not CPOs may ride and observe CPOs' work for TABC-related purposes only after receiving approval from the employee's supervisor and the CPO's supervisor.
2. **Other Civilians.** With supervisor approval, CPOs may allow persons who are not TABC employees to accompany CPOs as civilian passengers if their purpose is related to the agency's mission. Civilians who are not TABC employees must sign a *Release of Liability* form and an *Authorization to Release Information* form before riding in the vehicle.
3. When considering whether to approve a person as a civilian passenger, a supervisor should consider:
 - the conditions under which the observation will take place;
 - whether the civilian will present a threat to the safety of anyone; and
 - whether the civilian will impede the CPO from performing his or her duties.

- g. Vehicle Accidents.** In the event of a vehicle incident, the CPO will follow the procedures detailed in the *TABC Driving Policy* and the *Texas Alcoholic Beverage Commission Fleet Management Plan* and use the *Accident Investigation* form to complete the required report.

FORMS

Vehicle Inspection Report
Vehicle Stop Report
Release of Liability, Form HR-47
Authorization to Release Information, Form HR 41.1
Accident Investigation, Form 4-102

REFERENCE

TABC Fleet Management Plan
TABC Driving Policy
