



Homeland Security Investigations

Emergency Driving Handbook

HSI HB 12-02 / May 10, 2012



U.S. Immigration
and Customs
Enforcement


Foreword

The Emergency Driving Handbook provides a single source of policies, procedures, responsibilities, guidelines, and controls to be followed by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents and other authorized HSI law enforcement officers when engaging in emergency driving while enforcing laws within the scope of their authority. This Handbook contains instructions and guidance to help ensure uniformity and operational consistency among all HSI field offices. (Note: On June 9, 2010, the ICE Offices of Investigations (OI), International Affairs (OIA), and Intelligence were realigned under HSI. Throughout this Handbook, documents issued prior to the June 9, 2010, realignment are referred to by their original titles, which reflect the office that issued them, e.g., OI instead of “HSI”.)

The Emergency Driving Handbook supersedes U.S. Customs Service (USCS) Directive 4510-018A, “Emergency Driving” (June 21, 2002); Immigration and Naturalization Service (INS) Administrative Manual (AM) 1120.02, “High Speed Vehicular Pursuits” (undated); INS AM 4214.01, “High Speed Vehicular Pursuits” (July 21, 1992), and INS memorandum, “Investigative Interim Policy Regarding Vehicular Pursuits” (September 23, 1992). (Note: On October 8, 2010, all chapters of the INS Special Agent Field Manual and INS Investigator’s Handbook that had not yet been superseded by an ICE OI or HSI Handbook in the Special Agent Manual, or that had not been included in the Special Agent Manual to be updated or reissued, were cancelled, including INS Special Agent Field Manual, Section 48.2, “Pursuit Policy” (undated).) All other directives, memoranda, bulletins, manuals, handbooks, and other guidelines and procedures relating to emergency driving previously issued by the former USCS or INS, the former ICE OI, OIA, or Intelligence, or by HSI prior to the date of issuance of this Handbook no longer apply to HSI and are hereby superseded.

The Emergency Driving Handbook is an internal policy of HSI and does not confer any right or benefit on any private person or party. If disclosure of this Handbook or any portion of it is demanded in any judicial or administrative proceeding, the HSI Records and Disclosure Unit, as well as the Office of the Principal Legal Advisor at Headquarters and the local U.S. Attorney’s Office, are to be consulted so that appropriate measures can be taken to invoke privileges against disclosure. This Handbook contains information which may be exempt from disclosure to the public under the Freedom of Information Act, Title 5, United States Code, Section 552(b), and protected from disclosure in civil discovery pursuant to the law enforcement privilege. Any further request for disclosure of this Handbook or information contained herein should be referred to the HSI Records and Disclosure Unit.

The HSI Policy Unit is responsible for coordinating the development and issuance of HSI policy. All suggested changes or updates to this Handbook should be submitted to the HSI Policy Unit.



James A. Dinkins
Executive Associate Director
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Date

EMERGENCY DRIVING HANDBOOK

Table of Contents

Chapter 1. PURPOSE AND SCOPE.....	1
Chapter 2. DEFINITIONS	1
• 2.1 Deadly Force	1
• 2.2 Emergency Driving	1
• 2.3 Emergency Response Driving	1
• 2.4 Government Vehicle.....	2
• 2.5 High-Risk Vehicle Pursuit.....	2
• 2.6 Law Enforcement Officer.....	2
• 2.7 Low-Risk Vehicle Pursuit	2
• 2.8 National Law Enforcement Communications Center	2
• 2.9 Pursuit.....	2
• 2.10 Serious Bodily Injury	2
• 2.11 Tire Deflation Devices	3
Chapter 3. AUTHORITIES/REFERENCES	3
• 3.1 Authorities	3
• 3.2 References	3
Chapter 4. RESPONSIBILITIES	4
• 4.1 Executive Associate Director, Homeland Security Investigations.....	4
• 4.2 Special Agents in Charge	4
• 4.3 Supervisors	4
• 4.4 Law Enforcement Officers	5
Chapter 5. EMERGENCY DRIVING CONSIDERATIONS.....	6
• 5.1 Overriding Consideration of Public Safety	6
• 5.2 Prerequisites to Conducting Emergency Driving.....	6
• 5.3 General Considerations	6
• 5.4 Prohibited Practices	7
Chapter 6. CATEGORIES OF EMERGENCY DRIVING AND THEIR CONDUCT	8
• 6.1 Emergency Driving During Surveillance	8
• 6.2 Emergency Response Driving	8

- 6.3 Vehicle Pursuits.....9
- 6.3.1 Low-Risk Vehicle Pursuits.....9
- 6.3.2 High-Risk Vehicle Pursuits10
- 6.3.3 Secondary Units11
- 6.3.4 Tire Deflation Devices11

Chapter 7. TERMINATION OF EMERGENCY DRIVING12

- 7.1 Conditions Requiring Termination.....12
- 7.2 Termination Process12

Chapter 8. EMERGENCY DRIVING REPORTING13

- 8.1 Incidents Requiring Reporting13
- 8.2 Reporting Procedures13
- 8.3 Format and Content of Emergency Driving Reports.....14

APPENDICES

Appendix A Sample Memorandum for Law Enforcement Officer’s
Acknowledgement of the HSI Emergency Driving Handbook..... A-i

Appendix B Acronyms B-i

EMERGENCY DRIVING HANDBOOK

Chapter 1. PURPOSE AND SCOPE

The Emergency Driving Handbook provides policy and procedures for U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents (SAs) and other authorized HSI law enforcement officers (LEOs) engaged in emergency driving while performing law enforcement functions within the scope of their authority. This Handbook will assist LEOs in deciding when to engage in, continue, or terminate emergency driving while minimizing the possibility of damage to government property or private property and injury or death to themselves or others. (Note: For the purposes of this Handbook, HSI SAs and all other HSI LEOs authorized to conduct emergency driving are referred to as LEOs (see Section 2.6.)

Chapter 2. DEFINITIONS

The following definitions are provided for the purposes of this Handbook:

2.1 Deadly Force

Intended to have the same meaning and subject to the same requirements mandated by the “Interim ICE Use of Force Policy,” dated July 7, 2004, or as updated, and the Department of Homeland Security (DHS) “Use of Deadly Force Policy,” dated July 1, 2004, or as updated. Specifically, deadly force is the use of any force (including, potentially, force from a motor vehicle) that is likely to cause death or serious physical injury. Deadly force does not include force that is not likely to cause death or serious physical injury but that unexpectedly results in such death or injury.

2.2 Emergency Driving

Vehicle operations in the discharge of official duties that may exceed posted speed limits or violate other traffic laws. Emergency driving includes emergency response driving to or during law enforcement operations and activities, including periods of surveillance, low-risk pursuits, and high-risk pursuits.

2.3 Emergency Response Driving

A specific type of emergency driving in which LEOs respond to an event that may adversely impact or threaten life, health, or property or requires an immediate law enforcement response.

2.4 Government Vehicle

A U.S. Government-owned, -rented, or -leased vehicle or any other official government law enforcement vehicle operated by an LEO and used for the purpose of law enforcement activities including, but not limited to, the pursuit of motorists or occupants of a vehicle engaged or potentially engaged in unlawful activities.

2.5 High-Risk Vehicle Pursuit

A pursuit by an LEO of a suspect vehicle that refuses to stop as directed and attempts to flee by using excessive or dangerous speed or by committing other hazardous moving violations.

2.6 Law Enforcement Officer

An HSI employee who is authorized and credentialed by the ICE Director to carry a firearm, make arrests, and enforce laws within the scope of his or her duty.

2.7 Low-Risk Vehicle Pursuit

A pursuit by an LEO of a suspect vehicle that refuses to stop as directed and attempts to flee without using excessive or dangerous speeds and without committing other hazardous moving violations.

2.8 National Law Enforcement Communications Center

The U.S. Customs and Border Protection (CBP) National Law Enforcement Communications Center (NLECC) operates the national radio telecommunication network used by HSI LEOs and provides tactical and other communications services to CBP LEOs, HSI LEOs, and many other federal law enforcement agencies. NLECC is staffed for a 24-hour operation and may be reached by radio or by telephone at 1-800-(b) (7)(E)

2.9 Pursuit

Occurs when an LEO attempts to stop a motorist or occupant(s) of a vehicle and the motorist fails to comply with instructions and eludes the LEO by either maintaining speed, increasing speed, taking other evasive action, or not conforming to posted or unposted rules of the road as determined by a county, municipality, state, etc.

2.10 Serious Bodily Injury

An injury which involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the functions of a bodily member, organ, or mental faculty.

2.11 Tire Deflation Devices

Devices, such as road spikes or stop sticks, designed to be placed directly in the path of a pursued or suspect vehicle to deflate its tires in a controlled manner.

Chapter 3. AUTHORITIES/REFERENCES

3.1 Authorities

- A. Title 8, United States Code (U.S.C.), Section 1357, Powers of immigration officers and employees.
- B. 18 U.S.C. § 111(a)(1), Assaulting, resisting, or impeding certain officers or employees.
- C. 19 U.S.C. § 1589a, Enforcement Authority of Customs Officers.
- D. 21 U.S.C. § 878, Powers of enforcement personnel.
- E. Title 8, Code of Federal Regulations, Section 287.8(e), Vehicular pursuit.

3.2 References

- A. DHS Management Directive (MD) 11015, “Emergency Signaling Devices in DHS Vehicles” (September 11, 2006, or as updated).
- B. DHS Memorandum with subject line: “Use of Deadly Force Policy” (July 1, 2004, or as updated), signed by Tom Ridge, Secretary of Homeland Security.
- C. Interim ICE Firearms Policy (July 7, 2004, or as updated).
- D. Interim ICE Use of Force Policy (July 7, 2004, or as updated).
- E. ICE Directive 1022.1 (former number: 1-15.0), Table of Offenses and Penalties (December 8, 2006, or as updated) and accompanying “ICE Guidance to Offenses and Penalties – Guidelines and Instructions on Use of the Table of Offenses and Penalties.”
- F. ICE Memorandum with subject line: “Reporting Requirements for Significant Events” (March 11, 2003, or as updated), signed by Michael Garcia, Acting Assistant Secretary of ICE.

Chapter 4. RESPONSIBILITIES

4.1 Executive Associate Director, Homeland Security Investigations

The Executive Associate Director of HSI has the overall responsibility for the oversight and implementation of the policies and procedures set forth in this Handbook.

4.2 Special Agents in Charge

Special Agents in Charge (SACs) are responsible for implementing the policies and procedures set forth in this Handbook within their respective areas of responsibility (AORs). Specifically, SACs are responsible for:

- A. Ensuring that all HSI LEOs within their respective AORs receive a copy of this Handbook and acknowledge in writing that they received, read, and understood this Handbook (see Appendix A);
- B. To the maximum extent possible, providing to all HSI LEOs within their AOR information regarding the relevant state and local laws regulating the use of emergency vehicles;
- C. Ensuring that all vehicles equipped with emergency equipment are properly maintained, inspected, and in working order; and
- D. Complying with the reporting requirements described in Chapter 8 of this Handbook.

4.3 Supervisors

The supervisor, or the highest ranking HSI LEO, supervisor, or manager on the scene of an emergency driving situation, is responsible for asserting and maintaining control over the emergency driving. Supervisors or managers have the authority to order the continuation or termination of emergency driving. In an emergency driving situation, supervisors shall do all of the following:

- A. Coordinate all vehicles involved in the vehicle pursuit;
- B. Order a secondary or “back-up” vehicle, if one is available;
- C. Order vehicles in and out of a pursuit, as necessary; and
- D. Make a determination as to whether or not a pursuit should be terminated.

4.4 Law Enforcement Officers

LEOs are responsible for complying with the provisions of this Handbook. More specifically, LEOs are responsible for:

- A. Deciding to initiate, continue, or terminate emergency driving and for requesting assistance from other law enforcement agencies, as needed. In making such decisions, LEOs and their supervisors must consider the totality of relevant factors identified in this Handbook.
- B. Taking objectively reasonable precautions to protect the public when involved in emergency driving, including terminating such activities when the risk of harm to themselves, the general public, or the suspect outweighs law enforcement interests.
- C. Proceeding through a steady red signal, a flashing red signal, or a stop sign only after slowing to an appropriate speed as necessary to safely clear the intersection or area for safe operation.
- D. Ensuring that they do not endanger life or property when exceeding the maximum posted speed limit.
- E. Understanding that there is no blanket immunity for damages arising from emergency driving and that emergency driving must be used only when the appropriate need arises in the discharge of official duties. Failure to drive with due regard for the safety of all persons while engaged in emergency driving may result in adverse personnel action as well as possible legal liability for ICE, HSI, and/or the LEOs.
- F. Reviewing individual state statutory requirements for use of emergency equipment such as beacons, strobe lights, sirens, and any other mandates regarding proper law enforcement emergency driving as provided by their SAC and complying with these requirements when practicable in the discharge of official duties.
- G. Using emergency lights, or both emergency lights and sirens if the vehicle is equipped with both, when engaged in emergency driving or when committing hazardous moving violations or when otherwise appropriate under the circumstances, excluding periods of surveillance or clandestine operational needs as prescribed in Section 6.1 of this Handbook. LEOs are also responsible for using emergency signaling devices only when appropriate and necessary. The use of emergency signaling devices in an improper or illegal manner constitutes improper use of a government vehicle (as set forth in Section VI.C.7 of DHS MD 11015, "Emergency Signaling Devices in DHS Vehicles" (September 11, 2006, or as updated)) and may result in disciplinary action in accordance with ICE Directive 1022.1 (former number: 1-15.0)

entitled, “Table of Offenses and Penalties” (December 8, 2006, or as updated) and accompanying “ICE Guidance to Offenses and Penalties – Guidelines and Instructions on Use of the Table of Offenses and Penalties.” LEOs should be aware that the use of emergency lights and sirens requests, but does not guarantee, the right of way and, as such, LEOs must drive with due regard for the safety of all persons and must maintain awareness as to other motorists and pedestrians.

Chapter 5. EMERGENCY DRIVING CONSIDERATIONS

5.1 Overriding Consideration of Public Safety

LEOs must consider and evaluate critical safety issues posed by emergency driving, including the potential risk of death or serious physical injury to themselves, the general public, and the suspect, and should engage in emergency driving only when they determine that the seriousness of the emergency or the severity of the suspected criminal offense outweighs the risk of death or serious physical injury associated with such driving. When engaged in emergency driving, LEOs must make every effort to minimize the possibility of death or serious physical injury and continue to evaluate the changing conditions that could dictate the termination of such driving due to safety concerns.

5.2 Prerequisites to Conducting Emergency Driving

When an LEO enters on duty at his or her initial duty station or is assigned to a new permanent duty station, the LEO must provide written acknowledgement (see Appendix A) to his or her supervisor that he or she received, read, and understands this Handbook. The supervisor must store the acknowledgement with the LEO’s locally-maintained personnel file.

5.3 General Considerations

Government vehicles may be used for emergency driving only when operated within the safe limits of their respective mechanical capabilities. Using a non-government vehicle to conduct emergency driving is prohibited in all but the most extraordinary, life-threatening circumstances requiring an immediate law enforcement response. Likewise, vehicles that are not equipped with emergency lights and sirens may not be used by an LEO to engage in emergency driving, unless the LEO is conducting surveillance or is responding to an event that may adversely impact or threaten life, health, or property or requires an immediate law enforcement response.

With the exception of surveillance activities, if an LEO is engaged in an emergency driving situation in a vehicle not equipped with emergency lights and sirens, he or she must terminate his or her participation if another LEO or an officer from another law enforcement agency, driving a vehicle equipped with emergency lights and sirens, can take over the emergency driving situation. The LEO in the vehicle not equipped with

emergency lights and sirens may continue to assist in a backup role, if necessary. Before engaging in and during any emergency driving, LEOs must consider all of the following:

- A. The seriousness of the emergency or severity of the suspected criminal offense, including the threat of imminent danger to the public or to the LEOs involved in the enforcement action, and whether the response or pursuit will outweigh the danger.
- B. The condition and performance capabilities of the government vehicle(s).
- C. The condition and performance capabilities of the suspect vehicle(s), if known.
- D. The roadway conditions and other relevant factors, including the location of the roadway (e.g., rural or urban, commercial or residential), traffic conditions and volume (both vehicular and pedestrian), weather conditions, familiarity with the roadway, topography of the roadway (e.g., hilly or flat, curved or straight), and time of day.
- E. Their own training, experience, and capabilities.
- F. The availability and proximity of other LEOs or officers from another law enforcement agency authorized to respond, as well as the availability of air support or air surveillance.
- G. The availability of communications (e.g., radio or cellular phone).
- H. Whether the suspect's identity is known and whether the suspect could be apprehended through means other than apprehension via a vehicular pursuit.
- I. Any other condition that would adversely affect the ability of the LEO to safely conduct the vehicular pursuit.

5.4 Prohibited Practices

The following practices are prohibited when conducting emergency driving:

- A. Pursuing a suspect vehicle without emergency equipment activated, particularly while using excessive or dangerous speeds or committing hazardous moving violations, unless the LEO believes that an imminent threat of death or serious physical injury exists to himself or herself or others.
- B. Ramming or deliberate vehicle contact in an attempt to force the pursued vehicle to stop, unless deadly force is justified under the provisions of the Interim ICE Use of Force Policy (July 7, 2004, or as updated).

- C. Boxing-in, except at low speeds when the highest-ranking HSI supervisor or manager on the scene approves the maneuver or in response to an imminent threat of death or serious physical injury to the LEOs or others.
- D. Transporting suspects, prisoners, detainees, or civilians in a vehicle while engaged in a pursuit.
- E. Discharging a firearm at or from a moving vehicle, unless use of deadly force is justified.
- F. Using a non-government vehicle to conduct emergency driving, except in the most extraordinary of circumstances requiring an immediate law enforcement response.

Chapter 6. CATEGORIES OF EMERGENCY DRIVING AND THEIR CONDUCT

6.1 Emergency Driving During Surveillance

Subjects of moving surveillance often exceed posted speed limits or violate other traffic laws. In order to maintain visual contact with the subject and the covertness of the surveillance, LEOs must sometimes respond in kind by exceeding posted speed limits or committing minor traffic violations. While this is recognized as a practical reality of effective law enforcement operations, the safety of the public and the LEOs involved in the surveillance should remain the paramount concern. LEOs should only exceed posted speed limits if the driver does not endanger life or property, should keep traffic violations during surveillance operations to a minimum and, even if committing violations, should make every effort to conform to the general flow of traffic. This may be accomplished, in part, by ensuring that the surveillance operation is manned by an adequate number of LEO vehicles to maintain coverage without excessive violation of traffic laws, including air support when available and practical. In addition, LEOs engaging in emergency driving during surveillance should follow these procedures:

- A. Before engaging in emergency driving during surveillance, LEOs must consider the factors enumerated in Chapter 5.
- B. LEOs must terminate emergency driving during surveillance at any time when the emergency driving poses an unreasonable danger to themselves, the public, the suspect, or when directed by a supervisor to do so.

6.2 Emergency Response Driving

When faced with an event that may adversely impact or threaten life, health, or property or that requires an immediate law enforcement response, LEOs may engage in emergency

response driving. The following procedures must be followed before and during emergency response driving:

- A. Before engaging in emergency response driving, LEOs must consider the factors enumerated in Chapter 5 of this Handbook.
- B. Once engaged in emergency response driving, LEOs must, as soon as it is safe to do so, notify NLECC and the LEO's supervisor, either personally or through NLECC, that emergency response driving has been initiated.
- C. LEOs must terminate emergency response driving as soon as the danger to themselves or the public outweighs the seriousness of the emergency, when directed by a supervisor to do so, or upon receiving notification that the underlying emergency situation no longer exists.

6.3 Vehicle Pursuits

If an LEO attempts to stop a suspect vehicle and that vehicle refuses to stop as directed and attempts to flee, the LEO may choose to pursue the vehicle. Unless otherwise directed by a supervisor, the decision to initiate, continue, or discontinue a pursuit is at the discretion of the LEO. When possible or necessary, state or local marked law enforcement vehicles that are available and willing to assist should be allowed to take the lead in either a low-risk or a high-risk pursuit.

6.3.1 Low-Risk Vehicle Pursuits

LEOs initiating or engaging in a low-risk vehicle pursuit must do all of the following:

- A. Consider the factors enumerated in Chapter 5 of this Handbook, decide if the severity of the criminal offense outweighs the danger to themselves, the public, and the suspect created by the vehicle pursuit, and decide if the vehicle pursuit can be conducted with due regard for the safety of all persons and within safe and reasonable speeds.
- B. Activate the pursuit vehicle's visual and audible signals (consistent with the state or local jurisdiction's requirements) in order to warn other persons that an emergency law enforcement activity is in progress.
- C. Upon determining that it is safe to do so, notify NLECC that a pursuit has been initiated and provide the following information (if possible): a description of the fleeing vehicle, including license plate number if available; location, speed, and direction of the pursued vehicle; reason for the pursuit; identity or description of the driver and other occupants; any information concerning firearms, weapons, threats, use of force, or other hazards; and the identity of other agencies that are involved in the pursuit or that should be notified.

- D. As soon as LEOs determine that it is safe to do so, notify their supervisor, either personally or through NLECC, that a pursuit is in progress.
- E. Provide NLECC with updates on all pertinent information and events during the pursuit.
- F. If receiving the assistance of air assets, distance themselves from the suspect in order to reduce the risk of personal injury or property damage to themselves or the public, bearing in mind that at least one vehicle should be left in position to resume the ground-based pursuit should the air unit need to disengage for any reason (i.e., aviation traffic patterns, weather, refueling, etc.).
- G. When the pursuit ends, prepare a memorandum that provides the specifics of the vehicle pursuit, including all identifying information and a narrative describing the pursuit, and submit it to their first-line supervisor or to the LEO managing the incident within the time frames set forth in Section 8.2 of this Handbook.

6.3.2 High-Risk Vehicle Pursuits

A vehicle stop or a low-risk vehicle pursuit may develop into a high-risk vehicle pursuit. As the event escalates, the circumstances surrounding the event must be reevaluated to ensure compliance with the provisions of this Handbook. The need for initiating and continuing a high-risk vehicle pursuit must always outweigh the danger it poses to the LEOs, the public, and the suspect. Factors that enhance the need to initiate or continue a pursuit include:

- A. The seriousness of the criminal offense for which LEOs seeks to stop a suspect;
- B. The danger to the community should the suspect remain at large;
- C. Whether the driver or other occupants of the pursued vehicle have committed or are suspected of having committed violent acts; and
- D. Whether there is reason to believe that the driver or other occupants might commit a violent act if they are allowed to escape apprehension.

In addition, LEOs initiating a high-risk vehicle pursuit must follow all the steps relating to a low-risk vehicle pursuit, as outlined in Section 6.3.1.

6.3.3 Secondary Units

The secondary, or “back-up,” vehicle is the closest available LEO and will assist in a pursuit as requested by the initiating unit, the supervisor, or by self-initiation, by doing all of the following:

- A. Advising the initiating unit or the supervisor when he or she is in position.
- B. Assuming the initiating unit’s responsibility for radio communications during the remainder of the pursuit after advising all responding units over the radio of taking such action.
- C. Reporting any potential hazards.

6.3.4 Tire Deflation Devices

LEOs must exercise caution at all times when using tire deflation devices and practice all applicable safety techniques taught in the tire deflation device training. LEOs must exercise reasonable care in deploying tire deflation devices so as to avoid or minimize risks to innocent persons from their deployment.

Only tire deflation devices approved by the ICE National Firearms and Tactical Training Unit (NFTTU) will be utilized in conjunction with, or as an alternative to, low-risk or high-risk vehicle pursuits. Additionally, only LEOs who have completed appropriate tire deflation device training as approved by NFTTU may deploy such devices.

Tire deflation devices may be deployed only to stop automobiles, trucks, and aircraft (when they are taxiing before take-off or after landing). They may not be used to stop motorcycles, three-wheeled vehicles, mopeds, or other similar vehicles, unless the use of deadly force is justified.

LEOs must notify NLECC immediately when they deploy tire deflation devices so that drivers of all pursuing vehicles are aware of the deployment and location of a deflation device. LEOs deploying tire deflation devices must exercise appropriate caution, including distancing themselves or using cover, to ensure that the deploying LEOs are far enough from the roadway to avoid being struck by suspect or LEO vehicles attempting to avoid the devices.

LEOs who have deployed tire deflation devices will remove them from the roadways as soon as it is safe to do so after their use to prevent pursuing vehicles or other vehicles from striking them. LEOs will ensure that the roadway is cleared of any resulting debris or loose spikes. Effort should be taken to secure the area where the devices have been deployed in order to minimize the possibility of injury to the public until the roadway can be cleared safely.

If the immediate removal of tire deflation devices is not feasible, the LEOs who deployed them will ensure that the devices are removed as soon as reasonably possible.

Chapter 7. TERMINATION OF EMERGENCY DRIVING

7.1 Conditions Requiring Termination

Emergency driving shall be immediately terminated when any of the following conditions exist:

- A. The danger posed by the emergency driving to the public, the suspect, or the LEOs outweighs the necessity of continuing the emergency driving.
- B. The LEOs or their supervisors determine that the circumstances that led to the initiation and continuation of the emergency driving have changed to the degree that the emergency driving must be terminated.
- C. The first-level or higher-level supervisor in the initiating LEO's chain of command, or the highest ranking HSI LEO, supervisor, or manager on the scene of an emergency driving situation, directs the termination.
- D. A pedestrian, motorist, or other bystander is, or appears to have been, injured during the emergency driving and there are no other LEOs or medical personnel available to render assistance.
- E. During a pursuit, another law enforcement agency has assumed the primary and secondary or "back-up" vehicle responsibility. However, LEOs will remain available to provide assistance until the vehicle pursuit is terminated or HSI assistance is no longer required.
- F. LEOs are advised of any unanticipated condition, event, or circumstance that substantially increases the risk to officer or public safety inherent in the emergency driving, such that the LEOs can no longer reasonably contend that the need for the emergency driving outweighs the risk it poses.

7.2 Termination Process

If emergency driving is terminated, LEOs involved in the emergency driving shall do all of the following:

- A. Immediately disengage from the emergency driving by deactivating the vehicle's emergency equipment.

- B. In the case of a vehicle pursuit, provide the suspect vehicle's last known location and direction of travel to the appropriate personnel, including all parties involved in the pursuit and NLECC.
- C. In the case of a vehicle pursuit, discontinue pursuit of the suspect vehicle and take no further immediate law enforcement action with respect to it, or discontinue the vehicle pursuit and engage in emergency response driving, as appropriate.

Chapter 8. EMERGENCY DRIVING REPORTING

8.1 Incidents Requiring Reporting

The following emergency driving-related activities must be reported according to the procedures in Section 8.2:

- A. A high-risk vehicle pursuit as defined in this Handbook.
- B. Any emergency driving activity that results in property damage or personal injury.
- C. Any deployment of a tire deflation device (with the exception of deployments during training exercises).

8.2 Reporting Procedures

If reporting is required, LEOs and supervisors must, after the conclusion of the emergency driving situation, do the following:

- A. The supervisor or highest-ranking HSI LEO who managed the emergency driving situation will ensure that the LEO who initiated the emergency driving situation notifies his or her supervisor and prepares a written report for the supervisor describing the circumstances of the emergency driving situation. (Note: If the emergency driving resulted in serious bodily injury (see Section 2.10) or death, the LEO's supervisor, rather than the employee, may prepare the written report based on all available information.)
- B. The initiating LEO's supervisor shall immediately report the situation to the SAC, through the appropriate chain of command.
- C. If the emergency driving situation resulted in property damage, personal injury, or death, the initiating LEO's supervisor shall report the situation to the ICE Joint Intelligence Operations Center (JIOC). The supervisor must also ensure that local law enforcement authorities are notified of incidents involving property damage, bodily injury, or death.

- D. If the emergency driving situation resulted in property damage, personal injury, death, or possible employee misconduct, the initiating LEO's supervisor must also report the situation to the ICE Office of Professional Responsibility (OPR).
- E. The verbal reports shall be followed by written reports. Supervisors shall ensure that written reports of the event are sent to the SAC and to OPR (if appropriate) within 5 business days. If requested, supervisors shall also provide copies of the written reports, within 5 business days, to the specified level of HSI management at headquarters, via the appropriate Operations Manager in HSI Domestic Operations.

8.3 Format and Content of Emergency Driving Reports

The content of emergency driving reports should be as follows:

- A. The initial report made to the supervisor by the initiating LEO, and the initial report from the supervisor to the SAC and OPR (if appropriate), may be verbal or written. If the emergency driving situation resulted in serious bodily injury (see Section 2.10) or death, the supervisor must notify OPR immediately by contacting the Joint Intake Center (JIC) at (b) (7)(E)
- B. The JIOC notification shall be made through the ICE Significant Event Notification (SEN) system, following ICE guidelines for the preparation of a Significant Incident Report. If the emergency driving situation resulted in serious bodily injury (see Section 2.10) or death, the supervisor must also notify the JIOC immediately at (b) (7)(E) or (b) (7)(E)@dhs.gov, in addition to preparing a SEN report.
- C. The written report(s) of the emergency driving event shall be in the form of a memorandum. The memorandum or memoranda must include, at a minimum, the following information: (1) the names of the participating officers and agencies; (2) the date and time the emergency driving activity began and ended; (3) where it occurred; (4) the weather, road speeds, and other relevant background conditions; (5) the purpose of the emergency driving activity; (6) the circumstances that caused it to end, including any tactics or techniques utilized to stop a pursuit, such as the deployment of tire deflation devices, or other use of force techniques; and (7) information concerning any property damage or personal injury that occurred.
- D. In any incident where a government vehicle was involved in an accident or otherwise damaged, the ICE fleet management procedures for reporting a vehicle accident or damage will be followed.

**Sample Memorandum
for Law Enforcement Officer's
Acknowledgement of the
HSI Emergency Driving Handbook**



**Homeland
Security**

**[Sample Memorandum for Law Enforcement Officer's
Acknowledgement of the HSI Emergency Driving Handbook]**

MEMORANDUM TO BE FILED WITH EMPLOYEE'S PERSONNEL RECORDS

SUBJECT: Acknowledgement of HSI HB 12-02, "Emergency Driving Handbook"

I, the undersigned, hereby acknowledge that I have received a copy of Homeland Security Investigations (HSI) Handbook (HB) entitled, "Emergency Driving Handbook" (HSI HB 12-02), dated _____, that I have read this Handbook, and that I understand its contents.

Signed: _____

Printed Name: _____

Date of Signature: _____

ACRONYMS

A

AM Administrative Manual
AOR Area of Responsibility

B

C

CBP U.S. Customs and Border Protection

D

DHS Department of Homeland Security

E-G

H

HSI Homeland Security Investigations

I

ICE U.S. Immigration and Customs Enforcement
INS Immigration and Naturalization Service

J

JIC Joint Intake Center
JIOC Joint Intelligence Operations Center

K

L

LEO Law Enforcement Officer

M

MD Management Directive

N

NFTTU National Firearms and Tactical Training Unit
NLECC National Law Enforcement Communications Center

O

OI Office of Investigations
OIA Office of International Affairs
OPR Office of Professional Responsibility

P-R

S

SA Special Agent
SAC Special Agent in Charge
SEN Significant Event Notification

T

U

USC United States Code
USCS U.S. Customs Service

V-Z