

	<h1>Garner Police Department</h1> <h2>Written Directive</h2>	
	Chapter: 800 - Operations	
	Directive: 810.02 - Vehicle Pursuit	
Authorized by: Chief Brandon Zuidema		Effective Date: October 5, 2016
CALEA Standards: 41.2.2, 41.2.3.		Last Revision: October 1, 2015

810.2.1 – Purpose

The purpose of this directive is to establish guidelines to be followed during vehicular pursuit. Vehicular pursuit of fleeing suspects can present a danger to the lives of the public, police officers, and suspects and passengers involved in the pursuit. When carried out under carefully prescribed conditions it is acknowledged that vehicular pursuits are necessary to protect the public and benefit society. However, no assignment is of such importance, and no task is to be expedited with such emphasis, that the principles of safety become secondary. This directive is designed for internal Departmental use and is not intended to create a higher standard of care or performance than normally required by law.

810.2.2 – Policy

It is the policy of the Garner Police Department to protect, preserve, and enhance all persons' lives to the extent possible when enforcing the law within our community. In addition, it is the responsibility of the Department to assist officers in the safe performance of their duties. To meet these obligations, it shall be the policy of the Garner Police Department to narrowly regulate the manner in which vehicular pursuit is undertaken and performed.

810.2.3 – Definitions

- A. Emergency Vehicle – For the purposes of this directive, a police department sedan or SUV, equipped with appropriate warning devices, being operated by a sworn employee of the Garner Police Department.
- B. Primary Unit - The police unit that initiates the pursuit or any unit that assumes position immediately behind the fleeing vehicle in the pursuit.
- C. Spike Strips – A tire deflation device for law enforcement use. A spike strip system is designed to stop a vehicle by deflating its tires at a controlled rate, resulting in a reasonably safe and effective immobilization of the vehicle.
- D. Standard of Care - A police vehicle is exempt from the operation of traffic regulations and enjoys certain priority rights over other vehicles as defined in Department policy and North Carolina General Statute. However, this exemption does not permit the operator of an emergency vehicle to drive in reckless disregard of the safety of others, nor does it relieve him/her from the general duty of exercising due care.
- E. Vehicular Pursuit - An active attempt by a police officer in an emergency vehicle to apprehend fleeing suspects attempting to avoid capture using high speed driving or other tactics such as driving off the roadway or making sudden maneuvers.

Note: in the event that an officer attempts to stop a suspect vehicle and the suspect fails to yield to the officer but commits no other traffic offense, it is not a vehicle pursuit for the purposes of this directive.

810.2.4 – Statutory Implications in Police Pursuits**A. G. S. 20-145 – When Speed Limit Not Applicable**

1. Speed limitations set forth in Chapter 20 "shall not apply to vehicles when operated with due regard for safety under the direction of the police in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation.
2. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard for the safety of others."

B. G. S. 20-156 – Exceptions to the Right-of-Way Rule

1. "The driver of a vehicle about to enter or cross a highway from an alley, building entrance, private road, or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.
2. The driver of a vehicle upon the highway shall yield the right-of-way to police vehicles when the operators of said vehicles are giving a warning signal by appropriate light and by bell, siren or exhaust whistle audible under normal conditions from a distance of not less than 1,000 feet. When appropriate warning signals are being given, as provided in this subsection, an emergency vehicle may proceed through an intersection or other place when the emergency vehicle is facing a stop sign, a yield sign, or a traffic light which is emitting a flashing strobe signal or a beam of steady or flashing red light.
3. This provision shall not operate to relieve the driver of a police vehicle... from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle... from the consequences of any arbitrary exercise of such right-of-way. "

C. GS 20-141.5. Speeding to Elude Arrest

1. It shall be unlawful for any person to operate a motor vehicle on a street, highway, or public vehicular area while fleeing or attempting to elude a law enforcement officer who is in the lawful performance of his duties.
2. Whenever evidence is presented in any court or administrative hearing of the fact that a vehicle was operated in violation of this section, it shall be prima facie evidence that the vehicle was operated by the person in whose name the vehicle was registered at the time of the violation, according to the Division's records. If the vehicle is rented, then proof of that rental shall be prima facie evidence that the vehicle was operated by the renter of the vehicle at the time of the violation.
3. When the probable cause of the law enforcement officer is based on the prima facie evidence rule set forth above, the officer shall make a reasonable effort to contact the registered owner of the vehicle prior to initiating criminal process.

810.2.5 – Initiation of Pursuit (41.2.2)

- A. The decision to initiate a vehicular pursuit rests with the individual officer reaching the conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
 1. When engaged in a pursuit, public safety is to be the primary consideration.
 2. Under no circumstances is any officer to pursue at a speed or drive in a manner that renders the pursuit vehicle uncontrollable, thereby endangering the lives of others or themselves.

3. No officer or supervisor will be disciplined or criticized for a decision, based upon the guidelines in this directive, not to pursue.
- B. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when taking into consideration the following factors as they apply under the circumstances of the pursuit:
1. The nature and the seriousness of the offense(s) committed by the vehicle occupant(s),
 2. Availability of other means of apprehension (such as later obtaining and serving warrants on an identified vehicle occupant),
 3. Road and weather conditions,
 4. The officer's knowledge of the roadway,
 5. Visibility,
 6. Traffic conditions,
 7. Pedestrian traffic, and
 8. Pursuit vehicle limitations.
- C. Sworn employees will not engage in vehicular pursuits originating in outside jurisdictions without the express permission of a Department supervisor.
- D. Sworn employees who have not completed the Pursuit Drivers Training Course at the North Carolina State Highway Patrol Training Center (or equivalent training) will not engage in vehicular pursuits.
1. This requirement may be waived with supervisory approval if the pursuit is for the following:
 - a. Aggravated assault,
 - b. Armed robbery,
 - c. Arson,
 - d. Assault on a Law Enforcement Officer,
 - e. Kidnapping,
 - f. Murder, or
 - g. Rape.
 2. "Equivalent training" will consist of a pursuit driver training course approved by the Chief of Police.

810.2.6 – Primary Pursuit Officer and RECC Responsibilities (41.2.2)

- A. The officer initiating a vehicle pursuit will immediately notify a supervisor and the Raleigh Emergency Communications Center (RECC) that they are involved in a vehicle pursuit.
- B. The officer will provide RECC personnel with the following information:
1. Unit identification;

2. Description and license plate number, if known, of the fleeing vehicle;
3. Location, speed, and direction of travel of the fleeing vehicle;
4. Number of occupants in the fleeing vehicle, and descriptions, where possible; and
5. Reasons supporting the decision to pursue.

Note: Failure to provide this information to RECC personnel may result in an immediate decision by a supervisor to order termination of the pursuit.

- C. After receiving the required information, the Telecommunicator shall verify that the on-duty supervisor is aware of the pursuit. The Telecommunicator is expected to:
1. Receive and record all pertinent information pertaining to the pursuit (times, officers assigned, etc.). Radio transmission tapes will be made available to Department supervisors;
 2. Clear and control the radio channel from all unnecessary traffic and advise all units that a pursuit is in progress, providing relevant information;
 3. Perform any necessary records and vehicle checks;
 4. Coordinate assistance with the primary unit, under the direction of the on-duty supervisor; and
 5. Continue to monitor the pursuit until its termination.

810.2.7 – Assisting Unit Responsibilities (41.2.2)

- A. An active pursuit will, under most circumstances, involve only three (3) units, including the primary unit and two (2) assisting units. A K-9 Unit, if available, should be utilized as an assisting unit in pursuits to aid in apprehension or tracking of suspects. Only the supervisor monitoring the pursuit shall authorize more than three (3) units to become actively engaged in a pursuit.
- B. The assisting units' responsibilities include:
1. Immediately notifying RECC of their identity and involvement;
 2. Giving appropriate warning by continuously using emergency lights and siren, during the pursuit;
 3. Maintaining a safe distance behind the primary unit, but remaining close enough to render necessary assistance; and
 4. The assisting unit immediately behind the primary unit will assume radio communications, thereby allowing the primary unit to devote their full attention to driving.
- C. If the primary unit becomes unable to continue the pursuit, the closest assisting unit will become the primary unit and will advise RECC of the status change.
- D. A primary or assisting unit sustaining damage or failure of essential vehicular equipment during a pursuit shall not be permitted to continue in the pursuit. The unit shall notify RECC that his /her involvement in the pursuit is being discontinued.

810.2.8 – Field Supervisor's Responsibilities (41.2.2)

- A. Upon notification that a vehicular pursuit is in progress, the field supervisor shall assume responsibility for the monitoring and control of the pursuit as it progresses.

- B. The field supervisor shall continuously review the incoming data to determine whether the pursuit should be continued or terminated. It is not necessary that the supervisor be physically present in order to begin coordination and exercise control of the pursuit. However, when practical, the supervisor should proceed to the area of the pursuit (without becoming directly involved in the pursuit) in order to render further assistance and control.
- C. In controlling the pursuit incident, the field supervisor will be responsible for coordination of the pursuit as follows:
 - 1. Directing the pursuit vehicle and assisting units into or out of the pursuit;
 - 2. Re-designation of primary and assisting units responsibilities;
 - 3. Approval or disapproval, and coordination of pursuit tactics; and
 - 4. Approval or disapproval to leave the jurisdiction to continue the pursuit.
- D. The field supervisor may approve and assign additional backup vehicles to assist the primary and backup pursuit vehicles based on analysis of:
 - 1. The nature of the offense for which the pursuit was initiated;
 - 2. The number of suspects and any known potential for violence;
 - 3. The number of officers in the pursuit vehicles;
 - 4. Any injuries or damage to the assigned primary or backup officers or vehicles;
 - 5. The number of officers necessary to make the arrest at the conclusion of the pursuit; and
 - 6. Any other clear and articulable facts that would warrant the increased hazards caused by additional pursuit vehicles.

810.2.9 – Pursuit Tactics (41.2.2)

- A. Officers shall adhere to the following guidelines when involved in a pursuit:
 - 1. Each unit authorized to engage in vehicular pursuit will be required to activate both emergency lights and siren when beginning the pursuit and to keep all emergency equipment operating continuously during the pursuit.
 - 2. Officers engaged in pursuit shall drive in a manner exercising reasonable care for the safety of themselves and all other persons and property within the pursuit area.
 - 3. Officers are permitted to suspend conformance to normal traffic regulations during pursuit as long as reasonable care is used when driving in a manner not otherwise permitted, and the maneuver is reasonably necessary.
 - 4. Backup officers will not pass other police vehicles in an effort to move closer to the suspect vehicle or gain control as the primary pursuit vehicle unless directed by a supervisor to do so.
 - 5. Officers are prohibited from proceeding the wrong way on one-way streets or in the wrong lanes on controlled access highways during pursuits.

- B. In the course of the pursuit, deliberate contact between vehicles or forcing the pursued vehicle into other cars, ditches or any other obstacles, boxing in, heading off, ramming, or driving alongside the pursued vehicle while it is in motion shall be prohibited unless such actions are specifically authorized by the supervisor or this directive.
- C. Officers shall not fire into a moving vehicle unless the officer's life or the lives of others are in immediate danger and there is no reasonable or apparent means of escape.
- D. Police vehicles containing civilians are prohibited from participating in pursuits unless approved by a supervisor. Units containing civilians shall withdraw from the pursuit when another unit is in place to take over that role.
- E. Unmarked emergency vehicles may initiate vehicular pursuits, provided that the vehicles are properly running and equipped with operable emergency lights, siren, and headlamps, and with the stipulation that the vehicle must withdraw from its role as the primary unit when a marked unit is in place to take over that role. The unmarked vehicle will then serve as an assisting unit until additional marked units can assist or unless otherwise directed by a supervisor to discontinue.
- F. The use of police motorcycles in vehicle pursuits is prohibited.
- G. Departmental vehicles are allowed to make deliberate bumper contact when both the fleeing vehicle and departmental vehicle have come to a stop or near stop (10 MPH or less) in an effort to pin the vehicle from continuing to move.

810.2.10 – Inter-jurisdictional Pursuits (41.2.2)

- A. RECC will notify outside agencies when the Department is in pursuit within their own jurisdiction or may enter another agency's jurisdiction. Notification will specify that the call is either a request for assistance or a courtesy notification with no participation by them requested. The decision to pursue beyond the jurisdiction of the Department is made by the field supervisor.
- B. When an officer pursues a fleeing vehicle outside his/her jurisdiction, all Departmental policies will be in full effect. In addition to the circumstances listed in 810.2.13 - *Termination of Pursuit*, the decision to terminate a pursuit outside of the Garner Police Department's jurisdiction shall also be determined by:
 - 1. The officer's knowledge of the area into which he is advancing,
 - 2. The capability of available radio communications, and
 - 3. Whether the offense for which the officer is pursuing warrants a pursuit into another jurisdiction.
- C. Officers will not become involved in a pursuit initiated by another agency unless:
 - 1. Specifically directed by supervisory personnel;
 - 2. It is demonstrated that a unit from another agency is unable to request assistance, or
 - 3. The emergency nature of the situation dictates the immediate need for assistance.

810.2.11 – Roadblocks (41.2.3)

The Garner Police Department prohibits the use of stationary and/or moving roadblocks during vehicular pursuits and emergency vehicle operations. This prohibits the use of the police vehicle or any other vehicle or object as a stationary or moving barricade.

810.2.12 – Spike Strips

- A. Officers will receive training in the use and maintenance of spike strips before being issued this equipment.
 - 1. Each officer is responsible for properly preparing the spikes for reuse, maintaining, and storing the spikes issued to them.
 - 2. After deployment and before the end of shift, officers will contact a supervisor for replacement parts for any damaged device, returning a fully functional device to the trunk.
- B. Authorization for use of the spike strips:
 - 1. Officers may use spike strips only after receiving authorization from the on-duty supervisor or a command level officer.
 - 2. Deploying spike strips to assist an outside agency is permitted only after a request from the pursuing agency is made and after receiving authorization from the on-duty supervisor or command level officer.
 - 3. Spike strips shall not be used in stopping the following:
 - a. Any vehicle transporting hazardous materials,
 - b. Any passenger van or school bus carrying passengers,
 - c. Any two wheel vehicles, unless deadly force is justified, or
 - d. Any vehicle that would pose an unusual hazard to innocent parties.
- C. Spike strip deployment guidelines:
 - 1. Prior to deploying the spike strips, the deploying officer will notify communications and the pursuing officers of the location of the deployment.
 - 2. A deployment location should provide a good line of sight to enable the deploying officer to observe the suspect vehicle and the pursuing police unit(s) as these vehicles approach.
 - a. Deployment should not take place within a curve, on a hill, or in any other area where the deploying officer cannot observe the approaching vehicles.
 - b. If at all possible, a level section of the roadway that provides the deploying officer some type of safety barrier, such as guardrails, abutments, bridges, overpasses, etc. should be selected as a favorable location for deployment.
 - 3. The deploying officer will maintain constant communication with the officer(s) in pursuit and deploy the spike strips in accordance with the manufacturer's recommendations. The deploying officer will notify the pursuing officer(s) when the device has been deployed. Once the spike strips are deployed, the deploying officer should seek protection.
 - 4. Every reasonable attempt should be made at stopping oncoming traffic a safe distance from the spike strip.

5. The pursuing officer(s), upon approaching the deployment location, will allow enough distance between the police vehicle and the suspect vehicle that the deploying officer can remove the spike strips from the roadway after the suspect vehicle has engaged the device and before engagement is possible by the police vehicle.
6. The deploying officer is responsible for removing them from the roadway immediately after their use. This includes searching the immediate area for spikes that may have detached.
7. Deployment of spike strips will not be attempted unless there is sufficient time to complete the task in a safe, organized, and efficient manner.

810.2.13 – Termination of Pursuit (41.2.2)

- A. The decision to terminate pursuit may be the most practical course of action. Officers must continually question whether the seriousness of the offense justifies continuing the pursuit. The pursuing officer or any supervisor of the department may terminate a pursuit.
- B. Pursuit will be immediately terminated in any of the following circumstances:
 1. Traffic, roadway, weather, environmental conditions, or speed of vehicles substantially increase the danger of the pursuit beyond the worth of apprehending the suspect;
 2. The pursued vehicle's location is no longer known;
 3. The offender's identity has been established to the point that later apprehension can be accomplished, and there is no longer any need for immediate apprehension;
 4. The pursuing officer knows, or has reason to believe, that the fleeing vehicle is operated by a juvenile and the safety factors involved are obviously greater than with which the juvenile can cope. For the purposes of this policy, a juvenile is any person under the age of (16) sixteen years; or
 5. The danger posed by continued pursuit to the public, officers, or suspects is greater than the value of apprehending the suspect(s).
- C. The termination of a pursuit will not prohibit the search of the suspect vehicle's probable route or reinitiating of pursuit should the opportunity arise and conditions permit.

810.2.14 – Documentation and Administrative Review (41.2.2)

- A. The field supervisor shall ensure that all officers directly involved in the pursuit as the primary unit or as assisting units complete a *Vehicle Pursuit Report* (GPD form 810.2-A).
- B. The Patrol Division Commander will complete an administrative review of the vehicle pursuit and will forward it through the Chain of Command to the Chief of Police. Specific guidelines for the administrative review can be found in the Department's *Internal Affairs Manual*.

810.2.15 – Analysis (41.2.2)

- A. The Administrative Bureau Captain will conduct an annual analysis of all pursuit reports within that year. The purpose of this analysis is to possibly reveal patterns or trends that indicate training needs and/or policy modifications.
- B. The Administrative Bureau Captain will review the Department's pursuit policy and reporting procedures on an annual basis. This review will be documented in PowerDMS.