

15.3 PURSUIT DRIVING (Revised 11-21-17)

15.3.1 When is a Pursuit Justified?

A. The Purpose:

- Why do Law Enforcement Officers engage in Pursuits?
 - To immediately apprehend dangerous criminals
 - To eliminate the risk to the public created by the careless or drunk driver
 - To prevent a continuing pattern of criminal activity by the same perpetrator
 - To deter a potential perpetrator

B. The Rule:

Deputies **will only** engage in pursuit driving of vehicles when the immediate need to pursue or apprehend a violator outweighs the risk of injury or harm to the public that could result from the pursuit.

Remember: Your first and primary duty is to protect the safety of the public.

Remember: You can elect **not to pursue** or choose to **terminate a pursuit** that is already in progress **at any time** the risk of harm to the public caused by the pursuit outweighs the immediate need to pursue or apprehend the violator.

- When determining if the need to pursue or apprehend a violator outweighs the risk of injury to the public, Deputies **MUST CONSIDER** the following:
 - Danger to public and Deputies caused by the pursuit
 - Danger to other occupants in the suspect's vehicle caused by the pursuit
 - Danger to the public if the suspect is not immediately arrested
 - Seriousness of the suspected violation
 - Whether identity of the suspect is known or can be readily identified
 - Speeds involved in the pursuit
 - Traffic volume (of both other vehicles and pedestrians)
 - Traffic signals or lights
 - Visibility and obstructions (e.g., hills and curves)
 - Road conditions (e.g., number of lanes, is there a shoulder)
 - Weather conditions
 - Location (e.g. rural or residential; populated or not)

- Time of day
- Condition and capability of the Deputy
- Condition and capability of the Deputy's vehicle
- Deputy's familiarity with the area
- Quality of radio communications
- Likelihood pursuit will succeed in catching suspect

B. N.C. Gen. Stat. § 20-145:

This statute provides that speed limits are not applicable to police vehicles operated in the chase or apprehension of violators or suspected violators of the law **when the police vehicle is operated with due regard for safety**. This exemption from the speed limit does not, however, protect a Deputy or Police Officer from the consequences of a reckless disregard for the safety of others. This means that Law Enforcement Officers could be held legally liable (in a personal or individual capacity) for reckless disregard for public safety during a pursuit. **This is another reason why the balancing test and factors described above are so important.**

- **Again:** Your first and primary duty is to protect the safety of the public.

C. N.C. Gen. Stat. § 20-156:

This statute provides that drivers of vehicles upon highways must yield right of way to police vehicles on official business, such as a pursuit, and which are running with blue lights and sirens. **This provision does not 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 unsafe use of this right-of-way.** In simple terms, this means that even though other motorists are required to yield to a police vehicle running emergency traffic, the Deputy/Officer driving that vehicle must still use due care during all portions of the pursuit.

15.3.2 Definitions

(a) **A Pursuit:** Any attempt to overtake or maintain contact with any motor vehicle that is being operated in a manner **that indicates evasive action or an attempt to avoid apprehension** by the occupant(s) of the vehicle.

(b) **Types of Pursuit Vehicles:**

(1) **Marked Enforcement Vehicle** – patrol vehicle, with Guilford County Sheriff's Office exterior markings, equipped with siren, wig-wag headlights, and emergency flashers, with roof mounted bar lights or interior mounted lights that provide 360° illumination.

- (2) Unmarked Enforcement Vehicle – line enforcement vehicle, any color, with or without Guilford County Sheriff's Office exterior markings, equipped with a siren, wig-wag headlights, emergency flashers, and interior mounted blue lights that provides 360° illumination.
- (3) Unmarked Administrative Vehicle – a detective or staff vehicle, any color without exterior Guilford County Sheriff's Office markings, equipped with siren, with or without wig-wag headlights, emergency flashers, and interior mounted blue lights that provides less than 360° illumination.
- (4) Sheriff's Motorcycle – a line enforcement motorcycle with Guilford County Sheriff's Office markings, equipped with siren, and front, rear and side mounted blue lights that provide 360° illumination.

15.3.3 Initiating and Conducting a Pursuit

- (a) Because a pursuit constitutes emergency operation of a Sheriff's Office vehicle, it should not be initiated except by a full-time officer who is not in training, or by a Level III Reserve officer. Officers in training may initiate pursuit **only when a training officer is present in the vehicle.**
- (b) The primary pursuing Sheriff's vehicle may be a Marked Enforcement Vehicle, an Unmarked Enforcement Vehicle, an Unmarked Administrative Vehicle or a Sheriff's Motorcycle. The officer shall activate blue lights and siren, and immediately notify the Communications Center of the pursuit, including the nature of the violation, location, vehicle description, number of occupants and direction of travel;
- (c) The initiating officer will also advise the Communications Center if the officer is operating any vehicle other than a Marked or Unmarked Enforcement Vehicle.
- (4) Give updated location and direction of travel information to Communications as often as possible and still maintain control of his vehicle. **When a second unit joins the pursuit and reaches the initiating officer's location, the second unit is responsible for handling all radio communications as long as he is close to and able to observe the lead unit's actions.**
- (d) The initiating, second, and third vehicles will be the only Sheriff's vehicles operating as emergency vehicles, unless otherwise authorized by a field supervisor or command level officer. All other Sheriff's units responding to assist are prohibited from operating as emergency vehicles **and shall obey all traffic laws**, unless the responding Sheriff's vehicle is being maneuvered into a position for the deployment of a TDD with approval of a supervisor or command level officer. If any vehicle other than a Marked or Unmarked Enforcement Vehicle is involved in the pursuit, a Marked or Unmarked Enforcement Vehicle may operate in an emergency capacity to become involved in the pursuit for the purpose of assuming the lead position in the chase. There should not be more than three (3) vehicles actively involved in the pursuit, unless authorized by a field supervisor or command level officer.

- (e) Stop the pursuit at any time the danger to the public caused by the pursuit outweighs the danger to the public by allowing the violator to escape.

15.3.4 Telecommunication's Responsibilities

(a) Immediately after being notified that an officer is in pursuit of a vehicle, the telecommunicator will broadcast an alert tone on all frequencies, followed by:

- (1) The fact of the pursuit.
 - (2) The identification of the initiating unit.
 - (3) The nature of the offense.
 - (4) The location and direction of travel of the vehicle being pursued.
 - (b) Notify the initiating officer's supervisor that the officer is in a pursuit.
 - (c) Activate the standby tone on the frequency used by the pursuit vehicle, and then notify other law enforcement agencies, if appropriate.
- (d) The telecommunicator will assign a back-up unit to assist in the pursuit. **No more than (3) three Sheriff's vehicles may be involved in the actual pursuit at any given time, unless approved by a supervisor.**
- (e) The telecommunicator, with approval of the supervisor, may direct other responding units into positions ahead of the pursuit to deploy a tire deflation device. These units may run emergency traffic if necessary.

15.3.5 Supervisor's Responsibilities

(a) The ranking on-duty District supervisor is responsible for monitoring all pursuits initiated by that District's officers. Immediately upon receiving notification that a pursuit has been initiated by a Deputy in his District, the on-duty supervisor for that District will radio the Communications Center and acknowledge that he/she is monitoring the pursuit via radio. If the on-duty supervisor does not do so promptly, the next ranking Deputy below the supervisor will acknowledge that he/she is monitoring the pursuit via radio.

(b) If the pursuit is initiated by an officer not assigned to a district office, the ranking on-duty District supervisor of the District where the pursuit begins is responsible for checking to see if a supervisor from the initiating officer's division is on the air and available to monitor the pursuit. If not, then the ranking on-duty District supervisor is responsible for monitoring the pursuit. Supervisors not assigned to the districts are responsible for their own decisions and behavior in pursuits which they initiate.

(c) If the primary vehicle initiating the pursuit is a vehicle other than a Marked or Unmarked Enforcement Vehicle, the responsible supervisor shall make attempts to replace the primary pursuit vehicle with a Marked or Unmarked Enforcement Vehicle.

(d) When the first Marked or Unmarked Enforcement Vehicle is involved, it shall assume the primary pursuit position behind the suspect or violator. The initiating vehicle will then assume the secondary position, and will remain there until conditions dictate discontinuing the pursuit.

15.3.6 Responsibilities of Other Officers Monitoring Pursuit Broadcast

(a) Officers driving Sheriff's Office vehicles and monitoring the pursuit broadcast who are in the general area of the pursuit, when not transporting prisoners or otherwise out of service, should proceed to intersections or highways which are likely to be used by the suspect vehicle, given the information which is broadcast. These officers will notify the Communications Center that they are responding, **BUT** will do so on the existing approved alternate channel (e.g., OPS Command channel) to prevent any interference with ongoing radio communications made by the primary or secondary pursuing Deputies on the main communications channel.

(b) These officers will proceed under normal traffic operations, **not emergency traffic, unless they are moving into position to deploy stop sticks as directed by telecommunications or a supervisor.**

(c) These officers will not advise the Communications Center of their movements until it appears that, from their location and the movement of the suspect vehicle, their immediate involvement in the pursuit is likely.

15.3.7 Inter and Intra-Jurisdictional Pursuits

(a) The officer handling radio traffic must **request permission from the supervisor and the supervisor must acknowledge and grant permission** for officers to leave Guilford County and enter an adjoining county during a pursuit.

(b) If a pursuit continues into a city within Guilford County, or if permission is granted for officers to continue into an adjoining county, Communications personnel will immediately notify any State, County or City law enforcement agencies which are likely to be affected or able to assist in the pursuit.

15.3.8 Termination of Pursuit

(a) **Termination Defined:** Termination of a pursuit means the officer will stop emergency operation of a Sheriff's Office vehicle, and bring the vehicle to a stop on the side of the roadway or in another safe location for a reasonable time to show through GPS and/or any installed in-car camera system that the officer is no longer involved in the pursuit. The officer will also advise communications the pursuit was terminated.

(b) **Termination by Pursuing Unit:** The lead officer must end the pursuit if at any time it appears that the danger to the public caused the pursuit outweighs the danger of allowing the suspect to escape. He should also end the pursuit if at any time he feels that continuing would jeopardize his ability to maintain control of his vehicle. If, at any time, a unit other than the initiating officer becomes the lead unit of the pursuit, it will be his responsibility to make decisions on continuing or ending the pursuit.

(c) **Termination on Identifying Suspect:** In many pursuit situations it is possible for officers to positively identify the suspect through personal knowledge, the tag number, description of the driver, or some combination of these or similar factors. If an officer believes they can positively identify a fleeing suspect, they should end the pursuit for safety reasons. **In situations when an officer recognizes or knows a violator from the start, and the nature of the violation is minor, the best response may be to swear out a warrant or criminal summons instead of initiating a pursuit.**

(d) **Termination by Supervisor:** The ranking on-duty Supervisor is responsible for ordering a pursuit be ended if, at any time, the danger of continuing the pursuit is greater than the danger to the public if the suspect is not apprehended immediately. While the involved officers are in a better position to weigh traffic and road conditions, supervisors are better able to evaluate the overall pursuit, including stress on the officers involved, which is always to be considered.

(e) **Termination of Outside Agency Assistance:** Officers assisting outside agencies in pursuits will terminate their involvements when the pursuit leaves the Guilford County Sheriff's Office jurisdiction unless further assistance is requested by the outside agency and authorized by a field supervisor or command level officer.

15.3.9 **Pursuits Involving Sheriff's Office Motorcycles**

- (a) Officers operating Sheriff's motorcycles shall be governed by the procedures outlined in this directive.
- (b) Officers operating Sheriff's motorcycles shall not participate in chases when another agency is participating unless authorized by a field supervisor or command level officer.
- (c) The necessity of an immediate apprehension must outweigh the level of danger created by the chase.
- (d) Officers operating a Sheriff's motorcycle will assume the primary position. The motorcycle operator shall notify Communications and request an authorized marked Sheriff's vehicle to respond. When another authorized Sheriff's vehicle (other than a motorcycle) assumes the primary position, the motorcycle operator shall disengage from the pursuit and notify Communications. Motorcycle officers shall not assume a secondary position unless authorized by a field supervisor or command level officer. If a Motorcycle officer is in an authorized secondary position, the officer shall disengage from the chase and notify Communications upon the arrival of another Sheriff's Vehicle (other than another motorcycle).

15.3.10 **Pursuits Involving Sheriff's Aircraft**

- (a) When the Sheriff's aircraft arrives on scene, the field supervisor or command level officer may direct the primary unit and/or secondary units to continue or terminate the chase. The decision shall be in accordance with factors listed in Section 15.3.1 of this directive.
- (b) The aircraft shall be given radio priority to relay direction of travel, hazards, and possible apprehension sites to officers and supervisors.
- (c) The field supervisor or command level officer shall notify the pilot to:
 - (1) Continue observation of the fleeing vehicle
 - (2) Abandon further efforts

- (d) The decision to terminate the aircraft's assistance is the responsibility of the field supervisor or command level officer and will be dictated by circumstances on a case-by-case basis.
- (e) When the aircraft continues to follow the fleeing vehicle, the pilot or observer shall continue to broadcast pertinent information.
- (f) When necessary, the aircraft will assist in establishing a perimeter and maintain observation until the suspect(s) or violator(s) have been apprehended or the perimeter is secured.
- (g) The aircraft will fly at a safe altitude determined by the pilot and maintain a sufficient distance to avoid alerting the suspect(s) or violator(s).
- (h) The use of searchlights or other visual aids will be at the pilot's discretion.
- (i) The aircraft may disengage from the chase at any time at the pilot's discretion.
- (j) Because of their point-of-observation, the Flight crew, when necessary, has the authority to recommend termination of the pursuit. The final authority of terminating the pursuit is the responsibility of the field supervisor or command level officer and should be based on the factors listed in Section 15.3.1 of this directive.