



# Graham Police Department

## Standard Operating Policies and Procedures

### Policy 16 Pursuit Response

#### DEPARTMENT POLICY

Officers are authorized to engage in pursuits in accordance with the guidelines of this policy and all applicable training. The Graham Police Department is committed to effectively enforcing the law and arresting violators to protect the public at large. As such, some police pursuits are necessary and unavoidable. The goal of the Graham Police Department is to properly balance the need to apprehend violators without unduly creating further risk to the public. As with the performance of all duties, officers are at all times subject to the provisions of applicable state and federal law.

#### PURPOSE

The purpose of this policy is to provide guidance to Graham Police officers in the pursuit of fleeing motorists, and to assist officers in the safe performance of their duties. Such guidance pertains to the decision to engage in a pursuit, the procedures to be followed during various types of pursuits, and the decision to terminate a pursuit. The goals of this policy and the Graham Police Department are threefold: (1) to prevent pursuits whenever possible, (2) to safely and effectively end pursuits as quickly as possible and (3) the ultimate goal; to protect the lives and safety of innocent motorists and officers.

This policy is intended to provide guidance to officers, supervisors, and commanders regarding the decisions to initiate or continue pursuits, the determination of the level of risk associated with a pursuit, and the categories of criminal offenses for which the Graham Police Department will, and will not, pursue.

#### I. DEFINITIONS

**[N.C.G.S. 20-145](#)**: **When speed limit not applicable** (click on statute number to access the most up to date version of this statute)

**[N.C.G.S. 20-156](#)**: **Exceptions to the right-of-way rule** (click on statute number to access the most up to date version of this statute)

**Vehicle Pursuit:** Occurs whenever an Officer engages in the emergency operation of a police vehicle in accordance with policy and training for the purpose of stopping another vehicle that is trying to avoid detection or apprehension by using high speed driving, or other evasive tactics that create a danger to the public, and that vehicle's operator knowingly fails to submit to the stop and the officer attempts to apprehend the violator.

*Justification for engaging in a vehicle pursuit must be based on facts known by the initiating officer when the decision is made to engage in a pursuit. Information not*

*established as fact at the time the pursuit was initiated cannot be considered later in determining whether the pursuit was justified. In all instances of vehicle pursuits, the initiating officer must be able to clearly articulate the reason(s) why a pursuit was initiated.*

*A vehicle pursuit does not occur when the operator of the other vehicle fails to immediately stop when the Officer is engaged in the emergency operation of a police vehicle, but instead continues driving for a short time to a well-lighted business or area occupied by other persons, while following all traffic laws. When this situation is clear, Officers will not charge a detainee with “[Failure to Heed](#)” (NCGS 20-157).*

**Actively Engaged in a Pursuit:** An officer operating a police vehicle and actively pursuing a fleeing motorist, on the same roadway and from a position in which the suspect driver reasonably should be aware of the officer’s presence and directive to stop, in an attempt to apprehend that motorist, is considered to be actively engaged in a vehicle pursuit.

**Police Vehicle:** Vehicles deployed by the Graham Police Department which are authorized to engage in emergency operations. These vehicles are described in the following categories:

1. Marked enforcement vehicle: a vehicle black/white in color with uniform Graham Police Department exterior markings, equipped with a siren, and mounted exterior and/or interior blue lights.
2. Unmarked enforcement vehicle: a vehicle of any color, with or without uniform Graham Police Department exterior markings, equipped with a siren, and interior mounted blue lights.
3. Unmarked administrative vehicles – a Detective or staff vehicle, any color, without uniform Graham Police Department exterior markings, equipped with siren and interior mounted blue lights.
4. Police Motorcycle – a motorcycle with uniform Graham Police Department exterior markings, equipped with siren, and front, rear and side-mounted blue lights.

**Primary Pursuing Unit:** The police unit immediately behind the suspect vehicle that engages in a pursuit, or any unit that assumes control of the pursuit.

**Secondary Pursuing Unit:** Any units authorized under this policy or at the direction of the supervisor to engage in the active pursuit. These units will serve as support to the primary unit in the apprehension of the suspect or provide other assistance as needed. In the event the primary unit becomes disabled, the secondary unit may assume control.

**Supervisor:** The patrol shift supervisor who assumes responsibility for the pursuit. In the event the patrol shift supervisor is not available, the Assistant Chief, Captain, or Lieutenant will serve as the supervisor.

**Terminate:** The language used by a supervisor or officers engaged in the pursuit to clearly direct the pursuit to cease immediately; the use of this language directs all employees involved in a pursuit to immediately comply by slowing down to the posted speed limit, or stopping completely, and turning off all emergency equipment.

**Vehicle Apprehension:** The use or attempted use of tactics or actions on the part of officers to stop a motor vehicle and thereby end a pursuit and take a suspect into custody. Such actions include, but are not limited to, utilization of tire deflation devices, stationary roadblocks, moving roadblocks, and intentional vehicle contact. Any such tactics or actions must be approved by a supervisor prior to utilization, and only officers who have been trained in such tactics may employ those tactics.

**Authorized Tire Deflation Device:** A device designed and intended to produce a controlled deflation of one or more tires of a pursued vehicle, and capable of operation consistent with criteria established in this policy.

**Stationary Roadblock:** A restriction or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to affect the apprehension of a violator.

1. **Avenue of Escape:** A gap in a roadblock which requires the violator to decrease the vehicle's speed to permit the violator to bypass the roadblock.
2. **Blocking Vehicle:** An unoccupied law enforcement motor vehicle, which is placed perpendicular to a roadway or angled in such a way as to create a roadblock.

**Rolling Road Block:** The surrounding of a violator's slow-moving vehicle's (defined as a vehicle traveling less than 10 mph) path of travel is blocked by the use of police vehicles. Only officers trained in the use of this tactic are authorized to use it.

**Boxing in:** Using law enforcement vehicles to surround and block the avenue of escape for a stopped suspect vehicle. Officers should not make intentional vehicle contact during the maneuver, however, boxing in a vehicle may result in inadvertent contact. Boxing in a stopped suspect can be preferable to allowing the suspect to continue fleeing, thereby creating more dangers to the public.

**Vehicle Contact Action:** Any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.

**Careless and Reckless Driving:** A violation as defined by NC GS 20-140 will be understood to constitute a significant threat to public safety under this policy. This will be based on the totality of articulable facts and circumstances including but not limited to speed, location, weather conditions, and driving maneuvers.

**Violent Forcible Felony:** A criminal offense that (1): constitutes a felony under federal or state law, **and** (2): involves violence or the use of physical force against a person or persons in order to facilitate that offense, **and** (3): creates an ongoing threat of harm to any person,

necessitating immediate apprehension of the suspect. Officers are authorized to pursue when there is at least a reasonable suspicion that a suspect has committed or attempted to commit any of the following offenses:

1. Murder / Manslaughter
2. Felony Death by Vehicle
3. Armed Robbery (Including armed carjacking)
4. Forcible Rape or Sexual Offense
5. Aggravated Felony Assault (e.g., with deadly weapon, with intent to kill, inflicting serious injury, against public official)
6. Discharging Firearm into Occupied Property
7. Child Abuse Inflicting Serious Injury
8. Kidnapping / Child Abduction
9. Arson to an occupied structure
10. Use of explosive or incendiary device against an occupied structure
11. Burglary / Felonious Breaking & Entering of an Occupied Dwelling
12. Felony Riot
13. Escape from custody for any of the above offenses
14. Any other felony offense against a person or persons, which creates an ongoing threat to the safety of any person
15. Possession of Firearm or Explosive/Incendiary Device on School Grounds

**Felony Offenses:** A criminal offense that constitutes a felony under federal or state law. When the risk level is deemed to be **Moderate**, officers are authorized to pursue when there is at least a reasonable suspicion that a suspect has committed or attempted to commit one of the following felonies:

1. Common Law Robbery
2. Possession (only) of a Weapon of Mass Destruction
3. Promoting or Participating in Prostitution of a Minor
4. First-Degree Sexual Exploitation of a Minor
5. Felonious Hit and Run (personal injury or death)
6. Trafficking / Sale or Delivery of a Controlled Substance
7. Felonious Larceny, including Felony Larceny of a Motor Vehicle
8. Felonious Breaking and Entering of a Building or Unoccupied Dwelling

Officers may pursue for other felonies if the identity of the suspect is not known or poses an ongoing threat to public safety.

**Aggravated Misdemeanor:** An offense that, while classified as a misdemeanor, involves the use or threatened use of violent physical force, and which reasonably creates an ongoing threat of harm to any person. When the risk level is deemed to be **Moderate**, officers are authorized to pursue when there is at least a reasonable suspicion that a suspect has committed or attempted to commit any of the following offenses:

1. Assault with a Deadly Weapon
2. Assault by Pointing a Gun

3. Carrying a Concealed Weapon
4. Physical Stalking
5. Any violation of a Domestic Violence Protective Order (50-B)

**Traffic Offense Involving Significant Threat to Public Safety:** An offense involving the operation of a motor vehicle upon a street, highway, or public vehicular area, which while ongoing, creates a significant threat of harm to any person. When the risk level is deemed to be **Moderate**, officers are authorized to pursue when there is at least a reasonable suspicion that a suspect has committed or attempted to commit any of the following offenses:

1. Driving While Impaired
2. Careless and Reckless Driving
3. (Sustained) Driving Left of Center
4. (Sustained) Driving Wrong Way on One-Way Street
5. Street Racing

## **II. Pursuit Decision-Making**

- A. *The primary goal of the Graham Police Department is the protection of persons and property; an Officer may terminate a vehicle pursuit at any time. Officers must remember that other persons utilizing the roadways do not expect their travel to be interrupted by a vehicle pursuit, or become involved in a crash as a consequence of a pursuit.***
- B. *Consideration must be given to the extent to which a vehicle pursuit exposes any Officer, or a member of the general public to excessive risk of injury.***
- C. Officers and supervisors in a pursuit situation must **continually** evaluate the need to apprehend the suspect, and weigh that need against the risks associated with the pursuit. If at any time the risks associated with the pursuit reasonably are perceived by the officer(s) or supervisor(s) to outweigh the need to immediately apprehend, that pursuit **must** be terminated.**
- D. *The following list of factors (while not all-inclusive) must be considered by the primary Officer, monitoring Supervisor in determining whether or not the risks involved in initiating or continuing a vehicle pursuit outweigh the public benefit derived by apprehending the suspect:***
  1. In weighing the decision to begin or continue a vehicle pursuit, the involved officer(s) and supervisor should consider the following, but not limited to:
    - a. **Time of Day** – high speed pursuits occurring during a time when there is a high level of activity (businesses, schools), are normally more hazardous than those occurring during periods of low activity

- b. **Volume of vehicular and pedestrian traffic** – pursuits occurring during periods of heavy vehicular and heavy pedestrian traffic are more hazardous than those occurring at other times.
- c. **Location of Pursuit** – pursuits through residential areas or along streets near or adjacent to schools are normally more hazardous than those in lightly populated areas
- d. **Roadway Conditions** – Weather, roadway hazards, and restricted visibility due to rain, snow, fog, narrow roads, repairs in progress, buildings, curves, and hills, all of which increase the risk of an accident.
- e. **Speed involved-** The higher the speed of the pursuit, the greater the risk of a crash, and thus the greater the risk of injury or death.
- f. **Presence of Minor Children in Suspect Vehicle** - Children present in a pursued vehicle must be considered to be at great risk of injury. Should pursuing officers detect the presence in a pursued vehicle of minor children who appear to be twelve (12) years of age or less, the pursuit **will automatically be deemed High Risk**. Only in the most exigent circumstances may a supervisor allow the pursuit to continue.
- g. **Identification of the operator and/or vehicle** - When the identity of the offender is known to the Officer, the offender can be identified by the prima facie rule of GS 20-141.5 as explained in Section (C) of this NC General Statute, or when it is likely that such identity can be established at a later time and the suspect can be apprehended in another manner, this reduces the need to apprehend immediately. In such cases, the pursuit should be terminated unless other factors known to the officers or supervisor necessitate immediate apprehension, such as an ongoing public safety threat.
- h. **Police Vehicle Condition** - The condition of the law enforcement vehicle regarding high speed pursuits and the effects of an officer's ability to control the vehicle at pursuit speeds (e.g., age of the vehicle, mileage, maintenance history).
- i. **Officer's Emotional State and Capabilities** - To be allowed to begin or continue a pursuit, an officer needs to be calm and in control of his/her emotions. Should a pursuing officer appear to be overly excited and/or not in complete control emotionally, or lacks the general capabilities to pursue, the pursuit by that officer should be terminated.
- j. **Officer Training, Experience, and Skill:** - The officer's familiarity with the vehicle, the officer's overall law enforcement experience and driving experience, should all be considered in the pursuit decision.

2. Also, in weighing the decision to begin or continue a pursuit, the officer and supervisor should consider the likely harm from **not** apprehending the suspect as soon as possible. These considerations include the following, but are not limited to:
  - a. The danger to the public created by the fleeing suspect's driving, including indications the suspect may be impaired or is willing to inflict serious injury on others in the course of the pursuit.
  - b. Whether the crime the suspect is believed to have committed is dangerous to persons or property, is a felony or serious misdemeanor, or involves conduct that threatens the lives and safety of persons.
  - c. Whether the suspect has been positively identified, or is likely to be identified at a later time.
  - d. Whether the suspect can be apprehended at a later time with little risk of more violence or danger to the public.
  - e. Whether the pursuit will likely be successful in apprehending the suspect.

**A pursuit with little chance of stopping the suspect should be terminated.**

3. All GPD officers will become familiar with and utilize the following factors when determining the level of risk (Lower or Higher) associated with every vehicle pursuit, and whether to engage in, continue, or terminate a pursuit. **The total level of risk for each pursuit will be based on the totality of the circumstances known at the time to the supervisor and officers involved.** The risk factors to consider when determining the total level of risk involved in the pursuit are defined as follows:

## **PURSUIT DECISION RISK FACTOR GUIDE**

### **Lower Risk Factors**

1. Marked patrol vehicles involved
2. Good sightlines to see other traffic
3. Few or no pedestrians
4. Generally Clear Weather
5. Officer is calm and in control
6. Lack of special circumstances (i.e. school zones during student arrival/departure, work zone with workers, etc.)
7. No known minor children present in suspect vehicle
8. Date/Time suggests low to moderate pedestrian or vehicle traffic is to be expected
9. Speeds 25 m.p.h. or less over the posted speed limit
10. Some hazardous, but not extreme maneuvers (i.e., crossing center line to pass vehicles, sudden lane changes) by the violator

### **Higher Risk Factors**

1. Only unmarked vehicles
2. Motor unit(s) involved
3. Frequent intersecting streets with limited sightlines
4. Poor weather, slippery streets, low visibility
5. Numerous pedestrians
6. Heavy, congested traffic
7. Extremely hazardous maneuvers (i.e., driving against oncoming traffic, failing to stop for red lights) by the violator
8. Speeds more than 25 mph over the posted speed limit
9. Existence of special circumstances (i.e., school zones during student arrival/departure, work zone with workers, etc)
10. Pursuing officers excited; not in full control of emotions
11. Supervisor not confident in pursuing officers' ability

### **AUTOMATIC HIGH-RISK FACTOR**

- Known minor children present in suspect vehicle
- Motor Units(s) involved
- Pursuits of vehicles with less than four (4) wheels, motorcycles, all-terrain vehicles and vehicles with passengers located in the open cargo areas. *Such pursuits are prohibited unless approved by the monitoring supervisor.*

**Other than known minor children present in the vehicle and the involvement of motor unit(s), no one factor alone will determine High or Low risk, rather it will be a totality of the circumstances and factors as known to the officers and the supervisor at the time of the pursuit.**

## **E. PURSUIT RESTRICTIONS**

1. As indicated by the following **Pursuit Risk Categories**, GPD officers are limited as to the types of offenses, agency vehicles utilized in the pursuit, and types of vehicles which may be pursued. Decisions made by officers and the monitoring supervisor regarding whether to initiate or continue a vehicle pursuit must be consistent with these Pursuit Risk Categories. Understanding there is always a level of risk associated with pursuits, there are two risk categories for this policy, High and Moderate.

- a. **High Risk:** When the level of risk associated with a vehicle pursuit is deemed to be **HIGH**, officers may **only** pursue when there is at least reasonable suspicion to believe that the suspect has committed or attempted to commit a “**Violent Forcible Felony**”, as defined in this policy or has committed the theft of an emergency vehicle (Law Enforcement, Fire, or EMS vehicle).

**ALL OTHER PURSUITS AT HIGH RISK LEVEL ARE PROHIBITED. IF A PURSUIT INITIALLY DEEMED MODERATE RISK ENTERS THE HIGH RISK CATEGORY AND IS NOT FOR ONE OF THE ABOVE OFFENSES, THAT PURSUIT MUST BE TERMINATED.**



**b. Moderate Risk:** Moderate risk is defined as any pursuit during which the totality of the circumstances does not meet the “High” risk threshold. When the level of risk associated with a vehicle pursuit is deemed to be **MODERATE**, officers may pursue when there is at least reasonable suspicion to believe that a suspect has committed or attempted to commit any of the listed Violent Forcible Felonies, Theft of an emergency vehicle (Police, Sheriff, Fire, or EMS), or for the following categories of offenses, as defined in this policy.

- 1) Felony Crimes
- 2) Aggravated Misdemeanor Crimes
- 3) Traffic Violations Involving Significant Threat to Public Safety

**PURSUIT FOR OFFENSES LISTED IN THE ABOVE THREE CATEGORIES MAY ONLY BE AUTHORIZED WHEN THE RISK LEVEL IS DEEMED TO BE MODERATE.**

**PURSUIT FOR TRAFFIC OFFENSES NOT INVOLVING A SIGNIFICANT THREAT TO PUBLIC SAFETY OR FOR OFFENSES DESIGNATED AS INFRACTIONS, A VIOLATION OF A CITY ORDINANCE, OR A TRAFFIC VIOLATION OR MISDEMEANOR OTHER THAN THE OFFENSES DESCRIBED IN THIS POLICY ARE PROHIBITED AT ANY LEVEL OF RISK.**

**ADDITIONALLY, A VIOLATION OF [NCGS 20-141.5, SPEEDING TO ELUDE ARREST](#), DOES NOT JUSTIFY THE CONTINUATION OF A PURSUIT INITIATED ON THE BASIS OF A TRAFFIC OFFENSE.**

### **III. Pursuit Procedures**

#### **A. Role of the Pursuing Officer / Notification**

1. Upon the commencement of a pursuit the pursuing officer(s) will immediately activate emergency lights and siren, and the primary unit must notify the communications center and a supervisor via radio. The information will include location and direction of the pursuit, a description of the fleeing suspect and vehicle, number of passengers observed, and the reason for starting the pursuit. The pursuing officer should keep the supervisor informed of the suspect’s speed and location, and the direction of the pursuit (*Failure to provide the above information may be cause for the monitoring supervisor to terminate the pursuit.*)
2. No more than two (2) Graham Police vehicles (primary unit and secondary unit) shall become actively involved in a pursuit unless otherwise specifically authorized by a supervisor. The secondary unit shall provide backup to the primary unit and may assume the pursuit should the primary unit become disabled. Secondary units should also ensure that communications of pursuit status is maintained.

3. Upon approaching an intersection controlled by traffic signals or signs, or any other location at which there is a substantially increased likelihood of collision the operator of any pursuit vehicle shall, prior to entering the intersection, take all actions needed to avoid collision with another vehicle or a pedestrian. The officer shall observe that the way is clear before cautiously proceeding through the intersection.
4. No officer shall drive the wrong way on a one-way street or against the normal traffic direction unless circumstances clearly dictate that such driving is necessary and can be conducted without unreasonable hazard to the public.
5. Marked police vehicles shall replace unmarked police vehicles and motor unit(s) as the primary and secondary pursuit vehicles at the earliest opportunity. All pursuing vehicles should maintain adequate distances between themselves and the fleeing suspect to minimize the risk of an unintended collision.
6. A motor unit can only continue to be involved in a pursuit with the approval of the monitoring supervisor.
7. Officers will not participate in pursuits when prisoners, suspects, complainants, witnesses, civilian observers, or any other person who is not a police officer occupies their vehicle unless there are substantial exigent circumstances, and a supervisory authorization to pursue is immediately obtained.
8. Any officer not actively involved in a pursuit shall not exceed the speed limit in order to engage in the pursuit, unless authorized to do so by a supervisor. The supervisor may authorize the next closest unit to respond emergency traffic to provide a solo primary unit with a secondary unit.
9. There will be no attempt by officers engaged in the pursuit to pass other units involved in the pursuit unless advised to do so by the primary unit or a supervisor in charge of the pursuit.
10. There will be no caravan of police vehicles attempting to join the pursuit.
11. Throughout the course of a vehicle pursuit, pursuing officers are prohibited from utilizing rolling roadblocks except under circumstances where the use of deadly force is authorized pursuant to [GPD Policy and Procedure 17 "Use of Force"](#) and without the expressed authorization of the supervisor in charge of the incident. **This does not mean this agency interprets the use of a roadblock to be deadly force.**
12. Stationary Roadblocks in pursuit situations will be used for the purpose of stopping fleeing vehicles and only be employed as a last resort in circumstances where deadly force would otherwise be justified pursuant to [N.C.G.S. 15A-401](#).
  - a. The use of a stationary roadblock must be authorized by the

supervisor in charge of the incident.

- b. At no time will a roadblock be established until all pursuing police vehicles are made aware of the stationary roadblock and its location and have acknowledged this awareness.
  - c. Once a stationary roadblock has been established and a vehicle or barricade has been positioned in the roadway, there shall be:
    - 1) Adequate distance to see the stationary roadblock (high visibility area)
    - 2) An avenue of escape
    - 3) Under no circumstances will roadblocks be barricaded by occupied law enforcement vehicles or private vehicles and all efforts will be made to remove private vehicles from the path of the pursuit.
13. Boxing in a suspect vehicle's escape route is authorized as defined in this policy and shall only be employed:
- a. When the suspect vehicle is stopped or about to stop (i.e. after a successful PIT, while stopped in traffic during a takedown)
  - b. And the suspect has shown indicators they intend to flee through the use of a vehicle
14. **Vehicle Contact Action** may only be used under following circumstances:
- a. A last resort to stop a fleeing vehicle when there is a compelling need to immediately stop the vehicle. Only officers trained in the use of the Precision Immobilization Technique (PIT maneuver) are authorized to perform the maneuver. A PIT is not authorized above speed of 55 mph unless deadly force would be authorized under [NCGS 15A-401\(D\)\(2\)](#).
  - b. Permission to make the deliberate contact with the offender's fleeing vehicle will be received from the monitoring supervisor prior to the initiation of the act, unless the use of such force is immediately necessary to protect human life.
  - c. If the suspect vehicle is, or appears to imminently be about to be (i.e. turning or driving the wrong way on an offramp), driving the wrong way on an Interstate, the primary unit will automatically and immediately be authorized to make deliberate vehicle contact with the intention of stopping the suspect vehicle. Due to the substantial and imminent threat of death or serious injury to the public, there exists an immediate need to stop the suspect.
  - d. Intentional vehicle contact **will not** be used against a motorcycle, dirt bike, or moped unless deadly force would be justified under [NCGS 15A-401\(d\)\(2\)](#).

*NOTE: The officer must consider the extreme danger to himself / herself, occupants of other vehicles and other users of the roadway and consider the activation of the airbags and/or loss of vehicle control.*

15. **Officers involved in a pursuit are prohibited from firing any weapon from or at a moving vehicle except as a last resort to prevent imminent death or serious injury to the officer or another person where deadly force would otherwise be justified.**

**The discharge of firearms shall not be utilized when the circumstances do not provide a high probability of striking the intended target or when there is a substantial risk to the safety of other persons, including risks or causing vehicle crashes.**

## **B. AUTHORIZED TIRE DEFLATION DEVICES (TDD)**

1. Upon supervisor approval TDD may be used to end a vehicle pursuit that is inside the territorial city limits of Graham. The supervisor may authorize the use of the TDD for any pursuits within the territorial limits of Graham, regardless of which agency is the responsible primary unit, and even if the reason for the pursuit does not meet the requirements of this policy. All other provisions of the TDD regulations will apply.
2. TDD may also be used to prevent stationary vehicles from being moved in an attempt to flee a scene.
3. Prior to using the TDD, officers must have completed training in the use of the device.
4. The TDD will not be deployed to stop a vehicle with less than four (4) wheels, or is a vehicle transporting known hazardous materials, unless deadly force would be authorized and no other options are available.
5. **METHOD:**
  - a. The officer deploying the tire deflation device will select a safe position to use them in. They will consider the safety of the public, private property, the suspect, the deploying officer, and the pursuing officers. The pursuing officers will be notified by the deploying officer that a tire deflation device is going to be used and the location where it will be deployed. Consideration should be given to traffic volume, construction areas, special events, and/or activities that may create situations where the use of the device would be inappropriate. The deploying officer will maintain a position of safety behind an object (guardrail, concrete wall, large tree, etc.) that will offer protection should it be hit by the fleeing vehicle. If the deploying officer does not have a safe area to stand they will position their patrol car with blue lights on and the front tires turned as far as possible away from the road. The vehicle will be left in park with the front of the vehicle facing in the direction of the oncoming pursuit. The officer will stand at least 30 ft behind the vehicle and deploy the tire deflation device. Should the patrol car be struck by the fleeing vehicle the patrol car should turn away from the road and the deploying officer due to the tires turned

away from the road. This will create a small area of safety but the officer should use extreme caution during this type of deployment.

- b. Deployment shall not occur on:
  - 1) curves
  - 2) bridges
  - 3) locations where reasonable judgment under the circumstances would dictate avoidance.
- c. The deploying officer will throw the tire deflation device across the road and hold the locked cord reel flat against the ground to prevent other vehicles from snagging the line. When the fleeing vehicle approaches the deploying officer will pull the “stop stick” into the path of the fleeing vehicle. At no time will the officer wrap the line from the cord reel around any part of his body. Officers involved in the pursuit shall increase the following distance to prevent their vehicle from striking the device. After the fleeing vehicle has run over or missed the tire deflation device it will be pulled from the road to allow pursuing vehicles to pass.
- d. If the fleeing vehicle hits the tire deflation device the deploying officer will advise the pursuing units that the suspect has hit the device. The pursuing units shall take appropriate action to avoid a collision with the suspect vehicle due to it slowing rapidly.
- e. The officer(s) deploying the device shall be responsible for securing the device immediately after use. This includes searching the immediate area where the device was used and collecting any spikes or points, which may have become detached.
- f. Reporting - After successfully deploying an authorized tire deflation device, the pursuing officer shall include at least the following information in the narrative of the Pursuit Report:
  - a) Date, time and location of deployment and activation.
  - b) Officer who deployed and activated the authorized tire deflation device.
  - c) Results of the use of authorized tire deflation device:
    - 1) On the pursued vehicle;
    - 2) On other vehicles, property or people; and
    - 3) On the authorized tire deflation device itself.

**If the successful deployment of the tire deflation device was a result of a mutual aid request the deploying officer will submit the above information on a Pursuit Report.**

### **C. Supervisory Responsibilities**

1. The Patrol Shift Supervisor (Corporal or higher) will assume control of all pursuits and monitor pursuits to insure compliance with this policy by police and communications personnel. This can be accomplished through radio communications.
2. In the event the supervisor initiates the pursuit, they should relinquish that position as soon as another unit becomes available and assumes control of the pursuit as specified in subparagraph (1) above.
3. The Patrol Shift Supervisor's foremost consideration shall be officer and bystander safety, methods of identifying the fleeing suspect, tactics to stop the fleeing vehicle, and coordination of all officers.
4. Supervisors shall intervene and correct any misuse of police personnel involved in the pursuit.
5. Supervisors may, at any time, order the termination of the pursuit when, in their judgment, the necessity of apprehension is outweighed by the level of danger created by the pursuit.
6. Supervisors shall also assure that sufficient patrol strength is maintained within the city to handle routine calls for service.
7. The supervisor in charge of the pursuit shall approve any special tactics to stop the vehicle. (*TDD and other Pursuit tactics listed in this policy*)
8. The Patrol Shift Supervisor shall review all pursuits after termination as an administrative review, and prepare a Pursuit Report concerning the pursuit and the tactics used to end the pursuit, if any. All reports of pursuits will undergo an administrative review as outlined in section M of this policy.
9. The supervisor may authorize actions contrary to the guidelines within this policy because of unforeseen circumstances. In these circumstances, it will be the responsibility of the Supervisor to document the reason why actions outside of this policy were necessary to protect the public interest.

**D. Communication Center Responsibilities** – Communications during a pursuit is vital to the safe apprehension of the offender as well as the safety of the officers and bystanders. The communications center will have the following responsibilities:

Immediately upon receiving information that an officer is in pursuit, the communications center will advise all other non-emergency radio traffic to stand by and give the pursuing officer priority use of the primary GPD Dispatch channel. The communications center will advise the pursuing officer of any pertinent information concerning the area of the pursuit.

1. Notify the Patrol Shift Supervisor of the pursuit in progress.
2. The communications center shall record on the CAD Log all the information furnished by the officer during the pursuit.
3. As long as the pursuit is continued, the communications center will manage the pursuit communications by re-broadcasting transmissions of relevance to other units involved.
4. Contact surrounding agencies and advise them of the pursuit and associated charges.
5. When the pursuit leaves the Graham City limits, or it is reasonably imminent that it will, the communications center will contact the appropriate law enforcement agency with the necessary information.
6. As time permits, the communications center will query DCI for vehicle and registration information and broadcast that information as it becomes available.

**E. Reinstating Pursuits** - Reinstatement of any previously terminated pursuit shall be undertaken consistent with the authorization criteria for originally initiating a pursuit.

**E. Pursuits Leaving the City Limits of Graham**

1. Jurisdiction is defined as the incorporated city limits of Graham, North Carolina and one mile beyond.
2. When GPD officers are engaged in a pursuit that originated within their jurisdiction, that pursuit may extend beyond the Graham city limits in accordance with [NCGS 15A-402\(d\)](#), at the discretion of the supervisor in charge, provided that radio contact can be maintained. All provisions of this policy shall apply outside those city limits.
3. GPD pursuing officers shall notify the Communications center when a pursuit is likely to go into another jurisdiction served by a different law enforcement agency. The Communications center will immediately notify the agency of jurisdiction into which the pursuit is proceeding. As soon as officers of another law enforcement agency are able to assume responsibility for the pursuit after it leaves the City of Graham, the GPD pursuing officers shall discontinue the pursuit and resume normal driving speeds, unless expressly directed to continue by the GPD supervisor in charge.

**F. Pursuits in the City limits by Other Law Enforcement Agencies**

1. When law enforcement officers from another law enforcement agency are involved in a pursuit that enters the Graham city limits, no officer will become actively involved unless formally requested by the pursuing agency and approved by a supervisor. In such cases, **all provisions of this policy will apply, regardless of the nature of request from the pursuing jurisdiction.**
2. In instances where a vehicle is pursued by two or more vehicles from an outside agency, only one Graham Police Department vehicle may actively become involved in the pursuit. The operator of this vehicle shall communicate the speed, direction of travel and other information to the communications center. GPD Officer(s) assisting outside agencies will terminate their involvement when the pursuit leaves this jurisdiction, unless further assistance is requested by the agency and authorized by a supervisor.
3. Graham PD officers may aid other agencies inside the city limits by deploying TDD with supervisor approval, regardless of the reason the outside agency is pursuing for.

**G. PURSUIT TERMINATION**

1. Supervisors, as well as the primary or secondary unit may order the termination of a pursuit **any time** they feel the dangers of the pursuit outweigh the benefits of continuing the pursuit.

2. Pursuits will be terminated when further pursuit would create excessive danger to the public or the officer(s) after considering: the location, the volume of pedestrians and /or vehicular traffic, the road conditions, the distance between the violator and the police vehicle, and the factors listed in section **I. Pursuit Decision-Making**.

## **H. REPORTING**

1. The pursuing officer(s) will forward a written report detailing the pursuit, their determination of the risk factors, and total risk of the pursuit on an Incident Report and by utilizing the Pursuit Report to the Patrol shift supervisor before completing their tour of duty.

Secondary units will forward a written Incident Supplemental Report detailing their involvement and a Pursuit Report to the shift supervisor before completing their tour of duty

**If the deployment of the tire deflation device was a result of a mutual aid request the deploying officer will submit the above information in a Pursuit Report.**

2. The Patrol Shift Supervisor shall review all pursuits after termination as an administrative review, and prepare a report concerning the pursuit and the tactics used to end the pursuit, if any, in a Pursuit Report. Supervisory reports of pursuits will be completed and forwarded to the Division Commander through the chain of command within 5 days. All pursuit reports will also be reviewed by the Assistant Chief and the Chief of Police.
3. Copies of all Audio/Video recordings of pursuits will be stored and retained pursuant to North Carolina Records Retention Schedule.
4. At the conclusion of each calendar year, an annual documented analysis will be conducted on all police vehicle pursuits by the Assistant Chief, or their designee. The purpose of this analysis is to evaluate police pursuits in an effort to identify any patterns or trends that would indicate training needs, or modifications. This analysis will also include a review of the agency's current pursuit policies, directives, and reporting procedures. The analysis and recommendations will be forwarded to the Chief of Police for approval and the final approved version will be forwarded to all division commanders, the Accreditation Manager, and the Training Coordinator.

## **IV. Training**

- A. During the Field Training Process, sworn officers will receive documented initial training on the agency's pursuit policy and training on TDD.
- B. Each sworn officer will receive documented annual review of the agency's pursuit policy.