



KERSHAW COUNTY SHERIFF'S OFFICE

SHERIFF LEE BOAN

VEHICLE PURSUITS

CHAPTER 404

404 VEHICLE PURSUITS

404.1 PURPOSE

The purpose of this policy is to provide a common set of guidelines to be followed by all Kershaw County Sheriff's Office (KCSO) employees when engaged in pursuit activity so as to minimize any potential danger to KCSO employees, the general public and fleeing suspects involved in a vehicle pursuit.

404.2 POLICY

The Kershaw County Sheriff's Office recognizes the value and sanctity of human life. The pursuit of a fleeing vehicle may present a risk to the deputy, the suspect, and the general public. It is therefore the policy of the Kershaw County Sheriff's Office to regulate the pursuit of fleeing vehicles and carefully balance the need for the suspect's apprehension with the potential danger to the deputy, suspect, and community.

404.3 DEFINITIONS

Boxing In – A tactic in which a stopped or slow-moving vehicle's escape route is blocked by the use of law enforcement vehicles.

Caravanning – Occurs when law enforcement vehicles other than those assigned to the pursuit follow the route of the pursuit in such a manner as to maintain close proximity to the pursuit.

Deadly Force – Any use of force that is likely to cause death or serious physical injury.

Forcible Vehicle Stop – Use of a vehicle to force another vehicle to stop. Forcible vehicle stops at a high rate of speed could be considered Deadly Force.



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Parallel Pursuit – Occurs when an uncommitted unit operating emergency equipment travels on a roadway different from the one on which the pursuit is occurring, in such a manner as to maintain close proximity and similar direction to the active pursuit.

Precision Immobilization Technique (PIT) – A maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

Primary Pursuit Officer – The officer who begins the pursuit or any other officer who assumes control of a pursuit.

Pursuit Supervisor – Any officer of the Kershaw County Sheriff's Office holding a supervisory rank.

Pursuit Vehicle – Any authorized law enforcement emergency vehicle which is involved in pursuing a fleeing vehicle.

Reasonable Suspicion – For the purposes of this policy, an officer must be able to articulate specific facts which, when taken together with rational inferences, would reasonably raise suspicion that the observed person or vehicle is engaged in criminal activity.

Roadblock – Any method, restriction or obstruction utilized for the purpose of preventing free passage of a pursued motor vehicle to apprehend a suspect in that vehicle.

Rolling Roadblock – A tactic used by officers in which a pursuing vehicle pulls in front of the fleeing vehicle and reduces speed in an effort to slow or stop the fleeing vehicle.

Secondary Pursuit Officer – The officer(s) who assists the primary pursuit officer.

Suspect – A person who has committed or is alleged to have committed a crime.



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Tire Deflation Device – A device specifically designed to puncture the tires of a fleeing vehicle causing the tires to deflate in a controlled manner and render the vehicle incapable of normal operation.

Vehicular Pursuit – A vehicular pursuit is an active attempt by an officer to apprehend any driver or operator of a motor vehicle who, having been given a visual or audible signal by the officer directing such driver or operator to bring his vehicle to a stop, willfully fails to obey the officer's direction, increases his speed, extinguishes his lights, or otherwise flees or attempts to elude the officer.

404.4 VEHICLE PURSUIT

The pursuit is justified only when the necessity of the apprehension of a suspect outweighs the risks created by the pursuit.

The decision to pursue shall lie with the primary pursuit officer. The primary pursuit officer shall also evaluate and determine whether to continue a pursuit unless otherwise instructed by the pursuit supervisor to terminate the pursuit.

The primary pursuit officer must consider the following circumstances and conditions before initiating a pursuit, and during a pursuit to determine if the pursuit should be continued. (SCLEA 16.4 a)

1. The seriousness of the original offense that led to the pursuit.
2. The time, day and location of the pursuit.
3. The weather and road conditions.
4. The presence and volume of vehicular and pedestrian traffic.
5. The officer's familiarity with the pursuit area.
6. The presence of passengers in the fleeing vehicle.
7. The known mechanical condition of the pursuit vehicle, including its emergency and communication equipment.
8. The likelihood of apprehending the fleeing suspect through continued pursuit or identifying and finding the suspect at a later date.
9. Other circumstances or conditions which may present a hazard.



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An officer shall not become involved in a pursuit or respond to assist in a pursuit when prisoners or passengers, other than other law enforcement personnel, are present in the officer's vehicle.

Pursuing Motorcycles, ATV's, and Off-Road Vehicles

Due to the performance and handling characteristics of motorcycles, ATV's, and Off-road vehicles, officers must be aware of the additional risks associated with pursuing these vehicles. The necessity of apprehending the suspect MUST outweigh the risks created by the pursuit.

404.5 PURSUIT AUTHORITY

S.C. Code § 56-5-760 authorizes drivers of police vehicles, while responding to an emergency call or when in pursuit of an actual or suspected law violator, to:

1. Park or stop in prohibited areas.
2. Exceed the maximum speed limit if he does not endanger life or property.
3. Disregard regulations governing direction of movement or turning in specified directions.
4. Proceed through a red traffic signal or stop sign, but only after slowing as may be necessary for safe operation.

It does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons.

404.6 PRIMARY PURSUIT OFFICER (SCLEA 16.4 b)

The primary pursuit officer will:

1. Be in control of the pursuit.
2. Immediately notify the appropriate communication center of the pursuit.
 - a. Description and license information of the fleeing vehicle.
 - b. Location, direction of travel and approximate speed of the fleeing vehicle.
 - c. Initial reason for the pursuit.



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- d. Number of occupants and their description.
- e. Any other pertinent information.
3. Continuously use blue lights and siren during pursuit, unless specific permission to do otherwise is received from the supervisor.
4. Communicate complete, accurate and timely information to the communications personnel throughout the pursuit. The direction of travel, speeds, road conditions, traffic conditions, weather conditions, etc. The primary pursuit officer may delegate this task to the secondary pursuit officer. (SCLEA 16.4 d)
5. Provide or arrange for assistance to person(s) who may be injured during the pursuit if there is no other officer in the immediate area to provide or arrange for assistance.

Officers who have video equipment in their patrol vehicles will activate their video recorder upon initiating or responding to assist with a pursuit and will record all activities until pursuit is terminated, the suspect is apprehended and transported to the appropriate location, or the officer is no longer involved in the pursuit.

In the event the officer who initiated the pursuit is not present when the fleeing suspect is apprehended that officer should proceed to the appropriate location to identify the suspect or vehicle or take the suspect into custody, if feasible.

The primary pursuit officer shall complete a detailed incident report in Zuercher and complete a Vehicle Pursuit report in Blue Team after the pursuit has concluded. The Vehicle Pursuit report in Blue Team will be forwarded to the primary pursuit officer's immediate supervisor for review.

404.7 SECONDARY PURSUIT OFFICER (SCLEA 16.4 c)

The secondary pursuit officer will:

1. Notify communications personnel and the supervisor when joining the pursuit.
2. Maintain a reasonable following distance from the primary pursuit vehicle to ensure proper reaction time and braking distance.



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3. Take responsibility for radio communications if assigned to do so by the primary pursuit officer.
4. Provide first aid to any person injured during the pursuit and, if necessary, notify communications to dispatch an ambulance to the scene.
5. Assume the primary pursuit vehicle position if instructed to do so or it becomes necessary.

404.8 TERMINATING A PURSUIT (SCLEA 16.4 g)

The pursuit shall be terminated when ANY deputy involved in the pursuit determines that it is necessary or when directed by another ranking supervisor.

The pursuit shall also be terminated when:

1. The danger of continuing the pursuit outweighs the need to apprehend the suspect based on the elements set forth in Section 404.4; or
2. The identity of the suspect is known and immediate arrest is not necessary; or
3. The distance between the pursuing officer and the suspect is so great that further pursuit is futile.

The primary pursuit officer should notify communications personnel that the pursuit has been terminated and shall state the time and location where pursuit was terminated.

The primary pursuit officer shall complete a detailed incident report in Zuercher and complete a Vehicle Pursuit report in Blue Team after the pursuit has been terminated. The Vehicle Pursuit report in Blue Team will be forwarded to the primary pursuit officer's immediate supervisor for review.

No disciplinary action will be taken against any personnel for terminating a vehicle pursuit.



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404.9 VEHICLES USED FOR PURSUITS

All pursuit vehicles will be authorized law enforcement emergency vehicles, equipped with KCSO-issued lights and siren. When feasible, the primary and secondary pursuit vehicles will be fully marked patrol vehicles.

No more than two vehicles should be in direct pursuit of a fleeing vehicle, unless circumstances dictate an identifiable need and the use of additional vehicles have been authorized by a supervisor.

Appropriate emergency equipment (i.e. blue lights and siren) on authorized emergency vehicles shall be used during pursuits.

404.10 INVOLVEMENT OF OTHER KCSO OFFICERS

All officers who may be of assistance or may provide any related information regarding a pursuit will immediately inform communications personnel and the appropriate supervisor.

Officers not involved in the pursuit as a primary or secondary pursuit vehicle should:

1. Remain aware of the direction and progress of the pursuit.
2. **Not respond or parallel the pursuit in an emergency response mode unless directed to do so by the pursuit supervisor or exigent circumstances.**

404.11 SUPERVISION OF PURSUITS (SCLEA 16.4 e)

The pursuit supervisor will:

1. Evaluate the pursuit and will order the termination of the pursuit when it appears to constitute an unreasonable risk.
2. Evaluate the circumstances surrounding the pursuit to determine the need for additional law enforcement assistance.



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3. At the conclusion of the pursuit, report the pursuit to the command staff and provide any information or statements necessary for the incident report.

The immediate supervisor will:

1. Ensure that the primary pursuit officer completes an incident report and vehicle pursuit form upon termination of the pursuit and ensure all in-car camera videos are downloaded and attached to the incident report.
2. Ensure that KCSO vehicles involved in a pursuit are inspected for proper safety and mechanical operation as soon as practicable after the pursuit has ended.
3. Review the Vehicle Pursuit form in Blue Team and forward the report to the division Captain and Review Board.

404.12 FORCIBLE STOPS (SCLEA 16.4 f)

Forcible stops involve the use of a vehicle or a weapon to force another vehicle to stop. Forcible stops at a high rate of speed could constitute deadly force and are not authorized unless the use of deadly force is authorized by the pursuit supervisor. As such, forcible stops shall be used typically only in extreme cases to effect the lawful arrest of a person:

1. Who has committed, or attempted to commit, a felony involving the use of deadly force;
2. Who is attempting escape by the use of deadly force;
3. Who may, in all likelihood, endanger life or inflict serious physical injury unless arrested.

There shall be no bumping, ramming, or blocking the pursued vehicle unless, based on the existing circumstances, the use of deadly force would be justified under the KCSO's Use of Force Policy. The only exceptions are as follows:



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1. Marked and unmarked units may use a rolling roadblock tactic in an effort to slow or stop a fleeing vehicle. *Units should not try to perform a rolling roadblock, or boxing-in maneuver, where the front-most unit is smaller than the suspect vehicle.*
2. To terminate a pursuit, the use of established maneuvers and equipment to forcibly stop a vehicle is permitted with a supervisor's approval. The deputy must reasonably ensure the safety of non-involved pedestrians, motorists, and property and the risk of the suspect going out of control after being hit must be less than the risk of the suspect not being captured immediately.

The implementation of a forcible stop should be carefully weighed by the pursuit supervisor against the safety of all officers involved in the pursuit and other persons in the area.

Roadblocks are prohibited unless the circumstances would otherwise warrant the use of deadly force and shall be employed only as reasonably necessary and in accordance with KCSO policy.

Officers shall not discharge a firearm at or from a moving vehicle unless the use of deadly force is justified and there is substantial likelihood that the projectile will not strike any person other than the suspect(s).

404.13 PRECISION IMMOBILIZATION TECHNIQUE (PIT MANEUVER)

The Precision Immobilization Technique (PIT) is a specific technical and precise maneuver which requires advanced practical training.

Officers shall utilize discretion in determining the need to initiate a PIT maneuver. Because of its technical and precise nature, the PIT maneuver is not considered deadly force by the courts. PIT is a force option that, when done correctly, will result in no injuries and very little damage to the violator and Pursuit Vehicle.

Whenever practicable, officers will obtain supervisory approval prior to utilizing the PIT maneuver. Once approval is obtained, the final decision to utilize the PIT maneuver rests with the pursuing officer.



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The PIT maneuver should only be used when the danger from the continued pursuit is greater than the danger associated with using the PIT maneuver to end the pursuit. Before the PIT maneuver is used, the Primary Pursuit Officer must consider the following circumstances and conditions:

Condition of the road:

- a. Wet or Dry
- b. Width of road and shoulders
- c. Divider or other obstruction
- d. Roadside obstructions (trees, ditches, buildings, etc.)

Visibility:

- a. Distance ahead
- b. Darkness

Traffic volume:

- a. Actual volume based upon observation
- b. Anticipated volume based on time of day (School hours, commuter traffic)

Pedestrian Traffic:

- a. Actual volume based upon observation
- b. Anticipated volume based on time of day (School hours, commuter traffic)

Type of fleeing vehicle:

- a. Vehicles with a high center of gravity and narrow wheel base
- b. Small cars with narrow wheel base and no target area on rear quarter panel

Occupants:

- a. Number of occupants in vehicle
- b. Whether children are visible in the vehicle
- c. Whether occupants are wearing seatbelts

Reasonable speed as determined by the following factors:

- a. Whether the violator is showing total disregard for public safety
- b. Whether the violator is darting at other vehicles
- c. Whether the violator is driving on the wrong side of the road
- d. Whether the violator is running other motorists off of the road.



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The PIT Maneuver shall not be attempted on the following vehicles:

1. Motorcycles or ATV's
2. Large Commercial Trucks, Buses, Vans
3. Vehicles transporting hazardous materials
4. Vehicles with flattened tires on both sides
5. Pick-up Trucks with higher than normal suspensions

Prior to implementation of the PIT maneuver, other pursuing vehicles will be advised that the technique will be performed. *Other pursuing units should drop back and prepare to pin the suspect vehicle to prevent it from fleeing.*

The PIT maneuver should not be performed on a suspect vehicle where the tires have been deflated by using a tire deflation device.

The PIT maneuver is prohibited in a foreign jurisdiction.

404.14 TIRE DEFLATION DEVICE

Officers engaged in pursuit or supervisor(s) who have reason to believe the continued movement of the fleeing vehicle will place the driver and/or others in imminent danger of serious bodily injury may utilize the tire deflation device (TDD) in order to bring the suspect's vehicle to a stop. The following guidelines shall be adhered to when employing the TDD;

Only KCSO issued TDD may be used and officers must have successfully completed training on the devices before use.

All of the following criteria shall be met before using the TDD:

1. There is reasonable cause to believe the suspect has committed an offense justifying his arrest.



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2. The officer attempting to apprehend the suspect has engaged the blue lights and siren.
3. The suspect ignores the efforts and warnings obvious and visible to a reasonable person in the suspect's position.
4. An effective and safe location must be selected for the placement of the TDD.
 - a. Deployment locations should have reasonably good sight distances to enable the officer deploying the devices to observe the pursuit and other traffic as it approaches.
 - b. Deployment shall not occur on curves, bridges, or other locations where reasonable judgment would dictate avoidance.
5. The officer deploying the TDD should choose a location with natural barriers such as roadway underpasses, guardrails, or shrubbery. These barriers will help conceal the officer from the suspect's view and allow deployment of the TDD in a relative position of safety.
6. Position and vulnerability of the public, private property, and other assisting units and equipment shall be considered.

Officers should avoid using TDD in certain situations such as heavy traffic, construction areas, special events and/or other activities, which may create a situation where the use of the TDD would be inappropriate.

The TDD shall not be deployed to stop a motorcycle or three wheeled vehicles.

The primary pursuing officer shall coordinate with the officer(s) deploying the TDD or assisting in the pursuit in order to ensure the safe and effective use of the device.

1. When the decision is made to deploy the TDD, the primary pursuit officer shall notify the officer deploying the TDD as far in advance as possible.
2. The officer deploying the TDD shall be in position in sufficient time and notify all pursuit vehicles when the TDD is in place.
3. The TDD shall be deployed in accordance with the manufacturer's recommendations and training guidelines.
4. The officer shall not maintain physical contact with the rope or the TDD while it is being run over by the suspect's vehicle.



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5. After deploying the TDD, all officers at the scene should immediately seek protection.
6. The officer(s) deploying the TDD shall be responsible for securing the TDD immediately after use. This includes searching the immediate area and collecting any spikes or points which may have become detached.

The TDD may be used to prevent stationary vehicles from being moved in an attempt to flee the scene.

The primary pursuit officer shall indicate the use of the TDD in the written report required by this policy. The officer deploying the TDD shall also supply a written report.

404.15 OTHER AGENCIES OR JURISDICTIONS (SCLEA 16.4 h)

When other agencies pursue vehicles and need assistance from KCSO officers, the following shall govern the KCSO officer(s) involvement.

Officers shall not assist in active pursuit unless requested by the pursuing agency and such pursuit is approved by the supervisor who will become the pursuit supervisor.

If the pursuing agency is joined by KCSO units and the pursuing agency's back-up unit arrives to assist, the KCSO units will terminate active pursuit and cease emergency operation unless instructed otherwise by the pursuit supervisor.

When assisting other agencies involved in a pursuit, the pursuit supervisor and officer should determine:

1. The speed, direction, and roadway used by the fleeing vehicle.
2. The offense(s) committed by the fleeing driver, including the initial reason for attempting to stop the subject.
3. Whether the driver is armed or otherwise considered dangerous.
4. The method of communication to be used between the officers of the agencies involved in the pursuit.



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Officers assisting other agencies shall:

1. Advise the communication center of the pursuit.
2. Cooperate with the reasonable and lawful efforts of the initiating agency to stop the fleeing vehicle.
3. Continue to evaluate the pursuit and terminate KCSO participation in the pursuit if the danger of continuing the pursuit outweighs the need to apprehend the suspect, or when directed to do so by the pursuit supervisor.

Due to limited radio communications with other agencies, the pursuit supervisor shall terminate the pursuit if necessary.

404.16 PURSUIT SUMMARY AND REVIEW

The primary officer will complete an incident report in Zeurcher and vehicle pursuit report in Blue Team as soon as practical following the pursuit. In-car camera videos will be downloaded and attached to the incident report. The vehicle pursuit report form shall be forwarded to their immediate supervisor for review. (SCLEA 16.4 i)

The primary officer's immediate supervisor will begin a review of the pursuit as soon as practical following the termination of the pursuit. This includes a written report submitted by the primary pursuit officer and other designated officers as determined to be necessary by the immediate supervisor.

The supervisor will ensure all written reports and forms related to the vehicle pursuit are completed appropriately and all videos (body camera & in-car cameras) are downloaded. The vehicle pursuit report in Blue Team will be forwarded to the division Captain and Review Board for review.

A Vehicle Pursuit Board, consisting of members of KCSO, shall review all vehicle pursuits to ensure the vehicle pursuit was within KCSO policy.

An annual analysis of all pursuit shall be conducted by the Chief Deputy, Training Division, and/or Vehicle Pursuit Board. (SCLEA 16.4 j)



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If the pursuit results in damage to a KCSO vehicle, all policies and procedures related to accidents involving KCSO vehicles shall be followed.

404.16 TRAINING (SCLEA 16.4 k)

All officers operating a law enforcement emergency vehicle shall successfully complete a course of instruction relating to emergency response operation and pursuit operation. Appropriate training on vehicular pursuit policy and procedure will be included as part of annual training. The Training Division will document all training.