

 Kinston Police Department	<u>POLICY: Emergency Response and Pursuit</u>						POLICY #: 400-2
	<u>NCLEA Standards: 6.08; 6.09; 6.10; 6.15; 6.16</u>						
	<u>CALEA Standards: 41.2.1; 41.2.2; 41.2.3</u>						
	<u>NCLM Standards: II.10:</u>						
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	Revision Dates:	01/01/21	02/16/22	04/08/25			Effective Date: 07-01-2019
Approval: Chief of Police							

I. PURPOSE

The purpose of this policy is to establish guidelines for units responding to calls for service and instances involving vehicle pursuits.

II. DEFINITIONS

- A. **Routine Response:** A normal operating condition in which officers respond by driving in a safe and courteous manner, adhering to all traffic laws.
- B. **Emergency Response:** A response condition in which officers respond to calls when a person's safety and well-being are directly jeopardized; a life-threatening situation. Officers shall use emergency lights and siren and use due regard for safety at all intersections and determining the way is clear before proceeding.

III. POLICY

- A. Officers operating police vehicles shall exercise due regard for the safety of others. No assignment or call for service shall be of such importance, and no police response shall be expedited with such emphasis, that the principles of safety become secondary. While driving in routine response situations, officers shall follow all motor vehicle laws.
- B. Officers shall follow the City of Kinston (Employee Seatbelt Use) Policy #4, which states:
 - 1. All drivers and passengers must wear their seat belts in both the front and back seats. Employees are expected to ensure that passengers comply with the requirements of this policy. The seat belt law applies to all vehicles required by federal standards to have seat belts. The law requires use of the entire seat belt system present in the seat. Unless a seating position has a lap-belt-seat belt only, both the lap and shoulder belt must be properly worn. Placing the shoulder belt behind the back or under the arm is not allowed. **(NCLEA 6.16)**
- C. Officers shall use Emergency Equipment only when required by the nature of their dispatched assignment, or when situations confronting them indicate the need for the use of Emergency Equipment. North Carolina G.S. 20-156(b), and 20-145 does not protect police officers operating vehicles and emergency equipment from consequences of their reckless disregard for the safety of others. Emergency blue lights shall be used in the following circumstances: **(NCLEA 6.10)(CALEA 41.2.1)**

1. During pursuit driving.
2. When responding emergency traffic.
3. When stopping traffic violators.
4. When assisting motorist who are parked or stopped in hazardous locations.
5. When a patrol vehicle is stopped or parked in the roadway while the officer attends to a hazardous condition or other circumstances such as directing traffic. When a patrol vehicle is stopped or parked in the roadway hazardous warning lights shall be used to supplement the emergency lights.

D. The siren is to be used simultaneously with the emergency lights when in a pursuit situation or an emergency situation. The siren may be used to signal drivers to stop or yield right of way when other means of attracting the driver's attention have failed.

1. The spotlight/takedown light, if available, should be used as protection for the police officer especially when dealing with known or suspected felons. The spotlight/takedown lights should be used to illuminate the interior or the violator's car so all occupants are kept within view and at a disadvantage when looking back toward the police vehicle and police officer. The officer should exercise care not to be silhouetted by the lights. The spotlight/takedown lights should not be used routinely to signal violators to stop due to the possibility of temporary blindness to the violator and other drivers from the glare created by its use.
2. The public address system should be used when it is necessary to minimize a suspected hazard to the officer by directing the actions of a violator or violators from a safe distance. The public address system may also be used for directing persons when unusual conditions are present, such as natural or manmade disasters.
3. North Carolina General Statute 20-145 allows a law enforcement officer to exceed the speed limit in a police vehicle when operated with due regard for safety in the discharge of official duties. However, law enforcement officers should be aware of the emotional and physiological engagement that can develop during a motor vehicle pursuit which has been established by this agency. Prior to and during a motor vehicle pursuit, police officers shall evaluate the circumstances of a pursuit to include: the suspects' violation and its relationship to the community safety; the danger to the public if the suspect is not apprehended; the risk of pursuit to the public; visibility and weather conditions; traffic conditions; road conditions; and speed of pursuit violator and officer. **(NCLEA 6.08a,c) (CALEA 41.2.2 a, b)**
4. A police officer initiating a motor vehicle pursuit will be the primary unit and shall activate blue lights and siren and inform the Communications Center of: **(NCLEA 6.08 b, d) (CALEA 41.2.2 c)**
 - a. The beginning of a motor vehicle pursuit and the nature of the suspect violation.
 - b. The location of and the direction of travel of the pursuit.
 - c. The description of the suspect vehicle
 - d. The number of occupants in the suspect vehicle
 - e. Other information that could aid in the identification or apprehension of the

suspect, or aid in the determination to either continue or terminate the pursuit.

5. Police officers involved in the pursuit shall continue to provide an updated location and direction of travel information to the Communications Center as often as possible. Officers shall request additional police officers to assist with the arrest if it appears that the primary and secondary units will be unable to safely effect the arrest of the suspect(s) upon completion of the pursuit.
6. A police officer assigned to act as a back-up or secondary officer in a motor vehicle pursuit shall: **(NCLEA 6.08 b, d) (CALEA 41.2.2 d)**
 - a. Assist the primary unit during the motor vehicle pursuit.
 - b. Facilitate communications between the primary unit, the Communications Center, and the supervisor.
 - c. Assist the primary unit with the apprehension and security of the suspect when the motor vehicle pursuit is completed.
 - d. Assume the role of primary unit in the event that the primary unit is unable to continue the motor vehicle pursuit; at which time the new primary unit shall evaluate the pursuit and determine if the pursuit should be terminated or continued and shall request an additional secondary unit if necessary.
 - e. Maintain a safe distance behind the primary unit.
7. Immediately after being informed of a pursuit, its location, and direction, the telecommunicator shall notify the supervisor of the motor vehicle pursuit. The telecommunicator will notify other law enforcement agencies as appropriate and attempt to coordinate the positioning of nearby police officers. The telecommunicator will also broadcast on all operational frequencies an alert tone to be followed by: **(NCLEA 6.08 d) (CALEA 41.2.2 f)**
 - a. An announcement of the pursuit.
 - b. The identification of the primary unit.
 - c. The nature of the suspected violation.
 - d. The location and direction of travel of the motor vehicle pursuit.
8. Immediately upon notification, it shall be the authority of the supervisor through communications to:
 - a. Direct and control the pursuit.
 - b. Provide for the safety of the police officers involved in the pursuit.
 - c. Provide for the safety of the general public.
 - d. Monitor the conduct of the pursuit to ensure that Department policy as contained in this directive is followed.

E. The police officer in the primary unit shall inform the Communications Center when crossing city or county lines during a motor vehicle pursuit. It shall be the responsibility of the telecommunicator to notify the appropriate state, county, and city Law Enforcement agencies that are in position to be affected by or assist in the motor vehicle pursuit. If a Law Enforcement Agency of another jurisdiction assumes active pursuit, the Department supervisor may order Department's involvement in the pursuit discontinued. **(NCLEA 6.08 e) (CALEA 41.2.2 j)**

Should another agency be unable or refuse to assume active pursuit, the supervisor should evaluate the pursuit and determine if the pursuit should be continued or terminated. If a pursuit

conducted by a Law Enforcement agency or another jurisdiction enters the City of Kinston, the following procedure will apply to the Kinston Police Department:

1. The supervisor will attempt to determine why the person is being pursued and what assistance is being requested by the pursuing agency.
2. The Communications Center will dispatch one police officer to trail the pursuit if back-up assistance is requested, but the police officer will not actively pursue.
3. If the supervisor determines that a pursuit is a detriment to public safety, the supervisor will attempt to contact the agency and police officers involved in the pursuit and advise them. Under these circumstances, no pursuit will be conducted by the Department. Back-up will be provided only at the point where pursuit has been discontinued or terminated or the detriment to public safety subsides.
4. If another jurisdiction requests the Department to assume active pursuit, the supervisor will evaluate circumstances of the motor vehicle pursuit as provided by the other agency and known to the supervisor, and determine an appropriate response.

F. Forcibly stopping a suspect vehicle during a motor vehicle pursuit may involve the use of deadly force. A police officer involved in pursuits will forcibly stop suspect vehicles only to protect himself or a third person when the police officer reasonably believes it is necessary to prevent immediate, imminent death or serious bodily injury to himself or others. A police officer will forcibly stop a vehicle under these circumstances only as a last resort. Police officers are prohibited from engaging in vehicle road blocks of any kind without specific authorization from the on-duty supervisor. (**NCLEA 6.08 f) (CALEA 41.2.3)**

G. Use of approved tire deflating devices is the only method authorized by the Kinston Police Department for stopping a suspect vehicle during a pursuit, unless deadly force is justified. Only those police officers trained and authorized in the use of tire deflating devices shall be allowed to use such devices. When a deflating device is used, the following procedures shall apply: (**NCLEA 6.15**)

1. The police officer utilizing the device will notify police vehicles involved in the pursuit that the deflating device is about to be deployed and the exact location of the device. Upon receipt of notification that a deflating device is about to be deployed, police officers involved in the pursuit will allow a sufficient distance between themselves and the suspect vehicle so as to avoid contact with the deflating device.
2. The police officer utilizing the device will advise police vehicles involved in the pursuit when the deflating device has been deployed.
3. The police officer utilizing the device shall have adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
4. Such devices are intended to be used against vehicles with four or more tires. At no time shall a deflating device be utilized against motorcycles.

H. The primary unit shall terminate the motor vehicle pursuit when the primary unit believes the danger to the public presented by the pursuit outweighs the danger of allowing the suspect to escape; or, when directed by the supervisor to terminate the pursuit.

1. It shall be the responsibility and authority of the supervisor over the discretion of the primary and secondary units to order the motor vehicle pursuit terminated whenever the supervisor believes the risk to the public presented by the pursuit outweighs the danger of allowing the suspect to escape. The supervisor shall take into consideration each of the following: **(NCLEA 6.08 d, g) (CALEA 41.2.2 g, h, i)**

- a. The suspect's violation and its relationship to community safety;
- b. The danger to the public if the suspect is not apprehended;
- c. The risk of pursuit to the public; including factors such as pursuit location and direction (i.e., school zones, playgrounds, neighborhoods);
- d. Visibility and weather conditions;
- e. Traffic conditions;
- f. Road conditions;
- g. Speed.

I. Police vehicles purchased with the "police package" and equipped with blue lights and sirens are authorized for use in motor vehicle pursuits. All other police vehicles equipped with blue lights and sirens may be used for pursuit, but only when emergency circumstances require their use. Blue lights and sirens shall be operated continuously throughout the duration of a motor vehicle pursuit. Police vehicles containing victims, witnesses, suspects, prisoners, complainants, citizen riders, non-sworn police personnel, or any other non-police personnel are prohibited from engaging in pursuit driving situations. No more than two police vehicles shall actively participate in a motor vehicle pursuit unless additional units are authorized by a supervisor. **(CALEA 41.2.2 e)**

1. In the event that an unmarked police vehicle initiates a vehicle pursuit, a marked police vehicle shall be called to replace the unmarked police vehicle in the vehicle pursuit. Once replaced as the initial unit, the unmarked police vehicle shall take the position as the backup unit. Once replaced as the backup unit, the unmarked police vehicle shall discontinue the vehicle pursuit. The unmarked police vehicle may follow the vehicle pursuit from a safe distance, at a safe speed, in order to render backup to the pursuing marked police vehicles if needed.

J. When a motor vehicle fails to stop within a reasonable response time after having been given a lawful command to stop by a police officer, and the responding officer(s) continues to enforce the command by following the vehicle in an effort to overtake, capture, or force the vehicle to stop, this action shall be defined as a motor vehicle pursuit by the department policy and shall be subject to the guidelines contained in this directive.

1. Within twenty-four hours after a motor vehicle pursuit has ended, the on-duty supervisor shall critique the motor vehicle pursuit incident relative to compliance with the Department Policy and Procedures, and shall forward the critique to the appropriate Major, and copies forwarded to the Office of Professional Standards. The critique shall, at a minimum, address the following:

- a. Reason for pursuit
- b. Justification for continuing the pursuit

- c. Compliance with (or violations) Policy and Procedures
- d. Any training issues arising from the pursuit
- e. Officers involved as Primary and Secondary units

K. All reports of vehicle pursuits will be reviewed by supervisory personnel as well as Professional Standards. At least annually Professional Standards shall analyze all incidents of use of force including Motor Vehicle Pursuits with the intent of observing patterns or trends that indicate training needs, policy modifications, or disciplinary concerns. (**NCLEA 6.09**) (**CALEA 41.2.2 I**)

L. Prohibitions while operating a vehicle

1. While operating an Agency owned or leased vehicle in motion for City of Kinston business, whether on or off-duty, employees:
 - a. Shall not engage in writing, sending, searching, replying, utilizing an application (app) or reading any text-based communication on electronic wireless communication devices.
 - b. Shall not utilize a cellular phone in any mode other than “hands free” unless it is detrimental for officer safety purposes.
 - c. Shall not view, search or otherwise try to manage body-worn or in-car videos.
 - d. Shall not read printed material, perform personal grooming, smoke or engage in any other activity that significantly limits the use of one or both hands and is not directly work related and/or cannot be avoided until their vehicle comes to a complete stop.

M. Exceptions

1. Operation and use of portable and vehicle mounted radios and RADAR units are exempt from these provisions.
2. The activation and deactivation of in-car and body worn video cameras is exempt from these provisions.
3. Employees may use a Mobile Data Computer while in motion when one-button or one-touch responses are needed to indicate an officer is en-route, arriving on scene or to activate an emergency button or when required due to other job-related functions.
4. The use of wireless communication device in a manner that is inconsistent with the prohibitions described in Section L (above) is only permitted when significant, articulable exigent or emergency circumstances exist and no reasonable alternative is available.
5. Employees may not utilize any electronic wireless communication devices (other than a police radio and activating in-car or body-worn cameras) when operating a vehicle with lights and/or siren activated or while operating outside of the normally expected rules of the road.

N. All Kinston Police Department sworn personnel shall receive initial training and shall review this Policy & Procedure, 400-2: Emergency Response and Pursuit annually and

provide documentation to the KPD Training Division. (**NCLEA 6.08**) (**CALEA 41.2.2 m, n**)