



# Cumberland County Sheriff's Office

## Policy Manual

### Ennis W. Wright, Sheriff



POLICY: 07-13	DATE: 07-01-1998	REVISION DATE: 07-14-2017
TITLE PAGE: Vehicle Pursuits		PAGE: 1 of 11
RESPONSIBLE AUTHORITY: Chief Deputy		
REFERENCES: CALEA 41.2.2; 41.2.3 North Carolina General Statute § 20-145; 20-156		

**GENERAL PURPOSE:** To establish guidelines for operating county owned motor vehicles during vehicle pursuits.

**POLICY:** Before engaging in the pursuit of a motor vehicle, deputies must balance the need to pursue or apprehend a violator against the risk of damage to property or injury to persons. Deputies involved in conducting or supervising a pursuit must always be aware that their first obligation is to protect the public. The following North Carolina General Statutes Apply:

**G.S. 20-145 - When Speed Limit is not applicable**

The speed limitations set forth in Chapter 20 of the NC General Statutes shall not apply to vehicles when operated with due regard for safety under the direction of the law enforcement officer in the chase or apprehension of violators of the law or of persons charged with or suspected of any violation. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

**G.S. 20-156 - Exemptions to the Right of Way Rule**

The driver of a vehicle upon the highway shall yield the right of way to law enforcement vehicles when the operators of said vehicles are giving a warning signal by the appropriate light and by bell, siren or exhaust whistle audible under normal conditions from a distance not less than 1,000 feet. When blue light and siren are activated, as provided in this subsection, an emergency vehicle may proceed through an intersection or other place when the emergency vehicle is facing a stop sign, a yield sign, or a traffic light which is emitting a steady or flashing red light. This provision shall not operate to relieve the driver of the law enforcement vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequences of any arbitrary exercise of such right-of-way.

**Definitions:**

**Vehicle Pursuit:** A county issued vehicle operated by a deputy who is engaged in an active attempt to apprehend any driver of a motor vehicle who refuses to stop his vehicle or who flees from the deputy after being directed to stop with both blue light and siren.

**Termination of Vehicle Pursuit:** Termination of vehicle pursuit means the deputy stops emergency operation of the vehicle, and brings the vehicle into compliance with all traffic regulations.

**Vehicle Apprehension:** The tactics and strategies designed to take a suspect into custody who is in a moving motor vehicle that includes, but is not limited to, traffic stops, tactical vehicle takedowns, utilization of tire deflation devices or a stationary roadblock.

**Traffic Stop:** An attempt, by use of an authorized emergency vehicle, with the use of blue light and siren to conduct a traffic stop or otherwise apprehend occupants of a motor vehicle. A deputy may take steps, reasonably necessary, to apprehend the offender, but must do so with due regard for the safety of all persons and property.

**Violent Forcible Felonies:** Are considered to be the following:

1. Murder
2. Voluntary Manslaughter
3. Robbery with a dangerous weapon or Common Law Robbery
4. Sexual Assault
5. Arson to a structure reasonably believed to be occupied
6. Use of Explosive Device to a structure
7. Kidnaping
8. Burglary
9. Aggravated Assault on a Law Enforcement Officer with a dangerous weapon
10. Assault on a Law Enforcement Officer resulting in Serious Injury

**Serious Misdemeanors:** Are considered to be the following:

1. Driving While Impaired
2. Assault Inflicting Serious Injury
3. Assault by Pointing a Gun
4. Any Assault in violation of North Carolina General Statute 14-346; Assault on Emergency Personnel.
5. Hit and Run with Personal Injury

### **SPECIFIC PROCEDURES:**

#### **A. Decision to Pursue**

1. Considering the restrictions contained within this policy, deputies may engage in a pursuit when they have reasonable suspicion that a fleeing suspect has committed or has attempted to commit a violent forcible felony or serious misdemeanor in the above definitions. **(CALEA 41.2.2a)**
2. All other pursuits are prohibited.
3. The decision to initiate a vehicle pursuit must be based on the deputy's conclusion that the immediate danger to the public created by the pursuit is reasonably less than the immediate danger or potential danger to the public should the suspect remain at large. The decision to

engage in an active pursuit shall be based upon but not limited to the following factors:

- a. Alternative means of apprehension
  - b. Nature of the suspected violent forcible felony or serious misdemeanor
  - c. The potential for endangering the public caused by eluding acts of a fleeing violator.
  - d. The amount of vehicle and/or pedestrian traffic
  - e. Possibility of identifying the operator and/or vehicle at a later date
  - f. Lighting conditions
  - g. Weather condition
  - h. Road Conditions and traffic volume
  - i. Type and Condition of pursuit vehicle
  - j. Pursuit speeds
4. Once the decision has been made to engage in pursuit, these factors shall continue to be given careful consideration in determining the maximum safe speed at which deputies vehicles may travel throughout the pursuit and whether to continue with the pursuit. Also, there should be a plan to end the pursuit as soon as practical. **(CALEA 41.2.2b)**
  5. Deputies, supervisors and commanders, at all levels, have a responsibility to monitor the progress of each pursuit. The need for apprehension must be constantly weighed against the potential danger created by the pursuit.

#### B. While in Pursuit

1. Upon engaging in a pursuit deputies shall activate both blue light and siren while maintaining safe and maneuverable control of their vehicle. Deputies shall immediately radio the telecommunicator to indicate a pursuit is in progress, giving location, direction of travel and speed. Further, the color, year, make, body style, license (CYMBAL) of the pursued vehicle, and the crime or suspected crime for which the pursued is wanted shall be transmitted. During the vehicle pursuit the blue light and siren shall be in continuous operation.
2. The deputy shall give updates on the location and direction of travel to the telecommunicator as often as possible while maintaining control of the vehicle.
3. The following tactics and condition shall be adhered to while engaged in an active vehicle pursuit:
  - a. Only two vehicles shall be directed to engage in a pursuit. These are the primary vehicle and the assigned backup vehicle. (Supervisors may authorize additional vehicles based on the needs of the pursuit.)
  - b. The Senior Supervisor in the Operations Division shall always have ultimate and complete command of vehicle pursuits occurring during their duty shift unless relieved by a higher ranking supervisor. Additional assistance, if authorized, will be determined by:

- (1) a. Nature of the Offense

- (2) Number of Suspects
  - (3) Number of deputies involved in the pursuit
  - (4) Other clear and articulate facts that would warrant the increased hazard.
- c. Pursuing deputies and any assigned parallel units shall respond with blue lights and siren activated.
  - d. "Caravanning" (a group of law enforcement vehicles traveling together, usually in a file) or unassigned units is prohibited.
  - e. Deputies shall not follow a suspect vehicle the wrong way on a limited access roadway or on a one way street.
  - f. Vehicles shall not pass one another unless the lead vehicle grants permission.
  - g. Rolling roadblocks, high speed boxing in, heading off, closing parallel approaches and P.I.T. maneuvers are not permitted.

## C. Use of Roadblocks

### 1. Use of Stationary Roadblocks

- a. Stationary roadblocks shall be the only roadblocks authorized for use by the Cumberland County Sheriff's Office. Under no circumstances shall any moving roadblocks be authorized.
- b. Roadblocks shall be used in the following situations, **(CALEA 41.2.3b)**
  - (1) A violent forcible crime such as: murder, rape, assault with a deadly weapon inflicting serious bodily injury, kidnapping, and aggravated assault on a law enforcement official with a deadly weapon has been committed, and it is believed that the suspect remains near by. A stationary roadblock may be generated as a result of a vehicle pursuit in which the suspect is an occupant. **(CALEA 41.2.3a)**
  - (2) A sudden dangerous highway condition exists and the public must be detoured before serious injury occurs.
  - (3) A dangerous situation exists and the motorist would be exposed to serious injury, fire, chemical spill, or a hostage situation.
  - (4) Roadblocks designed around the use of special operations such as: Click it or Ticket, Booze it or Lose it, or informational checking stations do not apply to this policy. *See Policy 02-20: Checking Stations.*
- c. The Patrol Division Commander, Assistant Patrol Commander or Platoon Commander must authorize and cancel the use of any roadblock.

- d. If approved by the above personnel or the senior supervisor on duty, a stationary roadblock must provide the suspect vehicle with an opportunity to stop (i.e., no roadblocks on curves). Only law enforcement vehicles equipped with blue lights and sirens shall be utilized. Lights and flares shall be utilized, if time permits, but under no circumstances shall lights be used to blind the operator of the oncoming vehicle. **(CALEA 41.2.3d)**
- e. Once a roadblock has been authorized by the Patrol Division Commander, Patrol Commander or Platoon Commander, the ranking on-duty Supervisor shall assume command of the roadblock. If the supervisor is unable to reach the scene of the roadblock, the supervisor shall assign a specific deputy to assume command. **(CALEA 41.2.3d)**
- f. The roadblock shall be designed to allow a route for a vehicle to pass through. The design should require a vehicle to reduce speed to pass through the roadblock. Furthermore, the roadblock shall allow for safe stopping distance for all traffic. Deputies shall place themselves in safe positions and never expose themselves to a risk for the sake of stopping any fleeing vehicle. **(CALEA 41.2.3b)**
- g. An authorized roadblock for the purpose of capturing a suspect shall require every possible avenue of escape to be blocked. All traffic shall be stopped and each motorist thoroughly investigated.
- h. When a roadblock is authorized to prevent a vehicle from passing on, the roadblock shall be located to provide for following:
  - (1) Adequate warning to operator;
  - (2) Adequate reversal or turn around space; and
  - (3) Alternate routes to the destination.
- i. There shall be a written report of all established roadblocks. The Operations Division Commander shall forward copies to the Captain of the Office of Professional Standards for a documented administrative review. **(CALEA 41.2.3e)**

#### D. Responsibilities of the Secondary Unit

1. The first deputy to join the initiating deputy becomes the secondary unit. The secondary unit assumes the responsibility of updating the telecommunicator on the pursuit and coordinating radio traffic concerning the progress of the pursuit.
2. The Secondary unit must maintain a safe following distance and use emergency blue lights and siren for the duration of the pursuit.
3. Providing backup support requires a safe arrival. "Safe Arrival" means responsible control over your vehicle. Being the first to arrive at the scene does not justify driving that prevents safe arrival. You cannot help if you are unable to arrive. **(CALEA 41.2.2c)**

**E. Responsibilities of the Telecommunicators (CALEA 41.2.2e)**

1. Immediately after being notified that a deputy is in pursuit of a vehicle, the telecommunicator will broadcast an alert on all channels providing the following information:
  - a. The fact that a pursuit is underway.
  - b. The identification of the pursuing unit.
  - c. The nature of the violation or offense.
  - d. The location and direction of travel of the vehicle being pursued.
2. Notify the pursuing deputy's supervisor or other available on-duty supervisor of the pursuit.
3. Acknowledge a back-up unit to assist in the pursuit. No more than two vehicles may be involved in a pursuit at any given time unless the supervisor in charge authorizes additional units.
4. Notify other law enforcement agencies as necessary.

**F. Responsibilities of the Supervisors (CALEA 41.2.2f)**

1. Supervisors are responsible for monitoring any pursuit involving deputies from the Cumberland County Sheriff's Office.
2. A supervisor may authorize additional units to respond as necessary.
3. Supervisors shall evaluate the nature of the pursuit in light of its danger and make a judgment whenever necessary to terminate the pursuit.

**G. Termination of Pursuit (CALEA 41.2.2g)**

1. The lead unit shall end the pursuit, if at any time, it appears that the danger to the public because of the pursuit outweighs the danger of allowing the suspect to escape.
2. The pursuit shall also be terminated if, at any time, the deputy feels that the ability to maintain control of the vehicle is jeopardized.
3. In many pursuit situations it is possible for deputies to positively identify the suspect through their personal knowledge, the vehicle registration, description of the driver, or some combination of these factors. When a deputy reasonably believes that a positive identification of the fleeing suspect is not possible, the pursuit should be ended for safety reasons unless there is greater danger to the public if the suspect is not immediately apprehended.

4. Supervisors and/or ranking on-duty deputies are responsible for ordering that a pursuit be terminated 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.
5. Any deputy ordered to cease a pursuit by a superior shall do so immediately. The field supervisor or platoon commander shall get verbal confirmation that the deputy has ceased the pursuit and will ensure the following:
  - a. The primary and back-up deputies shall immediately obey all traffic laws and turn off blue lights and siren
  - b. The primary and back-up deputy shall either turn their vehicle in another direction or pull to the side of the road if on a limited access road, turning around as soon as safety permits.
  - c. The primary deputy shall inform Communications that the pursuit has terminated and give their location and last known direction of the suspect vehicle. **(CALEA 41.2.2g)**

#### H. Other Requirements

1. The use of a county vehicle to forcibly stop another vehicle, or to force a vehicle off the roadway, is prohibited. Use of a vehicle in this manner can cause the airbag to activate, rendering the vehicle inoperable. **(CALEA 41.2.3c)**
2. Unmarked vehicles involved in pursuits shall be replaced by marked vehicles whenever possible based on the availability of marked vehicles. When two marked vehicles have become involved in the pursuit, unmarked vehicles shall terminate their involvement. **(CALEA 41.2.2d)**
3. Deputies shall not become involved, or shall terminate their involvement in, pursuits with other law enforcement agencies when the total number of vehicles in the pursuit, or other conditions, violate the requirements of this policy. **(CALEA 41.2.2h)**
4. These guidelines apply to all deputies, regardless of rank, assignment, division, or seniority.

#### I. Use of Tire Deflation Devices

1. Tire deflation devices such as Stop Sticks or Stingers are devices comparable to a Hard Control response to Active Resistance as found in the Use of Force Continuum. Deploying a tire deflation device during a vehicle pursuit shall be documented on a pursuit form 348, indicating that a tire deflation device was actively used. Only deputies who are trained by the Training Staff in the use of tire deflation devices shall deploy/activate them.
2. Deputies shall make every effort to avoid collateral damage to citizens' property that could result from the target vehicle's impact with tire deflation devices. When deploying tire deflation devices on a roadway as part of a pursuit, the deploying deputy shall notify

Communications of the intended location and specific lanes of travel targeted for deployment. Communications shall notify units and agencies involved in the pursuit, as well as, the on-duty Platoon Commander. Before deploying tire deflation devices on roadways, deputies shall accomplish the following:

- a. Select a location with minimal anticipated and actual pedestrian and bystander presence.
3. Position deputies and bystanders in a safe location away from the point of impact, to prevent injury from flying debris.

NOTE: Tire Deflation Devices will not be deployed on motorcycles or bicycles.

4. When used in a pursuit, deputies other than those operating the primary and secondary pursuit vehicles shall be responsible for deployment of tire deflation devices and shall deploy the devices in the roadway ahead of the target vehicle they are attempting to stop.
5. Position tire deflation devices as a single unit or in combination of two or more sets depending on the width of the roadway to be covered in the deployment area.
6. Deploying deputies can use their patrol vehicle to channel the fleeing vehicle toward the path of the tire deflation device provided they observe the following.
  - a. Lights and siren are activated
  - b. At least two traffic lanes are available for the target vehicle and pursuing deputy without crossing a grass or elevated median.
  - c. Deputies shall immediately remove tire deflation devices from the roadway when no further need for deployment exists and it is otherwise safe to do so.

#### J. Required Reports

1. In addition to any other reports that may be required because of the pursuit, the initiating deputy in charge of the pursuit shall complete a Vehicle Pursuit Report at the end of that tour of duty. The Vehicle Pursuit Report will be reviewed by the Division Commander or Assistant Division Commander to ensure compliance with office policy and North Carolina General Statutes. The report will then be forwarded to the Captain of the Professional Standards Office. **(CALEA 41.2.2i)**
2. Each pursuit report shall be reviewed by the Division Commander and by the Captain of Professional Standards. **(CALEA 41.2.2i)**
3. Each Division Commander shall prepare a quarterly pursuit report that shall be sent to the Captain of the Professional Standards Office for administrative review. **(CALEA 41.2.2i)**



4. The Captain of Professional Standards shall prepare a documented report annually of all vehicle pursuits. **(CALEA 41.2.2j)**
5. This annual report shall be completed by the last business day of January.

K. Training

1. The Cumberland County Sheriff's Office shall train periodically, but no less than once every three years, all deputies on procedures for the implementation and forcible stopping techniques of Office approved roadblocks. **(CALEA 41.2.3 b, c)**

**NOTE:** This policy is for internal use only, and does not enlarge a deputy's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.

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