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Wilkesboro Police Department

Electronic Written Directives Document

I. PURPOSE

The purpose of this policy is to provide officers with guidelines for conducting pursuits. The Wilkesboro Police Department is committed to promoting public safety. Officers engaged in a vehicle pursuit must continually balance the need to pursue against all known risks posed to the general public, the officer, and in some circumstances the suspect.

II. POLICY

Officers are authorized to engage in pursuits in accordance with the guidelines of this policy and all applicable training.

Whenever an officer is driving a police vehicle, the officer will always drive with due regard for the safety of the public, and will use the skills, principles and concepts learned during training. Officers operating any Town vehicle will wear the vehicle's equipped seat belt properly fastened around their body.

III. DEFINITIONS

A. **Pursuit:** The operation of a police vehicle in accordance with policy and training to stop a suspect who is trying to avoid detention or apprehension by using high speed driving or other evasive tactics that create a danger to the public, while failing to yield to the officer's visible and audible signal to stop. Suspect driving actions may include, but are not limited to:

1. Failing to yield the right of way at an intersection.
2. Failure to obey traffic control devices.
3. Improper passing.
4. Driving off the roadway.

B. **Violent Felony:** An offense that involves an actual or imminent threat of death; or an offense that could result, or has resulted, in death or serious bodily harm.

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- C. **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.
- D. **Secondary Pursuing Unit:** Any units authorized under this directive or at the discretion 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 of the pursuit.
- E. **Uncommitted Units:** Any patrol units not actively engaged in the pursuit.
- F. **Supervisor:** The supervisor (senior officer, Lieutenant, or higher) who assumes responsibility for the pursuit. A pursuit is the responsibility of the field supervisor of the patrol team which engaged in the pursuit. In the event that supervisor is engaged in the pursuit, or is otherwise not available, the Division Commander will be notified and assumes responsibility for the pursuit.
- G. **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.
- H. **Stationary Roadblock:** Any method, restriction or obstruction utilized for the purpose of preventing free passage of a pursued motor vehicle in order to cause the apprehension of a suspect in that motor vehicle. Stationary Roadblocks are permitted, but only with supervisor approval.
- I. **Rolling Roadblock:** A tactic used by officers in which either of the pursuing vehicles pull in front of a fleeing vehicle, that is traveling over 5mph, and reduces speed in an effort to slow or stop the fleeing vehicle. Rolling Roadblocks are not permitted.
- J. **Boxing In:** A tactic in which a stopped or slow-moving vehicle's (defined as a vehicle traveling less than 5mph) escape route is blocked by the use of police vehicles. Boxing in is authorized only as defined in this policy and only for personnel that have successfully completed any training in the use of this tactic through departmental training.
- K. **Parallel Pursuit:** Occurs when an uncommitted unit operating emergency equipment or outside of traffic laws travels on a roadway different from the one on which the pursuit is occurring, in such a manner as to maintain close

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proximity and similar direction to the active pursuit. Parallel pursuits are prohibited.

- L. **Caravanning:** Police vehicles other than those assigned to the pursuit following the route of the pursuit in such a manner as to maintain close proximity to the pursuit. Caravanning is prohibited.
- M. **Marked Unit/Vehicle:** Any vehicle operated by the Wilkesboro Police Department that is marked with WPD decals on its exterior and is equipped with an audible siren and a mounted blue light.
- N. **Unmarked Unit/Vehicle:** Any vehicle operated by the Wilkesboro Police Department that is not equipped with WPD decals on its exterior.
- O. **Safe Distance:** As directed by skills, principles, and concepts learned during training, the proper distance between vehicles traveling in the same direction of a roadway that will ensure proper braking and reaction time in the event that the lead vehicle stops, slows, or turns.

IV. PROCEDURES

A. Engaging in Pursuits

1. Officers are authorized to stop an individual if they have reasonable suspicion that a person has committed a crime or traffic violation. Officers are authorized to engage and continue in a pursuit when they have reasonable suspicion to believe the driver or occupant has committed or is attempting to commit a felony or misdemeanor that poses a serious risk to the public if not apprehended. The danger created by the flight of the suspect does not constitute justification for the pursuit. Officers may not pursue suspects for any violation of the infraction laws.
 - a. Only sworn police officers are permitted to engage in a pursuit.
 - b. An officer will not engage in a pursuit while transporting a prisoner, any civilian or other non-sworn departmental personnel.
 - c. Officers involved in a pursuit will operate their blue lights and siren at all times during the pursuit.
2. Once it has been determined that the driver of a vehicle is refusing to yield, the officer will immediately deactivate blue lights and siren and cease attempts to pursue the violator when the reason for the vehicle stop is other than a felony or misdemeanor that poses a serious risk to the

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public if not apprehended. This does not prohibit the officer from continuing to follow a vehicle, while complying with all traffic laws.

3. The responsibility for the decision to engage in a pursuit rests with the individual officer. Before engaging in and during a pursuit, an officer will consider the following factors:
 - a. The seriousness of the felony or misdemeanor committed by the suspect.
 - b. The danger presented to the officers and citizens.
 - c. The location of the pursuit.
 - d. The population of the area.
 - e. The type of terrain.
 - f. Traffic conditions.
 - g. Presence of other vehicles on the road.
 - h. The posted speed limits.
 - i. The weather conditions.
 - j. The ability to keep his/her vehicle under control.
 - k. The speed of his/her vehicle and that of the suspect.

4. The officer engaging in a pursuit must notify the telecommunicator immediately that a pursuit is underway. The officer must provide the telecommunicator with the following information so that the supervisor will have the necessary information to evaluate the need to engage in, or terminate, the pursuit:
 - a. Call number
 - b. Specific reason or suspected offense for the pursuit.
 - c. Location, direction of travel, speed, weather and traffic conditions.
 - d. Suspect vehicle information.

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- e. Number of occupants in the vehicle and if weapons are involved.
- f. Identity of suspect(s) and a description, if known.

B. Secondary Units

A secondary unit is authorized to actively engage in a pursuit, after the officer notifies the telecommunicator that he or she will be engaging in the pursuit as a secondary unit. Only two units may engage in a pursuit unless the supervisor authorizes other units to engage in the pursuit.

1. At the discretion of the primary unit, the secondary unit will assume the responsibility for radio communications.
2. At no time will police vehicles pass each other while engaged in a pursuit unless circumstances require the vehicles to change positions, and it can be done safely. The changing of positions must be clearly communicated between the involved officers and each must acknowledge their intended actions.
3. The secondary unit will maintain a safe distance behind the primary unit, but remain close enough to render backup assistance if and when required.
4. If the primary unit becomes disabled, the secondary unit will become the primary unit. The next authorized unit to join will be designated as the secondary unit.

C. Uncommitted Patrol Units

Uncommitted patrol units may not engage in any pursuit that already has a primary and secondary unit unless authorized by the supervisor or a supervisor of a higher rank who is monitoring the pursuit. Uncommitted patrol units will not make an emergency response towards an active pursuit in order to become a secondary unit in the pursuit unless authorized by a supervisor.

1. Uncommitted patrol units in the area may move toward the vicinity of the pursuit while obeying all traffic laws and not engaging emergency equipment.
2. At no time will uncommitted units caravan or parallel pursue during a pursuit.
3. All other uncommitted units will remain aware of the direction and progress of the pursuit, but will not actively participate.

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4. Uncommitted units will make every effort to avoid crossing the path of an oncoming pursuit.

D. Unmarked Vehicles

Unmarked vehicles will not actively engage in a pursuit. They may, however, follow a fleeing vehicle while obeying all traffic laws; keeping the suspect in sight if possible, or providing assistance to marked units as necessary.

E. Supervisor Responsibility

Upon notification, the supervisor will take responsibility for a pursuit and sure compliance with all policies.

1. In allowing a pursuit to continue, the supervisor will carefully consider:
 - a. The seriousness of the felony or misdemeanor committed by the suspect.
 - b. The danger presented to the officers and citizens.
 - c. The location of the pursuit.
 - d. The population of the area.
 - e. The type of terrain.
 - f. Traffic conditions.
 - g. Presence of other vehicles on the road.
 - h. The posted speed limits.
 - i. The weather conditions.
 - j. The ability of the pursuing officer(s) to keep his/her vehicle under control.
 - k. The speed of the pursuing officer(s) vehicle and that of the suspect.
2. The supervisor will allow the pursuit to continue only after the risks created by the pursuit have been carefully weighed against the need to continue the pursuit.

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3. A pursuit normally must not involve more than the primary unit and one secondary unit. The supervisor will authorize additional units as deemed necessary after evaluating:
 - a. The nature of the offense.
 - b. The number of suspects and possible weapons involved.
 - c. Whether the participating units have more than one officer.
 - d. Whether clear and articulated facts would warrant additional units, including the involved units requesting additional officers.

F. Communications Responsibility

1. Immediately after being notified that an officer is in pursuit of a vehicle, the telecommunicator will broadcast an alert on all frequencies 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; and
 - d. The location and direction of travel of the vehicle being pursued
2. Notify the pursuing officer's supervisor or other available on duty supervisor of the pursuit.
3. Receive and record relevant incoming information about the pursuit.
4. Control radio communication, send clear radio channels of all non-emergency calls
5. Assign a back-up unit to assist in the pursuit. No more than two units may be involved in the pursuit at any given time unless the supervisor in charge authorizes additional units, or circumstances require additional units.
6. Notify other law enforcement agencies if appropriate.
7. Communications verify the location of the termination.

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G. Terminating Pursuits

The primary unit may maintain pursuit as long as it is reasonable and prudent to do so. However, a decision to terminate a pursuit may be the most appropriate course of action. Officers must continually question whether the seriousness of the crime justifies continuation of the pursuit.

1. Any doubt concerning the reasonableness of a pursuit should be resolved in favor of the safety of officers and the public. A pursuit will be terminated:
 - a. If, in the opinion of the pursuing officer or the supervisor, there is an unreasonable danger to the officer(s) or the public which created by the pursuit.
 - b. If the prevailing traffic, roadway, and environmental conditions create an unreasonable danger if the pursuit is continued.
 - c. If the pursued vehicle's location is no longer known; or it becomes futile to continue the pursuit because the suspect vehicle is traveling a substantial or increasing distance ahead of the pursuing police vehicle.
 - d. When notified to do so by the supervisor or communications personnel acting on the authority of the supervisor.
 - e. When communication with the telecommunicator or the officer's supervisor is lost or unreadable. In any event, the officer will reestablish communication as soon as possible.
2. When the identity of the operator of the pursued vehicle is known and the violator is not presenting an immediate danger to other persons, officers and supervisors will consider terminating the pursuit.
3. Officers must immediately notify communications personnel when a pursuit has been terminated. Officers must give the last known direction of travel of the suspect vehicle and all known descriptions.
4. The termination of a pursuit does not prohibit an officer from continuing to follow a vehicle while complying with all traffic laws.
5. Officers will not follow behind a fleeing vehicle that is traveling into opposing traffic (e.g. suspect traveling north in the south travel lane of the highway). Officers will use discretion and sound judgment to determine whether or not to continue the pursuit. If the pursuit is not terminated,

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officers will travel in the correct travel lanes and continue to operate blue lights and siren.

6. In the event of a collision involving any third-party vehicle or persons, the back-up vehicle will stop and renders assistance, and call for medical assistance if necessary.
7. In the event of a collision involving the suspect vehicle, the pursuing officer must immediately summon medical assistance for any injured parties.

H. Re-Engagement

If an officer engages in a pursuit of a fleeing vehicle which has been previously pursued by the police and has been lost, it will be considered a new pursuit and treated accordingly by immediately making the proper notifications.

I. Roadblocks

Roadblocks are inherently dangerous and must be authorized by the Shift Supervisor or higher authority. The Wilkesboro Police Department will use roadblocks only after all other reasonable measures have failed to bring about the desired police objective. Stationary Road Blocks are the only roadblocks allowed.

1. The regularly scheduled on-duty Shift Sergeant will normally be responsible for authorizing roadblocks. Any authorizing supervisor:
 - a. Will be responsible for all decisions concerning the establishment, location, and duration of roadblocks;
 - b. Should not be an active participant in a roadblock or in the initial pursuit;
 - c. May trail, but may not become involved in extraordinary vehicle operations unless unusual circumstances exist.
2. Under notification of a situation requiring a roadblock operation, the supervisor will:
 - a. Order the roadblock to be attempted;
 - b. Assign the necessary personnel;

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- c. Ensure that appropriate warning and safety devices are used
- d. Specific locations of roadblocks will be determined by the offense involved, area geography, and other pertinent conditions. **Roadblocks are considered to be a seizure under the fourth amendment to the United States Constitution. Make sure that legal authority exist to seize persons and property before conducting a roadblock.**

3. The following guidelines apply to the use of Stationary Roadblocks:

- a. Stationary Roadblocks should be established on streets or highways most likely to be used as escape routes. Sites near travel outlets should be avoided.
- b. Due regard for the safety of others must always be observed.
- c. At least two officers must be present at a roadblock location. All available warning equipment must be used.
- d. Officers must both remain in or near vehicles.
- e. “Dead-man” roadblocks are prohibited. There must always be an avenue for escape.
- f. A roadblock will never be positioned for causing the violator to collide with it and must be established in a location and in a manner that it may be observed from a sufficient distance to allow time for the offender to stop.

J. Tire Deflation Devices

The use of tire deflation devices (stinger strips) will be governed by sound professional judgment in accordance with procedures established by the Department. Prior to using tire deflation devices, officers will have completed training on their use.

- 1. Tire deflation devices will not be displayed to stop any vehicle with fewer than four wheels.
- 2. All of the following criteria will be met before the use of tire deflation devices as a forcible stopping technique:
 - a. There is reasonable cause to believe the suspect has committed an offense justifying his/her arrest.

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- b. The officer attempting to apprehend the suspect has given notice of command to stop the suspect by using blue lights and siren.
 - c. The suspect has ignored the efforts and warnings obvious and visible to a reasonable person in the suspect's position.
 - d. Officers have chosen effective and safe locations for the placement of tire deflation devices, with good sight distances to enable the officer deploying the devices to observe the chase and other traffic as it approaches.
 - e. Deployment will not occur on curves, bridges, or those locations where reasonable judgment under the circumstances would dictate avoidance.
 - f. The officer deploying the tire deflation device has chosen a location with natural barriers such as roadway overpasses, guardrails, or shrubbery. These barriers will conceal the officer from the suspect's view and allow deployment of the tire deflation devices in a relative position of safety.
 - g. Adequate consideration has been given to traffic, construction, special events, and/or other activities that make the use of tire deflation devices inappropriate.
 - h. Adequate consideration has been given to the position and vulnerability of the public, private property, and other assisting units and equipment.
3. Tire deflation devices may be used to prevent stationary vehicles from being moved in an attempt to flee a scene.
- a. When the decision is made to deploy the devices, chasing units will notify the officer deploying the devices as far in advance as possible of the necessity of their use. Chasing vehicles will coordinate with the officer and/or department deploying the devices or assisting in the chase in order to ensure the safe and effective use of the devices.
 - b. If a department vehicle is the primary vehicle in a chase involving another agency and a decision is made to deploy tire deflation devices, the other agency will be informed of the deployment whenever practical.

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- c. The officer deploying the devices will be in position at a predetermined location in sufficient time for proper deployment. All chasing units will be notified when the device is in place. Direct contact with other agencies will be used when necessary to advise of the deployment.
- d. Tire deflation devices will be deployed in accordance with manufacturer's recommendations and Department training guidelines.
- e. After deploying the tire deflation device, all persons at the scene should immediately seek protection.
- f. Once a tire deflation device has been deployed, chasing officers will increase their following distance in order to avoid striking devices.
- g. The officer(s) deploying the devices will be responsible for securing them immediately following use. This responsibility includes searching the immediate area where the devices were used and collecting any spikes or points that may have become detached.

V. PROHIBITED OR RESTRICTED ACTIVITIES

- A. Officers are prohibited from using a rolling roadblock to stop a pursued vehicle. There will be no attempt to stop the suspect by heading off, ramming or driving alongside of the pursuit vehicle while it is in motion.
- B. Uncommitted patrol units are prohibited from engaging in caravanning or a parallel pursuit at any time during the pursuit.
- C. Deliberately wrecking a fleeing vehicle is prohibited.
- E. Boxing in is authorized only as defined in this policy and only for personnel that have successfully completed any training in the use of this tactic through the Wilkesboro Police Department.
- F. Requests by WPD officers for assistance from other agencies to stop a vehicle is authorized after receiving authorization by an appropriate supervisor.

VI. INTER-JURISDICTIONAL PURSUITS

- A. When officer safety dictates, the supervisor will instruct communications personnel to request assistance from another appropriate jurisdiction.

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- B. The WPD will maintain control of all Wilkesboro pursuits. If other agencies become involved in the pursuit, Wilkesboro Police officers will weigh the risks in determining whether they should terminate their own involvement in the pursuit.
- C. In any inter-jurisdictional pursuit, all departmental policies are in effect. Violations of departmental policies by officers of the WPD, or any other law enforcement agency involved in a WPD pursuit will result in termination of the pursuit.
- D. Officers will not become involved in another agency's pursuit unless specifically authorized by a supervisor.

VII. REQUIRED REPORTS AND REVIEW OF PURSUITS

- A. The officer who initiated the pursuit or the use of a roadblock/ tire deflation device will complete the departments Pursuit Packet along with any other reports related to the pursuit. The packet will be forwarded to his/her supervisor before the end of the shift.
- B. The supervisor will review the packet and complete the supervisor's review and comments section pertaining to the pursuit, the packet will then be forwarded to the Division Commander.
- C. The Division Commander is responsible for reviewing the packet and making recommendations to the Administrative Staff during their next scheduled meeting. After being review by the Senior Command Staff the packet will be filed by the Chief of Police. If during the review, a violation of policy was found then the packet will be turned over to Internal Affairs for further investigation.
- D. The Professional Standards Unit will conduct an annual assessment of all pursuits to ensure that policies do not need to be modified and to see if there are any training needs. A copy of this report will be provided to the Chief of Police and any other personnel listed in the master control list.

VIII. REFERENCES

NCGS 20-156
NCGS 20-145
CALEA 41.2.2, 41.2.3,