

<b>Asheville Police Department Policy Manual</b>	
<b>POLICY NUMBER: 1032</b>	<b>EFFECTIVE DATE: 11/1/1993</b>
<b>SUBJECT: Vehicle Pursuits</b>	<b>LAST REVISION DATE: February 2, 2011</b>

## I. Introduction:

Vehicle pursuits create a risk of injury to the suspect, officer and third parties. There must be an acceptable balance between the capture of fleeing suspects and the responsibility of law enforcement to protect the general public from unnecessary risks. Officers must continually weigh the necessity for apprehension against the probability of apprehension and the potential damage, death, or injury that could result from the pursuit. [41.2.2](#)

## II. Policy Statement:

It is the policy of the Asheville Police Department to conduct vehicle pursuits in a safe and prudent manner consistent with federal, state and local laws.

## III. Definitions:

- A. ***District Commander***: The lieutenant or acting lieutenant in charge.
- B. ***Primary Unit***: The police unit that initiates pursuit or assumes responsibility.
- C. ***Pursuit***: An active continuing attempt by officers to apprehend a suspect who is operating a motor vehicle while trying to avoid capture.
- D. ***Tire Deflation Devices (TDD) or Stop Sticks***: Forcible stopping devices 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 further operation. TDD is the only authorized forcible stopping technique.
- E. ***Violent Felony***: A felony involving the commission of a violent act or when there is reasonable cause to believe that serious physical injury or death might be inflicted upon another person.

## IV. Procedures:

A vehicle pursuit maybe initiated when the officer reasonably believes that the suspect has committed, attempted to commit or is in the process of committing a violent felony, and an articulable threat to human life exists. The officer must balance the need to apprehend the subject versus the risks associated with a pursuit. The officer and supervisors must continue to rethink this analysis throughout the pursuit. When the risk associated with the pursuit exceed the need to apprehend, the pursuing officers shall

**break off the pursuit.**

- A. When deciding to initiate a pursuit, the officer will consider the following:
1. Weather, road and visibility conditions - rain, snow, fog, narrow roads, repairs in progress, restricted visibility due to buildings, curves and hills all increase the risk of an accident;
  2. Density of vehicular and pedestrian traffic at the time and place of the pursuit as the pursuit continues over time and distance - heavy traffic of commercial centers, schools, hospitals at certain times or days of the week increases the risks associated with a pursuit;
  3. The condition of the law enforcement vehicle and the officer's ability to control the vehicle at pursuit speeds - brakes fade, steering or suspension defects, lack of familiarity with the vehicle, lack of driving experience increase the risks associated with the pursuit;
  4. The familiarity of the pursuing officer with the area, the surrounding roads, and the approach of major intersections normally subject to heavy traffic or the presence of turning vehicles - lack of familiarity of the area makes it more difficult to anticipate approaching traffic hazards increasing the risks associated with the pursuit.
- B. In weighing the decision to pursue, the officer and supervisor should also consider the likely harm from not apprehending the suspect as soon as possible. These considerations include the following when applicable:
1. The danger to the public created by the suspect's driving including indication that the suspect may be impaired or is willing to inflict serious injury on others in the course of the pursuit - impaired or reckless and threatening driving by a suspect increases the need to apprehend immediately;
  2. Whether the crime the suspect is believed to have committed is a violent felony and an articulable threat to human life exists - serious crime with an articulable and imminent threat to human life increases the need to apprehend a suspect;
  3. Whether the suspect has been identified and can be apprehended later;
  4. Whether the suspect can be apprehended at a later time with little risk of more violence or danger to the public;
  5. Whether the suspect has been identified by using the prima facie rule of evidence in G. S. 20-141.5(c); and
  6. Whether the pursuit will likely be successful in apprehending the suspect, given all the factors of the pursuit - a pursuit with little chance of stopping the suspect should cause the officer to terminate the pursuit.
- C. When engaged in pursuit, officers shall not drive with reckless disregard for the safety of others.
- D. Immediately upon initiation of a vehicle pursuit the officer will notify communications

of the pursuit and provide the following information:

1. location and direction of travel;
  2. the offense for which the suspect is wanted;
  3. the vehicle description;
  4. the license tag number;
  5. number of occupants and description; and
  6. speeds involved.
  7. Describe the suspect's driving.  
This information will be updated as changes occur during the pursuit.
- E. Upon notification of a vehicle pursuit and initial information, support officers will position themselves in areas to assist with traffic to lessen the danger. Support officers need to keep radio transmissions to a minimum.
- F. Unless ordered by the supervisor, no more than three marked police vehicles shall become actively involved in any single pursuit. If an unmarked vehicle is the primary unit, as soon as a marked unit becomes involved, the marked unit shall become the primary unit. Once a second marked unit becomes involved in the pursuit, the unmarked vehicle shall discontinue involvement in the pursuit and comply with the posted speed limit. Unmarked units shall not become involved in a pursuit under any circumstances if they are not equipped with an operational blue light and siren. This includes law enforcement vehicles from another agency. This shall be governed by a Memorandum of Understanding for the purpose of reducing liability for all of our agencies. The secondary unit will be in a support role to the primary unit, as necessary, but not limited to communications transmissions. A third unit, preferably a supervisor or assigned by a supervisor, will function as a support unit in the event of a crash or if the suspect vehicle attempts to discard contraband or evidence of a crime. All other personnel shall stay clear of the pursuit. [41.2.2](#)
- G. Pursuing vehicles will use all emergency warning devices including blue lights and siren while in active pursuit. [41.2.3](#)
- H. Officers will use extreme caution when pursuing another vehicle through traffic control devices. Pursuing vehicles shall, if necessary, come to a complete stop in order to safely negotiate passage. *Remember, you are only requesting the right of way when using blue light and siren in accordance with North Carolina General Statutes 20-156 (b)*
- I. Officers shall not attempt to overtake or pass a pursued vehicle unless authorized by the district commander.
- J. In a motor vehicle accident involving a police vehicle, the operator of the nearest secondary or support unit shall stop and render all necessary assistance.
- K. In a motor vehicle accident involving the pursued vehicle, officers will immediately notify Communications of the accident location and, if possible, the extent of the injuries involved.

- L. When notified of a vehicle pursuit, Communications personnel shall take the following actions:
1. clear the radio channel to all but those officers involved in the pursuit;
  2. notify the district commander and sergeants of the pursuit;
  3. record all incoming information from the pursuing officers;
  4. conduct warrant checks, DCI and DMV checks, and other necessary records checks; and
  5. notify adjoining jurisdictions if the pursuit appears to be headed into another jurisdiction.
- M. During a pursuit, the District Commander or the first responding sergeant shall take immediate responsibility for the pursuit. He will weigh all potential dangers then make the decision as to whether to continue the pursuit. The sergeant should limit the number of pursuing vehicles to three (see section 6 above), and limit the responding units to those in the adjacent patrol areas. The District Commander or sergeant will monitor all communications and *may* terminate the pursuit at any time.
- N. A pursuit may be terminated:
1. The primary pursuing unit shall continually reevaluate and assess the pursuit situation including all of the initiating factors. The primary pursuing unit shall terminate the pursuit whenever he reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.
  2. If, in the opinion of the sergeant or district commander, there is an unreasonable danger to the public or to the involved officers if the pursuit continues;
  3. when there is a vehicle equipment failure; or
  4. the pursued vehicle's location is no longer known.
- O. A pursuit termination does not prohibit the police vehicle from continuing to follow the vehicle as long as the police vehicle is operated in full compliance with all traffic laws and regulations. Officers may continue driving in the area in which the suspect was last seen for the purpose of providing high visibility presence for the motoring public. This will be done without any emergency equipment activated. Officers shall obey all traffic laws during this period. High visibility presence by officers in this area may deter potential criminal activity by the suspect and could serve to alert the remainder of the public about potential dangerous driving in the area.
- P. In the event another agency enters the City of Asheville and is in active pursuit, the district commander *may* authorize units to respond pursuant to the restrictions in this policy and any existing mutual aid agreements. City of Asheville officers will terminate their involvement upon reaching one mile outside the city limits unless a mutual aid request is made by the head of the pursuing agency or his designee, or continued pursuit is consistent with stipulations contained in an existing mutual aid agreement. City of

Asheville officers shall adhere to all Asheville Police Department policies and procedures at all times during pursuit outside the Asheville jurisdiction.

- Q. The use of Tire Deflation Devices (TDD) shall be governed by sound professional judgment, procedures outlined in this policy and in accordance with procedures established by the Asheville Police Department during training for these devices. Prior to utilizing TDD, members shall have completed training on the use of these devices.
- R. All of the following criteria shall be met prior to the use of TDD:
1. There is reasonable cause to believe the suspect has committed an offense justifying his/her arrest;
  2. The member attempting to apprehend the suspect has given notice of command to stop the suspect by 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. Officers utilizing TDD shall consider the following prior to utilization of TDD:
    - a. An effective and safe location for the placement of TDD.
    - b. Deployment locations should have reasonable good sight distances to enable the member deploying the devices to observe the chase and other traffic as it approaches.
  5. Deployment shall not occur on:
    - a. Curves
    - b. Bridges
    - c. Locations where reasonable judgment under the circumstances would dictate avoidance.
  6. Traffic, construction, special events, and/or activities may create situations where the use of the device would be inappropriate.
  7. Possible damage to the public, private property, and other assisting units and equipment shall be considered.
  8. TDD shall not be deployed to stop two or three wheeled vehicles.
  9. Chasing vehicles shall coordinate with the officers and/or agencies deploying the devices or assisting in the chase in order to assure the safe and effective use of the devices.
    - a. When the decision is made to deploy the devices, chasing units shall notify the member deploying the device as far in advance as possible of the necessity of their use.
    - b. The member deploying the devices shall be in a position at a predetermined location in sufficient time for proper deployment. All chasing units shall be notified when the device is in place. Direct contact

with other agencies should be made to advise of the deployment.

- c. After deploying the stop sticks, all persons at the scene should immediately seek protection.
  - d. Once TDD has been deployed pursuing officers shall decrease their speed in order to avoid striking the devices
  - e. Officers deploying the devices shall be responsible for securing them immediately after use. This includes searching the immediate area where the devices were used and collecting any spikes or points which may have become detached.
10. If an Asheville Police Department vehicle is the primary vehicle in a chase involving another agency and a decision is made to deploy stop sticks, the local agency shall be informed of the deployment whenever practicable.
  11. TDD may be used to prevent stationary vehicles from being moved in an attempt to flee a scene.
  12. Officers in chases involving TDD shall indicate such use on the Pursuit Report.
- S. The primary officer will complete the Pursuit Report before the end of the shift during which the pursuit occurred. All levels in the chain of command will review the pursuit report and forward to the Chief of Police. The crash, pursuit and Use of Force Review Committee will review all pursuit reports as well.
- T. The Professional Standards Investigator will compile an annual report detailing all pertinent data analyzing any trends that might indicate policy revisions or training issues. The report shall be submitted to the Chief of Police by January 31 of each year.

#### **Accreditation References:**

The following accreditation standards are met in this policy: [41.2.2](#) ,[41.2.3](#)

*Comment: GENDER DISCLAIMER: Gender Reference in Asheville Police Department policies, such as "he", "his", etc., may refer equally to either the male or female gender.*

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