I. POLICY

This policy guides and directs members utilizing Patrol vehicles to enforce motor vehicle laws or other highway related offenses in a safe and efficient manner. This policy shall govern a member's conduct in the evaluation of situations, which may require the extraordinary operation of a Patrol vehicle. Members are at all times subject to the provisions of the General Statutes and the Highway Patrol Policy. (CALEA 41.2.1)

II. CHASE PROCEDURES

Chases Initiated by Patrol Members (CALEA 41.2.2)

- Any member who has successfully completed appropriate training in extraordinary patrol vehicle operations and is in an authorized Patrol vehicle may initiate a chase when the member, after weighing the nature and gravity of the offense or situation and the external physical conditions, determines that the need for apprehension of the suspect or violator is greater than the danger of the chase to the public, the member, and the suspect or violator and that such chase can be accomplished with due regard for the safety of others. When engaged in a chase, the blue lights and siren shall be activated. (CALEA 41.2.1)

- Members shall not participate in chases when the weight of articles in the vehicle's trunk exceeds the manufacturer's recommended weight limitations for chase operations. This weight is inclusive of the vehicle's spare tire and other issued equipment, i.e. radios, video equipment, etc. The Director of Support Services will disseminate a list of recommended weight limitations for each class of vehicle. (CALEA 41.1.3)

- Under extreme circumstances, members may initiate a traffic enforcement response in a Patrol vehicle excluded in the Authorized Patrol Vehicle definition when the risk of injury or death to others is imminent if the suspect or violator is not apprehended. This section in no way permits members to utilize these vehicles in a chase or emergency response.

- Members shall not engage in any extraordinary Patrol vehicle operation while transporting non-sworn passengers. Exceptions to this policy require the authority of a Section Director/Troop Commander or higher authority.

- The chasing member shall immediately notify the Communications Center that a chase is underway. The member shall provide the Communications Center with the following information:
• Unit identification
• Location, speed, and direction of travel of the fleeing vehicle
• Description and license plate number, of the fleeing vehicle, if known
• Number and description of occupants in the fleeing vehicle, if known
• Reason for initiating the chase (CALEA 41.2.2)

- There should be only two authorized Patrol vehicles involved in the chase, the primary chase vehicle and the secondary vehicle, unless circumstances require otherwise. When additional vehicles are needed to execute a forced vehicle stop, and if approved by a supervisor, they may proceed to the location of the chase but should use alternate roadways if available.

- The driver of the primary vehicle will direct the chase and relay all information to the Communications Center; however, he/she may direct the driver of the secondary vehicle to relay information via radio so he/she may concentrate on driving. (CALEA 41.2.2)

- In the event the primary vehicle becomes disabled, the secondary vehicle will move to the primary position. If available, another authorized Patrol vehicle (excluding motorcycle) will engage in the chase and assume the secondary position. (CALEA 41.2.2)

- Unmarked vehicles will be replaced by marked vehicles (excluding motorcycles) as soon as possible. If there are only two vehicles available, and one is unmarked, the unmarked vehicle will assume the secondary position. (CALEA 41.2.2)

- Members shall not chase a suspect vehicle the wrong way on an interstate or other highway with lanes of travel separated by a median or other physical barrier.

- In some situations it may be necessary for members involved in pursuits or emergency response situations to drive left of center. When a member has cause to drive left of center the member is to ensure that the operation of his vehicle does not interfere with oncoming traffic. The member must have a clear line of sight so as to be able to see oncoming vehicles. Members must keep in mind that “Due Regard for the Safety of Others” is of the utmost importance when driving left of center.

- An immediate or designated supervisor of the member involved will monitor the progress of the chase and shall have the authority to terminate the chase at any time. They may designate the primary and secondary vehicle and may authorize additional vehicles if circumstances require. Supervisors must govern the execution of forced vehicle stops in accordance with Directive B.3 (Forced Vehicle Stops). (CALEA 41.2.2)
Unless authorized by a supervisor, chases shall be limited to the primary and secondary vehicles. Additional members are not permitted to join the chase team unless authorized by a supervisor. If a vehicle from another agency joins a chase initiated by the Patrol and authorized Patrol vehicles occupy the primary and secondary positions, the driver of the primary vehicle, secondary vehicle, or a Patrol supervisor shall request (via the Communications Center) that the allied agency vehicle disengage from the chase. The chase need not be terminated solely due to the allied agency’s refusal to disengage from the chase.

**Chases Involving Highway Patrol Motorcycles (CALEA 41.1.3; 41.2.2)**

- Members operating Patrol motorcycles shall be governed by procedures outlined in this directive and Directive B.3 (Forced Vehicle Stops).

- Members operating Patrol motorcycles are governed by Directive N.5 (Motor Unit).

- Members operating Patrol motorcycles shall not participate in chases when another agency is participating unless authorized by a supervisor.

- The necessity of an immediate apprehension must outweigh the level of danger created by the chase.

- The motorcycle operator initiating the chase will assume the primary position. He/she shall notify the Communications Center and request an authorized marked or unmarked Patrol vehicle to respond. When another authorized Patrol vehicle (other than a motorcycle) assumes the primary position, the motorcycle operator shall disengage from the chase and notify the Communications Center. Members operating Patrol motorcycles shall not assume a secondary position unless authorized by a supervisor. In the instance when a Patrol motorcycle operator is in an authorized secondary position, he/she shall disengage from the chase and notify the communication center upon the arrival of another authorized Patrol vehicle (other than another motorcycle).

**Chase Involving Patrol Aircraft (CALEA 41.2.2)**

- When a Patrol aircraft arrives on the scene, the supervisor may direct the primary unit and/or the secondary unit to continue or terminate the chase. This decision shall be in accordance with factors listed in Section II (Chase Procedures) of this directive.

- The aircraft shall be given radio priority to relay speed, direction of travel, potential hazards, and possible apprehension sites to Patrol members and supervisors.

- The supervisor in charge shall notify the pilot to:
- Continue observation of the fleeing vehicle
- Abandon further efforts

  The decision to terminate the aircraft’s assistance is the responsibility of the concerned supervisor or higher authority and will be dictated by the circumstances on a case-by-case basis. *(CALEA 41.2.2)*

- When the aircraft continues to follow the fleeing vehicle, the pilot or observer shall continue to broadcast all pertinent information.
- When necessary, the aircraft will assist in establishing a perimeter and maintain observation until the subject(s) have been apprehended or the perimeter is secured.
- The aircraft will fly at a safe altitude determined by the pilot and maintain a sufficient distance to avoid alerting the subject(s).
- Use of the searchlight or other visual aids will be at the discretion of the pilot.
- The aircraft may disengage from the chase at any time at the discretion of the pilot.
- Because of their point-of-observation, the pilot, when necessary, has the authority to terminate all members from being involved in a chase. The pilot's authority to terminate a chase shall supersede any order given by a supervisor on the ground.

Directive B.1 (Use of Force) shall be adhered to during the chase.

**Chase Into Adjoining State (CALEA 41.2.2)**

- Members have no authority to arrest in the state of Georgia. Additionally, the state of Georgia does not allow North Carolina law enforcement officers to chase vehicles or to take any other type of enforcement action related to hot pursuit. Accordingly, members shall not, under any circumstances, chase a violator into Georgia. Members may, with the approval of a designated or immediate supervisor monitoring the chase, discontinue the chase and continue to follow the violator vehicle without activating any emergency equipment and the member must strictly obey all traffic laws including posted speed limits. Members who follow a violator into Georgia may offer assistance and comfort to hostages, provide identifying and other information to appropriate law enforcement personnel and render other types of assistance that any citizen may be authorized by law to provide. Members shall NOT arrest or otherwise take enforcement action in Georgia. Members should seek arrest warrants in North Carolina and seek to have the violator extradited.
• Members shall not chase a violator into Tennessee, Virginia, or South Carolina without the approval of a Section Director/Troop Commander or higher authority and no such authority shall be given unless the violator committed a felony in North Carolina and the likely harm from not apprehending the violator immediately warrants continuation of the chase.

• For purposes of this policy, the felony violation used to justify the chase may not be felony speeding to elude arrest.

• Members are authorized to arrest a violator in Tennessee, Virginia, or South Carolina for a felony committed in North Carolina. Members who arrest a violator in Tennessee, Virginia, or South Carolina must take the violator before a judicial official of the state where arrested and follow that state's procedures on completing custody. The arrestee may not be returned to North Carolina except by due process of law.

• Members who chase a violator into an adjoining state pursuant to this Directive shall immediately terminate the chase if the member is unable to communicate with Patrol Communications Center.

• In any case where an out of state officer chases a violator into North Carolina, the violator shall be taken before a North Carolina magistrate for processing. Under no circumstances, will the out of state officer be authorized to transport the violator back to the originating state without a court order.

Termination of Chase (CALEA 41.2.2)

• A decision to terminate a chase may be the most rational means of preserving the lives and property of the public and the members and suspects or violators engaged in the chase. A chase may be terminated at any time by either the primary or secondary unit, the supervisor, or higher authority.

• A member shall constantly evaluate his/her decision to continue a chase. In weighing the decision to continue a chase, the member should consider the likely harm from not apprehending the suspect as soon as possible. The member should consider the following:

  o Danger to the public created by the fleeing suspect’s driving, including indications the suspect may be impaired, or an apparent willingness on the part of the suspect to inflict serious injury on others, or reckless and threatening driving by a suspect all of which increases the need to apprehend immediately

  o Whether the crime the suspect is believed to have committed is dangerous to persons or property, is a felony or serious misdemeanor, or involves conduct that threatens persons or property – serious crime, violent or threatening crime increases the need to apprehend immediately
Whether the suspect has been positively identified or can be apprehended later

Whether the suspect can be apprehended at a later time with little risk or danger to the public

Whether the chase will likely be successful in apprehending the suspect, given all factors of the chase – a chase with little chance of stopping the suspect should cause the member to terminate the chase, e.g. the distance between the primary vehicle and the fleeing vehicle is so great that chasing the vehicle may become a greater danger to the public.

Whether the chase will likely be successful in apprehending the suspect, given all factors of the chase – a chase with little chance of stopping the suspect should cause the member to terminate the chase, e.g. the distance between the primary vehicle and the fleeing vehicle is so great that chasing the vehicle may become a greater danger to the public.

External physical conditions substantially increase the danger of chasing beyond the importance of apprehending the suspect or violator.

- The member shall consider whether the suspect can be identified by using the prima facie rule of evidence in N.C.G.S. § 20-141.5(c).

- The primary or secondary officer shall relay this information to the Communications Center along with any further information acquired which may assist in an arrest at a later date.

**Forced Vehicle Stops (CALEA 41.2.3)**

- Utilization of a forced vehicle stop option must conform to the guidelines set forth in Directive B.3.

- When additional vehicles are authorized to enter the chase in order to execute a forced vehicle stop, members are permitted to utilize the car-to-car radio channel to coordinate the maneuver. However, the driver of the primary vehicle or his/her designee shall keep the Communications Center apprised of the chase status. *(CALEA 41.2.3)*

- Members shall not attempt to pull-up beside or pass a fleeing vehicle unless a running roadblock or other forced vehicle stop is being planned with more than one Patrol vehicle present.

**Chases Involving Other Agencies or Jurisdictions (CALEA 81.2.4)**

- Members will become involved in a chase initiated by another agency only when requested by that agency.

- Members involved in a chase with another agency will be governed by this directive. Members will assume the primary or secondary position as applicable. If two or more allied agency vehicles are chasing, members will not become involved unless special circumstances dictate otherwise (e.g. forced vehicle stop option).
• In the event an allied agency relinquishes the primary and secondary position to the Patrol but remains in the chase occupying the third or more position(s), the driver of the primary or secondary unit or a Patrol supervisor may, depending on the circumstances, request via the Communications Center that the allied agency's vehicle(s) disengage from the chase unless circumstances require more than two vehicles (e.g. forced vehicle stop option).

• Members may terminate a chase whenever a primary or secondary chasing officer of the allied agency discontinues the chase due to safety considerations. This provision shall not apply where a chasing officer of the allied agency discontinues the chase based solely upon departmental policy limitations such as speed limit restrictions, territorial jurisdiction, etc., or because of mechanical failure.

Apprehension / Post Chase Responsibility

• Upon apprehension of the suspect/violator vehicle, the driver of the primary vehicle will immediately notify the Communications Center.

• The driver of the primary vehicle will have controlling responsibility at the scene of termination, unless relieved by a higher authority, and shall ensure that all appropriate arrests or charges are made.

Post Chase Report (CALEA 41.2.2; 82.2.1)

• Following a member's involvement in a chase, a Post Chase Report (HP-345) shall be completed within forty-eight (48) hours and submitted via e-mail to the Post Chase Board Liaison within two (2) weeks of the incident date. Only one report should be submitted per chase, and routed via the chain-of-command as indicated in the Highway Patrol Forms and Report Manual. All reports shall be entered into the Computer Aided Dispatch System (CAD) prior to submission to the Post Chase Review Board. In all felony cases, a copy of the HP-345 shall be provided to the District Attorney pursuant to the requirements of N.C.G.S. 15A-903.

• In the event there are two or more members involved in the same chase, the driver of the primary vehicle will be responsible for completing the HP-345.

• When a chase involves multiple troops, the Director of Field Operations or his/her designee will designate which troop will be responsible for completing the HP-345. During multiple district chases, troop headquarters will coordinate the completion of the HP-345. Collisions involving members during multiple troop or district chases will be investigated by supervisors in the district of occurrence.

• Members involved in chases should not investigate violator collisions occurring during that chase.
Collisions occurring during chases involving serious personal injury, fatalities, or third parties shall be investigated by a supervisor.

Chase Critique and Review (CALEA 41.2.2; 82.2.1)

- All HP-345s will be reviewed and analyzed monthly or as otherwise scheduled by the Post Chase Review Board. The Board may request additional information and clarification on any HP-345. The Commander’s Office or designee (for the purpose of this policy, the Director of Professional Standards shall serve as the designee) will appoint the chairperson and members of the Board from the following sections:

The Director of the Office of Professional Standards shall appoint Board members for three (3) years from the following sections, with one member holding the rank of Captain and serving as the chairperson:

- Field Operations – One member
- Internal Affairs – One member
- Training Academy – A member of the Driver’s Training Unit (Post Chase Board Liaison)
- Troop Operations – One Lieutenant and one First Sergeant
- Members – Two enforcement members
- Legal Section – One staff attorney

The Post Chase Review Board shall submit a summary report of reviewed HP-345(s), which will reflect actions taken and any recommendations to the Commander’s Office.

III. FACTORS TO BE CONSIDERED PRIOR TO INITIATING EXTRAORDINARY PATROL VEHICLE OPERATION (CALEA 41.2.1; 41.2.2)

The Nature and Gravity of the Offense or Situation

- Criminal Offenders. Criminal offenders shall be divided into three categories based upon their increasing threat to the public. The nature of this threat must be taken into consideration at all times during the initiation and continuation of extraordinary Patrol vehicle operation.
  - Non-Hazardous Violators. Technical violators, such as motorists with license, registration, or equipment violations pose the least hazard and represent the lowest priority. These violators pose no immediate threat to the safety of the public.
o **Instantaneous Moving Violators.** Drivers who engage in unlawful conduct for a brief moment then resume lawful operation. Such individuals include stop sign violators and others who do not present a continuing hazard to the public. They are of an intermediate priority.

o **Continuing Moving Violators.** Speeders, suspected impaired drivers, and others who present a substantial continuing hazard to the public are of a higher priority. Likewise, persons suspected of armed robbery, kidnapping, assault on a government official, and similar crimes of violence pose an immediate hazard to the public. These persons should be apprehended as quickly as possible, consistent with the exercise of due care for the public’s safety.

**Collisions**

- **Property Damage.** Collisions reported involving only property damage are low priority and do not justify an emergency response except in extreme circumstances where threats to public safety exist. *(CALEA 61.2.2)*

- **Personal Injury.** Collisions reported involving personal injuries are higher priority and may, in some situations, justify an emergency response. *(CALEA 61.2.2)*

**An Officer's Call for Assistance (CALEA 61.2.2)**

- **Life-Threatening.** An officer's call for assistance, due to the officer being exposed to a life-threatening situation is high priority that justifies an emergency response.

- **Non-Life-Threatening.** An officer's call for assistance (such as directing traffic) that involves no imminent danger is low priority and does not justify an emergency response.

**External Physical Conditions (CALEA 41.2.2; 61.2.2)**

- Width or physical condition of the highway

- Weather conditions

- Nature of the neighborhood (rural, semi-urban, urban, business, or residential)

- Volume or density of pedestrian and vehicular traffic

- Number or proximity of intersections, side streets, and driveway connections

- Performance capabilities of the Patrol vehicle

- Passengers in the suspect/violator vehicle
• Familiarity with area and surrounding highways

IV. STATUTORY LAW

Speeding to Elude Arrest (N.C.G.S. § 20-141.5)

• Provides the element of misdemeanor speeding to elude.
• Outlines the aggravating factors which make speeding to elude a felony.
• Defines the “prima facie” law concerning registered owners of fleeing vehicles.

_N.C.G.S. § 20-141.5(c)_ Whenever evidence is presented in any court or administrative hearing of the fact that a vehicle was operated in violation of this section, it shall be prima facie evidence that the vehicle was operated by the person in whose name the vehicle was registered at the time of the violation, according to the Division’s records. If the vehicle is rented, then proof of that rental shall be prima facie evidence that the vehicle was operated by the renter of the vehicle at the time of the violation.

• Provides for the termination of a chase based on factors to be considered according to departmental policy.

Speed Limit (N.C.G.S. § 20-145)

• N.C.G.S. § 20-145 provides a limited and conditional exception to the speed limit law.

• _N.C.G.S. § 20-145. When Speed Limit Not Applicable._ The speed limitations set forth in this Article shall not apply to vehicles when operated with due regard for safety under the direction of the police 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 consequence of a reckless disregard of the safety of others.

The Right-of-Way Rule (N.C.G.S. § 20-156)

• _N.C.G.S. § 20-156. Exceptions to the Right-of-Way Rule._ (b) The driver of a vehicle upon a highway shall yield the right-of-way to police... vehicles when the operators of said vehicles are giving warning signal by appropriate light and by bell, siren, or exhaust whistle audible under normal conditions from a distance of not less than 1,000 feet. When appropriate warning signals are being given, 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 flashing strobe signal or a beam of steady or flashing red light. This provision shall not
operate to relieve the driver of a police 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 consequence of any arbitrary
exercise of such right-of-way.

Liability (CALEA 41.2.1)

- Members shall at all times exercise due care in the operation of their vehicles.
  In any civil action resulting from the vehicular chase of a violator, the gross
  negligence standard shall apply in determining a member’s liability. Gross
  negligence is defined as wanton conduct done with conscious or reckless
  disregard for the rights and safety of others. An act becomes wanton when it
  is committed for a purpose, or when committed needlessly, manifesting a
  reckless indifference to the rights of others. Parish v. Hill, 350 NC 231, 239
  (1999).

V. TRAFFIC ENFORCEMENT RESPONSE (CALEA 41.2.1; 61.2.2)

Any member in an authorized Patrol vehicle may initiate a traffic enforcement
response. Prior to initiating such action, the member shall determine if the traffic
enforcement response can be accomplished with due regard for the safety of the
public, the member, and the suspect or violator.

Members will not be required to notify the Communications Center when they
initiate a traffic enforcement response.

The HP-345 does not apply to this section and should not be completed.

VI. EMERGENCY RESPONSE (CALEA 41.2.1; 61.2.2)

Any member in an authorized Patrol vehicle may engage in an emergency
response if, after considering the nature and gravity of the offense or situation
and the external physical conditions, the member determines that such need for
the response outweighs the danger created and that the emergency response
can be accomplished with due regard for the safety of others and the member.

Members shall not exceed the posted speed limit when traveling to an accident
scene, when conducting a relay, or when responding to a request for assistance
unless the imminent danger to human life or the public safety outweighs the
considerations above. In these instances, blue lights and siren shall be activated
when exceeding the speed limit or taking the right-of-way.

When appropriate, supervisors shall intervene and designate vehicles to be
involved in an emergency response and may terminate such a response at any
time.
VII. MANDATORY PROVISIONS (CALEA 41.3.3)

**Seat Belts.** Members shall have seat belt and shoulder harnesses properly fastened around them while operating a Patrol vehicle so equipped.

**Air Bags.** Members shall not attempt to render air bags inoperable in a Patrol vehicle so equipped.