

# **Extraordinary Patrol Vehicle Operations**

Applicable to: Employees

# **Directive B.02**

Revised 4/20/2022

Effective 06/2014

## **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.

## **II. TRAINING**

Members shall be given initial and periodic update training in pursuit policy and safe driving tactics, and a review annually thereafter.

## **III. FACTORS TO BE CONSIDERED PRIOR TO INITIATING EXTRAORDINARY PATROL VEHICLE OPERATION**

### **The Nature and Gravity of the Offense or Situation**

- **Criminal Offenders.** Criminal offenders shall be divided into three (3) 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.
  - **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.
  - **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.
- **Personal Injury.** Collisions reported involving personal injuries are higher priority and may, in some situations, justify an emergency response. Members shall not exceed the posted speed limit when traveling to a Personal Injury collision 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.

## **An Officer's Call for Assistance**

- **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**

- 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

## **Liability**

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).

#### **IV. TRAFFIC ENFORCEMENT RESPONSE**

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 shall activate their blue lights and siren when exceeding the posted speed limit or when taking the right of way in a Traffic Enforcement Response.

A Post Chase Report does not apply to this section and should not be completed.

#### **V. EMERGENCY RESPONSE**

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.

Emergency response driving is essentially the type of driving necessary to respond to a life-threatening situation, the type of situation where the swiftness of the law enforcement officer's response can actually diminish or eliminate an ongoing threat to someone's life. Accordingly, 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.

#### **VI. CHASES**

##### **Chases Initiated by Patrol Members**

Any member in an authorized Patrol vehicle may initiate a chase when the member, after weighing the factors to be considered prior to initiating extraordinary vehicle operation and determining that the need for immediate 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.

A member and his/her supervisor shall constantly evaluate his/her decision to continue a chase. In weighing the decision to continue a chase, they shall

consider the likely harm from not apprehending the suspect as soon as possible. Additionally, they should consider the following:

- The 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
- 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 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.
- External physical conditions substantially increase the danger of chasing beyond the importance of apprehending the suspect or violator.
- The member shall consider whether the chase can be terminated by using the **prima facie rule of evidence in N.C.G.S. § 20-141.5(c).** **In cases where the prima facie rule of evidence is applicable, the member shall not continue to chase without supervisory authority.**
- The prima facie rule applies unless one of the following circumstances exists:
  - Vehicle has been reported stolen.
  - Vehicle registration is known to be fictitious.
  - Vehicle is registered in another state.
  - Vehicle has a temporary registration plate

### **Termination of Chase**

A decision to terminate a chase may be the safest and 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 the primary or secondary unit, the supervisor, or higher authority.

The communications center shall immediately contact the on-call district supervisor when a member advises they are in an active chase (10-43). If a supervisor is the primary unit in a chase, the next level supervisor shall be contacted by the communications center to supervise the chase. A supervisor,

not in the primary position, may authorize a chase to continue only when, in the judgement of the supervisor, the likely harm from not apprehending the violator immediately outweighs the danger created by the chase itself thereby warranting continuation of the chase. After gathering all pertinent information, the supervisor monitoring the chase shall immediately advise the member(s) to continue or discontinue the chase.

In the event a supervisor is not available during a chase, members shall immediately discontinue the chase if the *prima facie* rule of evidence is applicable, unless the member has probable cause to believe the driver and/or other vehicle occupants are fleeing after having committed a violent felony resulting in serious personal injury or loss of life and the need for immediate apprehension outweighs the hazards of continuing the chase.

There should be no more than three (3) authorized Patrol vehicles involved in the chase, the primary chase vehicle, the secondary chase vehicle and the third chase vehicle which will serve as a backup for the primary and secondary vehicles. When additional units are needed due to extenuating factors, and approved by a supervisor, additional units may proceed towards the chase but should use alternate roadways if available.

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

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.

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. Notwithstanding this restriction, in extreme circumstances a member may drive the wrong way on an interstate or divided highway, for a short distance, for the limited purpose of making a forced vehicle stop when deemed reasonably necessary to abate an imminently dangerous situation.

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.

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) for the allied agency vehicle to disengage from the

chase. The chase need not be terminated solely due to the allied agency's refusal to disengage from the chase.

Members are not authorized to take enforcement action or engage in extraordinary vehicle operations with non-sworn passengers. Members shall not initiate or engage in a chase with non-sworn passengers in the vehicle. Exceptions to this policy require the authority of a Section Director/Troop Commander or higher authority.

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 under any circumstances engage in a chase in a non-Highway Patrol Vehicle.

### **Chases Involving Other Agencies or Jurisdictions**

- Members shall not become involved in a chase initiated by another agency except when formally requested by that agency through the communications center. Members will assume the secondary position. If two or more allied agency vehicles are chasing, members will not become involved nor remain in the chase unless special circumstances dictate otherwise, and **supervisory approval** is obtained.
- Members shall terminate a chase whenever an initiating allied agency discontinues the chase. This provision need not apply when a chasing officer of the allied agency discontinues due to mechanical or communication failure or when a supervisor authorizes the continuation of the chase **and** the violator has committed a violent felony other than felony speeding to elude and the immediate apprehension of the violator is necessary. However, the mere fact that an allied agency continues a chase does not require a member to remain in the chase if he/she feels the risks outweigh the need to continue.
- **Upon conclusion of a chase, regardless if the chase involves allied agency personnel or only Patrol personnel, members have a duty to prevent and stop illegal and inappropriate uses of force by other law enforcement officers.** Every employee has an obligation to ensure compliance, by themselves and others, with Department directives and regulations, as well as all applicable laws, regarding use of force. Any member who observes a law enforcement officer about to use force that is illegal, excessive, or otherwise inconsistent with this directive must, absent extraordinary circumstances, take reasonable steps he/she can to interrupt the flow of events before that law enforcement officer does something that makes any official action necessary. Members can serve each other and the public by simply saying or doing the right thing to prevent a fellow law enforcement officer from resorting to force illegally or inappropriately. Similarly, any member who observes a law enforcement officer using force that is illegal, excessive, or otherwise inconsistent with this directive must,

absent extraordinary circumstances, do whatever he/she can to interrupt the flow of events and stop the use of force. Members who have the knowledge or observe an excessive use or application of force shall have the responsibility and duty to intervene by stopping, identifying and ultimately reporting same. Members are to follow implemented training principles and standards regarding the Felony / High-Risk approach.

### **Chases Involving Highway Patrol Motorcycles**

- Members operating Patrol motorcycles shall be governed by procedures outlined in this directive and Directive B.03 (Forced Vehicle Stops).
- Members operating Patrol motorcycles are governed by Directive N.05 (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 communications center upon the arrival of another authorized Patrol vehicle (other than another motorcycle).

### **Chases Involving Patrol Aircraft**

- When available, 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.

## **Chases into Adjoining State**

- Members shall not chase a violator into any contiguous state (Georgia, 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 Georgia, Tennessee, Virginia, or South Carolina for a felony committed in North Carolina. Members who arrest a violator in Georgia, 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.
- 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.

## **Chases Involving Motorcycles**

Members shall carefully weigh all risk factors associated with the pursuit of motorcycles including but not limited to the initial reason for the chase, the increased potential for excessive speeds and the maneuverability of motorcycles within traffic before initiating a pursuit. Absent exigent circumstances, members shall not engage in the chase of a motorcycle if there is a passenger on the motorcycle; nor should members continue the chase of a motorcycle if the motorcycle is weaving in and out of traffic at high speeds, lane splitting or driving on shoulders. If the suspect is taking such actions to gain distance from the member, the chase must be terminated.

## **Forced Vehicle Stops**

- Utilization of a forced vehicle stop option must conform to the guidelines set forth in Directive B.03.
- When additional vehicles are authorized to enter the chase in order to execute a forced vehicle stop, members are permitted to utilize car-to-car communication 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.

- Members may pull up beside of a fleeing vehicle for the limited purpose of checking for children or innocent passengers prior to initiating a P.I.T. maneuver or attempting a rolling roadblock.
- Members assisting an allied agency as the secondary unit in a chase for the purpose of a rolling road block may assist with a rolling roadblock only when:
  - The primary allied agency unit passes the suspect vehicle and maintains a position in front of the suspect vehicle and;
  - The member has communication with all vehicles participating in the rolling roadblock.
  - If the rolling roadblock is unsuccessful, the member shall not become the primary unit and will assume the secondary position immediately.

### **Apprehension / Post Chase Responsibility**

- 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.
- Members involved in chases shall not investigate violator collisions occurring during that chase.
- Members shall adhere to all established training recommendations and principles concerning the approach and completion of a high-risk approach technique. Members are encouraged to apply all officer safety guidelines within any interaction and to balance this safety recommendation all the while preserving life and property. After the scene is appropriately assessed and cautiously evaluated, a member's action to provide medical assistance may outweigh the need or requirement of executing a high-risk approach. In such instances, a member should commit effort toward personal officer safety first and proceed to suspect/victim to assess and potentially provide medical attention. Members may utilize the Contact / Cover technique.
- Members and/or other law enforcement officers have a sworn duty and obligation to protect members of the public. Consistent with this obligation, members should take a preventive approach, whenever possible, if observing behavior which suggests another member and/or other law enforcement officer is about to engage in unlawful or inappropriate behavior, as described more fully below.
- Members and/or other law enforcement officers have an ethical and legal duty to intervene when necessary to prevent or stop another officer from using a level of force the member or officer knows, or should reasonably be expected to know, is excessive or unwarranted under the existing circumstances.

- Members shall also intervene in any case where the member observes another law enforcement officer treating a member of the public in any manner that is inconsistent with law or policy (i.e., conducting an unlawful detention or making an unlawful arrest). This duty also extends when the North Carolina State Highway Patrol is called to assist, or is assisting, any other law enforcement agency.
- Employees also have a duty to report illegal, excessive and inappropriate uses of force by other officers.
- Every employee who has knowledge or observes another law enforcement officer, regardless of agency affiliation, using force that is illegal, excessive, or otherwise inconsistent with this policy must:
  - Notify a supervisor immediately by the quickest means possible, and within 24 hours provide written notification to their supervisor of the incident. The reporting employee's supervisor shall ensure that the Commander's Office of the reporting employee is notified within 72 hours of the use of force.
  - If the reporting employee's immediate supervisor was present at or participated in a use of force that is illegal, excessive, or otherwise inconsistent with this policy, the reporting employee shall by the quickest means possible immediately notify the next level supervisor above the reporting employee's immediate supervisor, and within 24 hours provide written notification to that same next level supervisor of the incident. The notified supervisor shall ensure that the Commander's Office is notified within 72 hours of the use of force.
  - If the Patrol Commander was present at or participated in a use of force that is illegal, excessive, or otherwise inconsistent with this policy, the supervisor who was given notice by the reporting officer shall notify the next level supervisor below the Patrol Commander who was not present at the use of force.
  - If the officer who was observed using force that is illegal, excessive, or otherwise inconsistent with this policy is from another agency, then the Patrol Commander or his designee of the reporting employee shall notify the officer's agency head of the incident.
  - Failure to intervene and/or report, as required by this policy, may result in disciplinary action up to and including dismissal.

## VII. COMMUNICATIONS

### Traffic Enforcement Response

Members are not required to notify the communications center when they initiate a traffic enforcement response.

## **Chases**

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
- External physical conditions i.e. traffic, weather, etc.
- Whether additional units are involved or following the chase

The driver of the primary vehicle will direct the chase and relay all information to include updates as external conditions change 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.

Whenever a Patrol aircraft is assisting with a chase the pilot shall be given radio priority to relay speed, direction of travel, potential hazards, and possible apprehension sites to Patrol members and supervisors.

Members shall immediately terminate a chase if the member is unable to communicate with a Patrol communications center.

Upon apprehension of the suspect/violator vehicle, the driver of the primary vehicle will immediately notify the communications center.

Communications centers and Telecommunicators shall follow chase procedures as outlined in TC-09D: Major Incidents and Special Considerations of the Telecommunications Manual to include notifying the appropriate supervisor and providing updates during the chase.

## **VIII. SUPERVISION**

In addition to the other provisions set forth in this directive, supervisors shall also be governed by the following criteria:

## **Emergency Response**

When appropriate, supervisors shall intervene and designate vehicles to be involved in an emergency response and may terminate such a response at any time.

## **Chases**

An immediate or designated supervisor of a member involved in a chase will supervise the progress of the chase, consider the external physical conditions and other pertinent facts and have the authority to terminate the chase at any time. Additionally, they may designate the primary and secondary vehicles and may authorize additional vehicles if circumstances require. Supervisors must govern the execution of forced vehicle stops in accordance with Directive B.03 (Forced Vehicle Stops).

A supervisor who has been notified of and approves the continuation of a chase when the *prima facia* rule of evidence applies, or other chase requiring supervisor authorization must submit a written memorandum (addressed to the next level supervisor) justifying the continuation of the chase. The memorandum will be sent as an attached document with the Post Chase Report through BlueTeam. A supervisor who authorizes the continuation of a chase shall not be part of the review process in BlueTeam.

When a Patrol aircraft assists with a chase, 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 V (Chases) of this directive. The supervisor in charge shall notify the pilot to continue observation of the fleeing vehicle or 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.

Permission to chase into Georgia, Tennessee, Virginia, or South Carolina requires 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.

When feasible, a supervisor shall respond to the location where a vehicle has stopped following a pursuit. Collisions occurring during chases involving serious personal injury, fatalities, or third parties shall be investigated by a supervisor.

## **IX. POST CHASE REPORT**

The appropriate first-level supervisor shall submit form HP-351 (Supervisor Notification of Member Involved Incident (24 Hours)) via e-mail within twenty-four

(24) hours of any chase to include a TDD deployment according to the HP-351 instructions. The appropriate first-level supervisor shall e-mail a copy of the HP-351 "To:" the appropriate Unit/Troop Headquarters and "CC:" the Post Chase Board Liaison for informational and tracking purposes.

Following a member's involvement in a chase, a Post Chase Report shall be completed and submitted via BlueTeam to the Post Chase Board Liaison. Only one report should be submitted per chase and routed via the chain-of-command. In all felony cases, a copy of the Post Chase Report shall be provided to the District Attorney pursuant to the requirements of NC Gen. Stat. § 15A-903.

In the event there are two or more members involved in the same chase, the member that initiates the chase will be responsible for completing the Post Chase Report in BlueTeam.

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 Post Chase Report. During multiple district chases, troop headquarters will coordinate the completion of the Post Chase Report. Collisions involving members during multiple troop or district chases will be investigated by supervisors in the district of occurrence.

## X. REVIEW AND CRITIQUE OF CHASE

### Review by Supervisor

- The member's supervisor shall review the Post Chase Report for completeness with the member prior to submission. The supervisor shall review any accompanying video(s) or audio and this directive as it applies to the incident with the member and make an initial determination about whether the member followed Patrol policy and established training practices. A supervisor that is involved in the incident or approves the continuation of a chase shall not conduct the review.
- The following dissemination process shall be followed when submitting a Post Chase Report:
  - **Step 1:** Trooper completes and submits report for approval, to supervisor via BlueTeam. Post Chase Report due within five (5) calendar days of the incident to the appropriate first-level supervisor.
  - **Step 2:** The appropriate first-level supervisor reviews report including video(s) or audio and relevant documentation in BlueTeam for accuracy and clarification. The appropriate first-level supervisor shall make comments (Refer to the Post Chase BlueTeam Instructions) in the "Comment" section that a video review and policy review was conducted and indicate the date the review was conducted during the approval process. If issues are found:
    - Communicate with the Trooper for clarification

- Reject the report in BlueTeam
- Review resubmission from Trooper
- Approve and forward to First Sergeant or appropriate second-level supervisor for review and approval via BlueTeam
- **Step 3:** First Sergeant or appropriate second-level supervisor reviews the report including video(s) or audio and relevant documentation to check for accuracy and policy violations or training needs. The First Sergeant or appropriate second-level supervisor shall make comments (Refer to the Post Chase BlueTeam Instructions) in the “Comment” section that a video review was conducted. First Sergeant or appropriate second-level supervisor forwards the approved, completed report, with attachments, to the Unit/Troop Supervisor or Section Director for their review, no later than thirty (30) calendar days of the incident.
- **Step 4:** The Unit/Troop Supervisor or Section Director (third-level review) will only have forty-five (45) calendar days from the date of the incident to review the report including video(s) or audio and relevant documentation to verify for accuracy, clarification, and discrepancies and to approve the incident. The Unit/Troop Supervisor or Section Director shall make comments (Refer to the Post Chase BlueTeam Instructions) in the “Comment” section that a video review was conducted. The Unit/Troop Supervisor or Section Director will also identify any policy violations or training needs. For chase incidents that involve a fatality or serious personal injury, the Unit Commander of Internal Affairs will be notified and determine if policy violations may exist and classify those potential violations as deemed appropriate. (Refer to Policy Directive H.02).

The appropriate third-level supervisor will immediately forward the report via BlueTeam, “TO” the Chairman of the Post Chase Review Board. The appropriate third-level supervisor shall also carbon copy (cc) the Post Chase Review Board and the District First Sergeant. Groups for the Chairman of the Post Chase Review Board and the Post Chase Review Board have been created in BlueTeam.

- NOTE: First Sergeants or appropriate second-level supervisor shall expedite a completed copy of the report as close to incident date as possible in order for the Unit/Troop Supervisor or Section Director to verify for accuracy, clarifications and/or discrepancy in order to comply with the forty-five (45) calendar day dissemination period.
- If a First Sergeant is involved in the chase or continuation of a chase and is required to submit a statement, then the Troop Lieutenant will take over the responsibilities associated with step 2 and 3 and the Troop Commander will take over the responsibilities associated with step 4.

- The member shall print the approved report for their record. In the event a video **or audio** of the occurrence exists, the supervisor will label the video file as the sequence number to include the members rank, first and middle initial with last name (e.g. 170725001CA Trp J K Smith). Upload the video(s) or audio file within thirty (30) calendar days of the incident at the following address:
  - G:/BlueTeam Videos/Respective Troop/District
- The appropriate District First Sergeant will manage the authorized Troop/District video(s) or audio file on the G Drive and delete the uploaded file four (4) months after the occurrence date of the incident.
- Supervisors shall indicate the video has been reviewed in the "Comment" section of the BlueTeam submission process. If no video or audio exists, then an explanation shall be documented in the "Comment" section of the BlueTeam submission process. Attach a copy of the CL-29 if applicable by the appropriate level supervisor.
- Should the initial BlueTeam report be sent to the Post Chase Board later than the forty-five (45) calendar day deadline, but before sixty (60) calendar days, then a detailed explanation describing the reason the report is late in the form of an email shall be sent to the Chairman of the Post Chase Board.
- Should the initial BlueTeam report be sent to the Post Chase Board later than sixty (60) calendar days, then documentation in the form of NCVIP and HR562 (Documented Counseling Session) detailing the reason the report is late and that this discrepancy has been documented shall be emailed to the Chairman of the Post Chase Board by the Unit/Troop Supervisor or Section Director. **These unrelated documents to the Chase shall not be attached to the BlueTeam Report.**
- **Step 5:** The Post Chase Review Board reviews the incident including videos or audio and relevant documentation and discusses discrepancies and/or needed remediation. The Chairman of the Post Chase Review Board or designee shall reject a report in BlueTeam for discrepancies and provide instructions in the designated space. The rejected report will be forwarded via BlueTeam to the effected Unit/Troop Commander/Section Director requesting revision or remediation. The Chairman of the Post Chase Review Board or designee shall route approved reports "To" the BlueTeam Administrator.
  - In cases involving an SBI investigation or Internal Affairs investigation, the Post Chase Board will review the BlueTeam report for accuracy and training purposes only.

- **Step 6:** When a Unit/Troop Commander/Section Director is forwarded a rejected report, he/she shall in turn forward it to the appropriate district for corrections. The Unit/Troop Commander/Section Director shall ensure the corrected report is re-submitted to the Post Chase Review Board via the chain of command within fifteen (15) calendar days.

## XI. REVIEW BY BOARD

All Post Chase Reports will be reviewed and analyzed monthly or as otherwise scheduled by the Post Chase Review Board. The Board will review any video(s) and relevant documentation associated with the event. The Board may request additional information and clarification on any Post Chase Report. 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 Professional Standards shall appoint Board members for not more than two (2) years from the following sections, excluding the one member holding the rank of Captain, who will serve as the chairperson:

- Captain (Serving as Chairperson)
- Troop Lieutenant – Co-chair
- District First Sergeant
- District Sergeant
- Internal Affairs – One member
- Training Academy – A member of the Driver's Training Unit (Post Chase Board Liaison)
- Two (2) District Troopers
- Legal Section – One staff attorney

The Post Chase Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident. The objective of the board is to identify trends within the agency's chase procedures, policies and potential training opportunities. Within this review process, the board may recognize policy violations and will refer the reported incident to the appropriate board member from Internal Affairs.

The board does not have the authority to recommend discipline.

Any analysis regarding the involved employee's actions conducted by the board will be in accordance with the Highway Patrol's disciplinary procedures, the Personnel Complaints Policy, and any applicable state or federal law.

The board shall make one of the following recommended findings:

- (a) The employee's actions were within agency policy and procedure and were consistent with training guidelines
- (b) The employee's actions were in violation of agency policy and procedure or established training practices and guidelines

The Post Chase Review Board shall submit a monthly meeting summary report to the Commander's Office within ten (10) business day addressing the following:

- Number of reports and videos reviewed
- Breakdown of incidents within policy and laws
- Breakdown of reports with training issues and number of reports referred to Internal Affairs

The Training Academy shall conduct a documented annual analysis of pursuit reports, to include a review of policy and reporting procedures, approved by the Commander's Office

## **XII. APPLICABLE LAWS / STATUTORY LAW**

### **Speeding to Elude Arrest (NC Gen. Stat. § 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.

### **NC Gen. Stat. § 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 (NC Gen. Stat. § 20-145)**

NC Gen. Stat. § 20-145 provides a limited and conditional exception to the speed limit law.

### **When Speed Limit Not Applicable (NC Gen. Stat. § 20-145)**

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.

### **Exceptions to the Right-of-Way Rule (NC Gen. Stat. § 20-156)**

(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.

## **XIII. MANDATORY PROVISIONS**

**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.