



Carrboro Police Department

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I. PURPOSE

This policy governs all driving by officers of the Carrboro Police Department: routine driving, emergency response driving, and pursuit driving.

II. POLICY

- A. It is the policy of the Carrboro Police Department that officers shall act as professionals and follow the laws when driving motor vehicles, and that they shall take into consideration complex and unpredictable factors when engaging in emergency response and pursuit driving.
- B. This policy provides restrictions on certain driving assignments and guidelines for the exercise of officer and supervisory discretion.

III. LIMITATION OF LIABILITY

This policy is for the internal use of the Carrboro Police Department only and in no way enlarges an employee's civil or criminal liability. This policy should not be construed to create a higher standard of care in any evidentiary sense with respect to third party claims. Proven violations of this policy shall only form the basis of a complaint by this agency in a non-judicial administrative hearing.



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IV. DEFINITIONS

- A. Emergency Response Driving: Driving to the scene of a call where there is a threat of violence or an imminent danger to human life or the public safety. Driving to a call that does not appear to involve either or both of these factors is routine driving that may not justify an exemption from posted speed limits and/or normal right-of-way rules and traffic control devices. Emergency response driving includes “catch up” driving for traffic enforcement purposes before a violator indicates by his apparent conduct that he is aware of the presence of the pursuing officer and has made a conscious decision not to yield to the officer’s blue lights and siren.
- B. Pursuit Driving: The attempt to stop or arrest a suspected violator or other person subject to arrest after that violator or other person indicates by his apparent conduct that he is aware of the presence of the pursuing officer and has made a conscious decision not to yield to the officer’s blue lights and siren.
- C. Routine Driving: All on-duty driving other than “emergency response driving” and “pursuit driving,” to include routine patrol, service of process, transportation of arrestees, or other driving in the performance of duty.
- D. Due Regard for the Safety of Others: The responding or pursuing officers are not engaged in wanton misconduct that constitutes and exhibits a conscious or reckless disregard for the safety of others.
- E. Patrol Supervisor: The on-duty patrol supervisor.

V. RULES THAT APPLY TO ALL DRIVING

- A. In all driving and related decision making the paramount consideration is THE SAFETY OF THE MOTORING PUBLIC. Therefore, the continuous exercise of DUE REGARD FOR THE SAFETY OF OTHERS is required. Officers must, at all times, drive with the same care a reasonably careful officer would use under identical circumstances in an equivalent law enforcement task. Driving without due regard for the safety of others, or in an arbitrary exercise of right-of-way, is unlawful and is a violation of this policy, no matter how serious the emergency or crime.



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- B. Officers shall use special caution in backing up or parking to avoid accidental damage to a police department vehicle and/or other property.
- C. Any damage or alteration to a police department vehicle must be immediately reported, orally and in writing, to the patrol supervisor at the earliest feasible opportunity.
- D. Passengers are not allowed in a police department vehicle except (a) as necessary in the performance of duty, or (b) to assist a citizen in need, or (c) if previously approved under a police department policy, or (d) in a ride-along program.
- E. Officers shall not park a police department vehicle in traffic lanes unless necessary to block traffic. In that case, an officer shall use flashing blue lights and/or emergency flashers.
- F. Officers are expected to wear their seatbelt while operating or riding in a departmental vehicle. This requirement may be waived due to specific safety and/or tactical considerations when the vehicle is being operated at a low speed.

VI. ROUTINE DRIVING

- A. Unless exempt both by law and by this policy, all law enforcement driving is routine driving subject to the same traffic laws that apply to private citizens.
- B. Driving to the scene of a call that does not involve a threat of violence or an imminent danger to human life or public safety (for example, driving to a minor wreck, to a disturbance call, or to take a larceny report) shall be by routine driving.
- C. Officers patrolling for traffic violators may exceed the posted speed but not at a speed inconsistent with due regard for the safety of others. The officer must nevertheless obey all intersection right-of-way laws applicable to a private citizen.
- D. Routine driving in excess of the posted speed limit, or contrary to normal right-of-way rules, does not violate this policy if the driving is clearly necessary for an important law enforcement emergency, but such driving must comply with the law and this policy regarding emergency response vehicle operation and must be consistent with due regard for the safety of others.



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VII. EMERGENCY RESPONSE DRIVING

- A. It is the policy of the Carrboro Police Department that there shall be no emergency response driving by any member of this Department at a speed greater than would be consistent with due regard for the safety of others, and no member of this department will exercise right-of-way in an arbitrary manner.
- B. In emergency response driving, both blue lights and siren will be activated and remain in operation at all times when exceeding the posted speed limit and/or when driving contrary to normal right-of-way rules and traffic devices. If both blue lights and siren are not in operation, responding officers are not exempt from the observance of the traffic laws and they must obey the same.
- C. In emergency response driving, an officer may proceed through an intersection when the officer is facing a stop sign, a yield sign, a flashing strobe signal, or a steady/flashing red light, if other vehicles or pedestrians are not in or approaching the intersection and if the intersection allows clear visibility of all intersecting streets for sufficient distance to insure safe passage. If other vehicles or pedestrians are in, near, or are approaching the intersection, or if clear visibility of all intersecting streets is not possible, the officer must come to a brief stop and then proceed slowly through the intersection only as vehicular and pedestrian traffic permits safe passage.
- D. In emergency response driving, an officer may not exceed the posted speed limit in a manner that would be inconsistent with due regard for the safety of others, considering:
 - 1. Road conditions: bad weather and/or limited visibility;
 - 2. Traffic conditions: high-density pedestrian or vehicular traffic, major intersections; major commercial, school, and hospital centers;
 - 3. Vehicle condition: vehicle defects and/or limitations; and
 - 4. Officer's experience: level of experience in vehicle control and/or decision making, and sufficient knowledge of the roadway.



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- E. Vehicles not equipped with both audible and visible emergency signals shall not be operated as an emergency vehicle. Operators of such vehicles shall obey all traffic laws.

VIII. PURSUIT DRIVING

- A. It is the policy of the Carrboro Police Department that there shall be no pursuit driving by any member of this department at a speed greater than would be consistent with due regard for the safety of others, and no member of this department will exercise right-of-way in an arbitrary manner.
- B. In pursuit driving, both blue lights and siren will be activated and remain in operation at all times when exceeding the posted speed limit and/or when driving contrary to normal right-of-way rules and traffic devices. If both blue lights and siren are not in operation, pursuing officers are not exempt from the observance of the traffic laws and they must obey the same.
- C. The decision to begin pursuing, or to continue a pursuit, is based upon an evaluation by pursuing officers and patrol supervisors, based upon the totality of the circumstances, that the need for immediate arrest of the violator outweighs the known risks of a serious accident, and that the pursuit is consistent with due regard for the safety of others and the safety of the motoring public. If the known risks of a serious accident are great and those risks are inconsistent with due regard for the safety of others, officers must not begin to pursue, or must terminate by slowing down to a safer speed, even though the crime or emergency is a violent felony or other serious emergency dangerous to life.
- D. The known risks of a serious accident include the following factors that increase risk:
 1. Road conditions: bad weather and/or limited visibility;
 2. Traffic conditions: high-density pedestrian or vehicular traffic, major intersections; major commercial, school, and hospital centers;
 3. Vehicle condition: vehicle defects and/or limitations; and
 4. Officer's experience: level of experience in vehicle control and/or



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decision making, and sufficient knowledge of the roadway.

- E. In making the decision to begin or continue to pursue, the officer and patrol supervisor should also consider, based upon the totality of the circumstances, the likely harm from not apprehending the suspect as soon as possible. The need to arrest the fleeing suspect immediately includes the following factors:
1. **Danger to the public from suspect's driving:** A suspect operating a motor vehicle at a speed or in such a manner as to put the public in a substantial and immediate risk of serious physical injury, in a highly reckless manner, or in a manner suggesting DWI, or a willingness to inflict serious harm and injury upon other motorists, creates a substantial need to arrest immediately;
 2. **Seriousness of crime:** If the crime the suspect is believed to have committed is a violent felony, or violent misdemeanor, or involves conduct that threatens injury or violence to persons, the need to arrest immediately is substantial; or
 3. **Unknown suspect:** If the fleeing driver has not been positively identified or cannot be apprehended later without risking harm to any victim, hostage, or member of the public, the need for immediate arrest may be substantial.
- F. A pursuing officer may proceed through an intersection or other place where the officer is facing a stop sign, a yield sign, a flashing strobe signal, or a steady/flashing red light, if the officer has both blue lights and siren activated and can proceed with due regard for safety of others and such conduct does not amount to an arbitrary exercise of right-of-way, and if other vehicles or pedestrians are clear of the intersection and no vehicles or pedestrians are at or approaching the intersection in a manner that would result in a collision. If obstructions to vision do not permit clear visibility of all traffic near or approaching an intersection, or if vehicles/pedestrians are at or near the intersection in a manner that might result in an accident, pursuing officers must reduce speed and slowly proceed through the intersection in a manner appropriate for safe passage.



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IX. PROCEDURAL RULES GOVERNING PURSUITS

A. The responsibility for the decision to engage in a pursuit rests with the individual officer. The officer engaging in a pursuit shall notify communications immediately that a pursuit is underway and shall provide the telecommunicator with the following information:

1. Officer's call number;
2. Specific reason (suspected offense) for the pursuit;
3. Location, direction of travel, speed, weather and traffic conditions (with appropriate updates to the extent feasible);
4. Suspect vehicle information;
5. Number of occupants and whether weapons are involved; and
6. Identity of suspect(s) and description(s), if known.

Failure to provide the above information in a clear and concise manner may be cause for the patrol supervisor to stop the pursuit.

Upon notification, communications should notify the patrol supervisor of the pursuit, clear the channel of non-emergency traffic, and relay information to other officers and other agencies as needed in accordance with policy.

B. Primary Unit Responsibilities. The primary unit (the unit immediately behind the suspect vehicle):

1. Shall maintain a safe and adequate separating distance;
2. Should, in consideration of officer safety, always be a marked patrol car. In the event that an unmarked police vehicle must initiate a pursuit, the unmarked unit or other motor vehicle must relinquish its primary position to the first available marked patrol car as soon as it is safe and practical to do so, regardless of agency;



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3. Shall, through the entire pursuit, operate both audible and visible signals (blue lights and siren) as required by N.C.G.S. § 20-156;
4. When approaching an intersection where signal lights or stop signs control the flow of traffic, shall not proceed through the intersection until the officer is certain all traffic has yielded the right of way; and
5. May maintain pursuit as long as it is reasonable and prudent to do so, subject to the three-mile limitation and supervisory approval as discussed above.

C. A decision to terminate a pursuit may be the most appropriate course of action. Throughout the pursuit, officers and patrol supervisors must continually re-evaluate the decision to pursue and question whether the need to make an arrest is sufficiently substantial to justify continuation of the pursuit.

A pursuit shall be terminated under any of the following circumstances:

1. If, in the opinion of the pursuing officer or the patrol supervisor, the pursuit is creating an unreasonable danger to the officer(s) or the public considering and weighing the factors discussed in Section VIII, E.;
2. 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 primary unit;
3. When notified to terminate the pursuit by the patrol supervisor or by a dispatcher on the authority of the patrol supervisor; or
4. When communication with the dispatcher or the patrol supervisor is lost or unreadable. (The officer shall reestablish communication as soon as possible).

D. Officers shall immediately notify communications when a pursuit has been terminated.

E. The termination of a pursuit does not prohibit the officer from continuing to follow a vehicle, where feasible, in compliance with all traffic laws, and with the



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approval of the patrol supervisor.

- F. An officer shall not engage in a pursuit while transporting an arrestee, civilian, or ride-along unless there is no undue danger to the passengers and the need to apprehend is substantial.
- G. Unsupervised probationary officers should not engage in a pursuit without express authorization from the patrol supervisor.
- H. Secondary Unit Responsibilities: One or more secondary units (units authorized at the direction of the patrol supervisor to provide support to the primary unit in apprehension of the suspect or to provide other assistance as needed) may actively engage in a pursuit. Ordinarily, only one secondary unit shall be authorized to support the primary unit in active pursuit.
 - 1. A secondary unit shall, throughout the entire pursuit, operate both audible and visible signals (blue lights and siren) as required by N.C.G.S. § 20-156.
 - 2. A secondary unit, when approaching an intersection where signal lights or stop signs control the flow of traffic, shall not proceed through the intersection until the officer is certain all traffic has yielded the right of way.
 - 3. The secondary unit may assume radio communications responsibility at the direction of the primary unit.
 - 4. Carrboro Police Department units shall not pass other police units while engaged in a pursuit, unless the same is required by extraordinary circumstances or is necessary in order to assume the primary unit position.
 - 5. The secondary unit shall maintain a safe distance behind the primary unit, but will remain close enough to render backup assistance if and when required.
- I. If an officer engages in a pursuit of a fleeing vehicle which has been previously pursued by the officers and has been lost, it shall be considered a new pursuit and treated accordingly by immediately making the proper notifications.



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J. The Use of Deadly Force:

Ramming, blocking, running road blocks, and stationary road blocks may be deadly force, depending on the likelihood that a life-threatening injury may be inflicted on suspect vehicle occupants. Shooting at a moving vehicle is deadly force and should only be done in self-defense or defense of another person. Deadly force should never be used to stop the fleeing suspect unless the fleeing suspect has created an immediate and substantial danger of death or life-threatening injury to the public at large, or to officers. Positioning cars in the travel lane to deter or channel a fleeing suspect is allowed but must not create an undue risk of collision unless deadly force is authorized.

K. Pursuit into Other Jurisdictions:

1. Pursuing officers shall notify communications if the pursuit is likely to go into another jurisdiction served by a different law enforcement agency. If officers of another law enforcement agency are able to assume responsibility for the pursuit after it leaves Carrboro, the original pursuing officer(s) should “drop off,” slow down, and resume normal operation.
2. Only the most serious circumstances would justify continuing a pursuit at a great distance beyond the city limits of Carrboro. **Any attempt to pursue a suspect known only to have committed a misdemeanor or infraction shall cease upon reaching a point one mile beyond the Carrboro town limits.**
3. Pursuits beyond this distance shall be permitted only if the suspect is one who:
 - a. The officer has reasonable cause to believe has committed a felony; and/or
 - b. May be an immediate threat to human life; or
 - c. Cannot be effectively apprehended for the felony at a later time by other means.



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4. In any inter-jurisdictional pursuit, all Carrboro Police Department policies remain in effect. Violations of Carrboro Police Department policies by a Carrboro officer or any other agency shall result in termination of the pursuit by Carrboro Police Department personnel. Officers should not become involved in another agency's pursuit unless specifically authorized by the patrol supervisor.

L. All officers engaged in a pursuit shall document their participation in a written follow-up report which shall be delivered to the patrol supervisor at the earliest opportunity

X. PATROL SUPERVISOR RESPONSIBILITIES IN PURSUITS

A. The on duty patrol supervisor is the single authority over all emergency response and pursuit driving.

B. Upon notification, the patrol supervisor shall promptly take responsibility for and monitor a pursuit, ensure compliance with this policy, and co-ordinate activities of officers in support of the pursuit.

C. The patrol supervisor shall weigh all the factors outlined above in section VIII, E. The patrol supervisor is authorized to stop a pursuit. In allowing a pursuit to continue, the patrol supervisor shall carefully consider the seriousness of the offense committed, the dangers presented to officers and citizens, prevailing traffic conditions, pedestrian traffic, speed of the vehicles involved, the experience level of the responding or pursuing officer, and other relevant factors. The patrol supervisor shall allow the pursuit to continue only after the risks created by the pursuit have been carefully weighed against the need to continue the pursuit.

D. A pursuit normally shall not involve more than two units: the primary unit and one secondary unit. If more assistance is necessary, the number of additional units shall be determined by:

1. Nature of the offense;
2. Number of suspects;



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- 3. Whether the participating units have more than one officer; and/or
- 4. Whether clear and articulable facts warrant additional units.
- E. Only the patrol supervisor may authorize more than two units to engage in an active pursuit.
- F. If the primary unit becomes disabled, the secondary unit shall ordinarily become the primary unit.
- G. If possible, the patrol supervisor will go to the area of the pursuit and to the location of any resulting stop.
- H. Investigation of pursuits.
 - 1. Whenever an officer is involved in a pursuit, it shall be the responsibility of the patrol supervisor in charge of the pursuit to determine whether all Carrboro Police Department policies were followed.
 - 2. The supervisor's written report shall be forwarded to the Patrol Captain together with any recommendations regarding the officers involved in the pursuit. The Patrol Captain shall carefully review all reports related to the pursuit and issue final findings on noncompliance, if any. A serious departure from this policy may constitute a disciplinary violation.

XI. TESTING OF SIRENS

All Carrboro Police Department vehicles' sirens shall be tested annually for audibility from a distance of not less than 1,200 feet.

XII. CRASHES INVOLVING POLICE VEHICLES

- A. All motor vehicle crashes involving a Town owned vehicle, no matter how minor, will be reported and investigated. All department members have a responsibility to report and document crashes in which they are involved.
 - 1. If the crash occurred in the Town limits of Carrboro, the shift supervisor will investigate if it occurred on a Public Vehicular Area or private



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property. The North Carolina Highway Patrol will be called to investigate the wreck if it occurred on a street or highway.

2. If the crash occurred outside of the Town limits of Carrboro, the crash will be investigated by the law enforcement agency having jurisdiction.

B. Accident Review

1. In addition to the reporting requirements of section (A) above, any Police Department employee operating a motor vehicle involved in a crash will complete the Town form "Accident Involving Town Owned Property Report" as soon as practicable after the crash. The employee's immediate supervisor will review the form and make recommendations as appropriate.
2. Employees found to be at fault for motor vehicle crashes may be subject to disciplinary action up to, and including, termination. Employees may also be required to attend remedial training, suspension of take-home privileges, and reevaluation of their driving abilities using the North Carolina League of Municipalities "Vehicle Operations Evaluation for Law Enforcement" form.

XIII. STATUTORY REFERENCES

- N.C.G.S. Sec. 20-141.5 "Speeding to Elude Arrest"
- N.C.G.S. Sec. 20-145 "When Speed Limit Not Applicable."
- N.C.G.S. Sec. 20-156 "Exceptions to Right-of-Way Rule"