

North Charleston Police Department Policy and Procedure Manual

Policy # O – 03



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I. Purpose

To establish procedures governing the operation and care of vehicles assigned to and utilized by employees of the North Charleston Police.

II. Policy

It is the policy of the North Charleston Police Department that personnel operating departmental vehicles are responsible for the operation, maintenance, and appearance of those vehicles. Personnel operating department vehicles will exercise due regard for the safety of all persons and demonstrate exemplary driving behavior.

III. Definitions

- A. Normal or Routine Driving:** Driving, which is consistent with the normal flow of traffic, obedience to traffic laws and posted signs/signals, adherence to common “rules of the road”, and general driver courtesy.
- B. Motor Vehicle Pursuit:** An active attempt by a sworn member operating a patrol unit to apprehend a driver of a motor vehicle who, having been given a visual and audible signal by a officer directing said driver to bring their vehicle to a stop, increases speed, extinguishes motor vehicle headlights, or taillights, refuses to stop the vehicle, or uses other means with the intent to attempt to elude a officer.
- C. Emergency Equipment/Vehicle:** Legal requirements which constitute an emergency vehicle as prescribed in the South Carolina Code of Laws, Section 56-5-760.
- D. Emergency Driving:** Driving that is in response to a life-threatening or other serious incident, which requires the operation of emergency equipment.
- E. Pursuit Driving:** Driving that involves the pursuit of violator(s) in a motor vehicle, which shall be consistent with the provision of South Carolina Code of Laws, Section 56-5-760.

IV. Procedure

A. Administrative Vehicle Regulations

1. Employees of the North Charleston Police Department are permitted to operate assigned or issued vehicles off-duty within the following regulations:
 - (a) Reside within an area no further than 20 miles from the nearest City limits of the City of North Charleston. Any employees, regardless of hire date, granted the use of a take-home vehicle that reside beyond 10 miles of the nearest City limits of the City of North Charleston will be required to reimburse the City, for those miles beyond the 10-mile limitation, at a mileage rate determined by the Finance Director, with such mileage determined by GIS boundary maps. The mileage rate will include the estimated cost of fuel, insurance, taxes, maintenance and depreciation associated with the annual operation of such vehicle being taken home. The mileage rate will be deducted from the employee’s payroll check on a bi-weekly basis. The 10-mile limitations shall be determined by the roadway route as defined by GIS boundary maps generated by the City of North Charleston’s Management Information Systems Department.
 - (b) Employees of the North Charleston Police Department are authorized to drive their assigned vehicles in an off-duty capacity within 10 miles of the nearest city limits of the City of North Charleston.

- (c) Officers in an off-duty capacity and operating police vehicles which are readily recognizable as law enforcement vehicles will wear attire that is neat, presentable, and professional.
- 2. Only authorized personnel are permitted to operate department vehicles.
- 3. Civilians may accompany members of the department while the vehicle is operated off-duty. Employees shall be responsible for the safety, proper appearance, and behavior of all passengers.
- 4. In accordance with manufacturer's safety recommendations, children under the age of twelve (12) will ride in the back seat to avoid injury from a deployed airbag.
 - (a) Officers assigned a vehicle with a rear molded plastic transport seat are not permitted to transport any children under the age of six (6) who weigh less than eighty (80) pounds. This is due to the inability of the seat being properly secured.
 - (b) Officers who routinely transport children, who are assigned a vehicle with a rear molded plastic transport seat, are encouraged to notify their chain of command via Administrative Action Form if it causes a hardship.
- 5. In accordance to SC Code 56-5-6410 children passenger will be restrained as follows:
 - (a) An infant or child under two years of age must be properly secured in a rear-facing child passenger restraint system in a rear passenger seat of the vehicle until the child exceeds the height or weight limit allowed by the manufacturer of the child passenger restraint system being used. Children from birth to the age of 1, or who weigh less than 20 pounds, will be secured in a rear-facing child safety seat.
 - (b) A child at least two years of age or a child under two years of age who has outgrown his rear-facing child passenger restraint system must be secured in a forward-facing child passenger restraint system with a harness in a rear passenger seat of the vehicle until the child exceeds the highest height or weight requirements of the forward-facing child passenger restraint system.
 - (c) A child at least four years of age who has outgrown his forward-facing child passenger restraint system must be secured by a belt-positioning booster seat in a rear seat of the vehicle until he can meet the height and fit requirements for an adult safety seat belt as described in item (d). The belt-positioning booster seat must be used with both lap and shoulder belts. A booster seat must not be used with a lap belt alone.
 - (d) A child at least eight years of age or at least fifty-seven inches tall may be restrained by an adult safety seat belt if the child can be secured properly by an adult safety seat belt. A child is properly secured by an adult safety seat belt if:
 - (1) the lap belt fits across the child's thighs and hips and not across the abdomen;
 - (2) the shoulder belt crosses the center of the child's chest and not the neck; and
 - (3) the child is able to sit with his back straight against the vehicle seat back cushion with his knees bent over the vehicle's seat edge without slouching.
 - (e) For medical reasons that are substantiated with written documentation from the child's physician, advanced nurse practitioner, or physician assistant, a child who is unable to be transported in a standard child passenger safety restraint system may be transported in a standard child passenger safety restraint system designed for his medical needs.
- 6. Employees who are under disciplinary suspension will relinquish use of their assigned vehicle. The vehicle will be turned over to their immediate supervisor and all personal equipment must be removed. The employee's immediate supervisor will inspect the vehicle and make it available as a spare until the vehicle has been assigned.
- 7. Employees who are on light duty may continue to utilize their assigned vehicles on a case-by-case basis, as determined by their Division Commander. Considerations include the employees' medical condition, availability of vehicles, and duty position. Any employee

excluded from all duty by medical orders will not operate a department vehicle.

8. Department vehicles shall not be utilized for carrying heavy or excessive loads and no objects shall protrude from the trunk or windows unless required as evidence, found property, or related to a call for service.
9. Personal pets or other animals will not be transported in department vehicles unless required as evidence, found property, or related to a call for service. Excluded from this regulation are members of the K-9 unit with respect to their assigned department canine.
10. No other vehicle, item, trailer, etc., may be pushed, towed, or otherwise conveyed with a department vehicle unless appropriately equipped for such service and as an act of official duty or service.
11. Department vehicles may not be altered by adding or removing items without the approval of the Chief of Police. This would include, but is not limited to bumper stickers, vanity plates, safety equipment, or electronic equipment.

B. Employee Duties and Responsibilities

1. Off-duty officers, driving an assigned vehicle, will request an on-duty unit to handle any situations they encounter unless exigent circumstances require police action.
2. Officers driving a police vehicle, in an off-duty capacity, will have their issued departmental firearm, official identification, handcuffs, and their portable radio with them while operating the vehicle.
3. Traffic stops conducted by an officer, while in an off-duty status and in civilian attire, will be limited to emergencies or clearly hazardous situations. In all cases, officers will immediately present their identification to the driver and clearly state their, title, name, agency, and the reason for the stop.
4. If an off-duty officer is directed to an emergency call for service, and they have civilians in their vehicle as passengers, the officer will deposit the passengers at a convenient and safe location prior to responding to the call.
5. Officers who transport civilian passengers while on-duty must advise communications of the transport. If the passenger is of the opposite sex the officer must give the starting and ending mileage.
6. Employees will ensure that their assigned vehicles are well-maintained and clean at all times.
7. Employees will report any collision or accident involving department vehicles to their immediate supervisor at the time the incident occurs. All collisions involving police department vehicles will be investigated by the South Carolina Highway Patrol (SCHP). If the SCHP is not available, another independent agency will be requested.
8. Any employee involved in a collision with another vehicle will submit to a drug and alcohol test as soon as practical following the collision.
9. The City's Vehicle Collision Review Board (VCRB) meets once a month to review collisions. It is mandatory for employees of the department to appear before the review board if summoned. Employees may request a continuance if they cannot appear. Only two (2) continuances will be granted per collision by the VCRB.
10. If the VCRB determines the officer was at fault, the employee may pay up to 100 percent of the damage cost not to exceed \$250.00. A finding of reckless or intentional behavior resulting in damage to a City-owned, leased, or borrowed vehicle may lead to the employee having to pay 100 percent of the loss without any \$250.00 or similar cap on the damages. The actions of the VCRB are independent of the police department's investigation and potential discipline.
11. Employees will report any vehicle malfunctions or damage to their supervisor upon discovering them.
12. Employees will submit their vehicles for their scheduled maintenance according to the mileage posted in the vehicle. No vehicle will exceed the posted mileage in excess of 500

miles.

13. All maintenance or repair of City vehicles will be coordinated through the Public Works Department unless otherwise directed by the Chief of Police.
14. When a vehicle is left unattended, the ignition will be turned off, the key removed, all doors locked and any equipment which may be subject to theft secured. Situations, which require the engine to be operational, i.e. during the use of emergency flashing lights, are exempt from this requirement. Also excluded from this regulation are members of the K-9 unit. Caution, however, must be exercised when a vehicle is unattended and left running.
15. Seat belt laws will be followed when operating department vehicles.

C. Call Response/Emergency Driving

1. South Carolina Code of Laws 56-5-760, Operation of Authorized Emergency Vehicles states:
 - (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm may exercise the privileges set forth in this section, but subject to the conditions of this section.
 - (b) The driver of an authorized emergency vehicle may:
 - (1) park or stand, notwithstanding any other provisions of this chapter;
 - (2) proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - (3) exceed the maximum speed limit if he/she does not endanger life or property; and
 - (4) disregard regulations governing direction of movement or turning in specified directions.
 - (c) The exceptions in this section granted to an authorized emergency vehicle apply only when the vehicle is making use of an audible signal meeting the requirements of Section 56-5-4970 and visual signals meeting the requirements of Section 56-5-4700 of this chapter, except that an authorized emergency vehicle operated as a police vehicle need not use an audible signal nor display a visual signal when the vehicle is being used to:
 - (1) obtain evidence of a speeding violation;
 - (2) respond to a suspected crime in progress when use of an audible or visual signal, or both, could reasonably result in the destruction of evidence or escape of a suspect; or
 - (3) surveil another vehicle or its occupants who are suspected of involvement in a crime.
 - (d) The provisions of this section do not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons nor shall such provision protect the driver from the consequences of his/her reckless disregard for the safety of others.
 - (e) The Criminal Justice Academy shall promulgate regulations pursuant to the Administrative Procedures Act so as to provide uniform guidelines and training programs for law enforcement agencies which use emergency vehicles. Law enforcement agencies authorized to use emergency vehicles shall use the regulations developed by the Criminal Justice Academy to provide written guidelines and to provide training programs for its officers and employees regarding the operation of emergency vehicles.
2. Upon a request for service, the communication technician receiving the request will obtain sufficient information to enable officers to determine the proper response to that call for service. If uncertainty exists as to the seriousness of the request for service, the call will be presumed as being an emergency call for law enforcement assistance.
3. Based on the information provided, the responding officer(s) will determine if an emergency response is necessary; and if so, will notify the communications center that they are responding by emergency means utilizing the appropriate radio codes.

4. If another officer is closer to a call for service than the dispatched officer, that officer will notify communications and assume primary unit responsibilities. This will enhance response times and shorten the distance required to be traveled by responding units.
5. Supervisors will be responsible for monitoring officers' responses to calls for service. The supervisor will evaluate the available information and will have final authority to upgrade or down grade the priority status of the officer's response.

D. Risk Assessment

1. Officers must evaluate a call for service by balancing the need for police action, or the result of their action, against the need for an immediate response. Risks to be considered include, but are not limited to:
 - (a) vehicle and pedestrian traffic;
 - (b) weather conditions (i.e., rain, fog, sleet, snow);
 - (c) road conditions (i.e., construction, obstacles/hazards, etc.); and,
 - (d) nature of the call for service versus the distance to be traveled by the responding unit.
2. Many of these factors may be grounds for exercising extraordinary care during a response situation. When traveling from point A to point B, careful consideration should be given to the route to be followed. Within the route, many of the risks outlined above may be present. This often requires the responding unit to alter the response route or vehicle operation.
3. Units responding to robbery or burglary calls in progress should discontinue the use of the siren before coming within hearing distance and, at that time, fully comply with all traffic laws.
4. Units within viewing distance of an incident location may turn off emergency lights to avoid alerting any suspects of a law enforcement response.
5. Upon arrival at a scene, sworn personnel will immediately evaluate the situation and determine if additional units are needed or whether other units responding can be slowed or canceled.
6. When an officer determines an emergency exists or is imminent, or the activation of emergency equipment is necessary to protect life or render necessary law enforcement service, the officer is authorized the use of such emergency equipment. Examples of such scenarios include, but are not limited to the following:
 - (a) at the scene of any incident where the use of emergency lights constitutes a necessary warning for the safety of life, i.e., scenes of fires, accidents, disasters, etc.;
 - (b) as a visual signal to attract the attention of motorists stopped for traffic violations, or to warn motorists of imminent dangers;
 - (c) where, because of location, distance to be traveled, or traffic conditions, the officer determines that an emergency response is essential in order to provide an appropriate response to a call for service;
 - (d) in response to an officer's emergency request for assistance.

E. Vehicle Pursuits

1. Officers must exercise sound discretion to engage and continue in a pursuit. Vehicle pursuits are high risk situations that require restrictions based on the following considerations:
 - (a) does the seriousness of the crime warrant a chase at high speed;
 - (b) what is the possibility of apprehension;
 - (c) is the offender known and can they be located at another time;
 - (d) will the pursuit take place on residential streets, a business district, or freeway;

- (e) officers must remember that the citizens using the public highways are not looking for or expecting police pursuits, therefore officers should not assume that other motorists are aware of their presence;
- (f) officers must also remember that children are drawn towards emergency vehicles instead of being cautioned away from them;
- (g) traffic and road conditions;
- (h) weather conditions and visibility; and,
- (i) is the risk to the public greater than the need for pursuit.

F. Pursuit Communication Procedures

1. An officer initiating a pursuit will notify and continuously update communications of the following information:
 - (a) description of the pursued vehicle;
 - (b) current location and direction of travel;
 - (c) traffic and road conditions;
 - (d) estimated speed of the pursued vehicle;
 - (e) weather conditions; and,
 - (f) number of police vehicles involved.
2. Once a pursuit is initiated, the communications technician, will:
 - (a) Order all other radio traffic cleared except for emergencies.
 - (b) Advise the on-duty supervisor and all other units of the pursuit to include the information given by the pursuing officer.
 - (c) Alert other nearby law enforcement agencies of the pursuit and forward any information concerning the pursuit when it appears likely that the pursuit will extend beyond the jurisdiction of the City of North Charleston.
 - (d) Query the computer files of the Division of Motor Vehicles and the National Crime Information Center for registration information and/or warrants.
 - (e) Contact other agencies and determine if air support is available.
3. Supervisors will obtain information regarding the reason for the pursuit.
4. The on-duty patrol supervisor will monitor the pursuit and respond.
5. The supervisor will assist in directing back-up units to strategic locations.
6. The on-duty patrol supervisor will evaluate all information available at the time and determine whether the pursuit should continue.
7. Should the pursuit become unsafe or unnecessary the on-duty patrol supervisor will direct the pursuing units to terminate the pursuit.
8. In the event a supervisor is involved in a vehicle pursuit, a supervisor from another area shall assume supervisory responsibility of the pursuit.

G. Pursuit Supervisory Responsibilities

1. Supervisors are directly responsible for managing vehicle pursuits safety.
2. Supervisors must evaluate the pursuit circumstances, acknowledge the vehicle pursuit over the radio, and

provide verbal permission to continue the pursuit as soon as practical.

3. The supervisor or watch commander approving and monitoring the pursuit will limit the number of vehicles needed to pursue the fleeing vehicle safely and effectively.
4. If the supervisor or watch commander approves the pursuit to continue outside of jurisdiction boundaries, they will transmit the approval over the radio to dispatch to notify all involved officers.
5. In cases where pursuits initiated by other agencies enter the jurisdiction of the City of North Charleston, the on-duty supervisor or watch commander will provide approval for officers to assist the pursuing agency.
6. Supervisors will meet with officers after all vehicle pursuits to conduct a debriefing of the pursuit as soon as practical.
7. Supervisors will obtain information regarding the reason for the pursuit.
8. A supervisor will monitor the pursuit and respond.
9. The supervisor will assist in directing back-up units to strategic locations.
10. The supervisor, who is monitoring the pursuit, will evaluate all information available at the time and determine whether the pursuit should continue.
11. Should the pursuit become unsafe or unnecessary the supervisor, who is monitoring the pursuit, will direct the pursuing units to terminate the pursuit.
12. In the event a supervisor is involved in a vehicle pursuit, a supervisor from another area shall assume supervisory responsibility of the pursuit.

H. Pursuit Termination

1. Under some conditions, abandoning a pursuit may be the most practical and intelligent decision an officer can make. Some of the factors an officer or supervisor should consider in deciding whether to discontinue a pursuit are:
 - (a) If, in the opinion of the pursuing officer or supervisor, the pursuit created a clear and unreasonable danger to officers, other motorists or pedestrians, and that danger outweighs the need for immediate apprehension; and/or
 - (b) The suspects have been identified and can be apprehended later.
2. If the pursuing officer does not provide the supervisor with the necessary information, the supervisor should direct the officer to immediately discontinue the vehicle pursuit.
3. If a supervisor is not available to monitor and direct the pursuit, the pursuit should be terminated.

I. Pursuit Regulations

1. Officers will not intentionally ram, bump, or collide with a fleeing vehicle, nor will officers drive alongside fleeing vehicles in an attempt to force the vehicle off the road or into an obstacle.
2. Officers will not establish roadblocks.
3. Supervisors may direct other units to the area or the perimeter of the pursuit if they feel that additional units are needed for the safety of the involved officers or the public.
4. The first back-up officer to engage in the pursuit will assist the primary officer by assuming responsibility for updating communications via the radio.
5. Should an unmarked vehicle or a motorcycle unit initiate a pursuit it will be replaced by the first marked unit that engages in the pursuit.
6. Motor units will terminate from a pursuit once a marked unit arrives to take over the pursuit. If no marked units are available to relieve the motor unit, the pursuit will be terminated.

7. Only vehicles equipped with emergency equipment will be used for traffic stops or pursuits.
8. Officers will not fire any weapon from a moving vehicle.
9. If supervisor directs that a pursuit is to be terminated, the pursuing officer(s) will slow to the speed limit and turn off all emergency equipment.
10. Pursuing officers will end the pursuit, if at any time during the course of the pursuit, they lose extended sight of the fleeing vehicle.
11. A pursuing officer will not follow or duplicate a violator's hazardous maneuvers such as entering a one-way street against the flow of traffic or entering the interstate via an exit ramp. The officer will instead transmit, via radio, detailed observations of the suspect vehicle's actions and location.
12. Officers who are not sworn should not engage in vehicle pursuits.
13. Air observations will be utilized to assist in a pursuit if such support is available at the time.

J. Use of Tire Deflation Devices

1. Hollow spike tire deflation devices may be deployed by assisting units to stop fleeing vehicles after other reasonable means of termination have been considered. Only certified officers trained in the use of tire deflation devices may deploy them. Whenever possible, supervisory approval should be obtained prior to deployment.
2. Only department-issued tire deflation devices will be used.
3. Prior to deployment, officers should consider the following:
 - (a) The safety of sworn personnel involved.
 - (b) The risk to innocent parties, i.e., pedestrians, bystanders, and other motorists, etc.
4. Tire deflation devices are designed to be used against vehicles with four or more tires and therefore may not be used against motorcycles, mopeds, or similar two and three wheeled vehicles.
5. Tire deflation devices may only be used on paved surfaces.
6. Tire deflation devices should not be used against the following vehicles:
 - (a) Passenger vehicles such as school buses or vans carrying passengers.
 - (b) Vehicles carrying hazardous loads, fuel, etc.
7. Officers should use extreme caution when planning and deploying tire deflation devices considering geographic location conducive to minimizing risk and should seek an area of protection once deployed.
8. Radio communications and close coordination shall be maintained between pursuing units and personnel deploying the tire deflation device. Subsequent pursuing units should be careful when approaching the location of deployment so as not to drive over the devices themselves. Officers deploying the device shall promptly remove the device from the roadway once the fleeing vehicle has crossed over the device.
9. Supervisors will monitor situations involving the activation of tire deflation devices. Supervisors will complete an Interdepartmental Report on any incident where a tire deflation device is activated. This Interdepartmental Report will be reviewed in accordance with Policy A-16 (Administrative Reporting).

K. Inter Jurisdictional Pursuits

1. Section 17-13-40 of the South Carolina Code of Laws limits the authority of a municipal police officer to pursue to within a three-mile radius of the city limit or within the county that the city resides in.

2. Officers will immediately notify communications when it is apparent that a pursuit is leaving the city limits of the City of North Charleston into another jurisdiction.
3. The supervisor monitoring the pursuit will determine if a pursuit will continue outside the jurisdiction of the city based upon the facts known at the time.
4. Should the supervisor decide to continue a pursuit outside of jurisdictional lines, communications personnel will notify the affected law enforcement agency of the approaching pursuit, the reason for the pursuit, its progress, and the known charges(s) against the violator.
5. In cases where pursuits initiated by other agencies enter the jurisdiction of the City of North Charleston, officers may only assist the pursuing agency as determined by a supervisor or provide other appropriate assistance during the pursuit which does not violate the guidelines of this policy.
6. If officers are approved to assist in another agency's pursuit, officers will follow North Charleston Police Department Policies and Procedures.

L. Reporting and Evaluation of Pursuits

1. Any officer who engages in a pursuit will submit an incident report detailing the particulars of the pursuit (i.e., reason for the pursuit, speeds reached, routes taken, and any pertinent information).
2. All officers who assists in a pursuit must submit a supplemental report detailing their involvement in the pursuit.
3. The supervisor monitoring the pursuit will submit an Blue Team through the chain of command to the respective Division Commander. The report should also indicate whether violations of department policy were found and any recommendations for discipline or remedial training, if warranted.
4. A Blue Team entry will be completed and forwarded via the chain of command to the respective Division Commander, who will then forward it to the Office of Professional Standards via IAPro.
5. The Division Commander will forward a copy of all reports relating to the pursuit to the Office of Professional Standards, for review, to determine whether any specific training needs or methods should be addressed.
6. The Training Section and Internal Affairs will conduct a monthly evaluation of the previous month's pursuits.
7. The senior supervisor within the Office of Professional Standards will conduct an annual analysis of pursuits and a review of policy and reporting procedures. He or she will report their findings to the Chief of Police no later than January 15th of each year.
8. Any vehicle accident which occurs during a pursuit will be investigated by the South Carolina Highway Patrol.

M. Training

1. All newly appointed police officers with the department will receive initial training on the department's pursuit policy.
2. A documented review of the pursuit policy will be conduct annually by all sworn personnel.
3. Supervisors will be trained annually on vehicle pursuits and how to assess the initial pursuit information using a critical decision-making model to determine whether continuing the pursuit is justified.