



Apex Police Department General Order



Title Vehicle Pursuits	Order Number 709-20
Effective Date: September 30, 2020	Amends: General Order 709-16
CALEA Standard: 41.2.2, 41.2.3	Rescinds: F709a - Pursuit Documentation Package Cover Sheet
Reference: GO 302 – Personnel Complaint Investigation GO 502 – Training Programs GO 708 – Roadblocks and Forcible Stopping NCGS 20 -141.5 (c), NCGS 20-145, NCGS 20-156	Pages: 15
Forms: F709 – Police Pursuit Report	

Vehicle Pursuits

Purpose

The purpose of this directive is to establish procedures to be used by officers who engage in an authorized vehicle pursuit incident.

Policy

It is the policy of the Apex Police Department that all emergency vehicle operations will be conducted with due regard for the safety of persons and property, and in accordance with existing state law and local ordinances.

Definitions

Commanding Officer – The first line supervisor assuming command and control of a pursuit.

Dangerous Felony – A felony that involves an actual or threatened attack that the officer has reasonable cause to believe could result or has resulted in death or serious bodily injury.

Overtaking a Vehicle – The act of passing or attempting to pass a pursued vehicle.

Vehicle Pursuits

Paralleling a Pursuit – Operating a police vehicle on a street or route parallel to the pursuit route.

Primary Unit – The police unit that initiates the pursuit or any unit that assumes operational responsibility for the pursuit.

Pursuit – An active attempt by law enforcement officers in a motor vehicle to apprehend one or more occupants of another moving vehicle, where the driver of the fleeing vehicle is aware of the attempt and is resisting apprehension. (SOURCE: CALEA)

Pursuit Documentation Packet – A packet of applicable reports, forms, and related material that fully describes the actions prior to, during, and following a pursuit that includes, but is not limited to form F709 – *Police Pursuit Report*, incident reports, arrest reports, crash reports, report of employee injury, CAD printouts, audio recordings(s), mobile video recording(s), etc.

Secondary Unit – The police unit that becomes involved as a backup unit to the primary unit and follows the primary unit at a safe distance.

Initiating a Pursuit (41.2.2)

1. The decision to initiate a pursuit must be based on the officer's conclusion that the immediate danger to the public created by the pursuit is less than the danger to the public should no pursuit take place and the offender remains at large.
 - **NOTE:** In weighing the decision to pursue or continue pursuing, the officer and supervisor must consider the risk of harm to innocent persons likely to result if the suspect is not immediately apprehended.

This information has been redacted pursuant to N.C. General Statute 132 - Public Records.

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Decision to Pursue or Continue a Pursuit (41.2.2)

1. In weighing the decision to pursue or continue a pursuit, the officer and supervisor will consider the following, when applicable:
 - Time of day and typical community activities that normally occur
 - Unfavorable weather, road, and visibility conditions (i.e. rain, snow, fog, narrow roads, repairs in progress, restricted visibility due to buildings, curves, and hills all increase the risk of a vehicle crash)
 - The density of vehicular and pedestrian traffic at the time and place of the pursuit as the it continues over time and distance (heavy traffic typical of commercial centers, schools, or hospitals at certain times of day or days of the week increases the risks associated with the pursuit)
 - The condition and type of law enforcement vehicle and the officer’s ability to control the vehicle at pursuit speeds (brake fade, steering or suspension defects, lack of familiarity with the vehicle, and lack of driving experience increases the risks associated with the pursuit)
 - Pursuits using unmarked vehicles can create additional factors to be considered
 - The pursuing officer’s familiarity with the area, the surrounding roads, and the approach of major intersections normally subject to heavy traffic or the presence of turning vehicles (lack of familiarity of the area makes it more difficult to anticipate approaching traffic hazards, increasing the risks associated with the pursuit)
 - Availability of additional police vehicles to assist at the scene or to intercept the pursued vehicle
 - Speed involved (increased speeds will be taken into account in relation to the other factors identified in this section)
 - The seriousness of the crime(s) the pursued subject(s) are suspected of committing and the danger to innocent persons caused by the operator of the pursued vehicle
 - The degree of danger to innocent persons caused by the pursuit

When a Pursuit is Authorized (41.2.2)

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Vehicle Pursuits

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Vehicle Pursuits

When a Pursuit is Not Authorized (41.2.2)

1. Pursuits will not be initiated when:

- The police vehicle does not have adequate and properly operating emergency equipment (blue lights and siren)
- The police vehicle is obviously in need of maintenance and repair
- This information has been redacted pursuant to N.C. General Statute 132 - Public Records.
[REDACTED]
- Any other condition or situation that would cause a reasonable officer to determine that the pursuit is unnecessary or that it presents unacceptable risks of harm to innocent persons

2. Pursuits will not be continued when: (41.2.2)

- This information has been redacted pursuant to N.C. General Statute 132 - Public Records.
[REDACTED]
- Ordered terminated by any Apex Police Department sworn supervisor/command officer
- Conditions that change to make the pursuit not authorized pursuant to this General Order

3. Officers will not initiate, engage or participate directly in a pursuit while operating any of the following police vehicles: (41.2.2)

- This information has been redacted pursuant to [REDACTED]
- Police All-Terrain Vehicle (ATV) or utility vehicle
- Special Response Team (SRT) vehicle
- Surveillance vehicle
- Any other vehicle designated as a special purpose vehicle

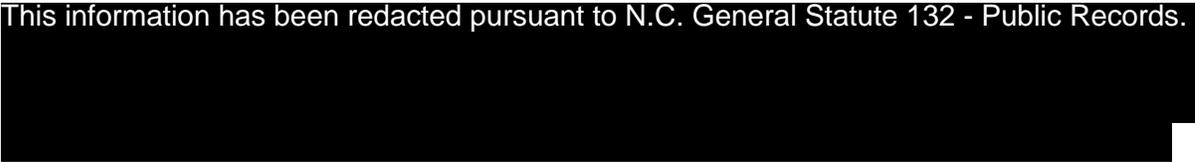
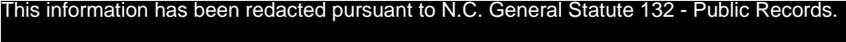
Termination of a Pursuit (41.2.2)

1. Even if a pursuit is engaged, the pursuit will not continue and will be terminated by the officer(s) involved, the on-duty supervisor, or any other supervisor of the rank of Corporal or above if it presents unacceptable risks of harm to innocent persons as determined by a review of the above factors.

Vehicle Pursuits

2. The termination of the pursuit will be at the discretion of an on-duty supervisor, Watch Commander, or any other supervisor of the rank of Corporal or above, if the pursuing officer does not terminate the pursuit first.
 - When a pursuit is terminated by the primary unit, an on-duty supervisor, Watch Commander or any other supervisor of the rank of Corporal or above, all Apex Police Officers will immediately terminate their involvement in the pursuit and acknowledge the order via the police radio.

Pursuit Provisions

1. For all pursuits, the pursuing officer will keep the Communications Center and an on-duty supervisor or Watch Commander informed of his/her location, speed, and evolving conditions (i.e. changing driving habits of the violator, traffic, etc.).
2. All officers not involved in the pursuit will refrain from radio transmissions during the pursuit except for short transmissions of their location as safety permits or as needed in an emergency.
3. This information has been redacted pursuant to N.C. General Statute 132 - Public Records.

 - All other police units directed toward the pursuit will operate under emergency response driving when necessary to warn and protect the public or move into position to assist in the pursuit.
 - When engaged in a pursuit, all emergency equipment (i.e. blue lights, siren, and, if so equipped, alternating headlamps) will be used throughout the pursuit.
4. Units involved in a police pursuit will operate in a safe manner at all times.
5. This information has been redacted pursuant to N.C. General Statute 132 - Public Records.

6. The primary unit and one secondary/back-up unit will be responsible for the actual pursuit. However, an on-duty supervisor, Watch Commander, or a higher-ranked, sworn, command officer has the discretion to delegate additional units as backups when necessary and appropriate.
7. Officers engaged in the pursuit will maintain an adequate and safe following distance behind the suspect vehicle.

Vehicle Pursuits

Unmarked Police Vehicles (41.2.2)

1. Officers operating an unmarked police vehicle may engage in a pursuit for the same reasons as a marked vehicle, only if that vehicle is equipped with emergency equipment consisting of at least blue lights and siren, which are operating properly.
 - **NOTE:** Officers must be aware of the lessened visibility of pursuing when using an unmarked police vehicle.
2. When an unmarked police vehicle is used in a vehicle pursuit and a marked police vehicle arrives, the marked police vehicle is to become the primary unit and the unmarked vehicle is to become the secondary unit.
 - Upon the joining of a pursuit by a second, marked, police vehicle, the unmarked unit will disengage and terminate emergency operation.

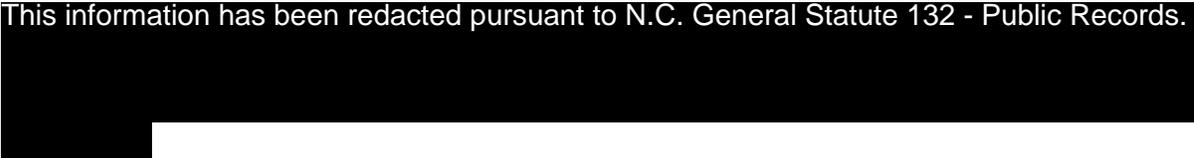
Pursuits Initiated by Another Jurisdiction (41.2.2)

1. If requested by another jurisdiction, and in accordance with this General Order, officers may assist in a pursuit only within the jurisdictional limits of the Apex Police Department.
2. If all pertinent provisions of this General Order are met, two Apex Police Officers may be permitted to engage in the pursuit.
 - The on-duty supervisor or Watch Commander is responsible for authorizing up to two officers and for assigning the assisting police unit(s) (i.e. zone car or closest available unit).
 - Once the pursuit leaves the city limits, the involved Apex Police Officer(s) will terminate the pursuit.
 - **EXCEPTION:** If the Apex Police Officer is the pursuing agency back-up unit, the officer(s) is permitted to continue in the pursuit until another agency or additional officer from the pursuing agency engages in the pursuit.
 - Once additional outside agency officers have engaged in the pursuit, the Apex Police Officer(s) will terminate his/her involvement in the pursuit.
3. If the pursuit is not in accordance with this General Order, an on-duty supervisor, Watch Commander, or a higher-ranked, sworn, command officer will notify the pursuing agency through the Communications Center that the Apex Police Department will not participate in the pursuit.
 - Officers may parallel the pursuit with the approval of an on-duty supervisor, Watch Commander, or a higher-ranked, sworn, command officer.

Vehicle Pursuits

- The authorizing supervisor will also advise the pursuing agency of any known event(s) (i.e. a parade or other special events) that might be in the imminent path of the pursuit.
 - Apex Police Department vehicles will not leave the city limits while assisting another jurisdiction unless approved by an on-duty supervisor or Watch Commander, who must then document the approval in form F709 – *Police Pursuit Report*.
4. Pursuits that are ordered terminated due to safety factors by a supervising officer of the other agency will also be terminated by Apex Police Department units.
 5. When a pursuing unit or a supervisor has knowledge of any tactics that are being or are about to be initiated by officers from another agency that would constitute a violation of Apex Police Department written directives, all department units will terminate active pursuit immediately.

Pursuits that Extend Beyond the Limits of Apex (41.2.2)

1. This information has been redacted pursuant to N.C. General Statute 132 - Public Records.

2. Pursuing officers and the authorizing supervisor will constantly evaluate the pursuit to determine if continuance of the pursuit is justified and/or if assistance from other police agencies is available.
3. Once another agency has taken over as the primary unit and adequate back up units from the other agency or an assisting agency are available, all Apex Police Officers will disengage, terminate their involvement in the pursuit, return to their area of assignment, and complete the appropriate reports as outlined in this General Order.
4. The Communications Center will notify outside agencies when the department is in pursuit within its jurisdiction.

Passing Police Unit(s) and Overtaking Violators

1. The secondary unit will not pass the primary unit unless the secondary unit is to assume the primary position or as directed by an on-duty supervisor or Watch Commander, and only after communication of such intention has taken place between the primary unit and secondary unit.
2. Overtaking a pursued vehicle is prohibited.

Vehicle Pursuits

- **EXCEPTION:** Officers may overtake a vehicle when engaged in an authorized roadblock as outlined in General Order 708 – *Roadblocks and Forcible Stopping*.

Controlled Access Highways and Travelling in the Opposite Lane

1. This information has been redacted pursuant to N.C. General Statute 132 - Public Records.
[Redacted]
2. This information has been redacted pursuant to N.C. General Statute 132 - Public Records.
[Redacted]
3. Officers will not travel in the opposite lane unless necessary, and will only cross the centerline of the roadway when it is safe to do so.

Roadblocks and Forcible Stopping (41.2.3)

1. The use of roadblocks and forcible stopping techniques are authorized only in accordance with General Order 708 – *Roadblocks and Forcible Stopping*.

Pursuit Responsibilities

Primary Unit Responsibilities (41.2.2)

1. The decision to initiate a pursuit rests with the individual officer.
 - The initiating officer will become the primary unit until relieved.
 - Officers will engage in a pursuit in accordance with this General Order and any other applicable written directives, and ensure safety is the primary consideration.
2. A pursuing officer will:
 - Safeguard his/her life and the lives of others
 - Notify the Communications Center via the police radio immediately upon initiation of a pursuit and advise the following:
 - The officer's assigned radio call number
 - Reason for pursuit (the officer will clearly articulate the reason)
 - Route, direction of travel, and areas being approached (to be reported as frequently as safety permits)

Vehicle Pursuits

- Description of pursued vehicle and license plate number
- Number of occupants and description
- If any and known, weapons involved
- Operation of the pursued vehicle, including speed of pursuits, recklessness, etc.
- Immediately terminate a pursuit when not in accordance with this General Order, upon the command of any supervisory officer, or when the risks of continuing are greater than the risks of terminating
- Ensure his/her Mobile Video Recorder (MVR) system is operating, if the vehicle is equipped with such a system
- Complete form F709 – *Police Pursuit Report*
- Complete all other reports as necessary (i.e. Incident Report, Arrest Report, etc.)
- Submit all reports to his/her immediate supervisor for approval

Secondary/Assisting Unit Responsibilities (41.2.2)

1. A secondary unit may join the pursuit and will:
 - Safeguard his/her own life and the lives of others
 - Immediately notify the Communications Center via the police radio of him/her joining the pursuit and advise the following:
 - The officer's assigned radio call number
 - Location and intended action in joining the pursuit
 - Operate at a distance behind the primary unit that is safe, reasonable, and prudent under the existing conditions
 - Other than a supervisor, no other units, unless authorized as previously outlined in this General Order, will follow directly behind the primary and secondary pursuing units
 - Assume radio communications responsibility, allowing the primary pursuing unit to devote full attention to driving
 - **EXCEPTION:** If the primary pursuing unit is a two-officer vehicle, they may opt to maintain responsibility for radio communications
 - In such a case, the passenger will be the primary radio operator
 - Immediately terminate a pursuit if it is not in accordance with this General Order, upon the command of any supervisory officer, or when the risks of continuing are greater than the risks of terminating
 - Act as a back-up unit at the conclusion of the pursuit
 - Complete all reports as necessary (i.e. supplemental report, etc.)
 - Submit all reports to his/her immediate supervisor for approval
2. Units not involved as an assisting unit may parallel the pursuit with prior approval from the on-duty supervisors, Watch Commander, or a higher-ranked, sworn, command officer.

Vehicle Pursuits

On-Duty Supervisor and Watch Commander Responsibilities (41.2.2)

1. Any supervisor may terminate any pursuit, at his/her discretion, including Apex Police Department units involved in pursuits initiated by another agency.
2. An on-duty supervisor or Watch Commander will:
 - Immediately acknowledge the pursuit and take command
 - Respond to the area of the pursuit and monitor it until termination
 - Coordinate the number of units involved
 - Take action when deemed necessary to protect the safety of the public and the individuals involved
 - Constantly evaluate the risks involved in continuing the pursuit
 - Immediately terminate a pursuit that is not in accordance with this General Order or where the risks to continue are greater than the risks of terminating
 - Be solely in charge of Apex Police Officers regardless of what geographic area the pursuit enters, unless relieved by a higher-ranking, Apex, supervisor/command officer
 - Respond to any stop or apprehension following a pursuit
 - Ensure the initiating officer completes form F709 – *Police Pursuit Report*
 - Ensure that any damage incurred to either the fleet vehicle(s) or other vehicle(s) involved are documented according to current directives
 - Ensure that all crimes associated with the pursuit are fully investigated and documented according to current directives
 - Make notification as required by General Order 711 – *Notification Matrix*
 - In the event an officer is unable to complete form F709 – *Police Pursuit Report*, complete the report with as much information as is available
 - Attach any other reports pertinent to the pursuit
 - Prepare the Pursuit Documentation Packet and submit it, through the chain of command, to the Patrol Division Commander for review and appropriate action
 - All reports should be completed before the end of the tour of duty, with the exception of the Pursuit Documentation Packet, which will be completed as outlined in this General Order

Telecommunicator Responsibilities (41.2.2)

1. Immediately upon being notified of a pursuit in progress, the Telecommunicator will:
 - Notify an on-duty supervisor or Watch Commander
 - Initiate a CAD event, monitor the pursuit, and make notations in the CAD entry
 - Advise all units not involved in the pursuit to stand by unless they have emergency radio traffic
 - Advise all units involved of any hazardous conditions that may affect the pursuit
 - Inform outside agencies at the direction of an on-duty supervisor or Watch Commander if the pursuit extends outside the corporate limits of Apex

Vehicle Pursuits

- Conduct DCI/DMV inquiries of any known offender and obtain license plate information for broadcast to officers involved in the pursuit

Pursuit Documentation Packet

1. The initiating officer will complete and submit the following reports before the end of his/her tour of duty: (41.2.2)
 - Form F709 – *Police Pursuit Report*
 - Incident/Investigation Report documenting the Speeding to Elude and any other crime that occurred
 - The Incident/Investigation Report will contain information specific to the incident and does not need to duplicate all information on form F709 - *Police Pursuit Report*
 - Arrest Report, if applicable
 - DMV-349 – *Crash Report Form*, if applicable
 - Any other report that is applicable, required by a written directive, or directed to be completed by a supervisor
2. All officers engaged in the pursuit will complete and submit the following reports before the end of their tour of duty:
 - Supplemental reports to the Incident/Investigation Report, if applicable
 - Any other report that is applicable, required by a written directive, or directed to be completed by a supervisor (41.2.2)
3. An on-duty supervisor and the Watch Commander will review all submitted reports for accuracy and completeness, will complete, and submit the following reports/items to the Patrol Division Commander through the chain of command, within three days (which constitutes the Pursuit Documentation Packet): (41.2.2)
 - **Applicable portions of form F709 – *Police Pursuit Report*, to include Pursuit Documentation Packet Cover Sheet section**
 - CAD printout(s) of the pursuit
 - Audio recording(s) of the phone and radio traffic related to the pursuit, if available
 - All other reports submitted as part of the pursuit, arrest, or investigation
4. The Patrol Division Commander will, within 10 days: (41.2.2)
 - Review the Pursuit Documentation Packet and all submitted reports for accuracy and completeness
 - If not included in the initial Pursuit Documentation Packet, obtain and submit:
 - Audio recording(s) of the phone and radio traffic related to the pursuit, if available
 - All other documentation related to the pursuit, arrest, or investigation
 - Mobile Video Recording(s) from all police vehicles involved in the pursuit

Vehicle Pursuits

- Submit the packet to the Chief of Police through the chain of command for review and approval

Administrative Review of a Pursuit (41.2.2)

1. An on-duty supervisor and the Watch Commander will conduct a separate administrative review of each pursuit, roadblock, and forcible stop, and make an initial determination if it was conducted in compliance with this General Order, applicable written directives, and NCGSs.
 - The determination will be included on form F709 – *Police Pursuit Form*.
2. The Patrol Division Commander will conduct an administrative review of each pursuit, roadblock, or forcible stop to determine:
 - Conformance to this General Order, applicable written directives, and NCGSs
 - “Concur” or “Not Concur” with the findings of the reviewing supervisor
 - Any other issue that may be evident from the pursuit review
 - The determination will be included on form F709 – *Police Pursuit Form*
3. The Deputy Chief of Police will conduct an administrative review of each pursuit, roadblock, or forcible stop to determine:
 - Conformance to this General Order, applicable written directives, and NCGSs
 - “Concur” or “Not Concur” with the findings of the reviewing supervisor
 - Any other issue that may be evident from the pursuit review
 - The determination will be included on form F709 – *Police Pursuit Form*
4. The Chief of Police will conduct an administrative review of the pursuit, roadblock, or forcible stop to determine:
 - Conformance to this General Order, applicable written directives, and NCGSs
 - “Concur” or “Not concur” with the findings of the reviewing supervisor and Patrol Division Commander
 - If determined that the pursuit was in violation of this General Order, applicable written directives, or NCGSs, the Chief of Police will forward the pursuit packet and any other additional material to the Deputy Chief of Police to initiate an internal investigation pursuant to General Order 302 – *Personnel Complaint Investigation* or take other appropriate action
 - Return the packet to the Deputy Chief of Police for data entry and filing purpose
 - Any other issue that may be evident from the pursuit review
 - The determination will be included on form F709 – *Police Pursuit Form*

Vehicle Pursuits

Analysis (41.2.2)

1. **Annually, the Deputy Chief of Police will review the Pursuit Documentation Packets submitted during the year to complete a documented analysis of all pursuit, roadblock, and forcible stop incidents to identify, at a minimum, the following: (41.2.2)**
 - Patterns or trends that may indicate potential training needs
 - Patterns or trends that may require policy modification
 - Patterns or trends that are revealed in the context of past evaluations and analysis
2. **As part of the annual review, the Deputy Chief of Police will review pursuit policies and reporting procedures to include, at a minimum, the following: (41.2.2)**
 - A complete review of this General Order, General Order 708 – *Roadblocks and Forcible Stopping*, and any other policy or written directive that relates to pursuits to determine if changes need to be made as a result of statutory or case law changes, accreditation standard changes, changes in best practices, or any other factor that would indicate a policy modification is appropriate
 - A complete review of the policies, procedures, and practices, including forms associated with the reporting process to determine if the procedures, etc. remain appropriate and functional and are being carried out in accordance with this General Order and other applicable written directives
 - **NOTE:** This review is required even if no pursuits occurred during the review period
3. The review will be completed and submitted to the Chief of Police through the chain of command no later than January 31st of the year following the period subject to the analysis.
 - This date may be extended with the approval of the Chief of Police.

Training

1. Training on this General Order and related legal updates will be conducted:
 - Initially during the field training program (FTO)
 - Annually
 - Subsequent to a pursuit that was deemed non-compliant with this or other applicable written directives
 - Subsequent to the annual analysis, if indicated
 - As directed by any supervisor
2. All training will be conducted and documented in accordance with General Order 502 – *Training Programs*.

Text in “Green” denotes a significant change in policy

Vehicle Pursuits

BY ORDER OF:

A handwritten signature in black ink, reading "John W. Letteney". The signature is written in a cursive style with a large initial "J".

John W. Letteney
Chief of Police