

RESOLUTION NO.: R-2016-059

Adopting City of Columbia Motor Vehicle Pursuit Policy

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BE IT RESOLVED this 16th day of August, 2016 that the Mayor and City Council of the City of Columbia, South Carolina hereby adopt as official City policy the Motor Vehicle Pursuit Policy attached hereto. This policy replaces and supersedes all previous response to resistance policies formerly referred to as use of force policies of the City or its departments.

Requested by:

City Manager _____



Mayor

Approved by:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 8/16/2016
Final Reading: 8/16/2016

CITY OF COLUMBIA

POLICE EMERGENCY VEHICLE OPERATION AND MOTOR VEHICLE PURSUIT POLICY

1.0 GUIDELINES FOR POLICE RESPONSE

The provisions of this section shall not relieve the operator of a police vehicle from the duty to drive with due regard for the safety of all persons and property.

1.1 Routine Responses (Code 1)

Code 1 responses shall be utilized for routine and/or non-emergency situations. These calls may include but are not limited to: disorderly conduct, larceny, traffic accidents with no personal injuries, etc.

Blue lights and siren will not be utilized for Code 1 responses. Officers dispatched on calls requiring a routine response will proceed to the incident location while obeying all applicable traffic laws and posted speed limits.

During a routine/non-emergency response if an officer observes another incident requiring police attention, such as a traffic accident, the officer will handle the second of these calls and notify Columbia-Richland Communications to re-assign the original call.

1.2 Urgent Responses (Code 2)

Code 2 responses shall be utilized for situations that are of a serious nature that do not normally pose an immediate threat of death or serious injury and situations that have just occurred but have stabilized and are no longer life threatening.

Blue lights and siren will not be utilized for Code 2 responses. Officers dispatched on calls requiring an urgent response, shall proceed immediately to the incident location while obeying all applicable traffic laws and posted speed limits.

During an urgent response if an officer observes another incident requiring police attention or is flagged down by someone, the officer shall stop to determine the seriousness of the second incident. If the second incident is not of an emergency nature, the officer shall proceed on to the original call and notify Columbia-Richland Communications to dispatch another unit to the second incident.

1.3 Emergency Responses (Code 3)

Code 3 responses shall be utilized for emergency or high-risk situations that are life threatening, have potential for serious physical injury, violent crimes in progress, and "officer needs assistance" calls.

S.C. Code § 56-5-760 allows the driver of a police vehicle, when responding to an emergency call, to:

1. Park or stop in prohibited areas;
2. Exceed the posted speed limit *if within the guideline set forth in this chapter so long as he does not endanger persons or property;*

3. ~~Disregard regulations governing direction of movement or turning in specified directions~~ Proceed through a red traffic signal or stop sign, but only after slowing as may be necessary for safe operation.

However, it is the policy of the Columbia Police Department that ALL RESPONDING VEHICLES MUST COME TO A COMPLETE STOP BEFORE ENTERING AN INTERSECTION, COUNTER TO THE ESTABLISHED TRAFFIC CONTROL DEVICE.

It does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons.

CITY OF COLUMBIA OFFICERS ARE REQUIRED TO SIMULTANEOUSLY AND CONTINUOUSLY UTILIZE THEIR BLUE LIGHTS AND SIREN DURING CODE 3* RESPONSE AND SHALL PROCEED IMMEDIATELY TO THE INCIDENT LOCATION.

* In specific circumstances, it may be necessary to discontinue the use of blue lights and siren just prior to the officer's arrival at the crime scene. At this point, the emergency response is terminated and officers shall obey all applicable traffic laws and posted speed limits.

During an emergency response, officers shall not exceed the posted speed limit by more than 20 mph. This does not apply during a motor vehicle pursuit.

Officers are required to notify the Communications Center when responding Code 3.

2.0 ESCORTS

The Department may receive requests to escort various types of vehicles to a specific location or to expedite travel through the jurisdiction, both in emergency and non-emergency situations. Additionally, requests may be received to transport (relay) various items such as blood or other medical supplies. These requests shall be carefully evaluated to ensure the proper use of limited departmental resources and to ensure that the act of escorting or providing an emergency relay does not create an unacceptable risk to the public.

2.1 Escorts Procedures

South Carolina Code § 56-5-760 only permits police vehicles to operate outside of normal traffic laws in the event of an emergency. Officers shall obey all applicable traffic laws and posted speed limits while conducting escorts unless exigent conditions exist.

The emergency escort of a private vehicle is extremely hazardous and will not be allowed except under exigent circumstances. In a medical emergency, the officer involved shall arrange for the transfer of persons from the private vehicle into an ambulance. **No escorts or relays will be conducted outside Columbia city limits.**

Due to the potential hazards inherent with oversized loads and hazardous cargos, escorts shall be conducted by marked police vehicles according to the following procedures:

- At least two officers will escort oversized loads or hazardous cargos: one officer leading the escort and one following. The emergency blue lights on the vehicles shall be used.
- The lead officer shall enter each intersection on the green light and establish traffic control of that intersection.
- The lead officer shall maintain control of the intersection until the oversized load or hazardous cargo has cleared the intersection and the following officer has established control.
- The lead officer shall then proceed to the next intersection and enter on the green light to establish control.

2.2 Relays

The non-emergency relay of human blood or organs will be conducted according to all traffic laws.

Before any emergency relay of human blood or organs is undertaken, the responding officer shall contact his supervisor and inform him of the request for an emergency relay. The officer's supervisor shall be responsible for verifying the emergency nature of the relay with the requesting person or agency. If an emergency relay is approved, the transporting officer shall follow the procedures for an emergency response as outlined in Section 1.3 of this Directive.

3.0 MOTOR VEHICLE PURSUIT

Pursuit driving is one of the most serious and dangerous duties and responsibilities of police officers. The primary responsibility of an officer in pursuit of a violator is safety: the safety of the public, the safety of the violator, and the safety of police officers. It is not the intent of this policy to prohibit pursuit of law violators in all circumstances. However, the need for immediate apprehension of the violator must continuously be weighed against the inherent risks created by pursuit driving.

3.1 Definitions

Vehicle pursuit: An active attempt by a police officer in an authorized emergency vehicle to apprehend fleeing suspects in a motor vehicle who are attempting to avoid apprehension through evasive tactics, speed, or by failing to stop.

Violent Felony: Those crimes defined as violent crimes under state law as enumerated in S.C. Code sec. 16-1-60 (2003), and as subsequently amended.

Exigent circumstances: Threats to public safety that is not included in the definition of a violent felony where the continuing conduct of the violator presents a substantial and immediate risk of serious injury to others that outweighs the risk of pursuit.

Reasonable suspicion: For the purposes of this policy, an officer must be able to articulate specific facts which, when viewed objectively in light of the totality of the circumstances, reasonably indicate that a crime has been committed or is about to be committed.

Roadblock: Any method, restriction or obstruction utilized for the purpose of preventing free passage of a pursued motor vehicle to apprehend a suspect in that vehicle. **Roadblocks are prohibited.**

Rolling roadblock: A tactic used by officers in which a pursuing vehicle pulls in front of the fleeing vehicle and reduces speed in an effort to slow or stop the fleeing vehicle. **Rolling roadblocks are prohibited.**

Boxing in: A tactic in which a stopped or slow-moving vehicle's escape route is blocked by the use of police vehicles. **Boxing in is prohibited.**

Parallel pursuit: Occurs when an uncommitted unit operating emergency equipment travels on a roadway different from the one on which the pursuit is occurring, in such a manner as to maintain close proximity and similar direction to the active pursuit. **Parallel pursuits are prohibited.**

Caravanning: Occurs when police vehicles other than those assigned to the pursuit follow the route of the pursuit in such a manner as to maintain close proximity to the pursuit. **Caravanning is prohibited.**

3.2 Pursuit Authority

S.C. Code § 56-5-760 authorizes drivers of police vehicles, while responding to an emergency call or when in pursuit of an actual or suspected law violator, to:

1. Park or stop in prohibited areas
2. Exceed the maximum speed limit if he does not endanger life or property
3. Disregard regulations governing direction of movement or turning in specified directions
4. Proceed through a red traffic signal or stop sign, but only after slowing as may be necessary for safe operation.

It does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons.

Officers are authorized to stop a vehicle when they have reasonable suspicion to believe that a person has committed or is about to commit a crime, including a traffic violation. Officers are authorized to engage in a vehicle pursuit only when they have reasonable suspicion to believe that the driver or occupant of the other vehicle has committed or is about to commit a violent felony.

Except in exigent circumstances described above, pursuits for misdemeanor offenses, traffic offenses, and nonviolent felonies are prohibited.

On rare occasions, a shift supervisor may authorize a pursuit for exigent circumstances. **Officers may not engage in a pursuit for exigent circumstances without that authorization.**

Before engaging in a motor vehicle pursuit, the officer shall evaluate the circumstances surrounding the pursuit to include, but not be limited to, the following:

- If the suspect can be identified and apprehended later
- The types of roadway(s) involved
- Weather conditions
- The seriousness of the offense
- The risks created by initiating the pursuit
- Traffic conditions and density
- Presence of passengers
- Presence of pedestrians
- Degree of control the suspect has over his vehicle

3.3 Pursuit Driving Procedures

Upon initiating a pursuit, officers shall contact Columbia-Richland Communications and notify their shift supervisor of the pursuit.

The initiating officer must provide Columbia-Richland Communications: the location, direction of travel, vehicle description, number of occupants, and the probable cause for initial contact.

- The telecommunicator shall clear the radio channel of non-pursuit related traffic and assign an alternate channel for routine radio communications at the request of shift supervisor.
- The telecommunicator may request assistance from other agencies, if necessary.

No more than two (2) units shall actively participate in a vehicle pursuit unless additional units are authorized by a supervisor owing to exigent circumstances. Those circumstances must be included in the After Action Report.

The closest available K-9 unit may respond to the area of the pursuit and, if possible, assume the role of primary officer.

The back-up officer will assist the primary officer by providing Columbia-Richland Communications with changes in the direction of travel and additional information regarding the pursuit.

THE AUTHORIZED PURSUING PRIMARY AND BACK UP OFFICERS ARE REQUIRED TO SIMULTANEOUSLY AND CONTINUOUSLY UTILIZE THEIR BLUE LIGHTS AND SIREN FOR THE DURATION OF VEHICLE PURSUITS.

Throughout the pursuit the primary and back up officer are responsible for operating their vehicles with due regard for the safety of themselves and others.

Additional officers responding to the pursuit area shall not initiate an emergency response and shall obey all traffic laws.

3.4 Pursuing Motorcycles

Due to the performance and handling characteristics of motorcycles, officers must be aware of the additional risks associated with pursuing these vehicles. The necessity of apprehending the suspect must outweigh the risks created by the pursuit.

3.5 Assisting Another Agency

Upon request of another law enforcement agency involved in a pursuit traversing City of Columbia jurisdiction, officers may assist in clearing the roadway and/or intersections to ensure public safety.

Officers may provide assistance to officers from another law enforcement agency in the apprehension of the violators should the pursuit end within City jurisdiction.

In exigent circumstances, supervisors may authorize a unit to actively participate in the pursuit. The authorizing supervisor and the officer assisting in the pursuit are required to abide by the City of Columbia Police Emergency Vehicle Operation policy at all times. In addition, officers actively involved in the pursuit shall immediately terminate their participation if any of the following conditions exist:

- The primary officer terminates the pursuit
- Assistance from the City of Columbia is no longer needed
- The total number of pursuing units exceeds two (2) police vehicles
- The pursuit leaves the city limits. Officers may not leave the city limits while assisting another agency in a pursuit.

Officers assisting another agency in the apprehension of a violator or actively participating in a pursuit are required to submit an "Assisting Another Agency" incident report to include the circumstances of the event and detail their level of involvement.

3.6 Pursuit Restrictions

Attempts to ram, bump, or force a pursued vehicle off the roadway are prohibited.

Attempts to stop a pursued vehicle using a roadblock, rolling roadblock or by boxing in are prohibited.

Parallel pursuit and caravanning are prohibited.

Officers shall not become engaged in a pursuit if prisoners or other civilians are passengers in the police vehicle.

Officers shall not fire weapons at a fleeing vehicle to attempt to stop the vehicle.

The following types of departmental vehicles are prohibited from participating in motor vehicle pursuits:

Trucks	Special Operations Van
Vans	Mobile Communications Center
Non-pursuit rated Sport Utility Vehicles	Motorcycles
Prisoner Transport vehicles	Special events cart

Personal Electric Mobility vehicles are prohibited from participating in motor vehicle pursuits.

Unmarked police vehicles equipped with blue lights and a siren may engage in a limited motor vehicle pursuit. However, unmarked vehicles must discontinue the pursuit when it is taken up by marked police vehicles.

3.7 Termination of Motor Vehicle Pursuits

A vehicle pursuit may be terminated by the primary unit at any time.

A supervisor may order the termination of a vehicle pursuit at any time.

Pursing officers and supervisors must continuously evaluate the circumstances surrounding the pursuit. Any doubt concerning the reasonableness of a vehicle pursuit should be resolved in favor of the safety of the officers and the public.

A motor vehicle pursuit shall be terminated when:

- The level of danger to the public, the violator and/or the officer outweighs the necessity for an immediate arrest.
- The conditions surrounding the pursuit pose an unreasonable risk of serious injury or death, to any person.
- The speed of the pursuit becomes excessive to the point that it poses an unreasonable risk of serious injury or death, to any person.
- Pursuing officers lose radio contact with Columbia-Richland Communications and/or other units.
- The pursuit has proceeded three (3) miles beyond the corporate limits of the City of Columbia or after leaving the city limits, the pursuit is joined by a law enforcement agency having jurisdiction (i.e., Highway Patrol, Sheriff's Department, etc.). Under no circumstances is a pursuit to be continued past a point three (3) miles beyond the city limits by units of the Columbia Police Department.

UPON DISCONTINUING A PURSUIT, OFFICERS SHALL IMMEDIATELY TURN OFF ALL EMERGENCY EQUIPMENT, RESUME THE POSTED SPEED LIMIT AND EITHER TURN RIGHT, TURN LEFT OR TURN AROUND.

UNDER NO CIRCUMSTANCES WILL OFFICERS ATTEMPT TO FOLLOW THE SUSPECT VEHICLE.

3.8 Supervisor Responsibilities

Upon notification, the supervisor of the officer initiating the pursuit will take responsibility for the pursuit and ensure compliance with all policies.

Supervisors shall respond to the area of the pursuit while monitoring the pursuit on the radio and continuously evaluate the circumstances surrounding the pursuit. The supervisor shall:

- Control the number of units responding into the area of the pursuit.
- Terminate the pursuit if the level of danger to the public, the violator and/or the officer outweighs the necessity for an immediate arrest.
- Terminate the pursuit if the conditions surrounding the pursuit pose an unreasonable risk of serious injury or death, to any person.
- Terminate the pursuit if the speed of the pursuit becomes excessive.

Command Staff and the Chief of Police must be notified immediately of any pursuit that may be considered “high-profile” or that results in a collision, serious physical injury, property damage, or death.

4.0 VEHICLE PURSUIT AFTER ACTION REPORTS

Vehicle Pursuit After Action Reports are required for all pursuits initiated by City of Columbia Police officers.

Officer(s) involved in the pursuit shall complete a written statement detailing the probable cause for initial contact, the reason for the pursuit, and the outcome of the pursuit. This statement and all related reports must be completed prior to the end of the officer’s shift.

The supervisor shall complete an After Action Report and provide a written summary of the incident. The summary will indicate if the officer(s) involved in the pursuit followed City policy, departmental procedures, and state laws. If necessary, supervisors shall make disciplinary recommendations, identify training deficiencies, and/or identify officer safety issues.

Supervisors will include the following in a Vehicle Pursuit Packet:

Supervisor’s Summary and Recommendations
After Action Report
Vehicle Pursuit After Action Report
Statement form(s)
Incident, Investigative, and/or Supplemental Incident Reports
Booking Report(s)
Uniform Traffic Ticket(s)

Additional information such as Uniform Traffic Collision Reports, City Vehicle Accident Reports, Hurt on Duty Forms, photographs, etc... shall be included in the packet if applicable.

The supervisor will forward one copy of the Vehicle Pursuit Packet to the Staff Duty Officer and submit a second copy of the Vehicle Pursuit Packet directly to Police Department Internal Affairs Unit by 8:00 a.m. the following business day.

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The Staff Duty Officer shall forward the Vehicle Pursuit Packet to the Deputy Chief of Operations for review and determination of the appropriate disciplinary action, if necessary.

5.0 ANNUAL REVIEW OF VEHICLE PURSUITS

Annually, the Internal Affairs Unit shall review all Pursuit After Action packets and prepare written analysis of pursuits to identify patterns or trends that may indicate training needs and/or directive modifications. The report will be forwarded to the Chief of Police.

APPROVED AS TO FORM

Legal Department City of Columbia, SC