I. POLICY

This policy establishes guidelines related to forced vehicle stops with regard for the safety of motorists and the members executing the stop. Members shall execute all vehicle stops only in strict conformance with the United States Constitution, the laws and Constitution of North Carolina, and this policy.

II. STANDARDS FOR ALL FORCED VEHICLE STOPS

Prior to attempting any forced vehicle stop members shall seek prior authorization from a district non-commissioned officer or higher authority. However if the situation mandates immediate action and authorization is impractical or not possible under the circumstances the member(s) are authorized to establish a forced vehicle stop unless Patrol policy specifically prohibits such action being attempted. NOTE: See Section III (Stationary Roadblock).

Stationary roadblocks shall be marked by signs, activated emergency lights, marked Patrol vehicles parked in conspicuous locations, or other ways to ensure motorists are aware that an authorized roadblock is being conducted. Blue lights on at least one Patrol vehicle shall be operated at all times.

Members must maintain radio contact with the Communications Center.

Use of force and arrests made shall be in accordance with constitutional and statutory law and Patrol policy.

While operating a Highway Patrol motorcycle, members shall not engage in forced vehicle stops.

III. STATIONARY ROADBLOCK

A stationary roadblock should be used only as a last resort when attempting to apprehend dangerous fleeing criminals. Before such a roadblock is authorized, troop commissioned officer or higher authority must determine that such action is necessary because it will likely result in the apprehension of a suspect who poses a danger to life and property. This officer must be satisfied that a less obstructive means would not be appropriate.

The location, equipment, time, and operation of the roadblock must be in accordance with Directive K.04 (Checking Stations).

A stationary roadblock is appropriate only when it reasonably appears that it can be established without creating undue risk of harm to innocent motorists.
When the suspect sought to be apprehended by the roadblock has a hostage in the vehicle or the member reasonably believes a hostage is in the vehicle, the priority shifts from apprehending the suspect to preserving the life of the hostage. The member is governed by Section 09 (Crisis Situations) of the Unusual Occurrence Manual.

IV. ROLLING ROADBLOCK

A rolling roadblock is appropriate only when it reasonably appears there is imminent danger to life and property if the vehicle is not stopped at the earliest possible time.

When a rolling roadblock is established, members shall exercise due regard for the safety of others. The roadblock must be aborted if an unreasonable risk of injury is apparent.

Members operating all vehicles involved in a rolling roadblock shall at all times use blue lights and sirens.

Unmarked Patrol vehicles should only be utilized when marked Patrol vehicles are not available.

No passing maneuvers shall be attempted if the pursuing member can be assisted by another member of the Patrol who is already in position to assist and is in front of the violator vehicle. Should the circumstances dictate, it is acceptable for members to pass the violator vehicle in order to establish the running road block. This passing maneuver should be performed in a safe location and on a portion of the roadway that would allow the passing Patrol vehicle to obtain enough speed so as to quickly overtake and pass the violator.

Members shall not attempt a rolling roadblock on large commercial vehicles.

Engaging in rolling roadblocks with other law enforcement agencies is permitted but only if the member has direct car to car communication with all vehicles participating in the rolling roadblock.

If members are involved in a pursuit in which they have knowledge that the violator is in fact armed, or has committed previously reported assaults that resulted in death or serious injury to others, passing maneuvers shall not be attempted.

V. TIRE DEFLATION DEVICES

The use of Tire Deflation Devices (TDD) shall be governed by sound professional judgment, procedures outlined in this policy, and in accordance with procedures established by the Highway Patrol during training for these devices.

Prior to utilizing TDD, members shall have completed training on the use of these devices.
All of the following criteria shall be met prior to the use of TDD:

- There is reasonable cause to believe the suspect has committed an offense justifying his/her arrest.

- The member attempting to apprehend the suspect has given notice of command to stop the suspect by blue lights and siren.

- The suspect ignores the efforts and warnings obvious and visible to a reasonable person in the suspect's position.

- Members utilizing TDD shall consider the following prior to utilization of TDD:
  - An effective and safe location for the placement of TDD
  - Deployment locations should have reasonably good sight distances to enable the member deploying the devices to observe the chase and other traffic as it approaches.

- Deployment shall not occur on:
  - Curves
  - Bridges
  - Locations where reasonable judgment under the circumstances would dictate avoidance

- The member deploying TDD should choose a location with natural barriers such as roadway overpasses, guardrails, or shrubbery. These barriers will conceal the member from the suspect’s view and allow deployment of the devices in a relative position of safety.

- Traffic, construction, special events, and/or activities may create situations where the use of the device would be inappropriate.

- Position and vulnerability of the public, private property, and other assisting units and equipment shall be considered.

**TDD shall not be deployed to stop any vehicle with fewer than 4 wheels.**

Chasing vehicles shall coordinate with the member(s) and/or agencies deploying the devices or assisting in the chase in order to ensure the safe and effective use of the devices.

- When the decision is made to deploy the TDD, chasing units shall notify the member deploying the device as far in advance as possible of the necessity of their use.
• The member deploying the devices shall be in a position at a predetermined location in sufficient time for proper deployment. All chasing units shall be notified when the device is in place. If direct communication with outside agencies is available, it shall be utilized by the member deploying the TDD. The member deploying the device shall also notify the appropriate SHP Communications Center and any other involved Patrol members to advise of the deployment.

• The TDD shall be deployed in accordance with the manufacturer's recommendations and Highway Patrol training guidelines.

• After deploying the TDD, all persons at the scene should immediately seek protection.

• Once a TDD has been deployed, chasing members shall increase their following distance in order to avoid striking the devices.

• The member(s) deploying the TDD shall be responsible for securing the device immediately after use. This includes searching the immediate area where the devices were used and collecting any spikes or points, which may have become detached.

If a Patrol vehicle is the primary vehicle in a chase involving another agency and a decision is made to deploy TDD, the local agency shall be informed of the deployment whenever practicable.

TDD may be used to prevent stationary vehicles from being moved in an attempt to flee a scene.

Members engaged in chases involving TDD shall indicate such use on the Post Chase Report.

VI. PRECISION IMMOBILIZATION TECHNIQUE (P.I.T.) (APPLICABLE TO MEMBERS THAT HAVE COMPLETED THE 2015 OR THE MOST CURRENT DRIVER TRAINING IN-SERVICE P.I.T. UPDATE)

The use of the Precision Immobilization Technique (P.I.T.) shall be governed by sound professional judgment, procedures outlined in this policy, and in accordance with procedures established by the Highway Patrol during training for this technique.

Members that have not completed the Precision Immobilization Technique training that began on 2015 or the most current driver training in-service P.I.T. shall not utilize the P.I.T. maneuver.
All of the following criteria shall be met prior to the use of the P.I.T.:

- Only members who are operating authorized patrol vehicles, other than a motorcycle, shall be authorized to initiate the P.I.T.
- The P.I.T. shall not be attempted unless the member has a reasonable belief that there are no children in the vehicle.
- The P.I.T. shall not be attempted unless the member has a reasonable belief that there are no adult passengers in the vehicle. An exception to this restriction shall apply if the member can articulate that the passengers were involved in criminal behavior justifying their arrest.
- The use of the P.I.T. shall be governed by the same external physical factors as for other forced vehicle stops, i.e. traffic density, width of roadway, topography, time of day, location, speed and shall only be used when the member has determined the benefit of immediate apprehension outweighs the decision to discontinue the chase.
- The P.I.T. shall not be attempted at a speed greater than 55 mph unless one of the following criteria exists:
  - The member has probable cause to believe the occupants of the vehicle have committed a violent felony; or
  - Other extenuating circumstances exist that warrant the use of deadly force.

If a tire deflation device (TDD) is deployed, or another tire deflation technique is used, and one or more tires are deflated or flattened, the P.I.T. shall not be attempted on the violator vehicle if the P.I.T. maneuver is executed on the side away from the deflated or flattened tire. (Example: Violator vehicle has a deflated or flattened tire(s) on the right side of that vehicle. The P.I.T. is not authorized if the maneuver is applied on the left side of the violator vehicle). This restriction shall not apply in cases where the violator's behavior has risen to a level which requires the fleeing vehicle be stopped immediately due to the exceptionally reckless driving or other actions that are placing the public in immediate danger of loss of life or serious bodily injury.

The P.I.T. is authorized if the maneuver is applied on the same side as the deflated or flattened tire(s) on the violator vehicle.

Members shall not attempt to P.I.T. the following vehicles:

- Large commercial vehicles
- 2 or 3 wheel vehicles
- Convertibles
- Recreational ATVs
- Any vehicle with a high center of gravity which would be an obvious rollover risk

Members shall consider the following vehicle factors that would affect the safety of using the P.I.T. technique:

- Pickup truck with high center of gravity and narrow wheel base
- Small car with narrow wheel base and small tires
- Van with high center of gravity and narrow wheel base

If the first attempt of the P.I.T. is unsuccessful, subsequent attempts may be attempted only after the situation has been re-evaluated by the participating member.

Nothing in this subdivision constitutes justification for willful, malicious or criminally negligent conduct by any person which injuries or endangers any person or property, not shall it be construed to excuse or justify the use of unreasonable or excessive force.

Members engaged in chases involving the P.I.T., shall indicate its use on the Post Chase Report, and if any damage occurs as a result of the P.I.T., a supervisor shall complete a DMV-349, clearly indicating across the top “For Internal Use Only” (in red ink). In addition, a HP-721B shall be completed whenever damage occurs and forwarded via email to Field Operations. If the P.I.T. results in injury to a person, other than the operator of the vehicle, and/or damage to a third party vehicle or other property is damaged, a supervisor shall complete a DMV-349, HP-721A, the HP-721B, and obtain all other applicable documents. The supervisor shall complete a Vehicle Accident/Incident Report in BlueTeam. All supporting documentation shall be attached to the Accident/Incident Report in BlueTeam, and forwarded via chain-of-command to the Chairman and the Patrol Vehicle Collision/Incident Committee. All original documentation must be maintained based on the filing guide at the originating District/Section.

VII. RECORD OF REIMBURSEMENT

District Responsibility

The District First Sergeant shall seek initial reimbursement for all Forced Vehicle Stops and P.I.T’s when damage has occurred to a Patrol Vehicle within their respective districts.

- Document each attempt for reimbursement to the responsible party in detail on the CL-38 (Patrol Vehicle Damage Reimbursement). He/She shall diligently seek reimbursement at least once every (30) thirty days for a period of (90) ninety days from the date of the incident. If reimbursement has not been obtained in
ninety (90) days, the CL-38 shall immediately be forwarded to the Unit Commander of Logistics or his/her designee.

- Contact the responsible insurance company, by telephone, and request reimbursement for damage to be paid directly to the State of N.C. Insurance settlement checks shall be made payable to the North Carolina Department of Public Safety. The reimbursement should include the amount listed on the CL-36 (Estimate of Vehicle Repair Cost) and any additional equipment damage. The CL-36, DMV 349, and additional equipment damaged (if applicable) should be faxed to the insurance company at the time of the request. If the insurance company agrees to make reimbursement, the First Sergeant shall instruct the insurance company to forward the settlement check to the district office. The settlement check and CL-38 shall then be forwarded directly to the Unit Commander of Logistics or designee.

- Private Sector estimate of damages may exceed the amount listed on the CL-36. In these cases the District First Sergeant should accept either payment and forward to the Unit Commander of Logistics or designee.

- At no time will the First Sergeant enter into negotiations for settlement of damages. If an insurance company requests a negotiated settlement, the First Sergeant will document this information on the CL-38 and forward it immediately to the Unit Commander of Logistics or designee.

- At no time will the First Sergeant enter into any agreement related to personal injury

- At any time during the ninety (90) day period the insurance company denies responsibility or refuses to make reimbursement for total damages, the First Sergeant shall document this information in detail on the CL-38 and immediately forward the CL-38 to the Unit Commander of Logistics or designee.

- The District First Sergeant shall also file a CL-38A (Reimbursement of Damage to State Property) or CL-38B (Reimbursement of Damage to State Property Memo Patrol Equipment Due to P.I.T Maneuver) in the Judiciary District of occurrence. It is the responsibility of the District First Sergeant to track reimbursement through the courts until the case is closed and/or resolved by the insurance company or for three (3) years and (1) month from the date of offense. The District First Sergeant will then document this information on the CL-38 and forward it to the Unit Commander of Logistics or their designee. If the insurance company makes a settlement payment for the damages to a patrol vehicle, the District First Sergeant shall contact the District Attorney to discuss suitable resolutions to the court restitution proceedings.

- If the CL-36 (Estimate of Vehicle Repair Cost) indicates the patrol vehicle is a “Total Loss” the District First Sergeant will not be required to attempt reimbursement from the insurance company. He/She shall document this on the CL-38 and immediately forward the CL-38 to the Unit Commander of Logistics or designee. The filing for court proceedings will still have to be completed by the
District First Sergeant from the mentioned proceedings above, and indicate on the CL-38 that the proceedings are filed in the Judicial System. If the insurance company makes a settlement payment for the damages to the patrol vehicle, then Unit Commander of Logistics or designee will make contact with the District First Sergeant to inform the District Attorney of this settlement, and this information shall be discussed in order to make suitable resolutions to the court restitution proceedings.

- A copy of all CL-38s must be maintained according to the District Filing Guide

**Logistics Responsibility**

The Unit Commander of Logistics or designee shall be responsible for seeking reimbursement in all cases where reimbursement was not, or could not, be achieved at the district level.

Upon receipt of a CL-38 indicating reimbursement was denied, the Unit Commander of Logistics or his/her designee shall contact the responsible insurance company, by telephone, and request reimbursement. He/She shall also, regardless of whether reimbursement is agreed upon, forward a written notification letter to the insurance company. The notification letter will advise the insurance company that they have (30) thirty days to make full reimbursement and if reimbursement is not received, all documents related to the reimbursement claim will be forwarded to the Highway Patrol's Legal Section for appropriate action.

The Highway Patrol’s Legal Section, in consultation with the Commander’s Office, will determine the appropriate response to all unresolved pending Patrol vehicle reimbursements.

The Unit Commander of Logistics shall maintain records pertaining to monetary damages to Patrol property.