



HABERSHAM COUNTY SHERIFF'S OFFICE

General Order Number 4.37

VEHICLE PURSUITS

Issue Date: January 2, 2012 Revised Date: August 25, 2020



PURPOSE

The purpose of this General Order is to prescribe the policies and procedures of the Habersham County Sheriff's Office regarding vehicle pursuits.

STATEMENT OF POLICY

It will be the policy of the Habersham County Sheriff's Office that all pursuit operations be conducted in strict compliance with current and future state statutes. Deputies must exercise due regard for the safety of all persons. Although traffic laws may be violated when conducting pursuit operations, no pursuit will be of such importance that the safe operation and full control of the vehicle become secondary.

DISCUSSION

These policies and procedures are applicable to all members of the Habersham County Sheriff's Office. No vehicle will be operated at a rate of speed or under weather or road conditions that may cause the driver to lose control of the vehicle or in a manner that does not allow for the safety of others. No Deputy or Supervisor will be disciplined for not electing to conduct a pursuit or for discontinuing a pursuit, even if justified to continue the chase.

All members of the Habersham County Sheriff's Office will place the highest value on the life and safety of the employees of the Sheriff's Office and of the general public. The methods used to enforce the laws should minimize the risks of injury to Deputies and citizens alike.

When emergency lights and sirens are used, they can invoke a fright or panic reaction among pedestrians and other motorists, causing them to react in unexpected ways. The use of emergency devices can unnecessarily attract attention causing traffic congestion and confusion that can result in injury or death of Deputies or members of the general public.

DEFINITIONS

Deadly Force OCGA 16-3-21 - (a) A person is justified in threatening or using force against another when and to the extent that he reasonably believes that such threat or force is necessary to defend himself or a third person against such other's imminent use of unlawful force; however a person is justified in using such force which is intended or likely to cause death or great bodily harm only if he reasonably believes such force is necessary to prevent death or great bodily injury to himself or a third person or to prevent the commission of a forcible felony.

Due Regard - when a reasonably careful person, performing similar duties under similar circumstances, would act in the same manner.

Forcible Felony - any felony that involves the use or threat of physical force or violence against any person.

Forcible Stop - an attempt to prevent the continued movement of a fleeing vehicle through the use of authorized Sheriff's Office offensive tactics.

Moving Roadblock - the use of one or more moving vehicles to block the roadway and prevent approaching vehicle from continuing.

PIT – Precision Immobilization Technique - A pursuit tactic by which a pursuing vehicle can force a fleeing vehicle to abruptly turn sideways, causing the driver to lose control and stop. Used as a safer alternative to bring a pursuit to a conclusion.

Reasonable Belief - the facts or circumstances the Deputies knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

I. SAFETY RULES

1. Only full time Deputies with Habersham County Sheriff's Office will initiate or be involved in a pursuit. No part-time or Reserve Deputies will at any time initiate or participate in a pursuit.
2. The pursuit will be terminated if the pursuing unit(s) loses radio communication with Habersham County E-911. If a Deputy is assisting GSP as the secondary unit, the Deputy is allowed, with Shift Supervisor's approval, to continue the pursuit with GSP as the GSP unit will have radio communication.
3. Seat belts will be used by all occupants while the vehicle is in operation.
4. All emergency warning devices, communications equipment, the PA system, and video camera will be checked by the vehicle operator at the start of each assigned shift of duty.
5. Expect the unexpected. Motorist often keep their vehicle closed with air conditioner/heaters running. Pedestrians often use radios and other devices that prevent them from hearing emergency vehicles.
6. Special caution must be taken to monitor the location of other emergency vehicles responding to an incident using emergency equipment.
7. When involved in a pursuit care must be exercised when approaching potentially dangerous areas:
 - A. Before proceeding through a regulated intersection with a stop sign or red traffic signal, Deputies will only cross after ensuring that there is no oncoming conflicting vehicle or pedestrian traffic and they can safely proceed through.
 - B. When approaching an intersection governed by a green traffic signal, Deputies will reduce their speed to the posted speed limit or lower (based upon traffic conditions) to ensure there is no conflicting traffic or pedestrians that may be in danger.
 - C. When approaching a populated or high traffic area, extreme driving caution will be used.

II. EVALUATING THE CIRCUMSTANCES

1. The decision to initiate the traffic stop rests solely with the Deputy. Deputies have the legal authority to attempt to stop any person suspected of having committed a criminal offense or traffic violation.
2. While it is the Deputy who initiates the stop, it is the violator who initiates the pursuit.
3. The pursuit may be continued if there are reasonable grounds to believe the suspect presents a clear and immediate threat to the safety of others by virtue of his driving actions or the suspect has committed or is attempting to commit a forcible felony.
4. Pursuits can be justified when the Deputy has evaluated the circumstances and concludes that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect escape.

5. A pursuit may also be continued when the driver is operating the vehicle in a relatively safe manner, in accordance with existing traffic conditions and regulations, regardless of the offense or violation, but is nevertheless willfully failing to stop as directed.
6. In arriving at this decision, the Deputy must carefully consider all factors involved, the possible consequences, and most importantly, the safety of the public and law enforcement personnel.
7. When making this determination the deputy will evaluate the circumstances and consider the following:
 - A. Nature of the crime.
 - B. Time of day.
 - C. Volume of vehicular or pedestrian traffic.
 - D. Location and geographical area that the pursuit will occur in or extend to.
 - E. Weather conditions.
 - F. Road Conditions.
 - G. Speeds involved.
8. Once conditions dictate, the Deputy will discontinue the pursuit and resume normal driving operations.

III. PRIMARY PURSUIT UNIT RESPONSIBILITIES

The Deputy that initiates the traffic stop becomes the primary pursuing unit and may maintain the pursuit as long as it is safe to do so, with the approval of the Shift Supervisor or until directed to terminate the pursuit.

The Deputy will:

1. Activate all emergency lights and siren.
2. Activate Video Camera if available.
3. Not use the 24 flashers because they may interfere with the brake lights and turn signals.
4. Maintain a safe distance with the pursued vehicle in order to react to potentially dangerous situations.
5. Keep all windows closed to ensure that the 911 Dispatch understands all radio transmissions.
6. Provide updated information concerning the location of travel.
7. Notify the 911 Dispatch as soon as is reasonably possible that a pursuit is underway and will provide the following information:
 - A. Unit identification.
 - B. Location and direction of travel.
 - C. Vehicle description, including license number if known.
 - D. Speed of travel.

E. Traffic and weather conditions.

F. Exact reason for the pursuit.

IV. SPECIALIZED VEHICLES

1. Unmarked units will not become involved in a pursuit without operational blue lights and siren.
2. A marked patrol unit will take over as primary pursuit unit when it is safe to do so.
3. The unmarked unit may continue as a secondary pursuit until another marked patrol unit is available. When it is safe to do so, the marked patrol unit will take over secondary pursuit unit responsibilities. The unmarked vehicle will then discontinue the pursuit.
4. The unmarked unit may proceed to the termination point in a non-emergency mode.
5. The unmarked unit is authorized to initiate or participate in vehicle pursuits only when the unit reasonably believes that the suspect presents a clear and immediate threat to the public and the suspect is to be arrested for a serious felony crime.

V. SECONDARY PURSUIT UNIT RESPONSIBILITIES

1. The secondary unit, upon joining the pursuit, will immediately notify the 911 Dispatch and assume radio communications responsibility, allowing the primary unit to devote full attention to driving and safety. The assisting unit will:
 - A. Maintain a safe distance behind the primary unit, but close enough to render back-up support if required.
 - B. Not attempt to pass the primary unit unless the primary unit must discontinue the pursuit.
 - C. Assume duties of the primary unit if the original primary unit becomes disabled or discontinues the pursuit because of a mechanical failure. When this occurs, another secondary unit will be designated by the Shift Supervisor.
2. The pursuit will normally involve no more than 2 units unless authorized by the Shift Supervisor. Based upon the availability of other units and the nature of the offense, the Shift Supervisor will determine which unit will assist the primary unit in the pursuit.

VI. RESPONSIBILITIES OF OTHER UNITS

1. All other units will remain aware of the direction and progress of the pursuit and will not actively participate, respond, or parallel the pursuit unless authorized by the Shift Supervisor.
2. Terminate all non-essential/non-emergency radio transmissions.

VII. COMMUNICATIONS CENTER PERSONNEL RESPONSIBILITIES

1. Communications Center personnel will record and communicate all information regarding a pursuit and will be responsible for notifying other jurisdictions that the pursuit may enter.
2. Prepare to assign I channel to the response personnel and advise all units to "10-3" (stop transmitting).

VIII. TERMINATION OF PURSUIT

The decision to continue or abandon the pursuit must be constantly reevaluated. Deputies must continually question whether the seriousness of the offense justifies continuing the pursuit. A pursuit will be terminated under any of the following circumstances:

1. The pursuit will be terminated if the pursuing unit(s) loses radio communication with Habersham County E-911. If a Deputy is assisting GSP as the secondary unit, the Deputy is allowed, with Shift Supervisor's approval, to continue the pursuit with GSP as the GSP unit will have radio communication.
2. If, in the opinion of the driver of the primary pursuing unit or Shift Supervisor, there is a clear and unreasonable danger to the Deputy, other motorists or pedestrians, created by the pursuit that outweighs the necessity for immediate apprehension.
3. The suspect's identity has been established to the point that later apprehension can be accomplished and there is no longer any need for immediate apprehension.
4. The prevailing traffic, roadway, or environmental conditions indicate the futility of continuing the pursuit.
5. Visual contact with the pursued vehicle is broken and its location is no longer known.
6. The Deputy knows or is reasonably certain that the fleeing vehicle is operated by a juvenile and the safety factors involved are obviously greater than a juvenile can cope with based on their limited driving experience.
7. The Deputy knows that the fleeing vehicle is heading for a populated or high traffic area.
8. When there is an equipment failure involving emergency lights, siren, radio, brakes, steering, 2-way communications, or other essential mechanical equipment.
9. If the primary pursuing vehicle is involved in a traffic accident involving a pedestrian or civilian vehicle. In this case the secondary pursuit unit will become the primary pursuit unit.
10. If the vehicle's air bag is deployed.

IX. PROHIBITED PRACTICES

Deputies will not attempt the following activities:

1. Pursue violators the wrong way on a freeway/interstate.
2. Discharge a firearm from a moving vehicle.
3. Cut through a parking lot to circumvent an intersection.
4. Pass another vehicle on a curve, a hill, along the shoulder of a road, or when visibility is limited.
5. Engage in a pursuit with Non-Sheriff's Office personnel in the vehicle.
6. Create slow moving traffic or moving roadblock involving non-law enforcement vehicles in an attempt to force the violator to reduce his speed.
7. Caravan with other pursuit units.

X. SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor on duty when the pursuit originates is directly responsible for supervising the pursuit. Should this individual be out of service or otherwise unable to assume the responsibilities listed below, another Supervisor on duty closest to the situation will take charge of the pursuit. Any in-service Division Commander or higher-ranking member has the authority to assume control of a pursuit from a Shift Supervisor if the situation requires. The Shift Supervisory responsibilities are:

1. Coordinate and direct all pursuit activities.
2. Approve the continuation of the pursuit.
3. Monitor the pursuit by proceeding in the direction of its progress.
4. Ensure other emergency agencies are notified if the pursuit appears to be entering another jurisdiction.
5. Terminate the pursuit if adequate information is not provided by the pursuing vehicles or the risk factor is too great to the Deputy or general public to continue the pursuit.
6. Order or approve any offensive tactics.
7. Proceed to and take charge of the incident scene once the pursuit has ended.
8. Ensure a Vehicle Pursuit Report, Incident Report, and all Supplemental Reports are properly prepared.
9. Conduct a critique of the pursuit as prescribed below.

XI. OFFENSIVE TACTICS

Only the following offensive tactics are authorized:

Blocking In

1. This technique requires the positioning of a marked patrol vehicle in front of the pursued vehicle. Once this is accomplished, the patrol vehicle will then gradually reduce its speed until the violator is stopped.
2. In situations where the pursuit is taking place on a divided highway, another patrol vehicle can be positioned alongside the violator.
3. This tactic can be used only if non-law enforcement vehicles are not involved and do not come between the pursued vehicle and any of the law enforcement units.

Stationary Roadblock

The use of a roadblock must be directly associated with the seriousness of the crime for which the suspect is wanted or the degree of danger to the public and law enforcement personnel, and only if the following procedures can be used:

1. The roadblock must be clearly visible to allow all vehicles to come to a safe stop with at least 500 feet visibility in both directions. If weather or road conditions do not allow visibility as prescribed, the roadblock will not be used.
2. The roadway will not be completely blocked unless the use of deadly force is justified. An escape route through the roadblock will be established in such a manner to be maneuvered through at a reasonable speed.
3. Adequate warning to approaching traffic is a necessity unless the first vehicle reasonably expected to approach the roadblock is the violator and there is insufficient time to provide warning.

4. Only marked patrol vehicles will be used and Deputies will not remain inside any vehicle but should seek protection behind available natural or man-made barriers.
5. All emergency lights, headlights, and flashers will be used.
6. Under no circumstances will civilian vehicles be used as part of the roadblock.
7. There must be means provided to allow civilian vehicles to avoid becoming caught by the roadblock unexpectedly.

Tire Deflating Devices

Tire deflating devices or "Stop Sticks" are designed to be used on vehicles with 4 or more tires and to be deployed on paved surfaces only. They will not be used against motorcycles or bus type vehicles. The following deployment procedures will be followed:

1. Establish a roadblock as prescribed above, providing an avenue of escape for the pursued vehicle.
2. Notify all pursuit vehicles of the location of the roadblock and where the Stop Sticks are to be used.
3. Deploy the Stop Sticks across the open lane.
4. Place the Stop Sticks adjacent to the open lane and pull the device across the open lane with the cord reel line as the pursued vehicle approaches. Do not wrap the cord reel line around any part of the body at any time. Be sure to release the cord immediately before the pursued vehicle makes contact with the Stop Sticks.
5. Once the Stop Sticks are deployed all personnel should be positioned in a safe location away from the point of contact.
6. Do not rush the vehicle once it comes to a stop. Proceed with caution using high-risk felony stop procedures.
7. Immediately retrieve and remove the Stop Sticks from the roadway once the subject vehicle passes.

Deliberate Contact with the Pursued Vehicle

1. The PIT maneuver (Precision Immobilization Technique) can be utilized ONLY when the pursuing Deputy is certified in the deployment of the PIT maneuver.
2. Other than the PIT Maneuver, making deliberate contact with a violator's vehicle as a means to stop the pursuit can ONLY be utilized under the most extreme circumstances and ONLY when the use of deadly force is justified.

XII. NEIGHBORING JURISDICTIONAL PURSUITS

1. When a pursuit appears to be leaving the jurisdiction of the Habersham County Sheriff's Office, the Shift Supervisor will have the 911 Dispatch contact the jurisdiction that the pursuit will be entering to advise them of the situation. In the event that the neighboring jurisdiction wishes to take over the pursuit, the Habersham County units will relinquish the lead in the pursuit and follow to assist the neighboring jurisdiction's units.
2. In the event that the neighboring jurisdiction does not wish to take over the pursuit, the Shift Supervisor will evaluate the situation and decide if the pursuit itself is too dangerous to continue. If the Shift Supervisor evaluates the situation and decides the pursuit is too dangerous, he will immediately order all Habersham County units to end the chase and return to duty.

3. When the pursuit is originated by the Habersham County Sheriff's Office, it will have control of and be responsible for the pursuit. No more than 2 vehicles from the Habersham County Sheriff's Office will enter another jurisdiction during a pursuit unless authorized by the Shift Supervisor. The Shift Supervisor is responsible for making sure that enough units remain in Habersham County for adequate coverage.
4. A unit from the assisting agency will be requested to join the pursuit behind the secondary Habersham County Sheriff's Office pursuit unit. Should the assisting unit insist on becoming the primary unit, Habersham County Deputies will comply and relinquish control and responsibility of the pursuit.
5. The assisting agency will maintain radio communications and notify the next jurisdiction that the pursuit is about to enter.
6. The assisting unit will be requested to remain with the pursuit until replaced by the next assisting agency.
7. A Supervisor from the agency where the pursuit terminates will be asked to respond to the location to Supervise and assist the pursuit Deputies.

XIII. PURSUITS ORIGINATED BY OTHER AGENCIES

Assisting Pursuing Agency when coming through Habersham County

1. The Shift Supervisor will designate the Habersham County unit that will assist the pursuing unit.
2. The Habersham County unit will join the pursuit behind the secondary pursuit unit (or primary unit if no secondary has been assigned) and will follow at a safe distance until the pursuit leaves Habersham County. Other Habersham County units may be deployed to advise that intersections along the pursuit are cleared and free of potential danger to the public.
3. The Habersham County Sheriff's Office unit will terminate the pursuit once the pursuit leaves Habersham County unless assistance is requested by pursuing agency or the Habersham County unit is acting as the secondary unit. In either of these cases, approval is received from the Shift Supervisor.
4. Regardless of the jurisdiction that the pursuit ends in, personnel from the originating agency retain the responsibility for the:
 - A. Arraignment of arrested persons.
 - B. Disposition of any passenger.
 - C. Disposition of arrested person's vehicle.
 - D. Coordination of reports, citations, and criminal charges with other agencies as appropriate with the exception of any accident reports.
5. Any pursuit involving a Habersham County Deputy will require an Incident Report and will be reviewed by Administration as outlined in this policy. This includes assisting other agencies during their pursuits.

Pursuing Agency Relinquishes Pursuit to Habersham County

1. It is the Shift Supervisor's responsibility to assess the circumstances of the pursuit to determine if Habersham County will pursue the fleeing vehicle through Habersham County.
2. The Habersham County Sheriff's Office unit will terminate the pursuit once the pursuit leaves Habersham County unless there are extenuating circumstances to continue the pursuit.

XIV. DEPUTY INVOLVED TRAFFIC ACCIDENTS

1. No matter how serious or minor the traffic accident, Deputies will discontinue their pursuit in all cases involving a pedestrian or third-party civilian vehicle or whenever the air bag is deployed. The driver will immediately notify the 911 Dispatch of the situation. In this case the secondary pursuit unit will become the primary pursuit unit.
2. Based upon the apparent seriousness of the accident, the Deputy in the secondary pursuit unit will either discontinue the pursuit to render emergency assistance or continue the pursuit as the primary unit.
3. The Deputy on the accident scene will request notification of the Georgia State Patrol to handle the traffic accident investigation.
4. The Deputy will remain at the scene of the accident, will render first aid if necessary, and will provide traffic control until released by the Georgia State Patrol.
5. In cases when the pursuing Deputy is involved in a minor traffic accident with the violator or another law enforcement vehicle, the pursuit may be continued if it is mechanically safe to do so.

XV. REPORTING AND CRITIQUE

1. Each Primary Pursuit Unit involved in the pursuit will complete a Vehicle Pursuit Report even if he terminates the pursuit at his own or a Supervisor's direction.
2. This report will be submitted to the Shift Supervisor for his review. The Supervisor will complete a Pursuit Review and will forward through the chain of command to the Division Commander.
3. As soon as practicable, the Deputy and Supervisors involved in the pursuit will review all aspects of the chase to ascertain whether the chase was performed properly and if different measures or procedures are needed in the future.

XVI. ADMINISTRATIVE REVIEW

1. The Investigating Supervisor will review all required documentation concerning the pursuit to determine:
 - A. Whether the pursuit was necessary and conducted in accordance with policy and procedural guidelines.
 - B. The need for additional training.
 - C. Whether any procedural changes are required.
2. The Investigating Supervisor will provide the Division Commander with a Pursuit Interop Review Report with the findings of the initial review of the pursuit.
3. The Division Commander will:
 - A. Review all pursuit documentation and audio and videotapes.
 - B. Take remedial action as appropriate or send to Internal Affairs for review if needed.
 - C. Forward all Vehicle Pursuit Reviews to State Certification.
4. The Training Director will ensure that all sworn Deputies receive training on the Sheriff's Office vehicle pursuit policy on a yearly basis.

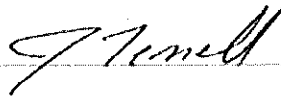
XVII. INTERNAL INVESTIGATIONS

1. The Sheriff will direct the Internal Affairs Deputy to review all pursuits resulting in the death or serious injury of any individual or serious property damage.
2. The purpose of the investigation is to determine whether:
 - A. Agency policies and procedures were followed.
 - B. Current policies and procedures are clearly understandable and effective to cover the situations.
 - C. Agency training is adequate.
3. The results and findings of the Internal Investigations will be reported in writing to the Sheriff for appropriate action.

XVIII. ANNUAL WRITTEN REVIEW

The Office of State Certification will conduct an annual written review of all vehicle pursuits during the preceding 12-month time period. This is to determine if there are training problems that will need to be addressed or if there is a need for policy modifications.

This policy supersedes any previous policy



By order of Sheriff Joey Terrell