




WINCHESTER POLICE DEPARTMENT OPERATION ORDER

NOTE: This General Order is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this General Order, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Number 2-69		Effective Date September 1, 2018	Review Date September 1, 2018	Reviewing Division Administration
Subject VEHICLE PURSUIT		<input checked="" type="checkbox"/> New Directive <input type="checkbox"/> Amends <input type="checkbox"/> Replaces: <input type="checkbox"/> Revised:		This directive shall apply to personnel assigned to the following divisions: <input type="checkbox"/> All Personnel <input checked="" type="checkbox"/> Patrol Division <input checked="" type="checkbox"/> Administration Division <input checked="" type="checkbox"/> Investigation Division
References VLEPSC: OPR.01.10 CALEA				
 _____ Chief of Police or Designee		_____ March 23, 2023 Date		

PURPOSE

The purpose of this policy is to establish guidelines for officers in situations necessitating the use of police vehicles for vehicle pursuits.

POLICY

The Winchester Police Department places the highest value on the life and safety of all individuals. Officers may engage in vehicle pursuits in accordance with this policy, Virginia Code 46.2-920 and training received. This General Order will not address all situations that might be encountered by members of the Department. Therefore, officers and supervisors must always balance the need for immediate apprehension with the dangers created by the pursuit.

DEFINITIONS

A. Vehicular Pursuit

Vehicular pursuit is an active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is actively attempting to elude the police. Vehicle pursuits shall be conducted only with activated emergency equipment, as defined in Virginia Code and under circumstances outlined in this directive.

B. Risk

The degree of danger or hazard to the public and/or officers.

C. Primary Pursuit Vehicle

Normally, the Department vehicle that begins the vehicle pursuit or the vehicle closest to the fleeing vehicle. The primary pursuit vehicle may be re-designated by order of the controlling supervisor.

D. Support Vehicles

The second and additional Department vehicles participating in a vehicle pursuit, which follows the primary pursuit vehicle and assists the primary pursuit vehicle once the pursued vehicle has stopped, or which can assume the primary role if circumstances dictate.

PROCEDURES FOR VEHICLE PURSUITS

A. Justification for Vehicle Pursuit

In determining whether or not to pursue a vehicle, the officer must weigh the level of risk and the severity of the crime against the necessity of apprehending the suspect(s) immediately. Risk factors can be found in Section B (below) of this General Order.

B. Considerations for Engaging in Vehicle Pursuits

1. Officers shall not operate a vehicle at a rate of speed that may cause loss of control.
2. Motorcycles often have capabilities that exceed those of our Department vehicles. While pursuing a motorcycle is not prohibited, extreme caution and sound judgment shall be exercised by officers pursuing a motorcycle.
3. The decision to begin and responsibility for continuing pursuit rests primarily, if not solely, with the individual officer(s) involved. Officers should be aware that the courts may hold them criminally and civilly responsible for a vehicle pursuit conducted in a negligent manner. Therefore, officers must exercise sound judgment and carefully consider the seriousness of the offense, the possible consequences, and the safety of citizens. Such considerations include the following:
 - a. The seriousness of the crime;
 - b. The possibility of apprehension without vehicle pursuit;
 - c. The environment of the vehicle pursuit, such as a residential area, school zone, business district, or a limited access highway, and the related street and traffic conditions;

- d. The number of citizens and their distribution within the environment of the pursuit, such as bystanders, people in vehicles, children at play or going to or from a school;
- e. Weather conditions;
- f. Lighting (visibility);
- g. Time of day, day of week, and season;
- h. Speeds involved;
- i. Condition of the vehicles involved, including the pursuing vehicle;
- j. The capabilities, limitations, and mental state of the drivers involved, if known;
- k. The age of the driver and/or passenger(s) in the vehicle being pursued.

C. Vehicle Pursuits within the Commonwealth of Virginia

- 1. Pursuits will be permitted when an officer has reasonable suspicion to believe that the fleeing driver or a passenger has committed, has attempted to commit, or is committing any of the following offenses:
 - a. Crimes against a person involving violence, threat, force, or intimidation;
 - b. Burglary;
 - c. Felony possession of a firearm and/or explosive device;
- 2. Pursuits will also be permitted under the following special circumstances:
 - a. The officer has reasonable suspicion that the fleeing suspect(s) have committed a felony in which the severity of the crime dictates an immediate apprehension, such as auto theft rings, and serial shoplifters. This does not include single instances of property crime.
 - b. Preplanned operations involving the felony distribution and/or felony possession with intent to distribute narcotics, with prior approval of the Chief of Police, Deputy Chief of Police, or Division Commander.
- 3. Pursuits are strictly prohibited when a traffic violation is the only reason for the police interaction. Pursuits may be permitted when an officer has reasonable suspicion to believe the driver is under the influence of alcohol and/or drugs, and the officer has observed erratic driving behaviors which pose an articulate, imminent threat to public safety.

D. Vehicle Pursuits outside the Commonwealth of Virginia

Pursuits shall only be permitted when the officer has reasonable suspicion to believe that the fleeing driver or a passenger has committed, has attempted to commit, or is committing a felony crime against a person involving violence, threat, force, or intimidation.

E. Primary Officer Responsibilities

1. The primary officer's responsibility in a vehicle pursuit is the safe operation of the pursuit vehicle. Only two (2) police vehicles with emergency equipment activated shall pursue a fleeing vehicle. An additional vehicle that contains a police canine will be permitted. An unmarked Department vehicle may constitute one of the two (2) vehicles; however, an unmarked Department vehicle shall release the lead pursuit vehicle position once a marked vehicle is visible to the pursuing officer.
2. The primary pursuing officer shall notify the ECC of the following:
 - a. Location and speed of the officer and the pursued vehicle;
 - b. Direction of travel;
 - c. License number, state, and description of the pursued vehicle;
 - d. Reason for the vehicle pursuit;
 - e. Description of the vehicle occupants, if known.
3. The location, speed, and direction of travel shall be frequently updated with ECC.

F. Supervisor's Responsibilities

1. The on-duty supervisor shall acknowledge the officer's pursuit by radio and immediately make a determination of its continuance. The supervisor will retain authority and ensure compliance with Department policy, directing officers to join or abandon pursuit, re-designating primary and support pursuing vehicles if necessary, approving or directing pursuit tactics, and terminating the vehicle pursuit.
2. The controlling supervisor shall monitor the vehicle pursuit and should respond to the location of the stopped suspect vehicle, when practical. The supervisor may terminate the vehicle pursuit any time he or she determines that circumstances warrant termination.
3. No more than two (2) Department vehicles may pursue a fleeing vehicle without the specific authorization of the on-duty supervisor. An additional

vehicle that contains a police canine will be permitted. In authorizing additional Department vehicles to pursue, the on-duty supervisor shall consider:

- a. The nature of the offense and the number of suspects involved;
 - b. The number of officers currently participating as primary or support vehicles;
 - c. Any injuries or property damage already sustained as a result of the vehicle pursuit; and
 - d. Any other clear, articulated facts that would justify the assignment of additional Department vehicles.
5. After the vehicle pursuit has concluded, the on-duty supervisor will direct participants to submit an incident report and supplement reports.
 6. An administrative review shall be conducted for all vehicle pursuits involving Department vehicles or personnel using Department form WPD 110. The administrative review shall be conducted by the division captain and shall include a review of all reports, statements, evidence, video recordings, audio recordings, and any other related documents. A vehicle diagnostic check may also be necessary and included in the review. The officers involved in the vehicle pursuit and any other witness or persons shall be interviewed, as appropriate. The completed administrative review containing conclusions and recommendations shall be submitted to the Deputy Chief of Police.

G. Supporting Officer Responsibilities

1. The supporting officer responding to a vehicle pursuit shall assist the primary officer in pursuing the suspect vehicle and making the arrest. The supporting officer is responsible for broadcasting the progress of the vehicle pursuit and controlling the pursuit tactics. The supporting officer must also alert other officers of the probable route of travel. By handling these communications responsibilities, the primary officer can focus attention on pursuit driving.
2. Tire-deflation devices may be deemed appropriate to stop a vehicle pursuit and may be set up by supporting officers. These devices shall be used only by officers trained in the use of tire deflation devices, and only under the direct authorization of the on-duty supervisor.

H. ECC Responsibilities

During any vehicle pursuit, the ECC shall:

1. Record all pertinent information about the pursued vehicle;

2. Notify the on-duty supervisor and all other officers of the vehicle pursuit and the information given by the pursuing officer;
3. Assist in directing additional officers to strategic locations;
4. Order the police radio cleared of all but emergency transmissions;
5. Alert local or other law enforcement agencies of the vehicle pursuit and of information given by the pursuing officer, when the vehicle pursuit continues beyond the City limits;
6. Query VCIN and NCIC for all information on the pursued vehicle/suspect.

I. Rules of Vehicle Pursuits

1. Officers should not intentionally ram, bump, or collide with a pursued vehicle, nor should officers pull alongside such vehicles in an attempt to force the vehicle off the road or into an obstacle unless directed by the on-duty supervisors, and only if the participating officers have been trained in the technique.
2. Boxing-in should be performed only at low speeds, under the direct authorization of the on-duty supervisor, and only if the participating officers have been trained in the technique.
3. Vehicles with a truck chassis should not be utilized for vehicle pursuits unless special circumstances exist and authorized by the on-duty supervisor.
4. Should the pursuing vehicle stop, and the person(s) attempting to avoid apprehension proceed on foot, the officer should stop, give his or her location, and continue efforts to apprehend the suspect on foot. Circumstances may dictate, however, a continued pursuit in a vehicle. Support officers shall be dispatched in close proximity to offer assistance.
5. Should the pursued vehicle drive in a direction opposite to the flow of traffic, the pursuing officer shall not follow the pursued vehicle in the wrong direction, but instead shall transmit by police radio, detailed observations about the pursued vehicle's location, speed, and direction of travel. The pursuing officer may, if appropriate, follow the pursued vehicle on a parallel road.
6. Officers involved in a vehicle pursuit will not try to overtake or pass the pursued vehicle unless specially trained to do so.
7. When Department vehicles are involved in a vehicle pursuit, each vehicle shall maintain an appropriate distance, especially when passing through intersections. Each vehicle involved in the vehicle pursuit should use a different siren sound selection, if circumstances and safety permit. The use of different siren sound combinations can help the primary and support

vehicles hear one another and alert motorists and bystanders that more than one vehicle is operating under emergency conditions.

8. Intersections are a particular source of danger during vehicle pursuits. When approaching an intersection where signal lights or stop signs control the flow of traffic, officers shall remember when using emergency lights and siren the officer is requesting the right of way and does not absolutely have the right to disregard a red traffic light or stop sign
9. When accompanied by civilian passengers, officers shall not pursue a vehicle. If a civilian is in the Department vehicle, the officer will alert other officers the vehicle has fled and deposit the civilian at an appropriate, safe location and notify the ECC to have the civilian picked up.

J. Stationary Roadblocks

1. Stationary roadblocks are a method for stopping and apprehending a fleeing suspect, which involves artificial barriers such as vehicles. The use of a roadblock constitutes the use of deadly force, and GO 2-4, Use of Force applies. Further, any type of roadblock which terminates the freedom of movement of a fleeing suspect is a seizure within the meaning of the Fourth Amendment.
2. The use of a stationary roadblock shall be authorized only by the Chief of Police. In the absence of the Chief of Police, the on-duty supervisor must directly authorize this measure. The decision to erect a stationary roadblock must consider:
 - a. The safety of officers;
 - b. The risk of physical injury to the occupants of the pursued vehicle;
 - c. The protection of citizens and their property;
 - d. The nature and seriousness of the offense;
 - e. The probability of the roadblock's success;
 - f. The location of the roadblock and the environmental conditions;
 - g. The danger posed by the suspect to the public.
3. A stationary roadblock must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify the ECC of its precise location. All participating officers must be aware of the roadblock and must acknowledge this awareness before the roadblock is constructed. Further, no personnel shall remain in vehicles used for the roadblock. An avenue of escape should be provided to the suspect.

K. Out of Jurisdiction Vehicle Pursuits

1. Vehicle pursuits beyond the jurisdiction of the City of Winchester require the direct approval of the on-duty supervisor. The ECC shall notify the appropriate jurisdiction of the vehicle pursuit and request assistance.
2. Officers shall review Virginia Code 19.2-76 and 19.2-77 concerning arrests outside the jurisdiction, where the offense is charged and Virginia Code concerning pursuits and arrests anywhere within the Commonwealth of Virginia applies.
3. Once the vehicle pursuit has entered another jurisdiction, if officers from that jurisdiction enter the pursuit, Department officers must receive authorization by the on duty supervisor to continue in the pursuit. If directed to discontinue pursuit, the officers must deactivate emergency equipment, return to the City limits and notify ECC once they return.
4. If officers from another jurisdiction pursue a suspect vehicle into the City of Winchester, Department officers shall enter the vehicle pursuit only if the other agency specifically requests assistance, the reason for pursuit is in accordance with this directive, and the on-duty supervisor approves participation. Any non-pursuit assistance, including apprehension of a stopped suspect, may be provided as circumstances dictate.
5. When the fleeing suspect is apprehended in another jurisdiction, the officer shall take the arrested person before a judicial officer of that jurisdiction. If a Department officer isn't the apprehending officer, then the Department officer shall then go before the magistrate in the jurisdiction of the City of Winchester to secure a warrant. The officer shall ensure that a teletype message is sent by the ECC through VCIN to the apprehending jurisdiction as soon as possible, acting as a detainer.
6. When a fleeing person from another jurisdiction is apprehended within the City of Winchester, the apprehending officer shall take the arrested person before the magistrate serving this jurisdiction. The on-duty supervisor shall confer with the other jurisdiction to determine which jurisdiction shall maintain custody of the arrestee.

L. Discontinuing Vehicle Pursuits

1. This directive has noted the necessity for a pursuing officer to continuously evaluate the risks and goals of a vehicle pursuit. Under some conditions, discontinuing a vehicle pursuit may prove the most appropriate decision the officer or supervisor can make.
2. Discontinuing a vehicle pursuit does not mean that the officer cannot follow the pursued vehicle at a safe speed while obeying all traffic laws and regulations, or remain in the area ready to resume the vehicle pursuit if the

opportunity presents and circumstances warrant. No officer shall be disciplined for discontinuing a vehicle pursuit.

3. Officers will discontinue a vehicle pursuit under, but not limited to, the following circumstances:
 - a. The on-duty supervisor orders the vehicle pursuit discontinued;
 - b. The officer loses radio communication with ECC or the on-duty supervisor;
 - c. The Department vehicle experiences an equipment or mechanical failure that renders the vehicle unsafe for emergency driving;
 - d. The pursued vehicle has outdistanced the pursuing officer such that its location is not known;
 - d. A person has been seriously injured during the vehicle pursuit and in need of immediate medical attention when no other medical or Department personnel are able to provide assistance;
 - e. The pursuing officer perceives a clear, unreasonable danger to officers, the fleeing suspect, or the public, and the danger created by continuing the vehicle pursuit outweighs the value of apprehending the suspect at that time.