

	Operational General Order	10.04 Biased Policing	ORIGINATOR/REVIEW Uniform Division
	SUBJECT <b>Virginia Beach Police Department General Order</b> Chapter 10 - Vehicle Pursuits		DISTRIBUTION ALL
	<b>CALEA: 41.2.2, 41.2.3</b>		
BY THE AUTHORITY OF THE POLICE CHIEF: PWN			

### Definitions:

**Armed and Dangerous:** A person who has committed or attempted to commit any offense involving the unlawful discharge, display, possession, or use of a firearm or explosive device in such a manner as to provide an officer reason to believe that the person presents an immediate threat to the public.

**Pursuit:** An active attempt by an officer in an authorized emergency vehicle to apprehend a suspect fleeing in a motor vehicle provided the officer reasonably believes the suspect knows he was directed to stop, refuses to stop, and is willfully fleeing in an attempt to avoid arrest by using high-speed driving or other evasive tactics such as driving off a highway, making sudden or unexpected movements, or driving on the wrong side of the road.

**Violent Felony:** Any felony involving physical force or violence, threatened or actual, against another person including, but not limited to: murder, manslaughter, mob-related offenses, rape, kidnapping or abduction, robbery, malicious assault, escape by force, placing or detonating a destructive/explosive device or bomb, or any other felony which involves the use or threatened use of physical force or violence against another person.

**Termination:** When a pursuit has been deemed to be unsafe and outside of these mandates, it will be terminated by either the pursuit supervisor or primary unit. Once a pursuit has been terminated, all officers engaged in the pursuit will immediately cease pursuit, deactivate emergency equipment and obey all traffic laws as to in no way appear to be continuing to pursue the violator.

### Purpose:

The purpose of this policy is to protect the health, safety, and welfare of the public, police officers, and criminal suspects by 1) identifying the circumstances under which an officer may initiate a vehicle pursuit and 2) establishing the procedures to be followed during a vehicle pursuit.

### Policy:

The Virginia Beach Police Department is dedicated, first and foremost, to protecting the lives and ensuring the safety of the public. The department is also dedicated to protecting the lives and ensuring the safety of its officers. It is the department's moral and professional responsibility to ensure that officers are provided adequate procedures to guide them in the safe performance of their duties.

Since Vehicle pursuits create the potential in which officers, citizens and/or the suspect may be killed or seriously injured; pursuits shall only be initiated and continued in accordance with the provisions set forth herein.

A pursuit may be initiated based upon a reasonable belief:

- A. At the time the pursuit is initiated that the occupant(s) of the vehicle are 1) armed and dangerous or 2) have committed or attempted to commit a violent felony; and/or;
- B. The vehicle was observed, prior to initiation of the pursuit, being operated in such a flagrantly reckless manner that there is a reasonable suspicion that the operator of the vehicle displays blatant disregard for human life or is suspected of being under the influence of drugs and/or alcohol that the continued operation of the vehicle will present an imminent threat to the public safety.

Under the above circumstances, a pursuit may be initiated provided the officer adheres to the Code of Virginia.

#### **Training (CALEA 41.2.2 M, N)**

- A. All recruits shall receive training on vehicle pursuits to include this policy prior to completion of the academy.
- B. All sworn personnel shall receive an annual documented review of this pursuit policy either electronically or in a classroom.

#### **Pursuit Guidelines (CALEA 41.2.2 A, B, C, D, F, G)**

- A. The decision to pursue should be based upon an evaluation of the overall circumstances that exist at the time of the pursuit. Such circumstances shall include, but are not be limited to, the following: 1) the gravity of underlying offense(s) attempted or committed; 2) the reckless operation of the vehicle; 3) weather and road conditions; 4) geography and demographics of the area; 5) the likelihood the fleeing suspect(s) can be apprehended at a later time; 6) the presence or existence of potential victims (pedestrians and/or other motorists) and 7) potential of danger to officers and the driver of the suspect vehicle.
- B. It shall be the responsibility of the pursuing officer and the pursuit supervisor (incident commander) to continuously monitor and evaluate the circumstances of the pursuit and to terminate the pursuit whenever circumstances indicate that the danger to the public, officers, and/or occupant(s) of the fleeing vehicle outweighs the benefits of continuing the pursuit.
- C. The number of vehicles authorized to participate in the pursuit will be determined by the pursuit supervisor (incident commander) based upon the factors of the pursuit to include the number of occupants in the pursued vehicle. The number of authorized vehicles should be kept to the minimum necessary to safely apprehend the suspects.

- D. It shall be the duty of the support unit(s) to assist the primary unit and to assume the responsibilities of the primary unit in the event the primary unit cannot continue. In the event the support unit assumes responsibility as the primary unit, the pursuit supervisor shall designate a new support unit.
- E. In the event a specialized unit (unmarked sedans, sport utility vehicles, vans, and motorcycles) initiate a pursuit, the operator of the specialized unit shall relinquish the role as primary unit to the first marked police vehicle available and shall immediately terminate involvement in the pursuit. Marked Patrol SUVs that are pursuit rated shall be considered a primary patrol vehicles for the purposes of a pursuit.
- F. Once a helicopter arrives, the pursuit supervisor (incident commander) shall evaluate the need for continued involvement of ground units. If involvement is no longer necessary, the ground units shall decrease their speeds and proceed as directed by the helicopter unit.

#### **Responsibilities (CALEA 41.2.2 B, C, E, F)**

- A. Primary Unit: Contact the dispatcher and provide the following:
  - 1. Advise to “clear the air.”
  - 2. Advise that you are in pursuit and give the specific reason for the pursuit.
  - 3. The location of the fleeing vehicle, if different.
  - 4. The direction of travel.
  - 5. The license number and state of registration of the fleeing vehicle (if possible).
  - 6. A description of the fleeing vehicle.
  - 7. The number of occupants in the fleeing vehicle and their description (if possible).
  - 8. The type of police vehicle being operated.
  - 9. Continuously broadcast the status of the pursuit.
- B. Support Unit:
  - 1. Will serve as the second unit in the pursuit.
  - 2. Will replace the primary unit in the event the primary unit is unable to continue the pursuit.
- C. Back-up Unit:
  - 1. Units will be designated a “back-up unit” by the pursuit supervisor.
  - 2. Back-up units will take a position along the geographical route of a pursuit in progress.

3. Back-up units will not become actively involved in the pursuit unless directed by the pursuit supervisor.
  4. Back up units may respond to the termination point of the pursuit and assist in the apprehension of suspect(s).
- D. E911 Emergency Communications Division:
1. Record all information provided by the pursuing unit(s).
  2. Contact the pursuit supervisor and/or another on-duty supervisor.
  3. Contact the Command Duty Officer.
  4. Notify all appropriate police channels that a pursuit is in progress.
  5. Perform all relevant and/or requested record checks.
  6. Request that E911 notify K-9 Units
  7. Request that E911 notify the Aviation Unit.
  8. If appropriate, notify adjoining jurisdictions.
- E. Pursuit Supervisor (incident commander):
1. Immediately proceed in the direction of the pursuit and continuously monitor the pursuit to ensure compliance with the provisions of this policy.
  2. Designate units as primary, support, or back-up.
  3. Approve and/or order the use of pursuit tactics.
  4. When appropriate, order that the pursuit be terminated.
  5. Respond to the point of termination of the pursuit.
  6. Ensure that reports have been submitted.
  7. Command Duty Officer: monitor the pursuit to ensure compliance with this policy.
- F. Aviation Unit:
1. Respond to the pursuit and announce arrival on appropriate radio channel.
  2. Upon arrival assume primary communications responsibility and relay pertinent information to all ground units.
  3. If a pursued vehicle comes to a stop, assist in establishing a perimeter and maintain observation of the vehicle's occupant(s).

## **Pursuit Tactics and Forcible Stopping (CALEA 41.2.3)**

### **Moving Vehicle**

Department approved tire deflation devices shall be used, as early as possible in vehicle pursuits or to prevent pursuits provided their use is safe and practical. Tire deflation devices commonly referred to as Stop Sticks are specifically designed to bring a pursuable vehicle to a gradual stop by slowly deflating the tires. When deciding whether to utilize Stop Sticks, the type of vehicle, pursuit speed, and location should be considered. Stop Sticks do not require pre-authorization by a supervisor before deployment. To utilize the Stop Sticks, the officer must have been trained in its proper use. Training will be provided by the Training Bureau.

- A. Officers may deploy approved Stop Sticks to prevent a vehicle from fleeing, under the following circumstances:
  - 1. Stop Sticks shall only be deployed if it is safe to do so
  - 2. Stop Sticks will not be deployed on expressways/highways
  - 3. Officers must alert Emergency Communications of their intent to use Stop Sticks and provide their exact location
  - 4. Officers will use Stop Sticks devices only on vehicles with four or more wheels
    - a. Stop Sticks will not be used on motorcycles or all-terrain vehicles designed for off-road use
  - 5. Officers will avoid deploying Stop Sticks on motor vehicles in transit if there are pedestrians in the immediate vicinity and the use of the Stop Sticks would place them at risk of physical harm or injury, i.e., use of tire deflation devices on a motor vehicle traveling at a high rate of speed in a residential area
- B. Stop Sticks deployment locations should provide officers with good visibility of the approaching pursuit and other traffic in the area. The locations should provide as long a visual path as possible
  - 1. Officers deploying Stop Sticks shall seek protective cover that provides good visibility of the surrounding area and the approach of the suspect vehicle
  - 2. A solid physical barrier such as a building, bridge abutment, large tree or jersey wall is required
  - 3. A vehicle shall never be used as cover
  - 4. Officers shall never enter the roadway to deploy Stop Sticks
  - 5. Officers shall never wrap the cord around their hands or any body part when Stop Sticks are deployed

- C. Any use of the Stop Sticks shall be captured in “Blue Team”. This will include those instances where officers of this department assist another agency by utilizing Stop Sticks. A supervisor shall respond to the termination point to evaluate the Stop Stick deployment and document the incident in “Blue Team”.

### **Stationary Vehicle**

Only Department approved tire deflation devices shall be used on a stationary vehicle. These approved devices are the Rat Trap, Piranha, and Terminator. When the utilization of the tire deflation device does not involve exigency officers should consult the on-duty supervisor prior to utilizing the stationary tire deflation device. To utilize the tire deflation devices, the officer must have been trained in its proper use. Training will be provided by the Training Bureau.

Officers may deploy approved tire deflation devices to prevent a stationary vehicle from fleeing, under the following circumstances

- A. A suspect in the vehicle has an active felony warrant(s)
- B. The vehicle is an unoccupied stolen vehicle
- C. The occupants are asleep or unconscious and there are articulable circumstances the driver may be impaired
- D. The vehicle is under surveillance by the Detective Bureau, SIB, WFU, CSS, or SWAT in conjunction with a high-profile investigation
- E. High risk warrant service
  - 1. The 12’ Sleeved Stop Stick System is not to be used on a stationary vehicle nor shall it be disassembled for individual sticks to be used on a stationary vehicle
  - 2. If the suspect vehicle flees after deployment, officers will attempt to stop the vehicle after activating emergency equipment, if the driver attempts to flee, refuses to stop, and is willfully attempting to evade/elude law enforcement by taking “Evasive Action,” the officer(s) shall stop further attempt(s) to apprehend the motor vehicle unless it meets the criteria for an authorized vehicle pursuit
- F. Any use of a tire deflation device shall be captured in “Blue Team”. A supervisor shall respond to the incident location to evaluate the tire deflation device deployment and document the incident in “Blue Team”.
- G. A Rolling Roadblock shall only be utilized when authorized by a supervisor in situations that are determined to be exigent in nature when authorized by a supervisor, officers shall adhere to the following:
  - 1. Rolling roadblocks shall only be utilized during slow-speed pursuits and there is reasonable belief that the suspect is not armed and/or has not committed a violent felony. It is recognized that contact is possible; however, the intent of a rolling roadblock maneuver is to box in a targeted vehicle without contact.

2. Officers shall use a one or two car, rolling roadblock in accordance with current training protocols.
  3. All officers shall receive department-approved training in the use of rolling roadblocks during the academy and periodically during in-service and muster training.
  4. The use of a rolling roadblock during a pursuit shall be properly documented on the vehicle pursuit entry in "Blue Team" and reported in accordance with the provisions of this policy. It will be the responsibility of the authorizing supervisor and/or the incident commander to conduct a thorough debriefing of the incident.
- H. No other pursuit tactic is authorized by this policy other than tire deflation devices and the rolling road- block.

#### **Inter – Jurisdictional Pursuits (CALEA 42.2.2 H)**

- A. If a pursuit progresses beyond Virginia Beach, it shall only be continued upon authorization of the pursuit supervisor. If authorized, the supervisor shall direct the dispatcher to contact the jurisdiction entered, provide all available information and request assistance. Once police units from the entered jurisdiction have taken over the pursuit, Virginia Beach units shall cease operating in an emergency mode. Only those units directed by the supervisor should continue to the termination point of the pursuit.
- B. If another law enforcement agency pursues a vehicle into Virginia Beach, officers of this department shall only become involved in the pursuit if they: 1) are authorized to do so by a supervisor, or 2) the pursuit is permitted by this policy. In such situations, units from both agencies will switch to a common radio frequency (when possible) and communicate in common English.
- C. If a pursuit enters Virginia Beach from a surrounding City, it shall be the responsibility of the on-duty supervisor of the Precinct of pursuit entry to determine immediately whether or not Virginia Beach Police Department officers should assist or continue to assist directly in the pursuit.
- D. If the pursuit would not be permitted pursuant to this policy, officers are authorized and expected to control intersections and use all appropriate means to warn the public of the approaching pursuit and to assist the pursuing agency in the apprehension of the suspects once the pursuit has ended. The pursuit supervisor shall instruct the dispatcher to notify the involved agency that we will not join the pursuit.

**Post-Pursuit Reports (CALEA 41.2.2 I, J, K)**

- A. Once a pursuit is terminated, the pursuit supervisor shall be responsible for completing the Vehicle Pursuit Report via the “BlueTeam” reporting software and ensure that the involved officer(s) either submit a memorandum summarizing the officer’s involvement and actions during the pursuit or if the officer(s) used force during the incident (other than the pursuit itself) complete the UOF report via “BlueTeam” prior to the end of the shift. An electronic copy of the officer’s memorandum or the initial UOF report should be electronically attached to the supervisor’s Vehicle Pursuit Report in “BlueTeam”. If the pursuit involved a patrol vehicle equipped with an in-car camera, a digital copy will be attached to the “BlueTeam” report or if the file size is too large, the digital recording will be forwarded to IA via compact disk.
- B. Within 72 hours of the pursuit, an After Action Review (AAR) shall be conducted by the pursuit supervisor, his immediate supervisor and/or commanding officer. The supervisor and/or commanding officer may also require that officers and dispatchers involved in the pursuit participate. Written results of the AAR shall be documented on the appropriate Incident Command System Forms in keeping with ICS/NIMS protocol as established in General Order 13.01 (Incident Command System). An electronic copy of the completed AAR will be attached to the Vehicle Pursuit Report in “BlueTeam”.
- C. Vehicle Pursuit Reports shall be submitted by commands to the- IAB no later than thirty (30) days after the incident occurred. The Office of Internal Affairs will review each report received from commands for content, clarity and compliance with this General Order.
- D. All pursuits deemed out of policy by either the officer’s command or by IAB review will result in an internal investigation by Internal Affairs Bureau. Actions of the involved officers and supervisors will be reviewed during this investigation.
- E. All pursuits of training value and interest deemed either in or out of policy will be forwarded to the Training Bureau (TB) for review of implications to and/or modifications of current training practices.
- F. An annual review and analysis of pursuit reports, reporting procedures, and pursuit policy will be conducted annually by the Internal Affairs Bureau.