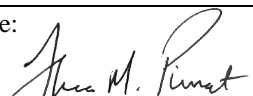


<b>LEESBURG POLICE DEPARTMENT</b> <b>REGULATIONS AND GENERAL ORDERS MANUAL</b>		
General Order Number: 205	Section: OPERATIONS	Effective Date: OCTOBER 2023
Title: <div style="text-align: center;"><b>PURSUIT OF MOTOR VEHICLES</b></div>		
Accreditation Standards: <div style="text-align: center;">OPR.01.10</div>		
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### I. POLICY

It is the policy of the Leesburg Police Department that all personnel operating department vehicles shall exercise due regard for the safety of all persons: protection of life is the paramount goal of the department. No task, call, or incident justifies disregard of public safety. Further, the public expects its law enforcement officers to demonstrate exemplary driving skills. All department personnel who operate department vehicles will comply with safe driving procedures when operating department vehicles, responding to calls for service or engaging in pursuits. For the safety of the public and department personnel, emergency warning devices shall be used consistent with legal requirements.

Pursuits represent a dangerous and difficult task that receive much public and legal scrutiny when crashes, injuries, or death result. Pursuing officers and supervisors must justify their actions and, once they have decided to pursue, continuously evaluate the safety of their actions. Deciding to pursue is always a process of weighing the hazards presented by the pursuit against the hazards being created by the violator; good judgment in weighing these risks is essential. The seriousness of the offense involved DOES NOT LESSEN the officer's liability and/or duty to drive with due regard for the safety of all persons. Senior officers who are passengers in pursuing vehicles will be held responsible as well as the operators of the vehicles.

### II. DEFINITIONS

- A. Vehicle Pursuit – Actions taken to stop a motor vehicle when the operator refuses to yield and it is evident the driver is fully aware of the presence of law enforcement, and/or actively attempts to elude police by either increasing speed and/or using evasive maneuvers.
- B. Vehicle Stop – The lawful stopping of a motor vehicle by an officer for a violation or suspected violation of criminal or traffic law.
- C. Stationary Roadblock – the intentional obstruction of a roadway in order to cause a fleeing motorist to voluntarily stop or, failing that, be brought to a stop through the impact (or threat of impact) with the blocking police vehicles and /or other fixed objects.

### III. CRITERIA FOR INITIATING PURSUITS

- A. A vehicle pursuit may be authorized under any of the following conditions:
  1. When probable cause exists that a driver or occupant of a fleeing vehicle has committed, or is committing, any violent felony
  2. When probable cause exists that a driver or occupant of a fleeing vehicle has committed, or is committing, any offense involving the use or threatened use of a firearm
  3. The suspect is currently wanted (warrants on file) for any of the above listed offenses
  4. The suspect presents an immediate threat to the safety of officers or citizens
  5. To reduce the danger of a substantial likelihood of death or bodily injury created by the vehicle to be pursued

Officers are not permitted to briefly pursue a vehicle or trail a vehicle with emergency equipment activated for the sole purpose of performing a wanted check on the driver or occupant to determine if he/she is wanted for any of the above offenses.

#### IV. PURSUIT OF MOTOR VEHICLES

Pursuit driving is driving that involves the pursuit and apprehension of a violator or violators in a motor vehicle. Police pursuit driving must be done in a manner consistent with the Va. Code § 46.2-920, which lists the conditions in which a driver of an emergency vehicle may operate such vehicle without subjecting himself to criminal prosecution. All officers should familiarize themselves with this code section.

##### A. Initiation of Pursuit.

There are occasions when extraordinary circumstances arise from instances in which suspected felons flee from police authority, or criminal or traffic law violators refuse to stop when given a signal to do so. In such instances, officers must recall that the conditions outlined in General Order 104, must be considered prior to the initiation of the pursuit of motor vehicles. The pursuit of a motor vehicle for lesser offenses, or for felony crimes which do not immediately endanger the safety of officers or the public, or a pursuit which is based simply on the flight of a motor vehicle without prior actions which would necessitate immediate apprehension of a fleeing suspect, will not be justified.

##### Definition - Crime involving violence

An offense involving violence or the threat of violence to another person, or the use or threat of physical force to another person. These offenses include but are not limited to:

1. Murder
2. Robbery
3. Rape
4. Felonious assault
5. Felonious sex offense
6. Abduction
7. Arson involving death or serious injury
8. Any property crime coupled with life-threatening acts
9. Any crime involving the display or use of a firearm, including misdemeanors involving firearms

##### Conditions affecting the Decision to Pursue

A variety of environmental conditions and other factors shall be considered when deciding whether to initiate a vehicle pursuit. These conditions and factors include, but are not limited to:

1. Time of day
2. Traffic density
3. Zone characteristics (rural, school, commercial, etc.)
4. Roadway design
5. Condition of the road
6. Weather
7. Visibility
8. Condition of the involved vehicles
9. Seriousness of the crime
10. Prospects for a later arrest by alternative means

The above factors shall be assessed collectively in order to identify the apparent risk that a given pursuit poses. That risk shall be weighed against the value of an immediate apprehension, with a reasonable decision to be rendered accordingly.

An officer is deemed to be in pursuit when, after receiving a visible and audible signal to stop, the operator refuses to yield and it is evident the driver is fully aware of the presence of law enforcement, and/or actively attempts to elude police by either increasing speed and/or using evasive maneuvers, and the

officer continues to engage in an effort to follow the vehicle with the intent to observe it, report its progress, or to stop it. Police pursuit driving must be done in a manner consistent with the Code of Virginia, or and/or exemptions granted under §46.2-920.

**B. Termination of a Pursuit.**

In some circumstances, the decision by an officer to abandon a pursuit may be the most prudent course of action;

1. If, in the opinion of the pursuing officer or a supervisor, there is a clear and unreasonable danger to the officer and other users of the roadway created by the pursuit that outweighs the necessity for immediate apprehension;
2. If 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;
3. If the traffic, roadway and environmental conditions indicate the futility of continued pursuit;
4. If the pursued vehicle's location is in doubt;
5. If a supervisor orders termination.

The termination of a pursuit does not prohibit the following of a vehicle in accordance with all traffic laws or remaining in an area to reinstate pursuit if the opportunity and conditions permit. Officers who disregard traffic regulations are not operating under the authority of the State Code or departmental policy, and are responsible for the consequences of their actions.

**C. Initiating Officer's Responsibility.**

1. When an officer initiates a pursuit, the officer shall utilize the emergency lights and siren in accordance with Va. Code, §46.2-920. Whenever possible, use of unmarked police vehicles or motorcycles as pursuit vehicles should be avoided. As soon as a marked police vehicle is available to take over the pursuit, the unmarked vehicle or motorcycle shall terminate. Continued participation by the unmarked vehicle or motorcycle may be justified if the officer reasonably believes that termination would present a greater threat to public safety or the safety of the officer remaining in the pursuit. Vehicles not equipped with emergency lights and sirens shall not pursue.
2. The pursuing officer shall immediately broadcast the following:
  - a. Their radio designator;
  - b. Location and direction of travel;
  - c. Reason for the pursuit;
  - d. All available information on pursued vehicle and occupants.
3. During the pursuit, a safe distance shall be maintained between vehicles. This will enable the pursuing officer to duplicate any sudden maneuvers the suspect makes and ensure that no collision will occur if the suspect makes a sudden stop.

**D. Secondary Officer's Responsibility.**

1. At no time will more than two police vehicles be directly involved in a pursuit except in instances where a specific need for them can be clearly defined. If more assistance is necessary, the number of units will be determined by the nature of the offense, the number of suspects, or other clear and articulable facts that would justify the increased hazard. The decision to commit additional vehicles will be made by the team supervisor based on information supplied by officers in pursuit. Officers joining or participating in a pursuit without the specific, acknowledged authority of a team supervisor shall be subject to discipline.
2. The second officer is responsible for all radio transmissions regarding the pursuit. The second officer shall maintain a safe distance from the pursuing police vehicle.
3. There should be no attempt by officers to pass other units unless the passing is coordinated with the unit to be passed.
4. Officers not involved in the pursuit shall limit any radio transmissions to emergency broadcasts.

**E. Communications Technician's Responsibility.**

The communications technician shall:

1. Utilizing alert tone and hold channel;
2. Broadcast all information concerning the pursuit and notify the team supervisor;
3. Alert contiguous jurisdictions of the pursuit;
4. Query DMV, VCIN and NCIC for data on the pursued vehicle and occupants.

F. Supervisor's Responsibility.

The supervisor shall:

1. Monitor the pursuit and ensure compliance by police and communications personnel of this policy;
2. Determine and make assignments to the officers assisting in the pursuit;
3. Continuously evaluate the justification for the pursuit by scrutinizing information from the officers involved and how it applies to the pertinent departmental policy. If policy is not followed or the hazards become too great, the supervisor shall order all officers to terminate the pursuit.

G. Forcible Stopping.

1. There are occasions when extraordinary circumstances arise from instances in which felons flee from police authority or traffic violators refuse to stop when given a signal to do so. In such instances, officers must recall that the conditions outlined in General Order 104, must be considered prior to the use of a forced stop.
2. As a last resort, when all other means have failed to stop and apprehend a person fleeing in a motor vehicle, who presents an immediate threat to life or injury to any person, the use of a stationary roadblock may be considered to stop the fleeing vehicle and arrest the violator. The ranking supervisor on duty must approve the use of the roadblock and shall follow these guidelines:
  - a. Under no circumstances shall a citizen's vehicle be utilized to establish a roadblock;
  - b. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop;
  - c. The communications technician shall be advised of the exact location of the roadblock, and all pursuing units shall be notified by radio of the existence and location of the roadblock;
  - d. Officers shall exit all blocking vehicles and locate themselves in a place of safety away from the roadblock. All officers shall be on the same side of the roadway in the event of the use of firearms to avoid a cross-fire situation.
  - e. Safety of officers and civilians shall remain the primary concern in utilizing a roadblock.

H. Interjurisdictional Pursuits.

1. Interjurisdictional Pursuits by Other Agencies.
  - a. When a pursuit is originated by another jurisdiction and enters the Town, the team supervisor will determine what assistance is to be rendered and make assignments accordingly.
  - b. Officers will not continue pursuits outside of the Town when the pursuit was initiated by another agency unless termination would present a greater threat to public safety or the safety of the officer remaining in the pursuit.
  - c. Officers shall follow all provision of this General Order when involved in interjurisdictional pursuits.
  - d. If the suspect is apprehended, charges of all violations known to have been committed in the Town will be filed.
2. Interjurisdictional Pursuits by the Leesburg Police.
  - a. If Leesburg officers pursue a vehicle into another jurisdiction, the communications technician will notify the appropriate jurisdiction by telephone or radio requesting assistance.
  - b. As soon as sufficient assistance has joined the pursuit, the Leesburg officers shall discontinue pursuit and proceed, without emergency equipment and in accordance with all laws, in the direction of the pursuit or to the scene of apprehension.
  - c. If the apprehension is made in Loudoun County the suspect may be brought to Leesburg for processing. In all other cases the suspect will be taken to the nearest magistrate.
3. Pursuits into Maryland and West Virginia.
  - a. Maryland and West Virginia, have granted statutory authority for Virginia law enforcement officers to pursue across their boundaries and effect arrests only when probable cause exists that a felony was committed by the subject being pursued.  
After entry in Maryland and West Virginia, their respective laws shall apply to the pursuing officers.
  - b. Pursuits shall only extend into Maryland and West Virginia when the following conditions

exist:

1. Police vehicle operation is in accordance with this General Order;
  2. The pursuing officer has established that probable cause exists that the subject being pursued has committed or is committing a violent felony;
  3. As soon as practical, contact with the jurisdiction should be made by the ECC, to advise them of the specifics of the pursuit;
  4. No more than two police vehicles shall be involved in the pursuit. When a supervisor or designee has articulable reasons, more than two vehicles may be authorized to pursue. As soon as practical, the pursuit shall be relinquished to officers from the entered jurisdiction, with a Leesburg officer continuing in **non-emergency** response until the pursuit is concluded or terminated. Officers shall not cross State boundaries to pursue a misdemeanor.
- c. After crossing State boundaries officers shall:
1. Maintain radio communications to the extent possible;
  2. Allow officers from the entered jurisdiction to assume control of the pursuit;
  3. Not implement roadblocks;
  4. Assist with the arrest of the pursued felons. The arrestees shall be held and relinquished to the entered jurisdiction's officers. The entered jurisdiction should then process the arrestees and the Leesburg officer will initiate extradition procedures. Any violations occurring after entry into another jurisdiction shall be handled by officers of that jurisdiction.

#### I. Pursuit Review.

1. The team supervisor will begin a review of each pursuit that occurs on their shift as soon as practical following the incident. This shall include an Incident Report completed by the initiating officer, Supplemental Reports by each officer subsequently participating in the pursuit and a memorandum to the Chief of Police from the team supervisor.
2. The memorandum shall follow the established Administrative Review format and include comprehensive statements from all personnel involved; reason for initiating pursuit; location and route of pursuit; whether pursuit resulted in apprehension or termination; if pursuit was terminated, by whom and for what reason(s); if apprehension was made, the arrestee's name and charges; if there were damages or injuries associated with the pursuit; if departmental policy was followed throughout, and explanations for deviations from policy, and any other pertinent information that would assist in evaluating this action.