



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations

Section: 405.1

Subject: Vehicle Operations

Topic: Operations of Sheriff's Vehicles

Accreditation: ADM. 05.01, OPR.01.01, 01.04, 01.08, 01.09, 03.05, 07.08, PER.09.02

Revised:

Reaffirmed:

Enacted: 07/30/2015

Last Review: 08/20/2020

Review: 04/01/2021

I. PURPOSE

The purpose of this General Order is to delineate policy, provide guidelines, and establish rules governing the operation of Sheriff's vehicles, and outline procedures for specific incidents.

II. POLICY

Crashes and collisions involving agency vehicles may involve property damage ranging from minimal to extensive and may result in personal injury or death to Sheriff's deputies and other citizens. The serious consequences and potential losses from crashes make the issue of vehicle operation one of grave concern. The safety of the public and employees of the agency is of paramount importance in the operation of agency vehicles. Accordingly, all Sheriff's vehicles shall be driven within the limits set forth in the Code of Virginia and the codified ordinances of Loudoun County, with the goal of setting an example of safe driving for all citizens. Under emergency situations, sworn personnel are permitted to operate agency vehicles beyond the limits of normal driving. The guidelines for these situations and other vehicle operations are set forth in this policy.

III. APPLICABILITY

The provisions of this policy are applicable to all employees of the Sheriff's Office, sworn and civilian, who are required to operate Sheriff's vehicles in the performance of official duties. Certain sections, by the very nature of their design, apply specifically to sworn deputies.

IV. DEFINITIONS

As used in this policy, the following words and terms shall have the following meanings:

- A. Normal Driving: That driving which relates to the maintenance of vehicle speed concurrent with the normal flow of traffic, the obedience to motor vehicle laws and requirements of posted vehicular control signs, the adherence to the "Rules of the Road," and the practice of courtesy as a responsible driver.
- B. Controlled Intersection: Any location of intersecting streets or highways where vehicular traffic is controlled by signal lights or signs.

- C. Pacing: The act of following a motor vehicle at a constant speed and distance to determine the followed vehicle's actual speed.
- D. Pursuit Driving: The act of following another vehicle, with emergency lights and siren activated (in accordance with the provisions of Section 46.2-920 of the Code of Virginia), in order to overtake and apprehend a violator who has disregarded the signal to stop. This definition is applicable regardless of the distance, speed, duration or number of sheriff's vehicles involved in the pursuit, and whether or not an apprehension is made.
- E. Response Driving: Driving a Sheriff's Office vehicle in an expeditious manner when proceeding to the location of an emergency that is consistent with the provisions of Section 46.2-920 of the Code of Virginia, to include the usage of emergency lighting equipment and siren, and having due regard for the safety of persons and property. The term "response driving" includes operation of a law enforcement vehicle both in the apprehension of persons suspected of committing a violation of law or in a response to an emergency call.

An active attempt by one or more deputies operating Sheriff's vehicles, equipped with emergency lights and siren, to overtake and capture a suspect or violator of the law operating a motor vehicle, while that person is making no willful effort to disregard the signal to stop is also considered response driving. This applies to the time between the observation of an offense and the time that the Sheriff's vehicle has moved into a position behind the suspect/violator's vehicle. If the suspect/violator's vehicle yields to the signal to stop, then the encounter ends as a response driving situation. If the suspect/violator fails to yield to the Sheriff's vehicle and willfully disregards the signal to stop, then the encounter escalates to a pursuit.

- F. Serious or Fatal Injuries: Injuries that are life-threatening or result in death.
- G. Incident: When a Sheriff's vehicle comes into contact with another vehicle, object, or person as a direct result of the intentional actions of the deputy.
- H. Foreign Jurisdiction: The District of Columbia, Maryland, West Virginia, and/or other states.
- I. Police Mutual Aid Radio System ("PMARS"): A system that facilitates the Mutual Aid Radio Network Interface System ("MARNIS"), allowing deputies of the Loudoun County Sheriff's Office to communicate directly with officers in other jurisdictions (specifically Virginia State Police, and the police departments of Fairfax County, the city of Alexandria, Arlington County, the District of Columbia Montgomery and Prince George's Counties in Maryland and the Maryland State Police).

- J. Major Jurisdictional Boundary: Any jurisdictional boundary beyond which the pursuing deputy would cease to have authority under normal conditions (e.g., state boundaries, the District of Columbia boundaries, and certain federal boundaries).
- K. Probable Cause: Where facts and circumstances are such as to cause a person of reasonable caution to believe that an offense is being or has been committed.
- L. Felonies Involving Violence: Crimes under this definition are murder, manslaughter, mob-related felonies, malicious wounding, felony kidnapping or abduction, robberies, carjacking, felony criminal sexual offenses, escape with force, and any felonies involving the discharge of a firearm.

V. GENERAL OPERATIONS AND GUIDELINES

The nature of the occurrence, the amount of information a caller or complainant provides, and the credibility of that information must govern the type of Sheriff's Office response.

During normal day-to-day Sheriff's Office operations, many calls are received from citizens that concern mostly matters of routine services and complaints. In the majority of these calls, the situation reported is neither urgent nor of an emergency nature. Therefore, a deputy responding to such an assignment would not be justified in operating a Sheriff's vehicle in a manner other than that defined as normal driving. In other cases, however, a deputy may or may not be justified in expediting arrival to the location of a call depending upon (1) the nature of the call, (2) the seriousness of the situation, and (3) the variable conditions of traffic congestion (e.g., weather, road surface, etc.) present at the time.

No attempt is made in this General Order to establish a fixed order or priority to include every possible situation, however some form of guidance is offered. That guidance must concern itself with the matter of whether a human life is or is not in danger based upon the total information known to the deputy at the time.

Any situation in which there is a high probability of death or serious bodily injury to a person is one that calls for action that is immediate and swift.

Recognizing that protection of human life is paramount, the responding deputy must bear in mind that the response objective is to get to the location of the occurrence as soon as possible, and in a safe manner, without endangering the deputy or others.

Since a deputy's judgment and decision to expedite or not to expedite his/her response will depend upon the total information received from the dispatcher or other source, it is critical that such information to be complete and accurate.

Recognizing the importance of communication content and accuracy, every individual involved must exercise great care to obtain as much information as possible from the reporting source and to make every effort to ensure information accuracy throughout the process, from the initial source to the deputy in the field.

VI. RULES GOVERNING VEHICLE OPERATION

The following rules govern the operation of Sheriff's Office vehicles:

- A. The operator of a Sheriff's Office vehicle has the responsibility to inspect the safety features of the vehicle before commencing operation. The check should include, but not be limited to, all lights, brakes, fluid levels, siren, horn, and steering. No deputy or employee shall operate any Sheriff's Office vehicle that he/she believes to be operationally unsafe. Vehicles shall not be operated without fully functioning emergency equipment. A Sheriff's Office vehicle with serious mechanical defects shall be towed, not driven, to the County Garage.
- B. Drivers and passengers shall wear safety belts whenever the vehicle is so equipped. This applies to the operation of County-owned vehicles, commercial, or privately owned vehicles if used while on-duty.
- C. No operator of a Sheriff's Office vehicle shall modify, remove, deactivate, or otherwise tamper with the vehicle's safety belts, supplemental restraint systems (airbags), emission control devices, or any part of the vehicle that affects its operation.
- D. During periods of inclement weather when Sheriff's Office vehicles cannot be washed regularly, the operator of such a vehicle must ensure that headlight, bar light, and taillight lenses are kept clean, insofar as circumstances permit.
- E. The operator of a Sheriff's Office vehicle, upon being made aware of any unsafe condition, shall advise his/her supervisor who shall ensure the vehicle is transported to the County Garage as soon as practicable. Fleet Operations shall determine the condition of the vehicle and its suitability for service.
- F. The operator of a Sheriff's Office vehicle shall exercise careful observation of his/her surrounding conditions and operate the vehicle with due regard for these conditions.
- G. A Sheriff's Office vehicle shall not be left unsecured with its engine in operation or with keys in the ignition, unless the operator is handling an incident that requires emergency lights, if equipped, and the operator remains within close proximity of the vehicle. In this circumstance, the operator must ensure that the county vehicle is in "park" to prevent it from rolling.

- H. Any Sheriff's Office vehicle equipped with a Tremco Police Anti-Theft System, which prevents the shift lever from being placed in drive without engaging the floor and brake control, shall be utilized at all times. If the system is defective, it shall be reported to Fleet Operations for repairs.
- I. The operator of a Sheriff's Office vehicle must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle, and shall operate the vehicle with due regard for these factors.
- J. The operator of a Sheriff's Office vehicle shall give full time and attention to the operation of that vehicle and shall keep the vehicle under proper control at all times.
- K. In addition to the provisions of this policy, the motor vehicle laws of the Commonwealth of Virginia and the County of Loudoun govern the operation of Sheriff's Office vehicles.
- L. Except for the very limited period in which pacing is accomplished, response or pursuit driving shall require the use of emergency equipment. Under certain limited conditions, such as open highway with no traffic, the siren may be used intermittently with the blue and red or blue light in constant operation. Sheriff's Office vehicle operation under these conditions requires extreme caution.
- M. The nature of certain crimes in progress may call for the use of the siren to be discontinued upon close approach to the location of the occurrence. Although such action is authorized by the Code of Virginia, Section 46.2-920, Sheriff's Office vehicle operations under these conditions require prudent judgment and extreme caution.
- N. The operator of any Sheriff's Office vehicle equipped with the "Wig-Wag" light system shall have the system, in addition to emergency equipment, in operation during daylight hours when responding to an emergency or while in pursuit. Vehicles not so equipped will have the headlights illuminated. Use of the "Wig-Wag" system during the hours of darkness is prohibited, in accordance with Section 46.2-1029.1 of the Code of Virginia.
- O. For the call "Officer in Trouble" (Signal 1), only the units assigned and those nearest the location should respond. For reasons of safety, responding units should advise the radio dispatcher as to the location from which they are en route. The first deputy arriving at the location who can do so should advise the dispatcher of the conditions as soon as possible in order that additional units can be canceled or dispatched without delay.

- P. Response driving to the scene of a motor vehicle accident is permissible only when a situation of emergency exists or when specific information indicates that conditions at the scene require the immediate presence of a deputy.
- Q. Upon approaching a controlled intersection or other location where there is a reasonable possibility of collision, the driver of a Sheriff's Office vehicle operating under response or emergency driving conditions and having the right-of-way shall control the vehicle in such a manner so as to avoid a collision by reducing the vehicle's speed or stopping if necessary. When operating under emergency conditions and the driver of the Sheriff's Office vehicle does not have the right-of-way, the driver shall reduce the speed and control the vehicle in such a manner so as to avoid collision with another vehicle or pedestrian. If necessary, the driver should stop completely before entering and traversing the intersection, while having due regard for the safety of persons and property.
- R. Regardless of the seriousness of the situation to which a deputy is responding and circumstances that are clearly beyond the deputy's control, the operator of a Sheriff's Office vehicle shall be held accountable for the manner in which the vehicle is operated.
- S. At the scene of a crime, a motor vehicle crash, or other incident, a Sheriff's Office vehicle should be parked in such a manner as to not create an obstacle or hazard to other traffic. If it is necessary to warn other drivers approaching the location, emergency lights, four-way flashers, traffic flares or cones, or other warning devices shall be used.
- T. The public address system located in Sheriff's Office vehicles shall be used for official purposes only. The system may be used for purposes such as crowd control, high-risk vehicle stops, evacuation, riot scene control, and other similar incidents. The specific use shall be at the discretion of the deputy when an articulated need exists.
- U. Spotlights and alley lights located on Sheriff's Office vehicles shall be utilized in accordance with the Code of Virginia and for official purposes only. The system may be used for vehicle stops, checking businesses, or other patrol related functions.
- V. "Non-Pursuit Rated" vehicles may respond to emergency calls for service with emergency equipment activated.
- W. No personally owned radio, emergency or special equipment may be placed in Sheriff's Office vehicles without prior approval of the Sheriff or his/her designee.
- X. Equipment placement within the vehicle shall be determined by the Sheriff or his/her designee and shall not be moved.

- Y. Individually issued vehicles must be kept readily available in order that deputies may respond to emergency situations or assignments as directed by a supervisor.

VII. VEHICLE ESCORTS

Requests for various vehicle escorts are received on a regular basis by the Sheriff's Office. These range from escorts for funeral processions, to dignitary protection, to hazardous material transportation. Requests for these services will generally originate with the Traffic Safety Unit in the Operational Support Division and will be provided by the Motor Unit. Occasionally, staffing constraints may dictate the need for patrol assistance from personnel usually assigned to the affected station area. Personnel should be aware of the hazardous circumstances that are present while conducting escorts. Thus, it is recommended that all escorts be conducted with marked Sheriff's Office vehicles, motors, or cruisers. Marked Sheriff's Office vehicles provide maximum visibility to other motorists, which will reduce the risk of accidents.

- A. Deputies assigned to escorts have the responsibility to choose the travel route. Factors to be considered in route selection are time of day, local traffic, road hazards, permit requirements, and weather. If the escorted party does not agree to the selected route, they will be advised to proceed at their own risk without an escort or, in the case of hazardous materials or wide loads, that they cannot traverse the County until they agree to the specified conditions.
- B. After consulting with their supervisor, deputies have the responsibility to refuse any escort that presents an unreasonable hazard to their safety or that of the public. The primary concern in all escorts is to ensure the safety of the deputies involved, persons being escorted, and the public. It is the secondary concern of law enforcement personnel to ensure minimal disruption to the normal traffic flow.
- C. Sheriff's Office vehicles actively involved in traffic control during an escort assignment shall have their emergency lighting equipment in operation at all times. Intermittent use of the siren may be required as a warning to other motorists. No escorted vehicle shall be permitted to exceed the posted speed limits.
- D. The deputy in charge of a funeral escort will determine the manageable number of vehicles that can be escorted based on assigned personnel, route, and weather conditions. Generally, processions with fewer than fifteen vehicles will not be escorted unless circumstances dictate otherwise. Before refusing such an escort, the deputy will confer with his/her immediate supervisor. In the event that the procession is larger than anticipated and cannot be safely escorted with available staffing, the deputy will advise the procession coordinator that there will be a delay to await additional assistance or

the procession can (1) proceed without escort at its own risk or (2) the deputy may take a manageable number of vehicles, to include the family vehicle and funeral coach. Additionally, funeral home personnel shall be advised of the need to have all participating vehicles illuminate their headlights and activate their 4-way flashers. Placarding for the lead and last vehicle should also be recommended.

- E. The deputy shall take control of the intersection, however, once this is done, control shall be maintained until the last vehicle in the procession has passed through the intersection.
- F. When deputies pass vehicles in a procession in order to reach the front, they shall not pass within the same traffic lane as the escorted vehicles and shall exercise due regard for their own safety and that of the public. Escorted vehicles shall not be allowed to proceed against a red traffic signal unless under the direction of a deputy sheriff.
- G. Escorts of public officials and dignitaries will be coordinated with the appropriate personnel representing the official or dignitary and the Operational Support Division Commander through the Traffic Section Supervisor. The Traffic Section Supervisor will be responsible for establishing the specific duties and assignments of Sheriff's personnel related to the escort. When such escorts are done in conjunction with a security detail for the official, policies and procedures established under General Order 401.9 will also be followed.
- H. Escort requests of an unusual nature (e.g., hazardous materials, over-sized loads, parades, etc.) shall be approved by and coordinated through the Operational Support Division Commander or the Traffic Section Supervisor.
- I. Escorts of civilian vehicles or other non-emergency equipped vehicles in emergency situations are prohibited.

VIII. USE OF DEADLY FORCE

- A. The use of a vehicle to forcibly stop a fleeing vehicle may constitute deadly force. For investigative purposes, the applicable sections of General Order 403.1, Use of Force, will be applied when there is an intentional act of using a Sheriff's vehicle to force a fleeing vehicle from the road or course of travel. The applicable sections of General Order 403.1 shall also pertain to the use of a vehicle as a weapon to employ deadly force. Deadly force shall not be employed except as a last resort in any situation in which such force is justified.
- B. There are occasions when extraordinary circumstances arise from instances in which felons flee from Sheriff's deputies or traffic law violators refuse to stop when given a

signal to do so. Such circumstances require special consideration. In any case where the failure to stop a fleeing subject presents a clear and imminent risk of death or serious injury to any person, immediate action should be taken to apprehend the subject. The options and conditions under which they may be used are as follows:

1. Except in extreme cases, three units are sufficient to box in a vehicle and slow its rate of speed to affect a safe, forced stop, minimizing the risk of serious injury and damage to property. This method requires extreme caution because it places the deputy in the danger zone of an armed suspect and may expose the Sheriff's Office vehicle to ramming by the suspect.
 2. If insufficient Sheriff's Office vehicles are available, or circumstances do not provide an opportunity to force a pursued vehicle to stop, and if, in the judgment of the deputy(s) in pursuit, the fleeing vehicle must be stopped immediately to safeguard life, property, and preserve the public safety, a Sheriff's Office vehicle may be used to physically force a fleeing vehicle off the roadway in order to stop it. This decision must take into account the safety of bystanders and the risk of physical injury to the deputy, the driver, and any occupant(s) of the vehicle being physically forced from the roadway. The decision to physically force a vehicle from the roadway shall be deemed reasonable only when these conditions have been met and all other methods of stopping the fleeing vehicle have been exhausted. The pursuing deputy shall request permission from a supervisor to physically force a vehicle from the roadway in all but the most exigent circumstances.
- C. As a last resort, and when all other means have failed to stop and apprehend a person fleeing in a motor vehicle who has committed a serious felony or who presents an immediate threat to life or injury to any person, the use of a stationary roadblock may be considered to effect an arrest and to stop the fleeing vehicle. The decision to use a stationary roadblock must take into account the risk of injury or death to any person and shall only be made by a supervisor. The use of stationary roadblock shall be established as follows:
1. Under no circumstance shall a citizen's vehicle be utilized to establish a moving or stationary roadblock.
 2. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop.
 3. The dispatcher shall be advised of the exact location of the roadblock. All pursuing units shall be notified by radio of the existence and location of the roadblock.

4. At no time shall any vehicle being used for a stationary roadblock be occupied.

XII. LEGAL REVIEW

A. Code of Virginia:

§46.2-373

§46.2-828

§46.2-829

§46.2-834

§46.2-920