



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations

Section: 405.4

Subject: Vehicle Operations

Topic: Pursuit

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I. PURPOSE

The purpose of this General Order is to establish policy and procedures regarding the pursuit of suspects by deputies.

II. POLICY

Vehicular pursuits present a high risk of bodily harm and potential death to the deputy involved, other motorists, pedestrians, fellow deputies, and the suspect. The protection and preservation of life is paramount; therefore, when operating an emergency vehicle in a pursuit situation, deputies must always exercise good judgment to ensure that the need for immediate apprehension outweighs the danger created by the pursuit.

Although the Code of Virginia, at §19.2-77, provides that deputies may, with or without a warrant, pursue any such person anywhere in the Commonwealth, deputies are not relieved of the responsibility of driving with due regard for the safety of all persons and property.

III. GENERAL

- A. Pursuing deputies and supervisors must constantly consider the risks created by the pursuit. Any deputy initiating, supervising, or participating in a pursuit must be able to clearly articulate that the need for immediate apprehension outweighs the danger to the public, officers, and suspect/ passengers created by the pursuit.
- B. A pursuit is only justified when one of the following conditions exist:
 - 1. There is probable cause to believe the offender is committing, attempting to commit, or has committed a violent felony against a person.
 - 2. There is probable cause to believe that the offender presents an imminent threat of death or serious bodily injury to the public
 - 3. To render aid to another law enforcement jurisdiction when a lone officer is involved in a pursuit and requires assistance
- C. Supervisors must acknowledge and approve all pursuits. If a pursuit is not approved, it must be terminated. Supervisors shall terminate any pursuit which is not justified under this order.

- D. The decision to engage in a pursuit must constantly be reassessed and affirmed throughout any pursuit. If the danger caused by the pursuit begins at any time to outweigh the need for immediate apprehension, the pursuit shall be terminated.
- E. When conducting a pursuit or response driving to aid in a pursuit, all deputies must operate their vehicles in accordance with General Orders series 405, Vehicle Operations, and the Code of Virginia § 46.2-920, as amended.
- F. No more than three law enforcement vehicles, a primary unit and two back up units, should be directly involved in the actual pursuit, unless specifically directed by a supervisor.
- G. Any deputy, at any time, may terminate a pursuit.
- H. Another deputy who is aware of a safety concern may terminate a pursuit via the radio.

IV. DEFINITIONS

- A. Vehicle Pursuit: Vehicle pursuit shall be considered an active attempt to stop a moving motor vehicle which is actively eluding a law enforcement vehicle attempting a lawful stop.
- B. Directly Involved:
 - 1. All deputies who are engaged in the act of following a fleeing vehicle, with emergency lights and siren activated, in order to apprehend the driver who has disregarded the signal to stop.
 - 2. All deputies engaged in response driving to a pursuit with the intent to participate in the pursuit.
 - 3. All supervisors in the command of the incident.
- C. Indirectly Involved: Deputies who are not directly involved in the pursuit but are responding to a specific location to assist the directly involved units with some specific law enforcement related act (i.e., utilizing stop sticks, closing intersections, visual deterrent, etc.)

V. ADDITIONAL CONSIDERATIONS:

When determining whether to initiate, continue, or terminate a pursuit, deputies and supervisors must also consider the following factors:

A. Condition of the deputy driver

1. Fatigue, experience, driving ability, knowledge of area, clarity of communications, etc.

B. Condition of the Roadway

1. Time of day and day of week, location (school, business area, residential), traffic volume, including both vehicular and pedestrian, weather conditions, and visibility.

C. Condition of vehicles involved

1. Speed, damage, tires affected by stop-sticks, and proper operation of issued equipment (i.e., lights, siren, in-car camera, etc.)

VI. PROHIBITED ACTIONS:

Deputies are prohibited from initiating, engaging in, or continuing pursuits under any of the following, absent articulable circumstances, and supervisor approval.

- A. 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.
- B. The suspect is wanted for, or suspected of committing, a misdemeanor or non-violent felony.
- C. The location of the pursued vehicle is no longer known.
- D. The pursued vehicle is a motorcycle, ATV, motorbike, go-cart, or moped.
- E. The deputy's vehicle is not equipped with blue emergency lights and a siren.
- F. The deputy has a civilian or prisoner in his or her vehicle.
- G. The deputy's vehicle is not certified as "Pursuit Rated" by the manufacturer.

VII. USE OF DEADLY FORCE

- A. The use of a vehicle to forcibly stop a fleeing vehicle may constitute deadly force as written in General Order 405.1. The use of roadblocks, rolling roadblocks, vehicle immobilization or PIT-maneuvers (Precision Immobilization Technique) are considered a use of force and will be reviewed as indicated in General Order 403.1 or 403.12. The forcing of a motor vehicle from the roadway by contact with a law enforcement vehicle should only be employed as a last resort in any situation in which

such force is justified.

VIII. PROCEDURES

A. Responsibilities of the directly involved deputies:

1. Notify ECC immediately of the unit's identification number, exact location, the direction of travel, the fact that a pursuit has been initiated, and reason (violation of law) for pursuit. If not the primary unit, the deputy should notify ECC that he/she has joined in the pursuit.
2. Provide a description of the vehicle being pursued and any change in the direction of travel.
3. Immediately notify ECC if the pursuit has been discontinued and the location where the pursuit was halted.
4. If directed to terminate a pursuit, all deputies involved must verbally acknowledge that the pursuit has been terminated via radio.
5. A safe distance shall be maintained between vehicles during any pursuit, enabling the pursuing deputy/deputies to duplicate any sudden action taken by the pursued vehicle and lessening the possibility of a collision.
6. As soon as practical, the second unit should take over responsibility of updating ECC of the pursuit's location.
7. If any vehicle other than a pursuit-rated marked patrol vehicle equipped with roof-mounted emergency bar lights and siren is primary in a pursuit, the driver shall cease to be the primary unit as soon as a marked patrol vehicle, equipped with roof-mounted emergency bar lights and a siren, is in position to assume the pursuit. These vehicles may continue as secondary units until sufficient marked patrol units are in position.
8. Advise ECC as soon as it becomes apparent or possible that the pursuit may enter another jurisdiction.

B. Responsibilities of indirectly involved deputies:

1. Other deputies may take up locations at various points along the pursuit route (not parked in the travel portion of the roadway) in order to provide a deterrent effect, to deploy the Stop Stick Tire Deflation Device, or to assist if the pursuit terminates near their location. The procedures in General Order 403.8 must be followed when deploying a Stop Stick Tire Deflation Device.

2. Only deputies in the immediate vicinity should use response driving to take positions ahead of a supervisor approved pursuit. Deputies should recognize that over-response to pursuits is often more hazardous than the pursuit itself; therefore, only deputies in the station area or beat adjoining the pursuit route should respond unless specifically requested by a supervisor. Deputies not assigned to another task can move to the closest point in their sector to minimize response time should the pursuit come to their area or they are requested to respond by a supervisor. Moving into these positions will be accomplished while obeying all traffic laws.

C. Responsibilities of the Emergency Communications Center

1. Designate the primary radio channel and clear that channel.
2. Broadcast: "Supervisor to take command of this pursuit." If no response after two calls, broadcast: "No supervisor available to take command of pursuit. All units terminate active pursuit."
3. If a pursuit is terminated or no supervisor acknowledges a pursuit, ECC staff shall repeat the order to terminate the pursuit and ensure that all units acknowledge it.
4. Obtain listings and/or stolen status on the license plate provided by the deputy.
5. Update pursuit locations when advised by the pursuing unit(s).
6. When it appears the pursuit is likely to enter a jurisdiction that adjoins Loudoun County, use PMARS to notify such jurisdiction that a pursuit is headed in that direction.

D. Responsibilities of the Incident Commander:

The patrol supervisor in the assigned area shall be responsible for monitoring the radio and responding to any pursuits. However, nothing should prevent any supervisor from acknowledging a pursuit, taking incident command, or terminating a pursuit. Every effort will be made to ensure that the incident commander is not directly involved in the pursuit itself. Incident commanders should not be driving while managing an active incident. If the incident commander is directly involved in the pursuit, he/she may delegate pursuit management to another shift supervisor to immediately monitor units in the pursuit. This action does not prevent the incident commander from controlling or providing direction to participating units.

1. Acknowledge command of the pursuit.
2. Make a determination, based on all the circumstances, if the deputy is to continue

the pursuit or end it, and advise ECC to relay that decision to the deputy/deputies involved in the pursuit.

3. Monitor the pursuit on a continuing basis and terminate pursuit if the circumstances that gave rise to the pursuit begin to change toward those stated in this General Order.
4. Assign or restrict additional units as deemed necessary.
5. Respond to the end of the pursuit, conduct a brief field interview of deputies/suspects, and examine cruisers/suspect vehicles for contact damage.
6. Make all appropriate notifications and complete after-action steps in section XII.

IX. PURSUIT WITHIN VIRGINIA AND OUTSIDE LOUDOUN COUNTY

- A. A pursuit which was initiated in Loudoun County may be permitted to continue anywhere within the Commonwealth of Virginia.
- B. Prior to entering another jurisdiction within the Commonwealth of Virginia, pursuing deputies shall receive verbal permission to do so by voice radio from the Incident Commander. If permission is refused, the deputy/deputies must immediately terminate the pursuit.
- C. Upon entering a jurisdiction outside of Loudoun County, the incident commander shall request, through ECC, that the other jurisdiction take primary in the pursuit. If the other jurisdiction is unable or refuses to assist in the pursuit, the supervisor should take into account the available assistance and the knowledge of the area by the pursuing deputies in assessing whether the pursuit should be authorized to continue or be terminated.
- D. Once officers from the other jurisdiction engage in the pursuit in sufficient numbers to ensure officer safety (usually two units), the Loudoun County Sheriff's Office units shall immediately terminate active pursuit, turn off all emergency equipment and, with the permission of the Incident Commander, may follow the pursuit obeying all traffic regulations.
- E. Pursuant to the Code of Virginia § 19.2-77, pursuit of a person who has escaped custody or a person who is fleeing from an arrest attempt is permitted anywhere in the state. When actually in close pursuit, the deputy may arrest the person wherever he/she is found. If the arrest is made in a county or city adjoining that from which the accused fled, or in any area of the Commonwealth within one (1) mile of the boundary of the county or city from which the accused fled, the deputy may forthwith return

the accused before the proper official of the county or city from which he/she fled.

- F. If the arrest is made beyond the foregoing limits, but still within the Commonwealth of Virginia, the deputy shall proceed according to the provisions of the Code of Virginia §19.2-76. If such arrest is made without a warrant, the deputy shall procure a warrant from the magistrate of the county or city wherein the arrest was made charging the accused with the offense committed in the county or city from which he/she fled.
- G. Offenses that are observed by a pursuing deputy beyond Loudoun County shall be reported to the authorities of such adjoining jurisdictions. The pursuing deputy shall offer all reasonable assistance to authorities to further the investigation and any resulting prosecution for offenses.

X. PURSUIT INTO MARYLAND AND WEST VIRGINIA

- A. Supervisors may only authorize pursuits to continue beyond Virginia jurisdictional boundaries when the fleeing driver has committed a felony and is justifiable under Section III. B of this order.
- B. The deputy shall receive permission via radio from the Incident Commander prior to exiting Virginia. If permission is not expressly granted, the deputy must immediately terminate active pursuit prior to entering the bordering state.
- C. Once officers from the other state engage in the pursuit in sufficient numbers to ensure officer safety (usually two units), the Loudoun County units shall immediately terminate active pursuit, turn off all emergency equipment and, with the permission of the Incident Commander, follow the pursuit while obeying all traffic regulations.
- D. When Loudoun County deputies entering Maryland or West Virginia are met by a solo unit from one of these states who engages the suspect/suspects in active pursuit, the Incident Commander may allow Loudoun units to continue active pursuit using all legal means available, to ensure officer safety of the pursuing law enforcement officers from the other state.
- E. An arrest for a felony committed in Virginia may be made in Maryland or West Virginia by a Loudoun County deputy. Arrested subjects will be turned over to the jurisdiction having venue to be processed through the judicial system in the jurisdiction where the apprehension took place.

XI. PURSUIT INTO LOUDOUN COUNTY BY OTHER JURISDICTIONS

- A. Deputies may assist with pursuits by other jurisdictions into Loudoun County if they

meet this agency's criteria and are approved by a supervisor.

- B. Deputies assisting another jurisdiction shall terminate their assistance when the pursuit leaves Loudoun County unless that would leave only one other jurisdiction's unit in pursuit. In that case, the Loudoun County deputy may continue with the permission of the Incident Commander until another unit from the other jurisdiction joins the pursuit.
- C. ECC staff will notify the other jurisdiction if Loudoun County is terminating its involvement in the pursuit at the county line.
- D. Warrants for traffic and criminal violations that are committed by the suspect during the pursuit may be obtained by deputies for offenses occurring in Loudoun County.

XII. REPORTING AND POST-PURSUIT EVALUATION

- A. All pursuits require a written report of the incident on the agency's I.B.R. report and any other reports necessary based on the outcome of the pursuit (i.e., a FR300 when an accident is involved, etc.). Any deputy directly or indirectly involved in a pursuit shall submit a supplemental report.
- B. The Incident Commander shall send out a significant incident alert as soon as practical, and at a minimum, immediately upon arriving at the end of the pursuit. A brief description of the pursuit shall be posted in the shift's Daily Activity Report. In all pursuits that result in a crash, injury or death, the Incident Commander shall immediately notify the Duty Officer.
- C. If the pursuit results in a crash, injury or death, the pursuit shall be investigated in accordance with General Order 405.5, Investigations of Sheriff's Vehicle Crashes.
- D. An administrative vehicle pursuit entry in the Blue Team system shall be completed for all pursuits regardless of the seriousness or length of pursuit by a higher-ranking supervisor than the Incident Commander or the Internal Affairs Unit.