

	TYPE OF DIRECTIVE LINE PROCEDURE	NUMBER LP-08A-20
	SUBJECT VEHICULAR PURSUITS	EFFECTIVE DATE 12/04/20
	REFERENCE G-01C, G-71, RP-46, CODE OF VIRGINIA, CALEA	RESCINDS LP-08A-18 REV

POLICY

The authority of a law enforcement officer to engage in vehicular pursuits stems from the duty to apprehend law violators. When officers engage in vehicular pursuits utilizing emergency lights and siren, they shall do so in accordance with existing statutes and this directive.

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.

The decision to initiate a pursuit is a difficult one. The decision to terminate a pursuit is even more difficult. Professional judgment and common sense are the determining factors. It shall be noted that a police officer and police supervisor can be held civilly liable for damages and injuries that occur during a pursuit.

The pursuit policy for vessels is the same as vehicles.

DEFINITIONS

Active School Zone – school zone that is controlled by signs with flashing yellow lights indicating a reduction in speed or in residential areas where school zones are denoted by road signage and the school is actively accepting or dismissing students.

Armed and dangerous – A person who has committed or attempted to commit any offense involving the unlawful discharge, display, possession, or use of a weapon 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.

Forcible Stopping Techniques

Precision Immobilization Technique (PIT) - The intentional act of utilizing a Police Division vehicle in a prescribed manner to physically contact a fleeing vehicle in order to force it from its original course of travel to a stopped position.

Roadblocks - means the establishment of a barrier across all or a part of the traveled portion of a roadway. This barrier may be moving (as in the case of vehicles placed in front of a fleeing vehicle), or stationary. Roadblocks are frequently established using police vehicles as a barrier, but may utilize other objects

Stinger – A device designed to stretch across the roadway with hollow spikes designed to puncture tires of vehicles that run over them, slowly deflating air from the tire slowing the vehicle and ultimately bringing it to a stop.

VEHICULAR PURSUITS LP-08A-20

Stinger Rat Trap - A compact, pocket sized unit that can be quickly placed under a stationary tire of an unoccupied vehicle, quickly deflating the tire, disabling the vehicle to minimize the potential for vehicular pursuit.

Reckless Driving – Irrespective of the maximum speeds permitted by law, any person who drives a vehicle on any highway recklessly or at a speed or in a manner so as to endanger the life, limb, or property of any person (Code of Virginia § 46.2-852).

Terminate – To immediately cease pursuit, deactivate emergency equipment and pull over at the next safe location.

Vehicle Pursuit – An active attempt by a law enforcement officer operating an emergency vehicle while displaying flashing, blinking or alternating emergency lights, and sounding an intermittent siren in an attempt to apprehend one or more occupants of a moving vehicle

Violent felony – Any felony involving the use or threatened use of physical force or violence against another person including, but not limited to, murder, manslaughter, mob-related offenses, rape, kidnapping or abduction, robbery, malicious wounding, escape by force, placing or detonating a destructive/explosive device or bomb.

PROCEDURE

I. INITIATING A PURSUIT

Police Division members shall use professional judgement in determining whether to initiate a pursuit. A pursuit should be initiated only when the officer reasonably believes:

- A. The occupant(s) of the vehicle has committed or is attempting to commit, a felony, any firearm related offense, or any misdemeanor that involves an act of violence against a person (Shoplifting shall be excluded from this criterion unless it meets I. B or C.); or
- B. The occupant(s) of the vehicle is wanted for a violent felony or any firearm related offense; or
- C. The driver has committed reckless driving, refuses to stop when given the signal to do so, AND the need for immediate apprehension outweighs the danger created by the pursuit to the public.

When an officer attempts to initiate a traffic stop for a reason that does not meet the above criteria, the officer shall notify Communications of the operator's failure to stop. The officer shall provide the reason for the attempted stop (type of traffic offense), the vehicle's last known direction of travel, the vehicle's description, and other pertinent information. In any instance where a person eludes law enforcement, the appropriate follow-up shall be conducted to identify the person(s) involved, to place the appropriate charges, and to apprehend the violator(s) as soon as possible.

II. PARTICIPATING IN A PURSUIT

- A. Police Division patrol wagons, vans, pick-ups, or sport utility vehicles shall not

VEHICULAR PURSUITS LP-08A-20

initiate, nor participate, in a vehicular pursuit. Exceptions to this are the Ford Police Interceptor Utility vehicles, which are rated for pursuits.

- B. Any unmarked or marked police vehicle not listed in section II. A above that is utilizing emergency lights and an emergency siren will be allowed to initiate a pursuit.
 - 1. Any officer operating an unmarked vehicle that initiates or is participating in a pursuit shall notify Communications he is in an unmarked vehicle.
 - 2. Unmarked vehicles may continue to participate in the pursuit until a marked police vehicle is in position to take over the pursuit.
 - 3. The officer in the marked police vehicle will inform Communications he is in position to take over for the unmarked vehicle as either the primary or secondary officer.
 - 4. The officer in the unmarked vehicle shall then acknowledge to Communications he is terminating his participation in the pursuit.
 - 5. Due to the management and decision-making role of a supervisor who may be operating an unmarked vehicle, his continued participation in a pursuit is not subject to the restrictions outlined above in sections II. B. 1-4.
- C. If a police motorcycle unit initiates a pursuit, the officer shall maintain visible contact with the vehicle being pursued, if possible and safe, until such time as a marked patrol car is able to take up the pursuit. At that point, the motorcycle officer shall terminate his participation in the pursuit and follow the route to its end in a manner consistent with a Code 2 response.
- D. Only two vehicles shall engage in a pursuit at any one time, unless the acknowledging supervisor determines, in his sole discretion, that more units are necessary. In addition, the acknowledging supervisor may actively participate in the pursuit if he determines, in his sole discretion, that he is in close proximity to the pursuit.
- E. No vehicles other than those assigned shall become involved as trail units or perform any other active function, unless approved by the acknowledging supervisor.
 - 1. There shall be no paralleling of the pursuit route, unless the pursuit passes through a unit's assigned area. The paralleling unit shall drive in a manner consistent with a Code 2 response.
 - 2. Units in the general vicinity of the pursuit should be in position and available to assist if requested by a supervisor.
 - 3. Due to the dynamic and unpredictable nature of circumstances created by vehicle pursuits, the restrictions outlined in this section II shall also apply to MAYDAY situations that develop during such pursuit.
- F. No police officer accompanied by a non-sworn passenger may initiate or participate in a pursuit.

III. USE OF A FIREARM IN A VEHICULAR PURSUIT

Officers engaged in a pursuit shall not discharge a firearm from or at a moving vehicle except to prevent imminent death or serious injury where use of deadly force would be justified.

IV. PURSUIT APPROACHING A SCHOOL BUS OR AN ACTIVE SCHOOL ZONE

When engaged in a vehicular pursuit, any officer who approaches an active school zone or a school bus that is stopped or about to stop for the purpose of picking up or discharging students shall immediately terminate their participation in the pursuit.

V. RADIO PROCEDURES

A. Upon initiating a pursuit, officers will notify Communications of:

1. The fact a pursuit has been initiated and the police unit number;
2. The location and direction of travel;
3. The reason for the pursuit;
4. The description of the vehicle being pursued;
5. The number of occupants, if known; and
6. Any other pertinent information.

B. As soon as possible after the initiation of the pursuit, the pursuing officer should provide Communications with as much of the following information as is reasonable under the circumstances:

1. Road, traffic, and weather conditions;
2. Incidents such as traffic crashes occurring during the pursuit; and
3. Description of the suspect(s) actions.

C. Upon receiving the information, Communications will announce the pursuit over PD-ATG. The Communications Supervisor may elect to simulcast the pursuit over more than one Talk Group, depending upon the situation.

EXAMPLE: "Car 261 is in pursuit south on Parham Road at Three Chopt Road. All units involved use PD West – Radio is held."

1. All radio traffic will be conducted on the Talk Group used by the initiating officer or the acknowledging supervisor, unless certain system requirements necessitate a change.
2. If a pursuit is initiated by a unit other than a patrol unit, the initiating unit shall switch to the appropriate Talk Group as directed by Communications.

D. Communications shall hold the affected radio channel and assign an additional Patrol unit. Communications will then announce, "Car -- and car -- are added to the pursuit on PD West."

VEHICULAR PURSUITS LP-08A-20

- E. Communications may repeat transmissions on radio channels not patched if the pursuit is approaching another station.
- F. Communications shall immediately attempt to contact the Aerial Unit to determine if an aircraft is in position to follow the pursuit. The Aerial Unit shall assist the pursuing ground unit, advising of upcoming hazards, and broadcasting any information that could help locate the pursued vehicle if it is not within the sight of the pursuing officer.
- G. A Henrico Patrol Canine Officer shall be contacted and directed toward the pursuit Code 3, if available.
- H. If the pursuit seems to be heading towards another jurisdiction that is an Emergency Communications System member:
 - 1. Communications will assess the availability of the region-wide pursuit channel (RPC). (Refer to G-01C for use of the RPC.)
 - 2. A Communications Officer shall contact the appropriate jurisdiction(s), as well as Virginia State Police, by the appropriate means (i.e. telephone or radio), providing them with information relative to the pursuit.

VI. SUPERVISORY RESPONSIBILITIES

- A. An on-duty Patrol Bureau supervisor shall immediately acknowledge that he is aware of the pursuit.
- B. The acknowledging supervisor shall be responsible for the management of the pursuit, unless the management of the pursuit is assumed by another supervisor who has direct knowledge of the justification for the pursuit. Management includes but is not limited to:
 - 1. Determining whether the pursuit should continue. The primary officer shall articulate the reasoning of the pursuit, especially in reckless driving circumstances.
 - 2. Monitoring incoming information. Consider adding additional units.
 - 3. Coordinating and directing activities as needed to ensure proper procedures and policies are used, to include ensuring that:
 - a. No more than the necessary units are involved;
 - b. Where available, the aircraft has been requested;
 - c. The appropriate radio talk-group is being utilized; and
 - d. Surrounding jurisdictions have been notified.
 - 4. Discontinuing the pursuit when appropriate.
 - 5. Ensuring the appropriate follow-up is conducted.
- C. If a supervisor is the primary or secondary vehicle in a pursuit, another on-duty Patrol Bureau supervisor shall acknowledge and shall be responsible for the management of

VEHICULAR PURSUITS LP-08A-20

the pursuit.

- D. The acknowledging supervisor shall respond to the pursuit's end-point location for all pursuits that were not terminated by the on-duty Patrol Bureau supervisor, Communications, or the initiating officer.

VII. TERMINATING A PURSUIT

- A. A pursuit shall be terminated whenever the initiating officer or any supervisor determines that the risk to the officer's safety or to the safety of others outweighs the danger to the community if the suspect is not apprehended.
- B. A Communications Supervisor may terminate a pursuit if information has been received of a physical hazard in the roadway in the direction the pursuit is headed.
- C. A pursuit shall be terminated if the suspect's identity has been determined, immediate apprehension is not necessary to protect the public or officers, and apprehension at a later time is feasible.
- D. A pursuit shall be terminated when the violator's location is no longer known or the distance between the violator's vehicle and the police vehicle is so great that apprehension is unlikely.
- E. A pursuit shall be terminated if the pursuing officer is being required to drive at speeds considered to be excessive for environmental or roadway conditions, or in a manner which exceeds the performance capabilities of the police vehicle or the capabilities of the police vehicle operator.

VIII. INTER-JURISDICTIONAL VEHICULAR PURSUITS

- A. When a pursuit travels from Henrico County into another jurisdiction:
 - 1. When a pursuit is likely to enter another jurisdiction, Communications shall contact that jurisdiction and advise that Henrico Officers are in pursuit, the location and direction of travel, vehicle description, and the reason for the pursuit.
 - 2. For safety reasons, if additional Henrico units have not caught up to the primary Henrico unit when the primary unit enters another jurisdiction, the units will continue with the pursuit until they are relieved by a member of the other jurisdiction.
 - 3. Once two police units from another jurisdiction engage in the pursuit, the primary Henrico unit may continue Code 2 and the additional Henrico unit shall terminate participation in the pursuit.
 - 4. Upon specific request from the jurisdiction with the primary responsibility for the pursuit, the Henrico County Police Division shall provide whatever lawful assistance is requested.

VEHICULAR PURSUITS LP-08A-20

B. When a pursuit travels from another jurisdiction into Henrico County:

1. Communications shall:

- a. Assign two Patrol units and a Patrol supervisor to the pursuit. Communications will immediately try to determine the reason for the pursuit from the appropriate jurisdiction and broadcast that information to Police Division units.
 - b. Provide any pertinent information regarding the suspects/pursuit that would be considered officer-safety related to include whether the pursuing officer is alone.
2. If the pursuit meets the criteria outlined in section I. A-C, as determined by the assigned Patrol supervisor, Henrico Units should attempt to assume the primary position within the pursuit.
 3. If the pursuit DOES NOT meet the criteria outlined in section I. A-C, Henrico Units should assist and maintain a support/secondary position behind the initiating law enforcement agency until the pursuit is terminated by the initiating agency.

IX. FORCIBLE STOPPING

A. Tire Deflation Devices

1. “Stinger”

- a. Only those officers trained in the use of the “Stinger” may deploy the device to stop a pursued vehicle. The use of the “Stinger” shall be in accordance with the training provided by the Police Division.
- b. The “Stinger” may be used to prevent or avoid pursuits before they begin (i.e. during road checks or blocking escape routes that may be used by a potential fleeing subject).
- c. It is the responsibility of the deploying officer to notify other units of the deployment location and ensure that other law enforcement personnel and citizens are prevented from contacting the “Stinger.”
- d. The “Stinger” shall not be used in curves, on bridges, in heavy traffic, or in areas with pedestrian traffic.
- e. The “Stinger” shall not be used to stop motorcycles, buses carrying passengers, or vehicles known to be carrying hazardous materials.

2. Stinger Rat Trap

- a. Under no circumstances should a Stinger Rat Trap be used on a moving or occupied vehicle.

VEHICULAR PURSUITS LP-08A-20

- b. More than one of the traps may be necessary, dependent on the projected movement of the target vehicle.
- c. Only those officers trained in the use of the Stinger Rat Trap may deploy the device. The use of the Stinger Rat Trap shall be in accordance with the training provided by the Police Division.
- d. The officer deploying the Stinger Rat Trap is responsible for notifying other units of the deployment location.

B. Precision Immobilization Technique (PIT)

- 1. The PIT shall be governed by the guidelines in G-71 and only conducted in Henrico County. Only those officers trained in the use of the PIT may do so. If the PIT is used, it shall be used in a manner consistent with the training received.
- 2. The use of the PIT must be objectively reasonable in light of all facts and circumstances confronting the officer, taking into account the following:
 - a. Severity of the crime;
 - b. Whether the suspect poses an immediate threat to the safety of the officer/detective or others; and
 - c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- 3. Supervisory authorization should be obtained prior to its use when circumstances allow.
- 4. Immediately following execution of the PIT, the Watch Commander shall be notified in accordance with RP-46 and he shall notify the Crash Team. The Crash Team shall respond, investigate (if accidental, refer to RP-06B), and forward a report of their findings to the Commanding Officer, Professional Standards. The report shall include, but is not limited to, the following:
 - a. FR300 (for internal purposes only);
 - b. Police Vehicle PIT or Vehicle Containment with Intentional Contact Investigation (HCPD-381B);
 - c. Photographs.
- 5. The Watch Commander shall notify the Internal Affairs Unit regarding all PITs. For those PITs that result in any injuries, Internal Affairs shall respond to the scene to conduct their investigation.

C. Roadblocks

- 1. The use of roadblocks is considered deadly force and shall be governed by the guidelines in G-71. No roadblock shall be deployed without supervisory approval.

VEHICULAR PURSUITS LP-08A-20

2. All uses of roadblocks will be investigated by the Internal Affairs Unit.

X. DOCUMENTATION

- A. All pursuits shall be critiqued by Communications supervision and personnel within 48 hours of the pursuit by using the Pursuit and Mayday Review form (HCPD-433).
- B. Any officer who attempts a traffic stop and the operator of the vehicle disregards the signal to stop shall complete an ICR regardless of whether a pursuit was initiated.
- C. Any officer(s) who initiates a pursuit shall complete and submit an ICR and Police Vehicle Pursuit After-Action Report (HCPD-202) within 24 hours of the pursuit regardless of whether the pursuit is completed. The ICR and HCPD-202 shall be completed and submitted at the same time and shall be turned in to the supervisor who acknowledged the pursuit. Officers shall verify the information on the HCPD-202 is accurate and corresponds with the information on the ICR.
 1. The supervisor who acknowledged / assigned to the pursuit shall review the ICR and HCPD-202 and forward the HCPD-202 through the chain-of-command to the appropriate section Commanding Officer for review and subsequent forwarding to the Commander, Quality Assurance. The Commander, Quality Assurance will forward the HCPD-202 to the Commanding Officer, Professional Standards.
 2. Any other primary officer shall complete an HCPD-202.
- D. In addition to the documentation listed above, the following shall be completed and submitted if any forcible stopping is utilized:
 1. Tire Deflation
 - a. Any officer who deploys the “Stinger” shall assist the initiating officer of the pursuit with the completion of a HCPD-202.
 - b. If a pursuit is initiated subsequent to the Stinger Rat Trap being used, a HCPD-202 shall be completed by the initiating officer of the pursuit. If the Stinger Rat Trap causes tire deflation on a vehicle and no pursuit is initiated, the officer shall complete an ICR documenting the circumstances.
 2. Precision Immobilization Technique (PIT)

Any officer who executes the PIT shall complete and submit an HCPD-340 within 24 hours of the pursuit.
 3. Roadblocks

If a supervisor authorizes a roadblock, he shall complete an HCPD-202 and HCPD-340.
- E. A copy of the HCPD-202 shall be forwarded to the lead EVOT instructor.

VEHICULAR PURSUITS LP-08A-20

XI. AGENCY RESPONSIBILITIES

- A. The Commanding Officer, Professional Standards shall facilitate the completion of an end-of-the-year Police Division Annual Pursuit Analysis, which shall be submitted to the Chief of Police by March 1.
 - 1. The Commanding Officer, Professional Standards will facilitate the Annual Pursuit Analysis workgroup, which consists of the following:
 - a. Commander, Quality Assurance;
 - b. Commander, Training;
 - c. Commander, Internal Affairs;
 - d. Commander, Range;
 - e. Lead Defensive Tactics Instructor;
 - f. Lead Officer Survival Instructor;
 - g. Lead EVOT Instructor;
 - h. Accreditation Manager; and
 - i. Written Communications Specialist.
 - 2. The workgroup shall:
 - a. Review and create an analysis of pursuit reports to identify concerns or trends, if any exist, related to pursuits; and
 - b. Formulate a resolution in regards to training, discipline, or policy changes.
 - 3. The Commander, Quality Assurance shall document an annual review of pursuit policies and reporting procedures.
- B. Training Academy
 - 1. It shall be the responsibility of the Training Academy to provide review of concerns or trends as determined by the Annual Pursuit Analysis workgroup. This shall be provided to all sworn personnel during annual In-Service.
 - 2. Pursuit Management will be covered on an annual basis to all sworn supervisors during Supervisor In-Service. A review of the pursuits that occurred either in Henrico County or surrounding jurisdictions can be included to ensure all supervisors are aware of policy compliance.

By Order of:

Eric D. English
Chief of Police