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| AUGUSTA CO. SHERIFF'S OFFICE | GENERAL ORDERS |
| SUBJECT: Vehicle Operation | NUMBER: 2-9 |
| EFFECTIVE DATE: 06-23-09 | DATE REVIEWED: |
| AMENDS/SUPERSEDES: 04-07-09, 06-13-08, 02-28-08, 12-01-06, 09-01-00, 03-01-01, 5-28-01, 05-01-02 | APPROVED: _____ Sheriff |
| VLEPSC STANDARDS: OPR.01.01-.04, .01.09, .07.13 | |

NOTE

This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS

Accident review board
 Boxing in
 Caravanning
 Crime involving violence
 Dispatchers' responsibilities (emergency driving; pursuits)
 Driving rules
 Emergency driving
 Follow-up requirements (pursuits)
 Inspections (of vehicles)
 Justification of pursuits
 Pursuit
 Ramming
 Roadblocks
 Rules governing operation of vehicles
 Rules of pursuit
 Seat belts
 Terminating pursuits
 Tire-deflation device
 Unmarked vehicles
 Vehicles; operation of

I. POLICY

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 outlined herein with particular attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be used consistent with both legal requirements and the safety of the public and department personnel.

Pursuits represent a dangerous and difficult task that receives much public and legal scrutiny when accidents, 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. Further, certain forcible measures to stop a fleeing driver, as detailed in this directive, are prohibited except where deadly force is appropriate.

II. PURPOSE

To establish procedures governing the operation of police vehicles, with special attention to emergencies and pursuits.

III. DEFINITIONS

A. Boxing in

A deliberate tactic by two or more pursuit vehicles to force a pursued vehicle in a specific direction or to force it to reduce speed or stop by maneuvering the pursuit vehicles in front of, behind, or beside the pursued vehicle.

B. Caravanning

Direct participation in a pursuit by department vehicles other than the primary and authorized support vehicles.

C. 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. Examples:

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.

D. Emergency driving

That driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. *Virginia Code* §§ 46.2-829, -920, and -1022 apply.

E. Emergency equipment

Flickering, blinking, or alternating emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. § 46.2-920 and -1022 apply. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.

F. Normal or routine driving

That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly-understood "rules of the road."

G. Primary pursuit vehicle

Normally the department vehicle that begins the pursuit or the vehicle closest to the fleeing suspect. The primary pursuit vehicle may be re-designated by order of the on-duty supervisor.

H. Pursuit driving

An active attempt by an officer in an authorized emergency vehicle to apprehend a suspect, who is fleeing or evading apprehension, provided the officer reasonably believes that the suspect is refusing to stop and is willfully fleeing capture by high-speed driving or other evasive maneuvers. Pursuits shall be conducted only with activated emergency equipment as defined in §§ 46.2-920 and -1022 and under circumstances outlined in this order. An attempt to stop a vehicle that is not fleeing, or attempts to stop a vehicle that is refusing to stop while still obeying traffic control

devices and not exceeding the speed limit by more than ten miles per hour is not a pursuit.

I. Risk

The degree of danger or hazard to the public or officers.

J. Roadblock

Any method, restriction, or obstruction used to prevent free passage of vehicles on a roadway in order to stop a suspect.

K. Support vehicles

The second or additional department vehicles, participating in the pursuit, which follows the primary pursuit vehicle at a safe distance and helps the primary one once the suspect vehicle has stopped, or which can assume the primary role if circumstances dictate.

IV. GENERAL PROCEDURES FOR ALL RESPONSES

A. General

1. All departmental vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Department vehicles are conspicuous symbols of authority on the streets and many people observe an officer's actions. Each officer must set an example of good driving behavior and habits.
2. Under certain emergencies as defined below, the *Code of Virginia* authorizes officers to disregard traffic regulations. Both the operator and the department, however, are not released from civil liability for failure to use reasonable care in such operation.

B. Routine operation

1. In case of accident or damage to any department vehicle, the driver shall immediately request the on-duty supervisor to conduct an investigation.(Refer to G.O. 2-39 Drug Testing, IV,C,3)
 - a. Drivers shall detail the circumstances of any accident using standard departmental incident reports, to which any Virginia State Police accident investigation report shall be attached.
 - b. Drivers shall report any found damage or other non-accident damage on an incident report.

- c. The Sheriff shall review all accident or damage reports.
 - (1) Any officer involved in a motor vehicle accident with a department vehicle shall be required to appear before an accident review board. The purpose of the board shall be to identify and evaluate the factors which contributed to the accident, make policy recommendations to reduce future incidents, and assign a point value to the level of officer responsibility.
 - (2) The board shall consist of 5 members and be appointed by the Sheriff. Member selection shall consist of at least one member of the Administration and one Supervisor from the Patrol Division.
 - (3) The board members shall, after hearing the facts of the incident from the driver, reviewing the VSP accident report, and calling any witnesses necessary, decide by a majority vote as to the degree of officer responsibility in the accident.
 - (4) The criteria set for in Appendix 1 of this General Order shall be used to affix a point value to the incident.
 - (5) The Chairman of the accident review board shall provide the findings of the board to the Sheriff. The Sheriff shall place the findings of the review board in the officer's personnel file.
 - (6) A finding of "at fault" can negatively affect Career Development Program status, rank and employment.
2. Vehicles used in routine or general patrol service shall be conspicuously marked and at a minimum be equipped with a siren, emergency lights, and the means to maintain constant radio communication.
3. Unmarked and properly equipped vehicles may be used for patrol. They may be used to stop vehicles provided they are equipped with at least front and rear-mounted strobe lights, a siren and the means to maintain constant radio communication. Properly equipped unmarked cars may initiate a pursuit when a marked unit is not available, but may continue the pursuit only until a marked unit can assume responsibility as the primary unit, at which time the unmarked unit may serve as a back-up to the primary unit. Four-wheel-drive and special use vehicles have specific operational limitations and these limitations, based on vehicle operation training, shall be considered when accessing risk levels when initiating or continuing pursuits.

4. Standard lighting equipment on marked vehicles includes hazardous warning lights, spotlights and alley (side) lights on the rooftop light bar. Hazardous warning lights may be used at any time the department vehicle is parked where other moving vehicles may be endangered. Alley lights and spotlights may be used when the vehicle is stationary or moving at speeds not to exceed 15 miles per hour and shall not be used in a manner which will blind or interfere with the vision of operators of other approaching vehicles (§ 46.2-1029).
5. Seat belts and shoulder straps shall be worn by all personnel or ride-alongs during vehicle operation. Prisoners shall be strapped in with seat belts whenever possible.
 - a. Exception: When approaching an incident scene or a call where the officer believes that a rapid exit from the vehicle may be required, the officer may release the seat belt (§ 46.2-1094 applies).

C. Inspection

1. Before each duty assignment, officers shall check their vehicles for cleanliness and operability of all equipment. Officers shall also ensure that vehicles have adequate levels of oil, brake fluid, power steering fluid, and gas.
2. Officers shall check the safety features of the vehicle before assuming duty. The check shall include (but not be limited to) all lights, brakes, tires, siren, horn, and steering.
3. Officers shall examine their vehicles at the beginning and end of their shifts for damage. Officers shall report any damage immediately to the on-duty supervisor.
4. Officers shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others. Rear seats shall be thoroughly checked.
5. Officers who discover a department vehicle in need of extensive repairs shall immediately inform the on-duty supervisor.
6. If, in the opinion of the Sheriff, vehicle damage resulted from abuse or neglect caused by an officer, disciplinary action may result.
7. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any part of the vehicle which affects its operation.

8. During periods of inclement weather when department vehicles cannot be washed regularly, the driver must ensure that headlight and tail-light lenses and safety equipment are kept clean, insofar as circumstances permit.
9. No officer or employee shall operate any department vehicle which he or she believes to be unsafe.

D. Driving rules

1. The driver shall carefully observe the surrounding conditions before turning or backing any vehicle.
2. Department vehicles shall not be left unattended with the engine running unless locked or equipped with an anti-theft device which has been activated, nor shall the vehicle be left unlocked when the officer has left it to handle other business. At no time will keys be left in an unattended vehicle, engine running or not, which holds a prisoner.
3. The driver 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 govern the operation of the vehicle accordingly.
4. Officers responding to certain crimes-in-progress sometimes discontinue the use of the siren upon approaching the location of the occurrence. Officers shall understand that to do so means that, per Virginia law, they are no longer operating an emergency vehicle and must therefore observe all posted speeds and traffic control devices.
5. Emergency driving to the scene of a motor vehicle accident is permissible **only** when an emergency exists, when specific information indicates that conditions at the scene require an emergency response, or when directed to do so by a supervisor.
6. Upon approaching a controlled intersection or other location where there is great possibility of collision because of traffic congestion, the emergency driver shall reduce the speed of the vehicle, stopping completely, if necessary, before entering and traversing the intersection. When faced with a red traffic signal or stop sign, however, the officer shall stop his or her vehicle and ensure by careful observation that the way is clear before proceeding through the intersection.
7. Regardless of the seriousness of the situation to which the officer is responding, and excepting circumstances that are clearly beyond the officer's control, he or she shall be held accountable for the manner in which he or she operates the vehicle.

8. At the scene of a crime, a motor vehicle crash, or other incident, a department vehicle shall be parked in such a manner so as not to create an obstacle or hazard to other traffic, unless necessary for the protection of an incident scene or injured persons. If a traffic hazard exists, the emergency lights and four-way flashing lights shall be used to warn other drivers approaching the location.
9. Circumstances permitting, during emergency responses or pursuits, the driver may lower one front door window far enough to hear other sirens and traffic warning signals.
10. Operators of department vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways, nor shall they protect the driver from the consequences of an arbitrary exercise of such right of way (§ 46.2-829).
11. Operators will not use cellular telephones, mobile data terminals/laptop computers, or any other communication devices in any situation whereby roadway safety is compromised.

V. PROCEDURES FOR EMERGENCY DRIVING

A. General

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although an officer may receive information that leads him/her to respond to a call with emergency lights and siren activated, in the majority of such cases an officer discovers, upon arrival, that an emergency response was not justified.
2. § 46.2-920.B states that the exemptions to driving laws granted to emergency vehicle operators "shall not, however, protect the operator of any vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property" and that the law does not "release the operator of any such vehicle for failure to use reasonable care in such operation." Recognizing that protection of human life is paramount, the responding officer must remember that his or her objective is to get to the location of the occurrence as soon as possible--safely--without danger to himself or to others.

B. Officer's response to call

1. Upon arrival at the scene of a call, the responding officer shall rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding can be slowed or cancelled.
2. All units responding to robbery- and burglary-in-progress calls, before coming within hearing distance, shall discontinue the use of the siren and at that time fully comply with all traffic laws. Before coming within sight of the location, officers shall discontinue the use of the emergency warning lights.
 - a. **Officers are reminded that upon deactivation of a siren and flashing lights, their response ceases to be an emergency and they must comply with all posted speeds and traffic control devices.**
3. In situations requiring a silent response, e.g., alarms and prowler calls, officers shall respond as rapidly as possible, obeying all traffic laws and signs.
4. Officer-initiated response.

When, in the opinion of the officer, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary enforcement, the department authorizes an emergency response.

Examples include:

- a. Any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents, or disasters).
- b. As a visual signal to attract the attention of motorists being stopped for traffic violations, or to warn motorists of imminent dangers.
- c. Responding to calls, where the officer has previous or additional information which, had the dispatcher known it, would have resulted in the call being dispatched as an emergency.
- d. Where because of location, distance to be traveled, or traffic conditions, the officer determines that emergency operating conditions are essential in order to provide an appropriate response.
- e. In response to an officer's emergency request for assistance.
- f. For pursuit, see section VI.

C. Use of emergency warning devices in non-emergencies

1. Officers shall activate emergency equipment to notify drivers that they must stop and to provide a safe environment for the driver, officer, and the public.
2. Officers may activate emergency equipment in non-emergencies when expediency is required to eliminate a potential hazard to the public or other officers, such as using emergency lights to protect disabled motorists or when department vehicles are used as protective barriers.

VI. PROCEDURES FOR PURSUITS

A. Justification for pursuit

An officer may pursue a vehicle when he or she knows or has a reasonable belief that at least one of the following conditions exists:

1. The suspect presents an immediate threat to the safety of officers or citizens.
2. The suspect has committed or is attempting to commit a felony involving actual or threatened violence which may result in injury or death.
3. The necessity of immediate apprehension supersedes the danger created by the pursuit.

In determining whether or not to pursue, the officer must weigh the decision by examining the degree of seriousness of the incident against the risk levels involved. The following matrix represents the choices the officer might make. Refer to the table and the explanation of the risk levels which follow the matrix. As required by this order, officers shall document all pursuits.

| <i>PURSUIT DECISION-MAKING MATRIX</i> | | | |
|--|---|---|--|
| <i>Degree of Seriousness</i> | <i>Decision Threshold--Risk Levels</i> | | |
| | Low | Moderate | High |
| Violent Felony-- Imminent Threat | May pursue: continue to assess risks | May pursue: continue to assess risks | May pursue: discontinue if risks exceed known threat to public safety if capture is delayed |
| Felony—Violent | May pursue: continue to assess | May pursue: continue to assess | May pursue: discontinue if risks |

| | | | |
|----------------------------|---|---|--|
| | risks | risks | exceed known threat to public safety if capture is delayed |
| Felony—Property | May pursue: continue to assess risks | May pursue: continue to assess risks | DISCONTINUE OR DO NOT PURSUE |
| Misdemeanors | May pursue: continue to assess risks | DISCONTINUE OR DO NOT PURSUE | DO NOT PURSUE |
| Traffic Infractions | May pursue: continue to assess risks | DISCONTINUE OR DO NOT PURSUE | DO NOT PURSUE |

(The Pursuit Decision-Making Matrix is copyrighted by the Gallagher-Westfall Group, Inc., Indian Valley, Virginia, and is included here with their permission.)

The following objective risk factors define the low, moderate, and high risk categories in the matrix above. During a pursuit, officers must continuously evaluate the risk to the pursuing officers, the suspect, and the public, and be prepared to end a pursuit when the risk factors so require. **Risk factors may change during the pursuit.** Possibly the most important risk factor and the one most overlooked is driver skill. Not all officers are capable of operating a police vehicle at the same level as other officers or even at the same level themselves from event to event. Only the respective officer can evaluate his or her own skill level and realize the limits of vehicle operation prior to exceeding those limits. This self-evaluation should be paramount when evaluating risk levels.

1. High risk factors
 - a. High density of intersecting streets (e.g., business district).
 - b. Poor weather, slippery streets, low visibility.
 - c. Blind curves, intersections, and narrow roads.
 - d. Numerous pedestrians.
 - e. Heavy, congested traffic.
 - f. Speeds twice the posted limit, or greater than 80 mph.

- g. Unmarked vehicles, motorcycles, or non-patrol vehicles involved in the pursuit.
 - h. Extremely hazardous maneuvers by the violator (e.g., driving against oncoming traffic, running red lights).
 - i. Pursuing officer is excited and not in full control of emotions.
 - j. Numerous pursuit vehicles involved, above authorized number.
 - k. No supervisor participating in the pursuit, or ineffective supervisory oversight.
 - l. Special circumstances (e.g., a school district).
2. Moderate risk factors
- a. Unmarked vehicles, motorcycles, or non-patrol vehicles involved in the pursuit.
 - b. Moderate density of intersecting streets (e.g., a residential area).
 - c. Light pedestrian traffic.
 - d. Moderate traffic, little congestion.
 - e. Speeds 20 mph greater than the posted limit.
 - f. Pursuing officer is generally calm with emotions under control.
 - g. Some hazardous but not extreme maneuvers by the violator (e.g., crossing the center line to pass vehicles, sudden lane changes).
 - h. Supervisor is involved or provides effective oversight.
 - i. Authorized number of departmental vehicles involved in the pursuit.
3. Low risk factors
- a. Only marked patrol vehicles involved.
 - b. Pursuit takes place on a straight road, good surface, clear visibility.
 - c. Low density of intersecting streets.
 - d. Few or no pedestrians.

- e. Clear, calm weather.
- f. No hazardous maneuvers by the violator.
- g. Speeds at less than 20 mph over the speed limit.
- h. Supervisor is involved or provides effective oversight.
- i. Authorized number of departmental vehicles involved in the pursuit.
- j. Officer calm and in full control.

B. Primary officer responsibilities

1. The officer's primary responsibility in a pursuit is the safe operation of the vehicle.

The officer shall notify the dispatcher of the following:

- a. The location of the officer and the suspect's vehicle.
- b. The direction of travel.
- c. The license number (and state) of the suspect's vehicle, if discernable.
- d. The description of the suspect's vehicle.
- e. The reason for the pursuit.
- f. When a unit has advised EOC that he /she has become engaged in a pursuit, all other radio traffic shall cease on the primary channel except for necessary communications to facilitate the conclusion/termination of the pursuit, such as stinger deployment, etc. All other radio traffic shall be diverted to other designated frequencies.

C. Supervisor's responsibilities

1. The on-duty supervisor shall monitor the pursuit by ensuring compliance with department policy, directing officers to join or abandon pursuit, re-designating primary and support pursuing vehicles if necessary, approving or directing pursuit tactics, and terminating the pursuit.

2. The on-duty patrol supervisor shall monitor the pursuit and may respond to the location of the stopped suspect. The supervisor may end the pursuit at any time that he or she feels circumstances warrant.
3. No more than two department vehicles may pursue a fleeing suspect without the specific authorization of the on-duty supervisor. In authorizing additional department vehicles to pursue, the supervisor shall consider:
 - a. The nature of the offense.
 - b. The number of suspects.
 - c. The number of officers currently participating as primary or support vehicles.
 - d. Any injuries or property damage already sustained as a result of the pursuit.
 - e. Any other clear, articulated facts that would justify the assignment of additional department vehicles.
4. After the incident, the supervisor shall critique the pursuit with all of the officers involved and direct participants to submit reports.
5. The on-duty supervisor at the time the pursuit was begun will retain authority over the pursuing officers of the department for the duration of the pursuit unless otherwise directed by the Sheriff.
6. The supervisor may direct the use of tire-deflation devices, as appropriate. See paragraph D.2 below.

D. Supporting officers' responsibilities

1. Normally the first back-up unit to respond shall help the primary officer in pursuing the suspect and making the arrest. The secondary officer, if within sight of the primary pursuit vehicle, is responsible for broadcasting the progress of the pursuit and controlling the pursuit tactics. The secondary officer must also alert other officers of the probable route of travel. By handling these communications responsibilities, the primary officer can focus attention on the pursuit driving.
2. Tire-deflation devices may be deemed appropriate to stop a pursuit and may be set up by the on-duty supervisor.

E. Dispatcher's responsibilities

1. Record all pertinent information about the pursued vehicle.
2. Notify all appropriate on-duty supervisors when the pursuit has begun.
3. Advise all other officers of the pursuit and the information given by the pursuing officer. Assist in directing back-up units to strategic locations.
4. Order the radio cleared of all but emergency traffic.
5. Alert all other nearby law-enforcement agencies of the pursuit and information given by pursuing officer when continuing beyond Augusta County.
6. Query DMV, VCIN, and NCIC for license data and any warrants.

F. Considerations for engaging in pursuit

1. Officers shall not operate a vehicle at a rate of speed that causes the officer to believe that he/she can no longer maintain control of the vehicle. The department expects an officer to end the pursuit when the level of risk, measured against the seriousness of the violation, so requires."
2. The decision to begin, responsibility for continuing, and the choice of method of pursuit rests primarily, if not solely, with the individual officer(s) involved. Officers should be aware that the courts may hold them criminally and civilly responsible for a pursuit conducted in a negligent manner. Therefore, officers must exercise sound judgment and carefully consider the seriousness of the offense, the possible consequences, and the safety of citizens.

G. Rules of pursuits

1. Officers shall not intentionally ram, bump, or collide with a fleeing vehicle nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle.
2. Boxing-in shall be performed **only** at low speeds and under the direct authorization of the on-duty supervisor and then **only** if the participating officers have been trained in the technique. *[Note: For this tactic to be employed, more than two pursuit vehicles must be involved.]*
3. Caravanning is prohibited.
4. Officers shall not fire their weapons from a moving department vehicle. Officers may only fire weapons at a vehicle under conditions described in GO 2-6, Paragraphs V. A.1. and VI.C.

5. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the officer shall stop, give his or her location, and continue efforts to apprehend on foot. Circumstances may dictate, however, a continued pursuit in a vehicle. Support vehicles shall be dispatched in close proximity to offer assistance. The pursuing officer should be cautious, however, that the pursued vehicle may carry other persons who might assault the pursuing officers.
6. If the on-duty supervisor orders the pursuit to end, then the primary and supporting pursuing officers shall cease immediately. Also, the pursuing officer(s) shall end the pursuit if at any time during the course of the pursuit he or she loses sight of the fleeing vehicle for more than a very brief period.
7. The deployment of a stationary roadblock can only be authorized by the Sheriff or his designee. The use of a roadblock constitutes the use of deadly force and GO 2-6 applies.
8. A roadblock must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify the dispatcher of its precise location. All participating officers must be aware of the roadblock and have acknowledged this awareness before it is constructed. Further, no personnel shall remain in blocked vehicles, and an avenue of escape for the suspect vehicle shall be provided.
9. When accompanied by civilian passengers, officers shall not pursue. If a civilian is in the department vehicle at the beginning of a pursuit, that officer shall turn the pursuit over to another officer, or deposit the civilian at an appropriate, safe location and notify dispatch to have the observer picked up.
10. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit should use a different siren-sound selection, **if** circumstances and safety permit. The use of different siren-sound combinations can help the primary and secondary vehicles hear one another and alert motorists and bystanders that two vehicles are operating under emergency conditions.
11. In case of pursuit, should the suspect drive in a direction opposite to the flow of traffic, the pursuing officer shall not follow the suspect in the wrong direction but instead transmit via radio detailed observations about the suspect vehicle's location, speed, and direction of travel. The pursuing officer may be able to follow the suspect on a parallel road.
12. Officers involved in a pursuit shall not try to overtake or pass the suspect's vehicle. The only exceptions shall be limited to those officers trained to box-

in a fleeing suspect or to an officer attempting to maneuver into position to deploy a tire deflation device.

13. Intersections are a particular source of danger. When approaching an intersection where signal lights or stop signs control the flow of traffic, officers shall:
 - a. Slow to a stop and enter the intersection at a reduced speed and only when safe, when all other vehicles are aware of the officer's presence.
 - b. Resume pursuit speed only when safe. When using emergency lights, siren, and headlamps, the officer is requesting the right of way and **does not absolutely have** the right to run a red traffic light or stop sign.

H. Out-of-jurisdiction pursuits

1. Pursuits beyond the local jurisdiction require the direct approval of the on-duty supervisor and, if approved, shall be conducted according to this order. The dispatcher shall notify the appropriate jurisdiction of the pursuit and request help.
 - a. Officers shall review § 19.2-76 concerning arrests outside the jurisdiction where the offense is charged and § 19.2-77 concerning pursuits and arrests anywhere within Virginia. Officers are authorized to pursue a suspect and apprehend him wherever he is found within Virginia.
2. Once the pursuit has entered another jurisdiction, if officers from that jurisdiction enter the pursuit, department officers shall cease their emergency driving (unless circumstances require their continued pursuit), turn off emergency equipment, and follow the pursuit while observing all posted speed limits and traffic control devices.
3. If officers from another jurisdiction pursue a suspect into our jurisdiction, department officers shall enter the pursuit **only** if the other agency specifically requests help **and** the on-duty supervisor approves our participation. Any non-pursuit assistance (including apprehension of a stopped suspect) should be provided as the circumstance dictates.
4. When the fleeing suspect is apprehended in another jurisdiction, the pursuing officer shall take the arrested person before a judicial officer of that jurisdiction. The officers shall then go before our local magistrate to obtain a warrant and ensure that a teletype is sent through VCIN to the apprehending jurisdiction as soon as possible, acting as a detainer.

5. When a fleeing suspect from another jurisdiction is apprehended within the county, the apprehending officer shall take the arrested person before the magistrate serving Augusta County. The on-duty supervisor shall confer with the other jurisdiction to determine which shall maintain custody of the suspect based upon the seriousness of the charges and the likelihood of release by respective magistrate. *[Consult §§ 19.2-76 and -77 about where the suspect must be taken when apprehended outside of the agency's jurisdiction.]*

VII. TERMINATING PURSUITS

- A. This order has noted the necessity for a pursuing officer to continuously evaluate the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the officer can make.
 1. Discontinuing a pursuit does not mean that the officer cannot follow the vehicle at a safe speed, or remain in the area ready to resume the pursuit if the opportunity presents and circumstances warrant. **No officer can be disciplined for discontinuing a pursuit.**

- B. Officers **shall discontinue** a pursuit under the following circumstances:
 1. The on-duty supervisor orders it.
 2. The pursuing vehicle experiences an equipment or mechanical failure that renders the vehicle unsafe for emergency driving.
 3. The pursued vehicle has outdistanced the pursuing officer such that its location is not known.
 4. A person has been injured during the pursuit and no medical or department personnel are able to provide help.
 5. The pursuing officer perceives a clear, unreasonable danger to officers, the fleeing suspect, or the public, and the danger created by continuing the pursuit outweighs the value of apprehending the suspect **at the time**.

VIII. FOLLOW-UP REQUIREMENTS

- A. The on-duty supervisor shall ensure that all participating officers document their involvement in the pursuit within 24 hours of the event **whether or not the suspect was stopped**. The supervisor shall prepare a summary report which includes:

1. The names of participating officers.
 2. A narrative description of where the pursuit began and under what circumstances (including the weather conditions and road description), where it ended and under what circumstances, at what speeds, and the duration of the pursuit.
 3. A description of the tactics used to stop the suspect's vehicle, including the use of tire-deflation devices, and an evaluation of their effectiveness.
 4. Any observations on the behavior or actions of the fleeing driver that may support additional criminal charges.
 5. A description of how the suspect was apprehended, and the force-measures employed.

 6. A description of property damaged or an account of injuries sustained during the pursuit. Any suspected personal property damage caused directly or indirectly as a result of the pursuit, including but not limited to, innocent third party property, VDOT property, and Augusta County property shall immediately be reported to the on-duty supervisor and the supervisor **shall make every attempt** to identify and contact the victim(s) of the property damage and advise them of the circumstances causing the damage.
 7. The offenses for which the suspect was charged.
- B. The supervisor, after reviewing the vehicle pursuit report, shall forward the report to the Captain. The Captain, after reviewing the vehicle pursuit report, shall forward the report to the Sheriff for final review and approval.

OPR.01.10.j

**AUGUSTA COUNTY SHERIFF'S OFFICE
VEHICLE PURSUIT REPORT**

Initiating Deputy: _____ Incident # : _____ Unit # : _____

Division: _____ On Duty: Yes No In Uniform: Yes No

Date Pursuit Initiated: _____ Time Initiated: _____ Time Terminated: _____

Location Pursuit Initiated: _____

Location Pursuit Terminated: _____

Length of Pursuit: _____ Miles _____ Minutes Highest Speed Obtained: _____

Weather/Road Conditions: Dry Wet/Rain Snow/Ice Other: _____

Originating Jurisdiction: _____ Ending Jurisdiction: _____

REASON FOR INITIATING PURSUIT: (LIST THE CHARGE FOR TRAFFIC, FELONY, AND MISDEMEANOR)

- | | |
|---|--|
| <input type="checkbox"/> Traffic Violation: | <input type="checkbox"/> Suspected DUI |
| <input type="checkbox"/> Felony (Not Stolen Vehicle): | <input type="checkbox"/> Misdemeanor: |
| <input type="checkbox"/> Stolen Vehicle (<input type="checkbox"/> Rockingham County <input type="checkbox"/> Other Agency) | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Assist Other Agency/Initial Reason: _____ | |

PURSUIT TERMINATED DUE TO ACTIONS BY: Suspect Deputy Supervisor

- Suspect stopped (Suspect eluded on foot/Suspect apprehended: Yes No)
- Suspect vehicle involved in accident
- Spike Strips Deployed
- Police vehicle involved in accident
- Lost sight of suspect vehicle

- Road surface conditions were hazardous
- Weather conditions were hazardous
- Traffic was too heavy
- Excessive speeds
- Driver could be identified
- Other _____

IF ACCIDENT OCCURRED AS RESULT OF PURSUIT, NOTE THE FOLLOWING:

Accident Investigator: _____ Agency: _____ Incident # : _____

| | | | | | |
|-------------------------------------|---------|-------------------------------------|---------|---|----------|
| Injuries: | | Deaths: | | Damages: | |
| <input type="checkbox"/> None | | <input type="checkbox"/> None | | <input type="checkbox"/> None | |
| <input type="checkbox"/> Citizen(s) | # _____ | <input type="checkbox"/> Citizen(s) | # _____ | <input type="checkbox"/> Property | \$ _____ |
| <input type="checkbox"/> Suspect(s) | # _____ | <input type="checkbox"/> Suspect(s) | # _____ | <input type="checkbox"/> Suspect Vehicle | \$ _____ |
| <input type="checkbox"/> Deputy(s) | # _____ | <input type="checkbox"/> Deputy(s) | # _____ | <input type="checkbox"/> Sheriff's Office Vehicle | \$ _____ |

EMERGENCY EQUIPMENT USED? Emergency Lights: Yes No Siren: Yes No

ALL OTHER UNITS INVOLVED:

Name: _____ Agency/Unit# : _____

Name: _____ Agency/Unit# : _____

Name: _____ Agency/Unit# : _____

Name: _____ Agency/Unit# : _____

Name: _____ Agency/Unit# : _____

SUSPECT VEHICLE INFORMATION: Automobile Motorcycle SUV Truck Other:

SUSPECT INFORMATION:

Name: _____

UNDER THE INFLUENCE OF: Alcohol Alcohol & Drugs Drugs None Unknown

DEPUTY'S SIGNATURE: _____ **DATE:** _____

SUPERVISOR REVIEW:

| | | |
|---|------------------------------|-----------------------------|
| 1-Notified Dispatch of Unit # / Involved in Pursuit | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2-Provided Information on Suspect Vehicle and Occupants | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3-Provided location and Direction of Travel | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4-Provided the Reason for the Pursuit | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 5-Provided Speed | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 6-Provided Continual Updates of Speed and Direction | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Comments: _____

Reviewing Supervisor: _____ Date: _____

CAPTAIN'S REVIEW: _____

Agree Disagree Comments:

Patrol Captain Signature: _____ Date: _____

SHERIFF'S REVIEW:

Agree Disagree Comments:

Sheriff Signature: _____ Date: _____

Pursuit Policy Followed: Yes No

Further Investigation Needed: Yes No

Review Closed: Yes No

After review submit original to Records Section