


<b>FAIRFAX COUNTY POLICE DEPARTMENT</b>    <b>GENERAL ORDER</b>	<b>SUBJECT:</b> <b>VEHICLE PURSUITS</b>		<b>NUMBER:</b> <b>504</b>
	<b>EFFECTIVE DATE:</b> September 8, 2021	<b>REVIEW:</b> August 2024	
<b>RESPONSIBLE ENTITY:</b> CRIMINAL JUSTICE ACADEMY			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 08-27-21
<b>ACCREDITATION STANDARDS</b>	<b>CALEA:</b> 1.2.5, 12.1.3, 41.2.2, 82.2.2	<b>VLEPSC:</b> ADM.02.02, ADM.07.04, OPR.01.10	

I. PURPOSE

The purpose of this policy is to establish guidelines for all officers when making the decision to initiate, continue, participate in, or terminate a vehicle pursuit.

II. POLICY

The Fairfax County Police Department holds the highest regard for the sanctity of human life; therefore, police officers must exercise good judgment when deciding to initiate a vehicle pursuit. The Code of Virginia requires officers to drive with due regard for the safety of others. Officers, controlling supervisors, and commanders have a duty to intervene and should consider terminating any pursuit when the danger to the public and/or officers outweighs the need for immediate apprehension of the offender.

III. DEFINITIONS

- A. Controlling Pursuit Supervisor: Any sworn supervisor in control of the pursuit.
- B. Initiating Officer: Any officer who initially attempts to stop a fleeing vehicle.
- C. Lead Unit: The officer who is directly behind the fleeing vehicle.
- D. Medical Treatment: Any action taken by Emergency Medical Services (EMS), personnel approved by the Fairfax County Police Department’s Office of the Medical Director (OMD), or medical facility personnel to medically assess an individual or physically mend an injury (e.g., dress a wound, stitches, etc.) resulting from an accidental injury and/or a use of force.
- E. Other Agency Pursuit: Any pursuit initiated by an officer not employed by the Fairfax County Police Department that occurs within Fairfax County.
- F. Probable Cause: Facts and circumstances which, taken together with rational inferences therefrom, would lead a prudent individual to believe that a crime

or traffic infraction is being, or has been, committed, and that a particular person committed it.

- G. Pursuit: An attempt by an officer to apprehend a fleeing suspect who intentionally utilizes high speed driving or other evasive maneuvers in an overt attempt to elude arrest.
- H. Pursuit-Approved Vehicles: Any Fairfax County-owned vehicle that has been approved to engage in vehicle pursuits by the Fairfax County Criminal Justice Academy and Resource Management Bureau. Pursuit-rated vehicles are denoted by a "Pursuit Driving" sticker near the cruiser number on the door frame.
- I. Reasonable Articulate Suspicion: Facts and circumstances which, taken together with rational inferences therein, would cause a reasonable police officer to suspect that a person is, has been, or is about to be involved in criminal activity or a traffic infraction.
- J. Response Driving: The act of operating a police vehicle consistent with the exemptions in Va. Code Ann. [§46.2.-920](#) (Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements).
- K. Second Unit: The officer who is driving directly behind the lead unit in a pursuit.
- L. Serious Injury: Any injury which creates a substantial risk of death, disfigurement, or that attending medical personnel deems to be potentially life-threatening. The Duty Officer or designee will determine when a pursuit-related injury is to be designated a serious injury and notify appropriate bureau command personnel.
- M. Third Unit: The officer who is directly behind the second unit in a vehicle pursuit.
- N. Violent Felony: Any felony offense involving violence, or the threat of violence against another person, to include:
- First and Second-Degree Murder and Voluntary Manslaughter
  - Mob-related felonies
  - Any kidnapping (felony) or abduction
  - Any malicious or felonious assault or malicious bodily wounding
  - Robbery
  - Carjacking
  - Felony Sex Offenses
  - Arson of an Occupied Dwelling

#### IV. GENERAL

- A. During pursuits, officers shall operate their police vehicles within their abilities and Department approved and established training, and with due regard for the safety of all individuals. Additionally, pursuing officers must give due consideration to the environmental conditions such as the weather, time of day, traffic conditions, and the area and speed of the pursuit.
- B. Any officer initiating a pursuit shall notify the dispatcher, via police radio, that they are in pursuit. The initiating officer should announce their designator unit, specific charge, and state their location and direction of travel.
- C. All pursuit and response driving shall be in accordance with Va. Code Ann. [§46.2-920](#) (Certain vehicles exempt from regulations in certain situation; exceptions and additional requirements). Full emergency equipment shall be used with vehicle sirens in constant (not manual or intermittent) mode.
- D. Officers shall terminate a pursuit whenever they are ordered to terminate by a controlling pursuit supervisor or any commander.
- E. Whenever an officer announces they are in pursuit, a supervisor, Duty Officer, or commander shall acknowledge and assume command of the pursuit.
- F. The second and third unit(s) shall announce their positioning and designators upon entering the pursuit. Secondary unit should assume radio communication responsibilities and provide continuous updates on the location and direction of travel of the pursuit.
- G. A supervisor or commander who is directly involved in a pursuit may temporarily act as controlling pursuit supervisor until a non-involved supervisor of equal or higher rank can assume controlling pursuit supervisor responsibilities.
- H. Pursuits shall be limited to no more than three (3) police vehicles unless otherwise authorized by the controlling pursuit supervisor. Canine units are not included in the count of authorized vehicles, however, only one canine unit should be involved in a pursuit unless otherwise authorized.
- I. Officers are prohibited from engaging in or becoming involved in vehicle pursuits whenever they are transporting prisoners or any non-sworn passengers.

- J. Access to medical treatment shall be immediately provided to any individual who complains of injury, has obvious injuries, or who requests medical attention as a result of any vehicle pursuit.
- K. Because motorcycles often have capabilities that exceed those of the department's authorized pursuit-rated vehicles, and because there is an even greater risk of injury involved in these types of pursuits, officers are prohibited from pursuing motorcycles.

V. PURSUIT WITHIN FAIRFAX COUNTY

- A. Officers may initiate a vehicle pursuit within Fairfax County, to include the Town of Vienna, the Town of Herndon, and the Town of Clifton, when the pursuing officer has **reasonable articulable suspicion** that the fleeing driver and/or any passenger is wanted for, or has committed, attempted to commit, or has threatened to commit:
  - 1. A violent felony as defined in this policy.
  - 2. Any felony or misdemeanor offense involving the criminal display, threat, or discharge of a firearm or explosive device. (ex: brandishing, reckless discharge).
  - 3. When authorized by a supervisor or commander as outlined in Section VII of this policy.

VI. PURSUIT OUTSIDE OF FAIRFAX COUNTY (WITHIN THE COMMONWEALTH OF VIRGINIA)

- A. Officers may continue a pursuit outside of Fairfax County (within the Commonwealth of Virginia), to include Falls Church City and Fairfax City, when the pursuing officer has **probable cause** that the fleeing driver and/or any passenger is wanted for, or has committed, attempted to commit, or has threatened to commit:
  - 1. A violent felony as defined in this policy.
  - 2. Any felony or misdemeanor offense involving the criminal display, threat, or discharge of a firearm or explosive device. (ex: brandishing, reckless discharge).
  - 3. When authorized by a supervisor or commander as outlined in Section VII of this policy.

- B. **Arrests Outside of Fairfax County**: Whenever an arrest is made in an adjacent city or county to that of Fairfax County, the arrested should be returned to a Fairfax County magistrate. If the arrest occurs in a county not adjacent to Fairfax County, the arrested should be transported to the magistrate of the city or county where the arrest occurs. All offenses observed by Fairfax County officers in other jurisdictions should be reported to that jurisdiction, and all reasonable assistance to further that jurisdiction's investigatory efforts shall be facilitated.

VII. **PURSUIITS AUTHORIZED FOR SPECIAL CIRCUMSTANCES**

- A. Because this policy cannot anticipate every situation an officer may encounter, commanders and supervisors may authorize pursuits that fall outside of the current policy when they meet the following criteria:
1. Whenever a supervisor or commander can specifically articulate the danger created to the community by allowing the offender to remain at large. The suspect must pose an immediate risk to the public and demonstrate a wanton disregard for public safety before a supervisor and/or commander may authorize a pursuit outside of the current pursuit policy.
  2. Under an operations plan, approved by a bureau commander, articulating the public safety need to pursue specific to an on-going criminal investigation.

VIII. **PURSUIITS INTO THE STATE OF MARYLAND OR DISTRICT OF COLUMBIA**

- A. Pursuits may be permitted to continue outside of Fairfax County and into either the State of Maryland or District of Columbia when the pursuing officer has **probable cause** that the fleeing driver and/or any passenger is wanted for, or has committed, attempted to commit, or has threatened to commit:
1. A violent felony as defined in this policy.
- B. Whenever an officer in pursuit anticipates that the pursuit will enter either the State of Maryland or District of Columbia, that officer shall notify DPSC and provide timely updates to assist responding officers in locating the pursuit.
- C. All pursuing officers shall allow any assisting units from the entered jurisdiction to become lead units. In the event this does not occur, the controlling pursuit supervisor shall direct all pursuing officers on when to terminate the pursuit. When a sufficient number of outside jurisdiction officers

assist in the pursuit, all Fairfax County officers shall terminate their involvement in the pursuit.

- D. **Arrests Outside of the Commonwealth of Virginia:** Where Fairfax County officers assist in arrest of a fleeing suspect outside of the Commonwealth of Virginia, the suspect(s) shall be held for, and custody transferred to, the jurisdictional units where the arrest occurred. Fairfax County officers should then obtain necessary warrants in Fairfax County and assist in the facilitation of extradition. All offenses observed by Fairfax County officers in other jurisdictions should be reported to that jurisdiction, and all reasonable assistance to further that jurisdiction's investigatory efforts shall be facilitated.

IX. **OTHER-AGENCY PURSUITS WITHIN FAIRFAX COUNTY**

- A. Officers may assist with other-agency pursuits within Fairfax County when the pursuit meets the criteria set forth in Section V, Pursuits Within Fairfax County, of this policy.
- B. Where another law enforcement agency has only one unit in pursuit, officers may become temporarily involved for officer safety purposes, to allow a dispatcher enough time to contact the pursuing agency to determine the reason for the pursuit. If the pursuit does not meet the criteria set forth in this policy, it shall be terminated.
- C. Fairfax County officers shall terminate their assistance when the other agency unit(s) leaves Fairfax County's jurisdiction unless authorized by the controlling pursuit supervisor.
- D. Officers should obtain warrants for any traffic and criminal offenses observed within Fairfax County where the identity of the offender can be established.

X. **PURSUIT VEHICLES**

- A. **Police Vehicles:** Only those operators of pursuit approved county-owned vehicles, to include truck chassis vehicles, may use that specific vehicle to become involved in pursuit and response driving. Vehicles not owned by Fairfax County shall never be involved in a vehicle pursuit. To increase visibility, marked police vehicles should assume the lead position in a vehicle pursuit, when possible.
- B. **Police Motorcycles:** Police motorcycles equipped with full emergency equipment (lights and siren) may become involved in a pursuit at the discretion of the operating officer until a police cruiser can become involved in

the pursuit, at which time the police motorcycle should withdraw from the pursuit. Off-road police motorcycles shall never be involved in a vehicle pursuit.

- C. **Helicopter:** When available, the helicopter unit will respond to provide aerial surveillance of the pursuit. While overhead of the pursuit, the helicopter unit should assume primary radio responsibility and may recommend to the controlling pursuit supervisor to terminate the pursuit if the vehicle can be identified. The helicopter should also video and audio record the pursuit and any post-pursuit actions whenever possible. The final determination to respond and assist in the pursuit is at the sole discretion of helicopter unit flight personnel.

## XI. TERMINATING PURSUITS

- A. The lead unit, any controlling pursuit supervisor, or any commander may terminate a pursuit via the police radio.
- B. The controlling pursuit supervisor or any commander should terminate any pursuit when unsafe circumstances are observed or reasonably anticipated unless the danger created by allowing the offender to escape poses a greater risk to the community as a whole.
- C. Any officer may recommend terminating a pursuit when unsafe circumstances are observed, or where the driver or offending occupant(s) identity can be established to the point where later apprehension can be accomplished.
- D. Officers shall immediately remove themselves from a pursuit where the officer's emergency lights or siren malfunctions or becomes inoperable, where the officer's cruiser incurs mechanical failure rendering it unsafe to continue operation (flat tire, overheated engine, etc.), or where it becomes necessary to stop and render or summon medical aid to any injured individual.
- E. If a pursuit is terminated and new information is developed (shots fired, updated location, etc.) or there are extenuating, articulable circumstances as to why the pursuit should re-commence, the controlling pursuit supervisor may re-authorize continuation of the pursuit.
- F. Pursuits shall be terminated when the pursued vehicle's location is no longer known or visual contact is indefinitely lost. In-Car Video (ICV) and Body-Worn Camera (BWC) systems should remain operational until the officer(s) permanently lose sight of the vehicle and resumes normal driving.

- G. Once a pursuit has been terminated or concludes, all involved officers shall acknowledge, via the police radio, the termination of the pursuit. Officers shall deactivate their emergency equipment and resume normal driving.

## XII. PURSUIT DOCUMENTATION

- A. Any officer initiating a pursuit or electing not to initiate a pursuit when confronted with a fleeing driver, shall document, and clearly articulate the event, in an incident report in the Record Management System. If the officer is unavailable, documentation shall be determined by the controlling pursuit supervisor or a commander.
- B. All other involved officers in a vehicle pursuit shall complete an incident supplement to the original event in the Record Management System documenting their actions.
- C. All officers shall note in their report that ICV and BWC equipment was utilized during the pursuit and if not, the reason(s) why. All video footage shall be classified by officers as "Vehicle/Subject Pursuit" in Evidence.com to preserve the video in accordance with Library of Virginia retention schedules.
- D. Controlling pursuit supervisors shall document their actions in the current Internal Affairs Records Management System. Reviewing supervisors shall forward all completed reports to their respective commanders, the Internal Affairs Bureau, the Public Affairs Bureau, and the Criminal Justice Academy.
- E. The Internal Affairs Bureau will produce an annual report on vehicle pursuits, which includes an analysis of the pursuit reports and a review of policy or reporting issues.

## XIII. PURSUIT-RELATED CRASH INVESTIGATIONS WITHIN FAIRFAX COUNTY

- A. Any pursuit-related crashes occurring within Fairfax County that occur as the direct result of the pursuit or actions (not due to utilization of a vehicle stopping technique) will be investigated as follows:
  - 1. **Death or Serious Injury to any Involved Individual:**
    - a. The Operations Support Bureau's Crash Reconstruction Unit (CRU) and the Internal Affairs Bureau (IAB) shall have investigative authority. The investigative format shall include an IAB administrative investigation and a CRU criminal investigation if warranted. The



investigation shall be conducted in accordance with [SOP 12-045](#). Photographs, video, and any audio recordings pertaining to the investigation will be taken of all injuries by the investigative authority and preserved within the case file. The collection of evidence shall be performed at the direction of the lead CRU detective.

- b. The IAB commander shall review the administrative investigation and forward the investigation to the appropriate bureau commander.

**2. Medical Treatment Administered to any Individual at the Scene or at any Medical Facility for a Non-Serious Injury:**

- a. The on-duty supervisor shall have investigative authority in consultation with CRU, as needed. The administrative investigation shall be documented in the current Internal Affairs Records Management System describing the incident, extent of injuries, and type of medical treatment provided. Photographs of injuries, video, and any audio recordings pertaining to the investigation will be collected by the investigative authority and maintained in the case file.
- b. The on-duty supervisor shall forward all investigative reports and the administrative investigation to their division commander for appropriate review and dissemination.

**3. All Other Pursuit-Related Crashes:**

- a. A supervisor, as assigned by the Duty Officer or District Commander, shall respond and assume investigative responsibility of the crash investigation. The crash should be investigated and documented in accordance with General Order 506, Police Vehicle Crashes.

**XIV. PURSUIT-RELATED CRASH INVESTIGATIONS OUTSIDE OF FAIRFAX COUNTY**

- A. Any pursuit-related crash, not created as the direct result of a vehicle stopping technique, occurring outside Fairfax County shall be investigated as follows:

**1. Death or Serious Injury to Any Involved Individual:**

- a. IAB shall respond and assume investigative authority in cooperation with the jurisdiction investigating the crash. IAB shall be responsible for conducting the administrative investigation and generating an incident

report via the Non-Reportable Crash template in the current Records Management System. All investigative procedures shall be in accordance with [SOP 12-045](#). All photographs, video, audio recordings, and available copies of documentation from the investigating jurisdiction shall be preserved in the case file by the investigative authority.

- b. The IAB commander shall review the administrative investigation and forward the investigation to the appropriate bureau commander.

## 2. **All Other Pursuit-Related Crashes:**

- a. A supervisor, as assigned by the Duty Officer or district commander, shall respond, and assume investigative authority in cooperation with the jurisdiction investigating the crash. Documentation shall consist of an administrative investigation and incident report via the Non-Reportable Accident template in the current Records Management System. Any photographs, video, audio recordings, and available copies of documentation from the investigating jurisdiction shall be preserved in the case file by the investigating authority.
- b. The investigative authority shall review and forward all investigative reports to their commander for appropriate review and dissemination. The completed administrative investigation shall be forwarded to their division commander for appropriate review and action.

- B. Officers should be mindful that any actions taken during a pursuit, that occur outside of the geographical boundaries of Fairfax County, will be subject to review by that jurisdiction's lead law enforcement agency and chief prosecutor.

## XV. TRAINING

- A. Initial training will be provided on this policy and documented by the Criminal Justice Academy.
- B. Supervisors should review the pursuit policy with their officers annually, which should include table-top exercises and debriefs of pursuits.
- C. Every six (6) years, all sworn officers shall receive Criminal Justice Academy training in emergency vehicle operations. If an officer does not receive training in emergency vehicle operations every six years, that officer will not be authorized to response drive, including being directly involved in a pursuit.

## XVI. LEGAL REFERENCES

### A. Code of Virginia

1. [Va. Code Ann. § 19.2-76](#); Execution and return of warrant, capias, or summons; arrest outside county or city where charge is to be tried.
2. [Va. Code Ann. § 19.2-77](#); Escape, flight, and pursuit; arrest anywhere in Commonwealth.
3. [Va. Code Ann. § 19.2-297.1](#); Sentence of person twice previously convicted of certain violent felonies.
4. [Va. Code Ann. § 46.2-817](#); Disregarding signal by law-enforcement officer to stop; eluding police; penalties.
5. [Va. Code Ann. § 46.2-834](#); Signals by law-enforcement officers, crossing guards, and flaggers.
6. [Va. Code Ann. § 46.2-852](#); Reckless driving, general rule.
7. [Va. Code Ann. § 46.2-920](#); Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements.

### B. Code of the District of Columbia

1. [Code of the District of Columbia § 23-901](#); Arrests in the District of Columbia by officers of other states.

### C. Maryland Code of Criminal Procedure

1. [Maryland Code of Criminal Procedure § 2-305](#); Authority of officers of other states to arrest in State.

In [Scott v. Harris, 550 U.S. 372 \(2007\)](#), the United States Supreme Court noted that “where a [fleeing motorist] intentionally places himself and the public in danger by unlawfully engaging in reckless, high speed flight and....poses an actual and imminent threat to the lives of any pedestrians who might be present, to other civilian motorists, and to officers involved in the case...a police officer’s attempt to terminate a dangerous high-speed car chase that threatens the lives of innocent by-standers does not violate the Fourth Amendment, even when it places the fleeing motorist at risk of serious injury or death.”

General Order 504 becomes effective on September 8, 2021, and rescinds all previous rules and regulations pertaining to the subjects.

ISSUED BY:

  
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Chief of Police

APPROVED BY:

  
\_\_\_\_\_  
County Executive