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# GENERAL ORDER

FAIRFAX COUNTY POLICE DEPARTMENT

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SUBJECT: OPERATION OF POLICE VEHICLES

NUMBER: 501.1

CANCELS ORDER DATED: 1-1-13

ISSUE DATE: 10-25-13

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## I. PURPOSE

This General Order is issued for the purpose of delineating policy, providing guidelines, establishing rules governing the operation of County vehicles, and outlining procedures for specific incidents. Crashes involving police vehicles may involve property damage ranging from minimal to extensive, and may result in personal injuries or death to police officers and/or citizens. The serious consequences and potential losses resulting from crashes make the issue of vehicle operation one of grave concern.

## II. POLICY

The safety of the public and employees of the Department is of paramount importance in the operation of police vehicles. Accordingly, Department policy is that all County vehicles shall be driven within the limits of state law and County ordinance, and with a goal of establishing an example of safe driving for all citizens. Under emergency situations, sworn personnel are permitted to operate emergency vehicles beyond the limits of normal driving. The guidelines for these situations and other vehicle operations are set forth in this policy.

## III. APPLICABILITY

The provisions of this policy are applicable to every employee of the Police Department, police officer and civilian, who is required to operate a County vehicle in the performance of official duties. Certain sections, by the very nature of their design, apply specifically to police officers.

## IV. TERMINOLOGY

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

- A. Controlled Intersection - Any location of intersecting streets or highways where vehicular traffic is controlled by signal lights or signs.
- B. Normal Driving - That driving which relates to the maintenance of vehicle speed concurrent with the normal flow of traffic, the obedience to motor

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vehicle laws and requirements of posted vehicular control signs, the adherence to the "Rules of the Road," and the practice of courtesy as a responsible driver.

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

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

- F. Precision Immobilization Technique - The intentional act of using a police vehicle to physically force a fleeing vehicle from a course of travel in order to stop it. PIT is a specific, technical maneuver which requires advanced practical training prior to use.

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- G. Serious or Fatal Injuries - Life-threatening injuries or injuries resulting in death.
- H. Incident - When a police vehicle comes into contact with another vehicle, object or person as a direct result of the intentional actions of the officer. The use of the Precision Immobilization Technique shall not be considered an incident for reporting purposes.
- I. Close Pursuit - Pursuit that is initiated with the intent to overtake and arrest. Close pursuit does not necessarily imply immediate pursuit, rather pursuit without unreasonable delay. Close pursuit shall be synonymous with hot or fresh pursuit.
- J. Foreign Jurisdiction - Maryland, the District of Columbia, and/or other states.
- K. Major Jurisdictional Boundary - Any jurisdictional boundary beyond what the pursuing officer would cease to have authority under normal conditions (i.e., state boundaries, the District of Columbia boundaries and certain federal boundaries).
- L. Probable Cause - Where facts and circumstances are such as to cause a person of reasonable caution to believe that an offense is being or has been committed.
- M. Felonies Involving Violence - Crimes under this definition are murder, manslaughter, mob-related felonies, malicious wounding, felony kidnapping or abduction, robbery, carjacking, felony criminal sexual offenses, escape with force, and any felonies involving the discharge of a firearm.

V. GENERAL OPERATIONS AND GUIDELINES

Police response must, of necessity, be governed by the nature of the occurrence, the amount of information a caller or complainant provides, and the credibility of that information.

During normal day-to-day police operations, many calls are received from citizens that concern mostly matters of routine services and complaints. In the majority of these calls, the situation reported is neither urgent nor of an emergency nature; hence, an officer responding to such an assignment would not be justified in

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operating the police vehicle in a manner other than that defined as normal driving. In other cases, however, an officer may or may not be justified to expedite to the location of a call, depending on: (1) the nature of the call; (2) the seriousness of the situation; and (3) the variable conditions of traffic congestion, weather, road surface, etc., present at the time.

No attempt is made to establish a fixed order or priority to include every possible situation. However, some form of guideline must be offered and, of necessity, that guideline must concern itself with the matter of whether a human life is or is not in danger, based on the total information known at the time.

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

Recognizing that protection of human life is paramount, the responding officer must bear in mind that the response objective is to get to the location of the occurrence as soon as possible, safely and without danger to the officer or to others.

Since an officer's judgment and decision to expedite or not to expedite will depend on the total information received from the police radio dispatcher or other source, it is critically important for such information to be complete and accurate. Recognizing the importance of communication content and accuracy, EVERY INDIVIDUAL involved in the communication process must exercise great care to obtain as much information as possible from the reporting source, and to make every effort to ensure information accuracy throughout the process, from the initial source to the officer in the field.

VI. RULES GOVERNING VEHICLE OPERATION

The following rules govern the operation of police vehicles:

- A. The operator of a County vehicle has the responsibility to inspect the safety features of the vehicle prior to commencing operation. The check should include, but not be limited to, all lights, brakes, fluid levels, siren, horn, and steering. No officer or employee shall operate any County vehicle which is believed to be operationally unsafe. Vehicles shall not be operated without fully functioning emergency equipment. A County vehicle with serious mechanical defects shall be towed, not driven, to the County Garage. All weapons shall be removed from any police vehicle prior to delivering it to a

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County Garage or other service location.

- B. The use of safety belts shall be in accordance with Regulation 203.3. Seat belts shall be worn by drivers, passengers, and prisoners, whenever the vehicle is so equipped. This applies to the operation of County-owned vehicles, commercial, or privately owned vehicles, if used while on duty.
- C. No operator of a County vehicle shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, supplemental restraint systems (airbags), emission control devices, or any part of the vehicle which affects its operation.
- D. During periods of inclement weather when County vehicles cannot be washed regularly, the operator of a County vehicle must ensure that headlight, bar light, and taillight lenses are kept clean, insofar as circumstances permit.
- E. The operator of a County vehicle, when made aware of any unsafe condition, shall advise the squad supervisor who shall ensure the vehicle is transported to the respective Department of Vehicle Services (DVS) facility as soon as practicable. DVS personnel shall determine the condition of the vehicle and its suitability for service.
- F. The operator of a County vehicle shall exercise careful observation of surrounding conditions before turning or backing any vehicle, and operate the vehicle with due regard for these conditions.
- G. A County vehicle shall not be left unsecured with its engine in operation.
- H. The operator of a County vehicle must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle, and shall operate the vehicle with due regard for these factors.
- I. In addition to the provisions of this policy, the operation of County vehicles is governed by the Motor Vehicle Laws of the Commonwealth of Virginia and the County of Fairfax.
- J. Except for the very limited period of time in which pacing is accomplished, response or pursuit driving shall require the use of emergency equipment.

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Under certain limited conditions, such as open highway with no traffic, the siren may be used intermittently with emergency lights in constant operation. Police vehicle operation under these conditions requires extreme caution.

- K. The nature of certain crimes in progress may call for the use of the siren and/or emergency lights to be discontinued on close approach to the location of the occurrence. Although this action is authorized by Code of Virginia § 46.2-920, police operations under these conditions require prudent judgment and extreme caution and such use shall be clearly articulated. If the nature of the call necessitates such response to ensure a tactical and safe approach, officers must follow the direction provided below in subsection M as they approach and proceed past any steady or flashing red signal, traffic light, stop sign, or device controlling an intersection.
  
- L. For the call *Police Officer in Trouble* (Signal 1), only the units assigned and those nearest the location should respond. For reasons of safety, responding units should advise the police radio dispatcher as to the location from which they are en route. The first officer arriving at the location who can do so should advise the police radio dispatcher of the conditions as soon as possible in order that additional units can be canceled or dispatched without delay.
  
- M. When approaching a controlled intersection or other location where there is a reasonable possibility of collision, the operator of a police vehicle being operated under response or pursuit driving shall be granted an exemption as explained in *Code of Virginia* § 46.2-920 only when the driver utilizes the emergency lights and:

- Sounds a siren

OR if no siren:

- Slows the vehicle down to a speed reasonable for the existing conditions, **yields the right of way** to the driver of another vehicle approaching or entering the intersection from another direction or, if required for safety, **brings the vehicle to a complete stop** before proceeding with due regard for the safety of persons and property.

With only the lights activated while proceeding through an intersection the driver of the emergency vehicle loses the right of way. Both the lights and

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siren must be activated to be afforded the exemption in § 46.2-920. To assist with clarification, § 46.2-920 is shown below:

*B. The exemptions granted to emergency vehicles by subsection A in subdivisions A1, A3, A4, A5, and A6 shall apply only when the operator of such vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary. The exemption granted under subdivision A 2 shall apply only when the operator of such emergency vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and either (a) sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or (b) slows the vehicle down to a speed reasonable for the existing conditions, yields right-of-way to the driver of another vehicle approaching or entering the intersection from another direction or, if required for safety, brings the vehicle to a complete stop before proceeding with due regard for the safety of persons and property.*

- N. Regardless of the seriousness of the situation to which an officer is responding, and except in circumstances that are clearly beyond the officer's control, the operator of a police vehicle shall be held accountable for the manner in which the vehicle is operated.
- O. At the scene of a crime, a motor vehicle crash or other police incident, a police vehicle should be parked in such a manner so as not to create an obstacle or hazard to other traffic. If it is necessary to warn other drivers approaching the location, the emergency lights, four-way flashers, traffic flares or cones, or other warning devices shall be used.
- P. The public address system located in police vehicles shall be used for official purposes only. The system may be used for purposes such as crowd control, felony vehicle stops, evacuation, riot scene control, and other similar incidents. The specific use shall be at the discretion of the officer when an articulable need exists.
- Q. The spotlights and alley lights located on police vehicles shall be utilized in accordance with state law and for official purposes only. The system may be used for vehicle stops, checking businesses, or other patrol related functions.
- R. Truck chassis vehicles shall not engage in vehicle pursuits. However, sworn

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personnel who have been authorized by the Chief of Police and who have received training from the Criminal Justice Academy's Driver Training Unit may engage in response driving while operating an authorized truck chassis or SUV platform vehicle in accordance with Section IV.E of this policy. The Criminal Justice Academy shall maintain a list of authorized vehicles and divisional personnel who are certified to use such vehicles for response driving.

- S. When entering a curve or entrance/exit ramp, operators of truck chassis vehicles shall adhere to the posted maximum safe speed. Drivers who are authorized to engage in response driving mode in an approved truck chassis or SUV platform vehicle shall exercise caution while entering a curve or entrance/exit ramp to ensure their speed is appropriate to safely handle the vehicle.
- T. Truck chassis vehicles shall always be slowed when going off the roadway or traveling on uneven pavement.
- U. While operating a County vehicle, personal or issued communication devices shall not distract a sworn or civilian employee from the safe operation of the vehicle.

VII. VEHICLE ESCORTS

Requests for various vehicle escorts are received on a regular basis by the Police Department. These range from escorts for funeral processions to dignitary protection to hazardous material transportation. Requests for these services will generally originate with the Traffic Division, Operations Support Bureau, and will be provided by the Motor Section. Occasionally, staffing constraints may dictate the need for patrol assistance via personnel from affected district stations. Personnel should be aware of the hazardous circumstances which are present while conducting escorts. Thus, it is recommended that all escorts be conducted with marked police vehicles, motors, or cruisers. Marked police vehicles provide maximum visibility to other motorists, which will reduce the risk of crashes.

- A. Officers assigned to escorts have the responsibility to choose the travel route. Factors to be considered in route selection are time of day, local traffic, workload, road hazards, permit requirements, and weather. If the escorted party does not agree to the selected route, they will be advised to



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proceed at their own risk without an escort or, in the case of hazardous materials or wide loads, that they cannot traverse the County until they agree to the specified conditions.

- B. Officers have the responsibility to refuse any escort which presents an unreasonable hazard to their safety or that of the public, after consulting with their supervisor. The primary concern in all escorts is to ensure the safety of the officers involved, persons being escorted, and the public. It is the secondary concern of police personnel to ensure minimal disruption to the normal traffic flow.
- C. Police vehicles actively involved in traffic control during an escort assignment shall have their emergency lighting equipment in operation at all times. Intermittent use of the siren may be required as a warning to other motorists. No escorted vehicle shall be permitted to exceed the posted speed limits.
- D. The officer in charge of a funeral escort will determine the manageable number of vehicles that can be escorted, based on assigned personnel, route, and weather conditions. Generally, processions with less than 15 vehicles will not be escorted unless circumstances dictate otherwise. Prior to refusing such an escort, the officer will confer with the immediate supervisor. In the event that the procession is larger than anticipated and cannot be safely escorted with available staffing, the officer will advise the procession coordinator that there will be a delay to await additional assistance or the procession can; (1) proceed without escort at its own risk or; (2) the officer may take a manageable number of vehicles, to include the family vehicle and funeral coach. Additionally, funeral home personnel shall be advised of the need to have all participating vehicles illuminate their headlights and activate their four-way flashers. Placarding for the lead and last vehicle should also be recommended.
- E. Officers shall enter controlled intersections only on a green traffic signal. The officer may take control of the intersection; however, once this is done, control shall be maintained until the last vehicle in the procession has passed through the intersection. Motor officers may take control of any intersection, regardless of the signal color, when required by traffic conditions.
- F. When officers pass vehicles in a procession in order to reach the front, they shall not pass within the same traffic lane as the escorted vehicles and shall exercise due regard for their safety and the public. Escorted vehicles shall

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not be allowed to proceed against a red traffic signal, unless at the direction of a police officer.

- G. When the route of travel includes the interstate highway system, officers will advise a funeral home representative that the procession may not be assisted onto the interstate by police. Escort officers will remain in the right lanes of the interstate at a speed of less than 55 miles per hour to facilitate the reassembly of the procession.
- H. Escorts of public officials and dignitaries will be coordinated with the appropriate personnel representing the official or dignitary and the commander of the Operations Support Bureau through the Traffic Division commander. The Motor Section supervisor will be responsible for establishing the specific duties and assignments of police personnel related to the escort. When such escorts will be done in conjunction with a security detail for the officials, then the policies and procedures established under General Order 520.6, VIP Protection Policy, will also be followed.
- I. Escort requests of an unusual nature, such as for hazardous materials, oversized loads, parades, etc., shall be approved by and coordinated through the Operations Support Bureau commander or the Traffic Division commander.
- J. Escorts of civilian vehicles or other non-emergency equipped vehicles in emergency situations are prohibited.

VIII. CRASHES OR INCIDENTS INVOLVING POLICE VEHICLES

Recognizing that motor vehicle crashes will occur despite all preventive efforts, this policy establishes the following investigative responsibilities and procedures:

- A. The operator of a police vehicle involved in any type of crash or incident shall, unless physically disabled, notify a police supervisor without delay.
- B. When notified of such crash or incident, the police radio dispatcher shall advise the involved operator's supervisor.
- C. A complete investigation of the facts and circumstances surrounding the crash or incident shall be conducted.
  - 1. Generally, the investigation shall be conducted by the operator's

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squad supervisor. In the event the respective squad supervisor is not available, the investigation shall be conducted at the direction of the nearest available supervisory officer.

2. An officer of equal or superior rank shall investigate any crash or incident involving a supervisor or staff officer. When there is no equal or greater ranking officer available to respond and investigate the crash, the duty officer or affected commander can exercise discretion to have the crash worked by an available subordinate commander or supervisor. The review and action taken will still be completed by the affected employee's normal chain of command.

The services of any Accident Investigation Unit may be utilized for assistance.

3. The Internal Affairs Bureau, with the assistance of the Crash Reconstruction Unit, shall investigate the following specific types of crashes or incidents:
  - a. All crashes, uses of the Precision Immobilization Technique, or incidents resulting from or involving a police vehicle coming into contact with another vehicle, object, or person as a direct result of the intentional actions of the officer, **which result in death or serious physical injury.**
  - b. All uses of the Precision Immobilization Technique that occur in any jurisdiction outside the boundaries of Fairfax County.
  - c. All crashes resulting in fatalities or serious physical injury which directly involve a police vehicle.
  - d. Crashes which result in death or serious physical injury that occur coincidentally with a vehicle pursuit involving Fairfax County Officers shall be investigated by the Internal Affairs Bureau.
4. In those cases to which they are assigned, the Internal Affairs Bureau is responsible for the following tasks:
  - a. Completing all investigative activities, reports, and

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administrative actions usually assigned to the employee's immediate supervisor.

- b. Ensuring a thorough examination of all issues likely to be questioned in future civil proceedings.
- D. Incidents, as defined in this General Order, shall be reported in accordance with General Order 540.1, Use of Force.
- E. The investigating officer shall determine the cause of the crash, based on all evidence and known facts, and shall include such factual findings, together with the conclusions, in a detailed administrative investigation report directed to the Chief of Police. All such reports shall be routed through the investigating officer's station, division or bureau commander, as applicable, for initial review.

A report via the **Accident Module** in I/LEADS must be completed for all crashes involving a police owned vehicle or rental vehicle that occur in Fairfax County and the Towns of Herndon and Vienna, as required by law in the following situations:

- Cruiser crash resulting in death or injury to any person on public property
- Cruiser crash or hit and run crash in which the total property damage is \$1,500 or greater and taking place on public property

**Reportable cruiser crashes occurring within the confines of Fairfax County**

1. Document in I/LEADS via Accident Module as with any other reportable crash.
2. Document administrative investigation via PD207 or IA format memorandum as appropriate to complexity/severity of incident.

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**Reportable cruiser crashes occurring outside of Fairfax County**

1. Document in I/LEADS via the Non-Reportable Accident template.
2. Document administrative investigation via PD207 or IA format memorandum as appropriate to complexity/severity of incident.
3. Obtain copy of any documentation available from reporting jurisdiction and include in investigative file.

An Incident Report will be completed using the **Non-Reportable Accident template** for all crashes involving a police vehicle that occur in Fairfax County and the Towns of Herndon and Vienna, in the following situations:

- Cruiser crash resulting in death or injury to any person on private property
- Cruiser crash or hit and run crash in which the total property damage is under \$1,500 and taking place on public property
- Cruiser crash or hit and run crash taking place on private property

A diagram of the crash scene **SHALL** be attached to the Incident Report.

All crash reports shall be sent by link to the Patrol Bureau.

**Non-Reportable cruiser crashes occurring within the confines of Fairfax County**

1. Document in I/LEADS via Non-Reportable Accident template.
2. Document administrative investigation via PD207 or IA format memorandum as appropriate to complexity/severity of incident.

**Non-Reportable cruiser crashes occurring outside of Fairfax County**

1. Document in I/LEADS via Non-Reportable Accident template.
2. Document administrative investigation via PD207 or IA format memorandum as appropriate to complexity/severity of incident.

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3. Obtain copy of any documentation available from reporting jurisdiction and include in investigative file.
  
- G. In all police vehicle crashes resulting in a report via the Accident Module, the operator, unless physically incapable of doing so, shall submit a memorandum detailing the circumstances of the case.
  
- H. The completed Administrative Investigation Report shall be transmitted to the Office of the Chief of Police as soon as possible. Only the original reports are to be submitted; however, copies may be made for station or division files.
  
- I. Fatal or serious injury crashes or incidents require an oral report to be made to the Chief of Police as soon as possible after the occurrence. The duty officer or the Police Liaison Commander shall make the oral report. In the event the Chief of Police is unavailable, the report shall be made to the appropriate Deputy Chief.
  
- J. The investigation of any police vehicle crash that occurs outside the boundaries of Fairfax County that involves death or serious injury to any party or involves allegations of criminal conduct by police personnel shall be conducted in accordance with Section VIII, C, 3, of this policy. All other police vehicle crashes will be investigated in accordance with Section VIII, and the following is provided as a general guide for supervisory staff. Any such investigation conducted outside Fairfax County shall be coordinated with the local jurisdiction investigating the crash to the maximum extent possible.
  1. Crashes occurring within the greater Washington Metropolitan Area (contiguous jurisdictions to Fairfax County, Washington DC, Prince George's County, and Montgomery County Maryland) - Appropriate supervisory police personnel will respond and investigate any police crash that occurs. With duty officer approval, in some limited instances involving minor crashes occurring outside Fairfax County, an immediate on-site investigation by Fairfax County Police supervisory personnel may not be required. The investigating supervisor may utilize police information and reports from the foreign police jurisdiction, telephone interviews, interviews and statements from the involved employee and other means in lieu of having

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personnel respond to a distant, minor crash scene.

2. Crashes occurring outside the Washington Metropolitan Area will not require the routine response of police supervisory personnel in most instances. The assigned supervisor may utilize the crash report and related investigative reports from the foreign police department. In cases where the crash does not meet the foreign jurisdiction's reporting requirements, an on-scene crash investigation and written report shall be requested by the assigned supervisor as a professional courtesy.

IX. CRASHES INVOLVING RENTAL VEHICLES

Crashes involving rental vehicles will be investigated in accordance with Section VIII of this policy. There are, however, several differences in dealing with the vehicle.

A. Towing/Storage

1. If needed, the closest available County contracted wrecker will be used. During business hours, the vehicle will be taken to a repair facility pre-designated by the rental agency. After normal business hours, the vehicle will be taken to the nearest police facility until the next working day. The rental agency will be contacted at that time to arrange removal to a repair facility.
2. If the vehicle can be driven, it should be returned to the operating employee's station/assignment.

B. Repair/Replacement Arrangements

1. If the employee is at fault or if fault cannot be determined, the investigating supervisor must obtain two repair estimates. The Resource Management Bureau's vehicle coordinator will assist in arranging for estimates. This information, along with the vehicle, will be given to the rental agency. The rental agency will then provide a replacement rental car. A copy of the estimates will be forwarded to the Administrative Support Bureau, Financial Resources Division, for processing.

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2. If a non-employee party is at fault, the vehicle will be taken to the designated location for repair. The rental agency will make every effort to collect from the party at fault. If the rental agency is unable to collect, Fairfax County will become responsible for payment of damage.

X. CRASHES OR INCIDENT REVIEW PROCEDURES

- A. The station, division, or bureau commander of the officer involved in the crash or incident shall conduct a review after receiving the investigating officer's report. The review is for the purpose of determining whether there are any violations of statutes or ordinances, violation of General Orders or regulations, and to arrive at a decision on whether the crash is preventable.
- B. If the crash is determined to be preventable, the reviewing commander shall conduct a hearing and indicate in the ensuing narrative report how that conclusion was reached and what specifically the involved officer did or did not do which resulted in the preventable crash.
- C. In cases where the crash is ruled preventable, the reviewing commander shall include in the report what disciplinary action is taken or recommended (if beyond the scope of delegated authority), and/or what remedial training is recommended.
- D. The reviewing commander shall forward the report to the next higher level of command for further review. The commander at the next level shall review the crash and reach a determination on two points: whether the crash was preventable and whether the disciplinary action is appropriate and consistent with other similar cases. The bureau commanders shall consult on the question of the consistency of disciplinary action. The decision at this level shall be reached within five work days after receiving the report.
- E. Disciplinary action shall be imposed in accordance with General Order 310.2, Disciplinary Actions and Appeals. Appeals from decisions on disciplinary action shall be in accordance with the procedures in General Order 310.2 or 310.3.



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XI. PURSUIT OF VIOLATORS

There are occasions when suspects flee from police authority, or criminal or traffic law violators refuse to stop when given a signal to do so. Such circumstances require special consideration.

- A. A pursuit is justified when the officer knows or has reasonable suspicion to believe that a suspect has committed or is attempting to commit a crime or a traffic infraction and refuses to stop when given a signal to do so and the necessity of immediate apprehension for the crime or traffic infraction outweighs the level of danger created by the pursuit. Supervisors and pursuing officers must take into consideration the potential risk of death or serious injury to any person created by the pursuit itself.
  
- B. As soon as the pursuit is initiated, the pursuing officer must advise the police radio dispatcher immediately of the pursuit and the reason for the pursuit. A first line supervisor will also be notified as soon as practical, via the Department of Public Safety Communications (DPSC). The supervisor is required to acknowledge awareness of the pursuit and assume incident command verbally, either through the voice radio or another oral communications device. As soon as practical thereafter, a supervisor shall give specific direction that either: (a) the pursuit may continue or; (b) the pursuit shall be terminated. This provision does not preclude the termination of a pursuit by a supervisor or officers at any time within the criteria set forth in this order. A supervisor actively involved in the pursuit may assume command and control of the pursuit. This does not preclude a higher ranking supervisor or the duty officer from taking command of the pursuit.
  
- C. In many circumstances, the decision by an officer to abandon a pursuit may be the most prudent course of action:
  - 1. If, in the opinion of the pursuing officer or supervisor, there is a clear and unreasonable danger to the officer and others that outweighs the necessity for immediate apprehension.
  - 2. If 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.
  - 3. If the prevailing traffic, roadway, and environmental conditions indicate

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- the futility of continued pursuit.
4. If the pursued vehicle's location is no longer known.
  5. If the officer is unfamiliar with the area and is unable to determine the pursuit location and direction of travel, especially in pursuits outside of Fairfax County.
  6. If the communications capability between the pursuing officer(s) and the DPSC becomes severely limited.
- D. The pursuit shall be terminated at or prior to the jurisdictional boundary consistent with the exceptions authorized within this General Order. It shall be the responsibility of each pursuing officer and supervisor to be aware of the exact location of these boundaries. Additionally, officers not directly involved in a pursuit are not permitted to position themselves in another jurisdiction in anticipation of assisting or joining a pursuit where the most recent information does not authorize pursuit beyond the boundaries of Fairfax County, as directed in this General Order.
- E. At no time will more than three police units be directly involved in the pursuit, except in instances where specific need for them can be clearly defined. If more assistance is necessary, the number of units will be determined by:
1. the nature of the offense;
  2. the number of suspects;
  3. whether the participating police vehicles have more than one officer; and
  4. other clear and articulated facts that would warrant the increased hazard.

The decision to commit additional vehicles shall rest with the supervisor based on information supplied by officers in pursuit. All officers involved shall advise the police radio dispatcher, preferably through verbal communications, at the earliest possible moment. Units joining or participating in a pursuit without the specific, acknowledged authority of a dispatcher may be subject to discipline.

- F. Officers involved in or responding to a pursuit shall monitor the pursuit radio

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talk group utilized by the police radio dispatcher and supervisor controlling the pursuit, so as to acknowledge information, direction and orders, such as pursuit termination.

- G. Whenever possible, use of unmarked police vehicles as pursuit vehicles should be avoided. The increased danger created by the less visible unmarked units makes it necessary that officers operating unmarked cruisers during a pursuit withdraw at the earliest possible time. Whenever marked police vehicles become available to take over the pursuit, the unmarked vehicle shall withdraw from the pursuit.

Police vehicles manufactured on truck chassis (patrol wagon, four-wheel drive utility vehicle, van, etc.) shall not be used to engage in a pursuit.

- H. There should be no attempt by officers to pass other units involved in the pursuit unless the passing is first coordinated with the unit to be passed. All units in pursuit, whether the vehicle in front of the unit is the suspect vehicle or another police vehicle, shall space themselves at a distance that will ensure proper braking and reacting time in the event the lead vehicle stops, slows, or turns.

- I. As outlined in General Order 530.2, Police Helicopter Operations, when a police helicopter enters the pursuit, other pursuing officers should reduce their speed and maintain radio contact with the aircraft, enabling the helicopter to direct and coordinate the pursuit. Officers not directly involved in the pursuit should monitor radio traffic for the pursuit location. It is recognized that instances will arise where officers would be acting properly in not reducing their speed after helicopter involvement. Examples of such instances include:

1. If the light and/or weather conditions are such that it is likely the pursued vehicle will be able to evade the helicopter.
2. If the terrain is such that the pursued vehicle could be easily concealed from the helicopter's view (i.e., wooded areas, etc.).
3. If the suspects are wanted for a serious felony and their immediate apprehension is necessary once the vehicle is stopped.

- J. If there is sufficient time, number of officers, and the road and traffic conditions allow, the deployment of the 3' STOP Stick Tire Deflating Device

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may be utilized to bring the pursuit to a conclusion. The following rules govern the deployment and use of the 3' STOP Stick:

1. The STOP Stick **shall** only be deployed by officers trained in the deployment of the STOP Stick.
  2. The STOP Stick **shall** only be used on vehicles with four or more tires, traveling at speeds greater than 10 mph.
  3. The Police Radio Dispatcher shall be advised of the exact location of the STOP Stick deployment, and pursuing units shall be notified by radio of the existence and location of the STOP Stick deployment.
  4. Officers shall deploy the 3' STOP Stick in accordance with the deployment methods, prescribed by the Department's training guidelines.
  5. Use of the STOP Stick shall be documented in a STOP Stick supplement, which shall be sent by link to the Resource Management Bureau.
  6. Once the STOP Stick has been used or damaged and cannot be reused, it must be returned to the Quartermaster Section and a replacement obtained (**DO NOT DISCARD THE USED DEVICE**, as there is a lifetime warranty, with free replacement).
- K. Due to the potential dangers associated with vehicle collisions, the use of police vehicles to strike or make intentional contact with another vehicle should be avoided except in the following circumstances:
1. In accordance with the Precision Immobilization Technique (PIT) procedures established by these General Orders;
  2. In accordance with the training and procedures established by specialized units of this Department (i.e., Organized Crime and Narcotics Division, etc.);
  3. When such action is not likely to cause serious injury or death and is likely to terminate an incident which, if permitted to continue, will place officers and citizens at risk of serious injury or death (i.e., boxing and trapping maneuvers).

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- L. Except in extreme cases, three units are sufficient to box in a vehicle and slow its rate of speed to effect a safe, forced stop, minimizing the risk of serious injury and damage to property. This method requires extreme caution because it places the officer in the danger zone of an armed suspect and may expose the police vehicle to ramming by the suspect.
  
- M. If, in the judgment of the police officer or officers in pursuit, the fleeing vehicle must be stopped immediately to safeguard life and preserve the public safety, the Precision Immobilization Technique (PIT) may be used. Only those officers who have successfully completed training in PIT shall utilize it. This decision may be made by a pursuing officer. The decision to use the PIT must take into account the safety of bystanders and the risk of physical injury to the occupant(s) of the fleeing vehicle, as well as the police officer. The Precision Immobilization Technique shall be considered Non-Deadly Use of Force. The use of PIT within the prescribed training guidelines of the Fairfax County Police Department is not likely to cause serious bodily injury or death. The decision to do so shall be reviewed on a case by case basis to determine whether it meets the criteria herein established. The review shall be conducted as specified in Section VIII of this policy.
  
- N. As a last resort, when all other means have failed to stop and apprehend a person fleeing in a motor vehicle who has committed a serious felony or who presents an immediate threat to life or injury to any person, the use of a stationary roadblock may be considered to effect an arrest and to stop the fleeing vehicle. The decision to use a stationary roadblock must take into account the risk of injury or death to any person, and shall be made by a supervisor. The use of a stationary roadblock shall be established as follows:
  - 1. Under no circumstances shall a citizen's vehicle be utilized to establish a moving or stationary roadblock.
  - 2. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop.
  - 3. The police radio dispatcher shall be advised of the exact location of the roadblock, and all pursuing units shall be notified by radio of the existence and location of the roadblock.
  
- O. When possible, civilian passengers should not be allowed to remain in an emergency vehicle during pursuits.

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XII. CLOSE PURSUIT INTO MARYLAND AND THE DISTRICT OF COLUMBIA

Maryland and the District of Columbia have granted statutory authority for Virginia law enforcement officers to pursue across their boundaries and effect arrests, provided that probable cause exists involving the occurrence of an offense which is a felony. After entry, the laws of such jurisdictions control the permissible conduct for pursuing officers.

It is the Department's policy that close pursuit shall extend into Maryland and the District of Columbia solely in accordance with the following requirements:

- A. Vehicle operation shall be in compliance with this policy and Virginia state law.
- B. The pursuing officer(s) has established probable cause that the person being pursued has committed, has attempted to commit, or is committing a felony involving violence or the threatened use of violence, as defined in Section 19.2-297.1 of the 1950 Code of Virginia, as amended. Crimes included under this code definition are murder, manslaughter (to include hit and run fatality), mob-related felonies, malicious wounding, felony kidnapping or abduction, robbery, carjacking, and felony criminal sexual assaults. In addition to these crimes, officers may also pursue for escape with force and any felony involving the discharge of a firearm.
- C. A first line supervisor shall be notified as soon as practical and must specifically authorize the pursuit to continue. Officers are not required to delay entry into a foreign jurisdiction while awaiting supervisory approval. The supervisor's decision to allow continuation of the pursuit shall be based on the seriousness of the crime, traffic condition, time of day, and environmental conditions. If a first line supervisor is not available, authorization shall be obtained from the duty officer. In the event the duty officer is not available, the Police Liaison Commander (PLC) shall assume responsibility for authorization.
- D. Responsibilities of pursuing officer(s) before entering Maryland or the District of Columbia.
  - 1. When an officer(s) in close pursuit perceives the likelihood that the pursuit will involve movement into Maryland or the District of

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Columbia, the officer shall notify the DPSC. The officer(s) shall provide the DPSC with the description of the vehicle, occupants, indication of weapons present, location of entry into the jurisdiction, and criminal charges involved.

2. No more than two emergency vehicles should cross a major jurisdictional boundary in a pursuit, unless additional units are authorized by supervisory personnel for articulable reasons. When more than two units pursue across a major jurisdictional boundary, those in excess of two shall terminate pursuit as units from the entered jurisdiction join pursuit. As soon as practicable, the pursuit shall be relinquished to personnel from the entered jurisdiction, with a unit from the initiating jurisdiction continuing in response until the pursuit is concluded or terminated. This does not preclude a continued response by additional units of the pursuing agency at the discretion of their supervisor.
  3. Officers shall not cross major jurisdictional boundaries to pursue for a non-violent felony, misdemeanor, or traffic infraction. If a non-violent felony, misdemeanor or traffic infraction continues as the vehicle crosses a major jurisdictional boundary, the law enforcement agency of the entered jurisdiction shall be notified.
- E. Responsibilities of pursuing officer(s) after entering Maryland or the District of Columbia.
1. The pursuing officer(s) shall allow the unit from the jurisdiction in which the pursuit is taking place to assume control of the pursuit and initiate any additional requests for assistance. In the event units from the jurisdiction in which the pursuit is entering do not assume control of the pursuit, the supervisory personnel who authorized the pursuit, as outlined in Paragraph C, shall direct the pursuing officer when to terminate the pursuit.
  2. Roadblocks shall not be initiated by any Fairfax County unit after crossing a major jurisdictional boundary.
  3. Officers may arrest felons after a legal pursuit across major jurisdictional boundaries; however, they shall hold the individual for, and relinquish the individual to, the law enforcement agency of the entered jurisdiction. Custody of this individual should then be

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administratively processed through the entered jurisdiction with extradition procedures initiated by the Commonwealth of Virginia.

4. Any violations that occur after entry into a foreign jurisdiction will be charged by law enforcement officers of that jurisdiction.

XIII. CLOSE PURSUIT WITHIN THE COMMONWEALTH OF VIRGINIA, OUTSIDE THE BOUNDARIES OF FAIRFAX COUNTY

This section is applicable to pursuits entering Prince William County, Loudoun County, Arlington County, Alexandria City, Falls Church City, Fairfax City, and any other city or county within the Commonwealth of Virginia. It is not applicable to the Towns of Vienna, Herndon, or Clifton.

It is the policy of this agency that close pursuit shall be permitted anywhere within the state in accordance with the following requirements.

- A. All vehicle operation shall be in compliance with this policy and Virginia state law.
- B. The pursuing officer(s) has established reasonable suspicion that the person being pursued has committed, has attempted to commit, or is committing any of the following:
  1. A felony involving violence or the threatened use of violence. Crimes under this definition are murder, manslaughter (to include hit and run fatality), mob-related felonies, malicious wounding, felony kidnapping or abduction, robbery, carjacking, felony criminal sexual offenses, escape with force, and any felonies involving the discharge of a firearm;
  2. The following misdemeanor violations: parental abductions, assault, exposure, peeping, and sexual battery; and
  3. Any offense involving the use, threatened use, display, or possession of a firearm or explosive device.
- C. With supervisory approval, an officer may continue beyond the boundary of Fairfax County, but within the Commonwealth of Virginia, under the following circumstances.



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1. When only one officer from another jurisdiction is actively involved in the pursuit, or if the number of suspects, nature of crime, and the possibility of weapons requires additional units for officer safety; or,
  2. The suspect(s) are reasonably suspected of having committed a felony that poses a threat to public safety. Examples may include serial burglars, auto theft rings, professional shoplifters, fugitive warrants for violent offenses, etc. This exception is not intended to include Speed to Elude under Title 46.2, Code of Virginia or single instances of property crimes; or,
  3. With prior approval of the Organized Crime and Narcotics Division commander, pursuits may be authorized for the offenses of distribution and/or possession with the intent to distribute illegal drugs. The decision to grant authorization will be based on the type and amount of illegal substance, as well as information regarding previous dealings and criminal history of the suspect(s).
- D. When an officer in close pursuit perceives the likelihood that the pursuit will necessitate movement into another jurisdiction within the state, the officer shall advise the DPSC and provide information such as vehicle and occupant description, location, and charges.
- E. Responsibilities of pursuing officer(s) after entering another jurisdiction within the Commonwealth of Virginia.
1. The officer shall maintain, to the extent possible, communications with the DPSC and relay information that will assist the jurisdiction in locating and apprehending the person pursued.
  2. When an apprehension and arrest are made of the person pursued in a city or county adjacent to Fairfax County (City of Alexandria, City of Falls Church, City of Fairfax, Loudoun County, Prince William County, Arlington County), the arresting officer shall immediately return the accused to a special magistrate in Fairfax County.
  3. When an apprehension and arrest are made of the person pursued in a city or county not adjacent to Fairfax County, the arresting officer shall take the accused before the proper official of the city or county in

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which the arrest occurred.

- a. If the arrest takes place with a warrant, the judicial officer shall either commit the accused to the custody of the arresting officer for immediate transfer to Fairfax County, commit the accused to jail for transfer as soon as possible, or release the accused according to law (i.e., bail, personal recognizance).
- b. If the arrest takes place without a warrant, the arresting officer shall obtain a warrant from the judicial officer where the arrest was made, charging the accused with the offense(s) committed in Fairfax County.

NOTE: Offenses which are observed by pursuing officer(s) occurring beyond Fairfax County shall be reported to the authorities of such jurisdiction. The pursuing officer shall offer all reasonable assistance to authorities to further the investigation and any resulting prosecution for the offenses.

F. DPSC Responsibilities

- 1. When an officer in close pursuit notifies the police radio dispatcher that a pursuit is likely to continue into another jurisdiction within the state, the DPSC personnel shall immediately alert the affected jurisdiction and provide all known information. If the affected jurisdiction, based on their department's policy, refuses to participate in the pursuit, this fact should be immediately relayed to the pursuing officer.
- 2. The appropriate first line supervisor shall be notified as soon as practical of the pursuit and of any instances of non-participation by the affected jurisdiction.

XIV. PURSUIITS INTO FAIRFAX COUNTY BY OTHER JURISDICTIONS

Officers may assist with pursuits by other jurisdictions into Fairfax County if it meets the Department's criteria and if approved by a supervisor. All vehicle operation and pursuit criteria shall be in compliance with this policy. Officers assisting an outside agency shall terminate their assistance when the pursuing officer leaves Fairfax

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County unless the pursuit continues to meet the Department's criteria as outlined in Section XIII. The DPSC shall notify the pursuing jurisdiction that we are terminating the pursuit at the County line. Warrants for traffic and criminal violations committed by the pursued driver may be obtained in the event that the identity of the violator is established. In the event that the other jurisdiction terminates its pursuit while within the County, officers will continue to pursue only on the basis that the pursuit continues to meet the Department's criteria and approval is granted by a supervisor.

XV. DOCUMENTATION AND REVIEW

- A. Whenever an officer is involved in a motor vehicle pursuit, the immediate supervisor shall be informed of the incident. This procedure applies to all pursuits regardless of outcome. In all cases, the involved officer shall complete an incident report. If more than one officer is involved in the pursuit, each additional officer shall file a supplemental report. The investigating supervisor shall complete a pursuit supplement report. The incident report shall be sent by link to the appropriate commander's role in-box. After command review, which includes the commander approving the pursuit supplemental report completed by the first line supervisor, the incident report shall be sent by link to the Internal Affairs Bureau and Criminal Justice Academy role in-box. This policy is applicable to all motor vehicle pursuits and not limited to those pursuits that continue outside the boundaries of the Commonwealth of Virginia.
- B. The controlling supervisor shall respond to the location at the end of the pursuit to assist officers at the scene, unless circumstances exist that prohibit them from responding. As soon as practical following the pursuit, a debriefing will be conducted by the first line supervisor and involved officers, unless the pursuit results in a criminal or administrative investigation, at which time a debriefing may only be conducted with the specific approval of the bureau commander. Information and observations provided by the DPSC and helicopter crew, if applicable, may also be considered for inclusion. The purpose of the review is to evaluate the observations and actions of all personnel in light of pursuit procedures and training issues.
- C. The duty officer shall include a brief synopsis of any pursuit occurring during his tour of duty in his report.

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XVI. SPECIAL PURPOSE VEHICLES

A. Operation

The Department maintains a number of special purpose vehicles assigned and used specifically due to considerations of terrain, storage requirements, or to meet specific operational needs. Trailers used by the department to store equipment (e.g., traffic cones, yodock barriers, etc.) are not considered vehicles for purposes of this directive. All special purpose vehicles shall be assigned an inventory control number by the Resource Management Bureau. Markings and equipment for each special purpose vehicle shall conform to law and Department policies. This may include the presence of the Department's name and reflective striping, as well as lights and sirens where appropriate. In those vehicles where radios cannot be installed, the primary method of radio communications shall be with the operator's portable radio.

The provisions of this General Order will govern the use of all special purpose vehicles operated by the Department.

B. Training

Several of the special purpose vehicles have additional licensing requirements beyond a basic operator's license (e.g., motorcycle, helicopter, marine patrol, command bus, dive truck, etc.). Several of the special purpose vehicles require specialized training and/or certification prior to being operated by any officer or other authorized persons (e.g., motorcycle, all-terrain vehicles, off-road trail bikes, etc.). Any training shall be done in coordination with the Criminal Justice Academy. Bureaus/divisions will be responsible for maintaining a record of those authorized to operate these specific vehicles and ensuring that continuing training requirements are met in a timely manner so as to prevent any lapse in licensing and/or certification.

The Criminal Justice Academy will coordinate with the various divisions to address any other training needs that may be identified (e.g., SUV Familiarization).

Upon functional reassignment of any personnel to a division that has a special purpose vehicle, commanders will ensure that training on the operation of that vehicle occurs or is scheduled as soon as practical following the transfer.

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C. Inspections

All vehicles shall be inspected by the operator prior to use. This shall include, but not be limited to, inspection of lights, sirens, and radios, when so equipped. Any deficiencies in the vehicle or its equipment that may make it inoperable shall be relayed to a supervisor or station logistics technician immediately. The duty officer or PLC shall be notified when any special purpose vehicle must be placed out of service for any length of time (command bus, helicopter, etc.).

Each division shall also maintain a schedule to ensure that any portable or specialty equipment maintained or stored on the special purpose vehicles is inspected on a regular basis. This inspection schedule should be relative to the amount of use the vehicle and equipment incurs, but should be no less than two times a year, to ensure all vehicles are ready for deployment. All equipment inspections shall be documented and maintained by the division. Deficiencies shall be brought to the attention of the appropriate supervisor immediately. Operators are responsible for restocking or replacing equipment and supplies following deployment.

Divisions that have special purpose vehicles are not prohibited from developing more specific operating procedures internally; however, the rules governing vehicle operation within this General Order shall be adhered to by operators of any special purpose vehicle.

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XVII. LEGAL REFERENCE

A. Code of Virginia

- |                |             |             |
|----------------|-------------|-------------|
| 1. 46.2-852    | 4. 46.2-373 | 7. 46.2-834 |
| 2. 46.2-829    | 5. 46.2-828 | 8. 19.2-76  |
| 3. 46.2-920    | 6. 46.2-817 | 9. 19.2-77  |
| 10. 19.2-79 B. |             |             |

B. Code of the County of Fairfax

- |            |            |
|------------|------------|
| 1. 82-1-6  | 4. 82-1-18 |
| 2. 82-4-1  | 5. 82-1-19 |
| 3. 82-4-12 |            |

XVIII. ACCREDITATION STANDARDS REFERENCE

VLEPSC

ADM.	OPR.		PER.
05.01	01.01	01.09	09.02
05.04	01.02	03.05	
	01.03	07.08	
	01.04	07.13	
	01.08		

This General Order becomes effective, October 25, 2013, and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:

Chief of Police

APPROVED BY:

County Executive