



Alexandria Police Department



Directive 10.11B

EMERGENCY VEHICLE PURSUIT

Effective Date: 11-09-2015	Cancels: 05-01-2012	
Updated Date: 08-10-2017	Section(s): 10.11B.03, 10.11B.05	SME Review Date:
Updated Date: 07-03-2019	Section(s): 10.11B.05	2025
Updated Date: 04-29-2020	Section(s): 10.11B.03,05, and 08	
Updated Date: 05-18-2021	Section(s): 10.11B.05	

CONTENTS

10.11B.01	PURPOSE AND POLICY
10.11B.02	AUTHORITY
10.11B.03	DEFINITIONS
10.11B.04	RESPONSIBILITIES
10.11B.05	PURSUIT PROCEDURES
10.11B.06	ARREST PROCEDURES
10.11B.07	MUTUAL-AID PURSUITS
10.11B.08	PURSUIT REPORTING REQUIREMENTS

10.11B.01 PURPOSE AND POLICY

The purpose of this directive is to establish policy and procedures regarding vehicle pursuit by Alexandria Police Officers. When operating an emergency vehicle in a pursuit situation, the primary concern of the operator must be the safety of him/herself, others in the police vehicle, other motorists and pedestrians, other officers, and the violator. Although officers are given a qualified exemption under state law (46.2-920) from observing certain traffic regulations in specific circumstances, they are not relieved of the responsibility of driving with due regard for the safety of all persons. Both the operator and the Department are not released from civil liability for failure to use reasonable care in such operation. Officers will exercise reasonable care under the circumstances in effect at the time of the pursuit.

Pursuits are 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. Forcible measures to stop a fleeing driver are prohibited except where deadly force is appropriate.

[41.2.3]

When considering whether to pursue, the officer must decide if the necessity of immediate apprehension supersedes the danger created by the pursuit.

10.11B.02 AUTHORITY

The authority to operate emergency vehicles in pursuit situations is provided under the Virginia State Code, Sections 19.2-76, 19.2-77, 19.2-79, 46.2-829 and 46.2-920.

10.11B.03 DEFINITIONS

Adjacent Jurisdictions-Virginia jurisdictions with boundaries adjacent to Alexandria; i.e., Arlington and Fairfax.

DECC-Department of Emergency and Customer Communications

Emergency Equipment-Flashing, blinking or alternating red lights, blue lights, or combination of the two, and an operable siren, exhaust whistle, or air horn designed to give automatically intermittent signals.

Forcible Stopping/Ramming – The use of a moving vehicle to attempt to stop a pursued vehicle by initiating deliberate contact between vehicles or by forcing the pursued vehicle off the road or into an obstacle. Blocking a vehicle from fleeing and/or the initiation of “positive contact” arrest methods (trained SOT only) are not “Forcible Stopping/Ramming” under this directive.

Jurisdiction-The limits or territory within which authority to interpret, enforce and apply the law may be exercised.

Major Jurisdictional Boundaries-Any jurisdictional boundary, beyond which the pursuing officer would cease to have authority, under normal conditions, i.e. state boundaries, the District of Columbia, and certain federal boundaries.

PMARS-Police Mutual Aid Radio System; a radio system providing direct agency-to-agency communications.

Pursuit-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 directive. 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.

Stationary Roadblock-The use of a stationary vehicle(s) to block motor vehicle passage.

10.11B.04 RESPONSIBILITIES

A. **Each individual officer will** determine the need for a pursuit to be initiated. Officers should view the initiation of a pursuit in the same light as a potential use of deadly force. Pursuits are permitted under the following circumstances: **[41.2.2.a]**

1. When an officer has reasonable grounds to believe the suspect has committed, or is attempting to commit, one of the following felonies: murder; rape or other felonious sex offense; abduction; robbery; felonious assault; arson involving death or serious injury; or
2. When an officer has reasonable grounds to believe the suspect has committed, or is attempting to commit, a crime which involves the display or use of a firearm, even if such crime is classified as a misdemeanor. **If the crime is a misdemeanor, officers will not pursue into another State or the District of Columbia.**

NOTE: Even when the above conditions have been met, the officer must consider the following factors when determining whether to initiate, continue, or terminate a pursuit:

- Time of day/day of week;
- Location (schools, business districts, residential);
- Nature of charges;
- Weather conditions;
- Road conditions;
- Speed involved;
- Condition of vehicles involved;
- Volume of traffic (vehicular and pedestrian);
- Visibility; and
- Officer's driving capabilities.

In some circumstances, the decision to abandon a pursuit may be the most prudent course of action, such as: **[41.2.2.g]**

- a. If, in the opinion of the pursuing officer or a patrol supervisor, there is a clear and unreasonable risk that outweighs the necessity to further pursue;

- b. If the suspect's identity has been established and the need for immediate apprehension is no longer present;
 - c. If the prevailing traffic/pedestrian conditions indicate the futility of further pursuit; or
 - d. The location of the pursued vehicle is unknown.
- B. **The primary pursuit officer will** advise DECC of the pursuit, the direction of travel, charges, description and updated information relating to the pursuit. [41.2.2.b]
- C. **The backup pursuit officer** will assist the primary pursuit officer in effecting the arrest. The backup officer will update DECC of the pursuit location and other conditions that may be appropriate. [41.2.2.c]
- D. **DECC** personnel will limit routine radio traffic during pursuits, notify a patrol supervisor or commander of pursuits, dispatch additional units, notify other jurisdictions as necessary, and relay helicopter requests. [41.2.2.e]
- E. **The Patrol supervisor** will actively monitor the pursuit, and will respond when appropriate. The Patrol supervisor may terminate the pursuit at any time the conditions warrant. The Patrol supervisor will request helicopter assistance, when appropriate, and may direct that additional units assist if necessary. When Alexandria pursuits enter other jurisdictions, the supervisor will ensure all applicable judicial procedures are followed (see 10.11B.08). The Patrol supervisor will conduct a post-pursuit review, and will document the circumstances in a Vehicle Pursuit Report (APD-478), which will be forwarded through normal channels before the end of the supervisor's shift (see 10.11B.09). [41.2.2.f]
- F. **The on duty Watch Commander or Patrol Shift Commander** will assume this responsibility if a Patrol supervisor is not available to monitor the pursuit, or will designate an acting supervisor to control the pursuit.

The on-duty Watch Commander or Patrol Shift Commander is authorized to make decisions as to whether or not a vehicle pursuit is appropriate. If the on-duty Watch Commander or Patrol Shift Commander authorizes a pursuit when presented with circumstances not specified in this directive, that commander must attach an addendum to the Vehicle Pursuit Report (APD-478) documenting their justification for the authorization.

10.11B.05 PURSUIT PROCEDURES

- A. *Entry level training on this directive will be completed and documented by the New Police Officer Training Supervisor during local training for new employees. [41.2.2m]*

B. The Training Manager will ensure that all sworn employees participate in a documented annual review of Police Directive 10.11B, Emergency Vehicle Pursuits. [41.2.2n]

C. When engaged in pursuit, with full emergency equipment in operation, officers are permitted to disregard certain specific traffic regulations.

VA. Code 46.2-920 - The drivers of any emergency vehicles, when such vehicles are being used in the performance of public services, and when such vehicles are operated under emergency conditions, may, without subjecting themselves to criminal prosecution:

1. Disregard speed limits, while having due regard for safety of persons and property;
2. Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard to the safety of persons and property;
3. Park or stop notwithstanding the other provisions of this chapter;
4. Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property;

NOTE: This exemption has often been misinterpreted as permitting travel the wrong way down one-way streets. There is no authorization in the State Code allowing any emergency vehicle to travel the wrong way on one-way streets.

5. Pass or overtake, with due regard to the safety of persons and property, another vehicle at any intersection;
6. Pass or overtake with due regard to the safety of persons and property, while en-route to an emergency, stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle either in a no passing zone or by crossing the highway centerline;
7. Pass or overtake with due regard to the safety of persons and property, while en-route to an emergency, stopped or slow-moving vehicles, by going off the paved or main traveled portion of the roadway on the right. Notwithstanding other provisions of this section, vehicles exempted in this instance will not be required to sound a siren or any device to give automatically intermittent signals.

The exemptions granted to emergency vehicles under this section shall apply only when the operator of such vehicle displays a flashing, blinking, or alternating emergency light,

or lights as provided in Va. Code 46.2-1022 - 46.2-1024 and sounds a siren, exhaust whistle, or air horn.

NOTE: Officers who disregard traffic regulations other than those specifically cited above are not operating under authority of State Code or Police Department policy and are responsible for the consequences of their actions.

B. Number of police vehicles

Unless otherwise directed by the Patrol supervisor or commander, no more than two police vehicles and one supervisor's vehicle will become actively involved in the pursuit. The second unit will serve as back up and, when practical, update the pursuit location and other pertinent information so the primary pursuit officer can focus attention on the fleeing vehicle. Full emergency equipment will be used at all times during pursuit.

C. Forcible stopping

The use of forcible stopping is analogous to the use of lethal force. Employees are prohibited from using a vehicle to force another to stop, except under extreme circumstances when there is no other reasonable option available, and the use of lethal force is otherwise justified by the actions of the pursued suspect(s). Forcible stopping/ramming solely to stop a fleeing vehicle where no other circumstances justify lethal force is specifically prohibited. ALL instances where forcible stopping/ramming is employed by Alexandria Police officers shall be investigated as uses of lethal force. (See also 10.32 Use of Force) **[41.2.3]**

D. Roadblocks

1. Officers receive training on stationary roadblocks during Basic Law Enforcement School at the Northern Virginia Criminal Justice Training Academy (NVCJTA).

[41.2.3.c]

2. The use of stationary vehicles as roadblocks is not to be used when other officers are in pursuit of the vehicle.

[41.2.3]

3. If a roadblock is established officers must:

- a. Allow the suspect vehicle reasonable stopping distance;
- b. Not place themselves or their vehicle in a position that would jeopardize the safety of the officers involved;
- c. Not place their vehicles in a position that is not reasonably visible to the suspect;
- d. Reasonably ensure the safety of non-involved pedestrians and motorists; and
- e. Allow a reasonable avenue of escaping injury for the suspect or other motorist.
- f. Factors to Consider when using a roadblock:

- i. Nature and severity of the crime,
- ii. Location,
- iii. Terrain,
- iv. Officer/units available,
- v. Choose a level surface,
- vi. Do not use curves, hills or blind sport,
- vii. As the driver, place the patrol vehicle at a 45-degree angle to the oncoming car; and
- viii. Use a V with two cars.

- E. **Motorcycles or unmarked cars** - Use of unmarked police cars, motorcycles, or other non-conventional police vehicles should be avoided. In those instances when the operator of such a vehicle finds it necessary to initiate a pursuit, he/she will immediately relinquish the pursuit to the first marked patrol unit assisting. **[41.2.2.d]**

Officers operating vehicles not fully equipped as emergency vehicles, i.e., rental vehicle or seized vehicles are not granted pursuit privileges under either Virginia Code or Department policy and shall not be used in any pursuit.

- F. Helicopter assistance should be utilized when necessary and available.
- G. At the conclusion of pursuits, high-risk traffic stop tactics will be used (see Police Directive 11.21, Traffic Enforcement).

10.11B.06 ARREST PROCEDURES

- A. **Within Virginia** - Subject to the criteria cited in 10.11B.04.A, officers may pursue a person who has escaped custody or a person who is fleeing from an arrest attempt anywhere in the Commonwealth of Virginia. After a pursuit, the officer may arrest the person wherever found.

If the arrest is made in an adjacent jurisdiction, the accused may be returned immediately to the jurisdiction of the pursuing officer. When charges are pending in the other entered jurisdiction(s), supervisors of Alexandria and the other jurisdiction(s) will determine which jurisdiction will maintain custody of the suspect. This should be based upon the seriousness of the various charges and the likelihood of release by the respective magistrates. If another jurisdiction maintains custody and it is impractical for the pursuing officer to await processing completion, an Alexandria warrant will be obtained and a Teletype will be sent through VCIN as soon as possible to the other jurisdiction.

If the arrest occurs in a non-adjacent jurisdiction within Virginia, and the arrest is made without a warrant, the arresting officer must obtain a warrant from the magistrate of the county or city wherein the arrest was made, charging the

accused with the offense committed in the county or city from which he fled, in accord with the provisions of Virginia Code 19.2-77.

If the arrest occurs in a non-adjacent jurisdiction within Virginia and the arrest is pursuant to an existing warrant, the arresting officer may proceed in accord with the provisions of Virginia Code 19.2-76 and return the accused to Alexandria to bring the accused before the magistrate in Alexandria.

- B. **Outside Virginia** - Under the conditions mentioned in 10.11B.04.A, officers may pursue into another state or the District of Columbia. After the pursuit, the officer may arrest the person wherever found. The arrested person will not be returned to Virginia without being processed through the judicial system where the apprehension took place. This will involve initiation of extradition proceedings in Alexandria, and VCIN notification to the other jurisdiction as soon as possible that such proceedings are being initiated.

Under no circumstances will an officer pursue a misdemeanor into another state or the District of Columbia.

- C. Whenever a suspect is pursued and apprehended in Alexandria from a non-adjacent jurisdiction, the suspect will be taken before an Alexandria magistrate. This will not hold true if federal authorities conduct the pursuit.

10.11B.07 MUTUAL-AID PURSUITS

[41.2.2.h]

- A. Pursuits initiated in other jurisdictions and coming into the Alexandria.
1. Alexandria officers will assist in pursuits initiated in other jurisdictions only under the following circumstances:
 - a. Such assistance has been specifically requested by the pursuing jurisdiction, as relayed by DECC; and
 - b. The crime involved meets the conditions specified in 10.11B.04.A; or
 - c. The personal observations of an officer establish the elements cited in 10.11B.04.A.
 2. DECC personnel, once they become aware of a pursuit entering Alexandria, will communicate with the pursuing agency to establish the reason for the pursuit. This information will be provided to all Alexandria officers and the Patrol supervisor or commander. If the pursuit does not meet the criteria cited above this Department will not become involved in the vehicle pursuit, however

Alexandria officers may assist the pursuing agency if the vehicle pursuit terminates in this jurisdiction.

3. Until the cause of the pursuit has been established, Alexandria units will not become involved in following the pursuit (e.g. Patrol unit sees another agency entering Alexandria in pursuit and DECC has not yet been notified by the pursuing agency).
 4. If the pursuit meets the Alexandria criteria, assistance by Alexandria personnel will be limited to the following:
 - a. One Alexandria vehicle may follow the pursuit at a safe distance, with full emergency equipment in operation, to keep Alexandria personnel informed of the direction and conditions of the pursuit. Other Alexandria vehicles may take up station at various locations along likely pursuit routes (not in traveled portions of the roadway), to provide a deterrent effect and to assist if a traffic stop is made in this jurisdiction. "Convoying" of police vehicles is contrary to this Department's policy. If the pursuit involves more than three vehicles from other agencies, Alexandria personnel will distance themselves from the pursuit, but will attempt to maintain visual contact with the last vehicle. Full emergency equipment will be used during this stage of activity.
 - b. If an Alexandria unit is not already involved in following the pursuit (as explained above), and the pursuit terminates in this jurisdiction, the dispatcher will assign two Alexandria units and a Patrol supervisor to respond to the scene to provide necessary assistance. Unless directed otherwise, Alexandria units responding to the scene will not activate emergency equipment.
 5. An Alexandria Patrol supervisor or commander may terminate Alexandria's involvement at any time. DECC personnel will communicate such termination to the other agencies involved in the pursuit.
- B. Alexandria officers pursuing a vehicle across major jurisdictional boundaries.
1. **Pursuits into Maryland will only be for those felonies listed in 10.11B.04.A.1.** No more than two emergency vehicles should cross a major jurisdictional boundary in a pursuit unless authorized by a Patrol supervisor. When more than two units pursue across a major jurisdictional boundary, those in excess of two will terminate pursuit as units from the entered jurisdictions join pursuit. As soon as practicable the lead role in the pursuit will be relinquished to personnel from the entered jurisdiction.
 2. **Pursuits into the District of Columbia will only be for those felonies listed in 10.11B.04.A.1.** The District of Columbia has adopted policy prohibiting their

members from assisting other agencies pursuing vehicles into the District of Columbia. When Alexandria officers pursue into D.C., MPDC officers will not actively participate in the pursuit. MPDC officers may respond to the termination point of the pursuit and assist with apprehensions, recovery of evidence and to handle arrests.

3. DECC personnel will notify the affected agency whenever Alexandria officers are pursuing a vehicle into that jurisdiction, providing as much information as possible about the nature of the offense, current location of the pursuit and direction of travel, and information about the vehicle and its occupants. When appropriate, DECC personnel will request assistance from the jurisdiction being entered.

10.11B.08 PURSUIT REPORTING REQUIREMENTS

- A. **The Patrol Supervisor monitoring the pursuit will** complete a Vehicle Pursuit Report (APD-478) before the end of their shift. The APD-478 will be attached to a completed IAPRO incident documenting the pursuit. The IAPRO and APD-478 reports will be completed for any pursuit initiated or terminated in Alexandria, including pursuits initiated by other agencies. If further action is necessary (e.g. disciplinary action needed because an officer violated policy during the pursuit), the supervisor will initiate such action. The supervisor completing the IAPRO and APD-478 will also ensure that all other required reports or investigations are completed. The completed IAPRO incident, along with all related reports pertaining to the pursuit, will be forwarded immediately to the Watch Commander or Patrol Shift Commander who was on duty at the time of the incident. (See Appendix A).
- B. **The Watch Commander or Patrol Shift Commander who was on duty at the time of the incident will** review the completed IAPRO and APD-478, make appropriate comments, attach an addendum, if appropriate, and forward it through channels to the Patrol Deputy Chief.
- C. **The Assistant Chief will** review the IAPRO and APD-478 and forward it to the Chief of Police, along with any recommendations for further action, which may include disciplinary action, counseling, peer review, additional training, policy review, etc. **[41.2.2.i]**
- D. After review by the Chief of Police, the IAPRO and APD-478 will be forwarded to the Safety Committee Chairperson for review, analysis, and any other action directed by higher authority. A copy of the APD-478 will be forwarded to the Accreditation Manager by the Safety Committee Chairperson.
- E. **The Safety Committee Chairperson will:**
 1. Maintain these reports for a period of five years.

2. Maintain statistical summaries of the number and types of pursuits, including general information about accidents, injuries or deaths resulting from the pursuits
3. Conduct an annual documented analysis of Emergency Vehicle Pursuits and forward it to the Chief of Police and the Accreditation Manager. At a minimum, the annual pursuit analysis report should include the following information:
[41.2.2.j]
 - a. Total number of pursuits that were initiated or entered the City of Alexandria's boundaries;
 - b. Comparative table for current and previous two years of pursuits by total number, and Alexandria Police involvement;
 - c. A brief description including injuries/accidents of pursuits with Alexandria Police initiation/participation with agency findings (within policy or not within policy);
 - d. Table of variable information relevant to all pursuits during the calendar year with Alexandria Police Involvement (i.e. was the pursuit terminated, policy compliant, accidents, officer injuries, suspect injuries, third party injuries, traffic offenses, felony, misdemeanor, day of week, time of day, pursuit distance, charges);
 - e. Brief description of other pursuits with no Alexandria Police Department involvement;
 - f. Pursuit analysis conclusion, findings, trends, recommendations; and
 - g. Any additional information of value determined or used during the analysis.
4. Conduct an annual review of pursuit policies and reporting procedures. **[41.2.2k]**

BY AUTHORITY OF:

**Michael L. Brown
Chief of Police**