

	POLICY & PROCEDURE	SERIES # 1128	PAGE 1 OF 12
	POLICE PURSUITS		EFFECTIVE DATE 11/30/2021
			OVERSIGHT Operations
	DISTRIBUTION ALL MANUALS	AMENDS/SUPERSEDES/CANCELS P&P # 1128 dated 12/21/2020, and Chief's Directive: 1128.1 dated 4/23/2021	

I. PURPOSE:

The purpose of this policy is to provide guidelines for the pursuit of vehicles by police officers.

II. POLICY:

It is the policy of the Hampton Police Division to apprehend suspects when feasible under existing conditions, with due regard for the safety of persons and property. The pursuit of a fleeing vehicle is one of the most dangerous functions performed by officers and is responsible nationally for numerous deaths and injuries each year. In light of the inherent dangers associated with vehicle pursuits, pursuits shall only be initiated and continued in accordance with the provisions set forth herein.

III. DEFINITIONS:

PURSUIT – A vehicle pursuit is an active deliberate attempt by a police officer to stop a moving motor vehicle when the driver of such vehicle is actively attempting to elude apprehension by maintaining or increasing his speed or by ignoring the officer's attempt to stop him.

STATIONARY ROADBLOCK – A technique applied at a fixed location using police vehicles, barricades, and other apparatuses to deter or stop a motorist from evading apprehension.

TIRE DEFLATION TECHNIQUE - A technique that allows for the slow and controlled deflation of tire pressure, by way of an applied device, in order to render a vehicle incapable of further operation. Types of application include the Stinger Spike System or a Stop Stick device.

ARMED AND DANGEROUS - Any person who has committed or attempted to commit any offense involving the unlawful discharge, display, possession, or use of a firearm or explosive device in such a manner as to provide an officer reason to believe that the person presents an immediate threat to the public.

APPROVED:
CHIEF OF POLICE



VIOLENT FELONY - Any felony involving physical force or violence, against another person including, but not limited to; murder, manslaughter, mob-related offenses, rape, kidnapping or abduction, robbery, malicious assault, escape by force, and placing or detonating a destructive/explosive device or bomb.

IV. PROCEDURE:

A. A pursuit may be initiated based upon a reasonable belief of the following:

1. The occupant(s) of the vehicle are 1) armed and dangerous and or 2) have committed or attempted to commit a violent felony; and/ or;
2. The vehicle was observed, prior to initiation of the pursuit, being operated in such a flagrantly reckless manner that there is a blatant disregard for human life. Or, is suspected of being under the influence of drugs and/or alcohol and that the continued operation of the vehicle will present an imminent threat to the public safety.
3. Officers are not to engage in vehicle pursuits for misdemeanor and or traffic offenses unless they rise to the definition of ARMED AND DANGEROUS or VIOLENT FELONY as indicated in section III above.
4. Civilian employees, Patrol Service Officers, and Police Cadets are specifically prohibited from engaging in pursuit operations as are officers who are transporting any other person other than law enforcement officers.
 - a. The pursuing officer shall consider the following factors in determining whether to initiate pursuit:
 - 1) The condition of the road upon which the pursuit is being conducted, including the condition of the surface itself as well as the type of road (.e.g. divided highway, work zone).
 - 2) The amount of vehicular and pedestrian traffic in the area.
 - 3) Weather conditions.
 - 4) The performance capabilities of the pursuit vehicle.
 - 5) The seriousness of the underlying offense.
 - 6) Known information on the suspect.
 - 7) The character of the area (e.g. neighborhood, commercial area).
 - 8) Lighting and visibility.

- b. When a pursuit is initiated on either the Wythe or Chesapeake primary channel, the pursuit shall remain on that channel no matter what part of the city it goes into. Likewise the initial supervisor in charge of the pursuit will remain as the supervisor in charge wherever the pursuit goes.
- c. Unless a greater hazard would likely result, if the identity of the driver is known to officers, the pursuit will be terminated. Warrants will be obtained and served on the driver at a later time.

B. Pursuit Officer Responsibilities

1. In the event an officer is involved in the pursuit of a vehicle that fails to stop for the officer's emergency lights and siren, the officer shall immediately notify the dispatcher and provide as much of the following information as reasonably possible:
 - a. District and/or CAD number
 - b. Location, speed, traffic conditions
 - c. Direction of travel
 - d. Description and tag number of the vehicle being pursued
 - e. Reason for pursuit
 - f. Description and number of occupants, when possible
 - g. Pursuing officers will ensure that they are wearing their seatbelt and that their BWC is recording during the entirety of the pursuit
2. Once the pursuit is undertaken, officers shall discontinue the pursuit if it becomes unreasonable under the circumstances to continue the chase. The decision should be made by the pursuing officer without supervisory approval.
 - a. Officers will notify their supervisor if it appears that the pursuit will enter another jurisdiction.
 - b. No more than two vehicles will engage in a pursuit unless directly authorized by the field supervisor.
3. When a pursuit is terminated, the pursuing officer will disengage the pursuit, and deactivate their emergency equipment as soon as practical. They will immediately advise the Supervisor in charge of the pursuit they have disengaged, made a turn away from the direction that the pursuit was traveling, reduced speed and give their current location.
 - a. All pursuits shall be conducted in strict conformity with applicable

traffic laws (VA Code 46.2-920) and Division Policy 1502 Operation of Police Vehicles. Officers may not drive with reckless disregard for the safety of other road users regardless of pursuit engagement or justification.

- b. The authority to operate an emergency vehicle in a hot pursuit situation does not protect the officer from criminal prosecution, nor does it shelter the officer from civil liability for acts constituting gross negligence.

C. Communications Responsibilities:

1. When police dispatchers are notified of an officer's involvement in a pursuit, the following steps will be undertaken:
 - a. Simulcast or have the opposite dispatcher broadcast pursuit location and direction of travel.
 - b. Record and capture the information as provided above (Section – IV, A, #2, Pursuit Officer Responsibilities).
 - c. Communications should ensure, via the radio, that the appropriate field supervisor is aware of the pursuit.
 - d. Notify the Communications Supervisor of the pursuit.
 - e. Maintain a mute radio channel to allow for supervision and tracking of the pursuit. Maintain the radio channel that the pursuit was initiated on as the primary pursuit channel. All other traffic will go to an appropriate secondary channel.
 - f. Do a DMV/NCIC/VCIN check on the suspect vehicle and an NCIC/VCIN check on the owner or driver if identified. This should be completed, as soon as possible, and broadcast to the pursuing officer(s), preferably prior to the stop of the suspect vehicle.
 - g. Cause the appropriate notification to be made to proper jurisdictions if the pursuing officer approaches city boundaries.
 - h. When a pursuit is terminated, give an alert tone and simulcast that the pursuit has been terminated.

D. Field Supervisor's Responsibilities:

1. Upon notification that a vehicular pursuit incident is in progress, the Field Supervisor shall acknowledge, via radio that he/she is the pursuit supervisor and assume responsibility for the monitoring and control of the pursuit as it progresses. The pursuit supervisor shall not be involved

in the pursuit.

- a. The Field Supervisor shall continuously review the incoming data to determine whether the pursuit should be continued or terminated.
- b. In controlling the pursuit incident, the Field Supervisor shall be responsible for coordination of the pursuit as follows:
 - 1) Directing pursuit vehicles into or out of the pursuit.
 - 2) Re-designation of primary, support or other back-up vehicle responsibilities.
 - 3) Approval or disapproval, and coordination of pursuit tactics.
 - 4) Approval or disapproval to leave jurisdiction to continue pursuit.
 - 5) Identifying and directing units to perimeter locations.
- c. The Field Supervisor will ensure that only two police vehicles are involved in the pursuit.
- d. The Field Supervisor may approve the assignment of additional back-up vehicles to assist the primary and back-up pursuit vehicles based on an analysis of:
 - 1) The nature of the offense for which pursuit was initiated.
 - 2) The number of suspects and any known propensity for violence.
 - 3) The number of officers in the pursuit vehicles.
 - 4) Any damage to the primary or back-up vehicles or injuries to any of the officers of those vehicles.
 - 5) The number of officers necessary to make an arrest at the conclusion of the pursuit.
 - 6) Any other clear and documented facts that would warrant the increased hazards caused by numerous pursuit vehicles.
- e. When a pursuit is terminated the supervisor will immediately contact the pursuing officer and give a location away from the pursuit to meet with the officer(s).

E. Assisting Units:

1. Upon joining the pursuit, the back-up officer shall advise that he is engaged in the pursuit as the back-up. He shall advise the initial officer and communications that he is taking control of the radio, giving updates on locations and driver actions, thus relieving the primary officer of that responsibility.
 - a. The back-up officer shall maintain a safe distance behind the initial pursuit vehicle so as not to endanger either officer, or the public.
 - b. All other assisting units should attempt to station themselves at strategic points in anticipation of assisting when the suspect is stopped or becoming the chase unit if the original pursuing officer loses the suspect vehicle or becomes disabled.
 - c. Additional vehicles are prohibited from engaging in the pursuit, unless directly authorized by the field supervisor.
 - d. Paralleling a pursuit (driving police vehicles parallel to the pursuit in an attempt to keep up with or cut off the fleeing vehicle) is not permitted. Assisting units may precede using routine response to designated positions to assist in apprehending the fleeing driver, unless otherwise directed by a supervisor.
 - e. No police unit actively involved in a pursuit will pass another police unit, unless it is reasonably safe, the officer has communicated their intentions, and there is a legitimate purpose.

F. Trucks, Vans, and Unmarked Units:

- a. In the event that a pursuit is initiated by a truck, van or unmarked unit, that unit shall abandon the pursuit when a standard marked unit is in a position to assume the pursuit.
- b. In the event a K-9 unit initiates a pursuit, that unit should immediately abandon the pursuit when a standard marked unit is in position to assume the pursuit or when speeds become excessive for the design of the K-9 unit.

G. Use of Forcible Measures:

1. Forcible measures (physically attempting to stop a fleeing driver who has demonstrated that they do not intend to be stopped) carry a substantial risk of fatality. Stationary roadblocks and tire deflation techniques are the only forcible measures authorized to be used.

2. Forcible measures will not be employed unless the circumstances warrant the use of force in accordance with P&P 533 Use of Force and Related Equipment.
3. Such measures will not be initiated and will be immediately stopped if they are likely to endanger the public or law enforcement personnel.
4. Officers will only use a forcible measure after having been properly trained on the use of such techniques.
5. Supervisory approval by a Lieutenant or higher ranking officer, must be obtained prior to employing forcible measures. Sergeants, who are working in lieu of a present Lieutenant (on either side of the city), can provide the approval for forcible measures. Supervisors will weigh the totality of the circumstances in determining if a stationary roadblock or a tire deflation technique should be utilized.
 - a. Use of stationary roadblocks and tire deflation techniques are considered a use of force, and all use of force reporting procedures will be followed. An administrative review of the incident will be conducted by Professional Standards, regardless of whether injury results.
 - b. Immediately following a stationary roadblock or use of a tire deflation technique, the on-duty Unit Commander and Risk Management representative (if necessary-loss packet/injury) will be notified.

H. Traffic Regulations during Pursuit:

1. Each unit authorized to engage in vehicular pursuit shall be required to activate headlights and all emergency vehicle equipment prior to beginning a pursuit.
2. Officers engaged in pursuit shall at all times drive in a manner exercising reasonable care for the safety of themselves and all other persons and property within the pursuit area.
3. Officers are permitted to suspend conformance with normal traffic regulations during pursuit as long as reasonable care is used when driving in a manner not otherwise permitted, and the maneuver is reasonably necessary to gain control of the suspect.
4. During a vehicular pursuit, officers shall comply with Division Policy # 1502 – Operation of Police Vehicles, Section IV, A – Emergency I. Operations of Police Vehicles.
 - a. The following procedures are a combination of Virginia State Law §46.2-920, and policy constraints, which shall serve as guidelines

for the emergency operation of police vehicles by officers of the Hampton Police Division. State code exempts emergency vehicles from certain regulations:

- 1) The operator of any police vehicle operated by a police officer in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation, or in response to an emergency call, may without subjecting himself to criminal prosecution:
 - a) Disregard speed limits while having due regard for safety of persons and property;
 - b) Proceed past any steady or flashing red signal, traffic light, stop sign or device indicating moving traffic shall stop, after:
 - (1) Slowing and preparing to stop the police vehicle,
 - (2) Yielding right-of-way as necessary to moving vehicles and pedestrians,
 - (3) Determining that the intersection may be entered safely,
 - (4) Otherwise giving due regard to the safety of persons and property.
 - c) Park or stop notwithstanding other provisions of Virginia State Code or Hampton City Code.
 - d) Disregard regulations governing a direction of movement of vehicles turning in specified directions as long as the operator does not endanger life or property.
 - e) Pass or overtake, with due regard for the safety of persons and property, another vehicle at any intersection.
 - f) 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.
 - g) Pass or overtake, with due regard for the safety of persons and property, while en route to an emergency, other slow moving vehicles, by going off of the paved or main traveled portion of the

roadway on the right. Notwithstanding other provisions of this policy, vehicles exempted from this instance will not be required to sound a siren or device to give automatically intermittent signals.

- 2) These exemptions granted to such emergency vehicles, shall apply only when the operator of such vehicle displays a flashing, blinking or alternating emergency light or lights and sounds a siren as may be reasonably necessary. Such exemptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property.
- 3) Due to the increase in traffic volume, and the potential for accidents at intersections, police vehicles operating under emergency conditions when approaching green lights and major intersections will:
 - a) Decrease speed by removing foot from the gas pedal and be prepared to come to a stop.
 - b) Enter intersection only when this can be done safely.
 - c) Increase speed only when it is safe to do so.

I. Termination of Pursuit:

1. A decision to terminate pursuit may be the most rational means of preserving the lives and property of both the public, and the officers and suspects engaged in the pursuit. A pursuit may be terminated by the pursuing officer or by any supervisor.
2. Pursuit shall be terminated in any of the following circumstances:
 - a. The decision to continue a pursuit must be based on the officer's conclusion that the necessity of immediate apprehension outweighs the danger to the public that will be created by the pursuit.
 - b. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect.
 - c. The pursuing officer loses sight of the fleeing vehicle, or the distance between the pursuing vehicles and fleeing vehicle is so great that further pursuit is futile.
 - d. The pursuing officer loses radio contact with the dispatcher.

J. Inter- and Intra-Jurisdictional Pursuits

When a pursuit leaves the city, the pursuing officer will inform the dispatcher immediately. When officers of the foreign jurisdiction join the pursuit, the Hampton unit(s) will discontinue the pursuit and proceed at a normal rate of speed, without emergency equipment, in the direction of the pursuit, or to the scene of the apprehension as directed by the dispatcher. If a pursuit enters the City from a foreign jurisdiction, only two Hampton units will assist with the pursuit. Once the pursuit leaves the City, the field supervisor will determine whether the Hampton units will continue the pursuit. In the absence of such direction, the pursuing officer will be responsible for determining whether to continue the pursuit. Communications will contact the foreign jurisdiction to determine the nature of the pursuit (if this information is not already known) and report this information to the Field Supervisor as soon as possible.

K. Reporting Responsibilities

Any time an employee engages in a vehicle pursuit, a BlueTeam “Vehicle Pursuit” incident report will be completed. The following procedures apply:

1. Unless extenuating circumstances exist, The Watch Commander (or designee) will provide a summary of all incidents that meet the reporting criteria established in this policy.
 - a. Daily recap email to the Chief of Police and Division staff.
 - b. The reporting unit’s chain of command will notify the Chief of Police as soon as possible regarding critical issues that arise as a result of a vehicle pursuit.
2. All employees involved in a vehicle pursuit will submit written reports to their chain of command documenting the following:
 - a. Date, time, location and reason for the pursuit.
 - b. Identity of all officers involved, to include police vehicle numbers and descriptions (i.e., marked, unmarked, K-9).
 - c. Identity of the suspect, to include vehicle description and registration information.
 - d. Course of travel to include speed, environmental factors, and civilian traffic conditions.
 - e. Course of travel to include speed, environmental factors, and civilian traffic conditions.
 - f. Any action taken against the suspect vehicle and the reason for such action.

- g. BWC video footage, to include corresponding identifying information.
 - h. Final disposition of the pursuit to include charges sought and obtained, evidence identified and collected, and related tracking, case, and property invoice numbers.
 3. Each vehicle pursuit will be investigated by the on duty Field Supervisor when the pursuit occurred. Supervisors investigating the incident will complete a BlueTeam “Vehicle Pursuit” incident report. The following procedures apply:
 - a. All related information required by BlueTeam will be entered
 - b. Officer’s written reports will be scanned and attached to the corresponding BlueTeam incident entry
 - c. Additional documentation related to the incident, such as hard copies of witness statements will be scanned and attached to the corresponding BlueTeam entry.
 4. Accident Loss reports and medical documentation should be forwarded separately as required by P&P 601 “Injury Procedures.”

L. Photograph and Video Footage

1. Photographs of the suspect vehicle will be taken capturing all four sides, including the license plate.
2. BWC video information should be noted in the supervisor’s summary of the BlueTeam incident report.
3. All digital evidence such as in car camera video, surveillance video, digital photograph files, etc. should be forwarded physically through the chain of command for review. These files should not be attached to the BlueTeam incident file.
4. Completed BlueTeam incident reports will be forwarded through the chain of command via the BlueTeam email notification and review process.
 - a. Unit supervisors will review all involved officer’s written reports for format, grammar and content prior to attachment in BlueTeam.
 - b. BlueTeam incident reports will not be printed until approved through the chain of command.

5. BlueTeam incident entries will be forwarded to the Office of Professional Standards (IAPro) upon approval by the originating unit's chain of command.
6. All BlueTeam incident reports, related documentation, and evidence records are required to be on file with the Office of Professional Standards within 30 days of the event.
7. The Office of Professional Standards will review each police pursuit incident regarding the application of law, rules and regulations, and policy and procedure.
8. Upon review and approval by the Office of Professional Standards, completed vehicle pursuit reports will be maintained pursuant to records retention requirements.

M. Report Analysis

The Commander of the Professional Standards Unit will be responsible for an annual review and analysis of vehicle pursuit reports. The review will seek to identify patterns or trends that indicate training needs, policy modifications and reporting procedure changes. A report of the findings will be forwarded to the Chief of Police.

N. Training

Officers shall receive initial driver instruction training in the Academy. This training includes defensive driving, pursuit driving and road block design & application training. This policy will be reviewed with recruits in the Academy and with all sworn officers at least twice annually.

