



Virginia State Crime Commission

Law Enforcement Work Group:
Law Enforcement Emergency Response

June 16, 2010

Meeting Topics



- Study Authorization
- Study Issues
- Study Methodology
- Va. Code § 46.2-920
- DCJS Sample Directive
- IACP Pursuit Policy
- Examples of other Jurisdictions' Policies
- Training
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Study Authorization



- Senate Bill 847, introduced by Senator Puller during the 2009 Session of the General Assembly, was referred by the Senate Courts of Justice to the Crime Commission for study.
- In light of recent events in Virginia, the Crime Commission's Executive Committee added police pursuits as part of this study.

Study Issues



- Should sirens and lights be required for all emergency responses?
- Should law enforcement vehicles come to a complete stop at controlled intersections during emergency responses?
- Is there a need for a state-wide policy for pursuits?
- Is there a need for additional or different training on responding to emergencies and pursuits?

Study Methodology



- **Conduct literature review**
- **Identify data and policy resources, for example:**
 - IACP Pursuit data
 - FARS data (deaths resulting from police pursuits)
 - CALEA
- **Law Enforcement Work Group**
- **Review of pursuit policies and law enforcement training standards**
- **Survey Virginia law enforcement agencies to determine:**
 - the policies for responding to calls for service and pursuits; officer driving and pursuit training; and,
 - pursuit statistics (number of pursuits, accidents, injuries, deaths, etc.)

Va. Code § 46.2-920



- Provides exemptions from criminal prosecution of traffic laws for drivers of emergency vehicles “when such vehicle is being used in the performance of public services, *and* when such vehicle is operated under emergency conditions.”
- Specifically, drivers of these vehicles, including any “law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer,” are exempt from the following traffic regulations:
 - “Disregard speed limits;”
 - Move through posted stops “if the speed of the vehicle is sufficiently reduced to enable it to pass;”
 - “Park or stop notwithstanding the other provisions of this chapter;”
 - “Disregard regulations governing a direction of movement of vehicles turning in specified directions;”
 - Move around or pass another vehicle at any intersection;
 - “Pass or overtake” stopped or slow-moving vehicles on the left, in a no-passing zone or by crossing the “highway center line, on the way to an emergency; and,
 - “Pass or overtake” stopped or slow-moving vehicles “by going off the paved or main traveled portion of the roadway on the right.

Va. Code § 46.2-920



- **There are some additional requirements for law enforcement officers to obtain the exemptions:**
 - “displays a flashing, blinking, or alternating emergency light or lights;” and,
 - “sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary;” and,
 - “only when there is in force and effect for such vehicle either” standard motor vehicle liability insurance or a certificate of self insurance.

- **Law enforcement officers will lose these exemptions from criminal prosecution for “conduct constituting reckless disregard of the safety of persons and property.”**

DCJS Sample Directive



- DCJS created a sample directive, **General Order 2-39 (Vehicle Operation)**, available for sheriff and police departments to assist them in creating policies for their respective departments.
- This policy directive covers both responding to emergency calls and pursuits.

DCJS Sample Directive, Vehicle Operation



- **The first section of the sample directive applies to responses to emergency calls and outlines the following:**
 - Emergency responses should be made in accordance with § 46.2-920;
 - Code 1, or emergency calls should be limited to calls for service “which indicate a crime involving violence is in progress or where the suspect is armed, and all other requests alleging an implied or immediate threat to the safety of a person;” and,
 - Officers may also initiate emergency calls “When, in the opinion of the officer, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary enforcement, the department authorizes an emergency response.”

DCJS Sample Directive, Pursuit



- The pursuit section outlines three approaches to creating a pursuit policy: Restrictive, Less Restrictive, and Decision Matrix.
 1. *Restrictive* - An officer may pursue a vehicle only when he has probable cause to believe the suspect has committed or is attempting to commit a crime involving violence or the display or use of a firearm.
 2. *Less Restrictive* - when the officer knows or has a reasonable belief that at least one of the following conditions exists
 - The suspect presents an immediate threat to the safety of officers or citizens.
 - The suspect has committed or is attempting to commit a felony involving actual or threatened violence which may result in injury or death .
 - The necessity of immediate apprehension supersedes the danger created by the pursuit.

DCJS Sample Directive, Pursuit



3. *Decision Matrix* - requires an officer during a pursuit to continuously evaluate the risk to the pursuing officers, the suspect, and the public, and be prepared to end a pursuit when the risk factors so require. These factors include:

- density of intersecting streets;
- weather, street conditions, visibility;
- pedestrians;
- speed of pursuit;
- emotions of pursuing officer;
- supervisory oversight; and,
- special circumstances (such as a school zone).

IACP Pursuit Policy



- The International Association of Chiefs of Police's (IACP) model policy states that the decision to pursue must be based on the "pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large."
- Additionally, the policy outlines factors that the officer shall consider before engaging in a pursuit:
 - road, weather and environmental conditions;
 - population density and vehicular and pedestrian traffic;
 - the relative performance capabilities of the pursuit vehicle and the vehicle being pursued;
 - the seriousness of the offense; and,
 - the presence of other persons in the police vehicle.
- The policy suggests that the officer should constantly assess risk factors and terminate the pursuit if the officer "reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension."

IACP Pursuit Policy



- This policy also outlines other responsibilities for pursuits, such as:
 - supervisory responsibilities;
 - pursuit tactics; and,
 - inter-jurisdictional pursuits.
- Additionally, the policy requires that officers who drive police vehicles shall be given “initial and periodic update training” in the agency's pursuit policy and in safe driving tactics.

Examples of other Jurisdictions' Policies



- The city of Baltimore banned police pursuits all together due to the small geographic nature of the city and the narrow city grid. The city employs four helicopters that pursue suspects from above and radio ground units who follow at a safe distance and speed.
- The city of Orlando restricts police officers from engaging in police pursuits unless they have facts that lead them to believe the suspect has committed or is attempting to commit an enumerated violent felony.
 - Pursuits for misdemeanors, traffic violations, and civil infractions are prohibited.
- Lubbock, TX, has a less restrictive policy that allows the officer to make the decision to pursue based on:
 - seriousness of the offense;
 - possible identification of the suspect;
 - knowledge of where suspect may be going;
 - ability to apprehend the suspect without pursuit;
 - the likelihood that the suspect may be armed or forcibly resist apprehension; and,
 - potential for harm to persons or property resulting from a high-speed pursuit based on road and weather conditions, time of day, traffic and pedestrian density, available routes of escape.

Training



- DCJS has outlined compulsory, minimum training for law enforcement officers related to driver training that includes:
 - factors to consider when responding to emergencies and engaging in pursuits; and,
 - techniques of pursuit and emergency response driving.
- The opportunity for continuing education relating to law enforcement pursuit policy, driving, and decision making varies from department to department.

Fall Study Plan



- Present study findings to the full Crime Commission (tentatively):
 - September 8th (study update)
 - November 15th (full-report)
 - December 8th (discuss legislation, if any)
- All meetings will be held at 10:00 a.m. in Senate Room A of the General Assembly Building.

**If you have any questions or comments
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