



RICHMOND POLICE DEPARTMENT GENERAL ORDER



Subject: **VEHICLE PURSUIT PROCEDURE**

Chapter
6

Number
6

Pages
14

References:
CALEA Standards: 41.2.2a-n, 41.2.3
VA State Code: §§ 46.2-844, 46.2-859, 46.2-920, 46.2-1022, 46.2-1023

Related Orders:
1-5, 2-6, 6-7, 7-10 and 7-24

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If any provision of this General Order conflicts with any collective bargaining article,
the collective bargaining agreement shall govern.

Chief of Police:



I. PURPOSE

This directive aims to establish the appropriate guidelines and procedures governing *vehicle* pursuits.

II. SUMMARY OF CHANGE

Explicit speed caps have been replaced with a Balance Test of factors to be considered before and during vehicle pursuits, as well as at their termination.

III. POLICY

The Richmond Police Department has specific guidelines for the pursuit of motor vehicles. The risks associated with pursuits mandate that officers exercise sound judgment and discretion throughout the pursuit. This General Order is intended to guide the decision-making process and applies to all sworn personnel operating Department vehicles equipped with lights and sirens; vehicles not equipped with these safety measures ARE NOT PERMITTED to engage in vehicular pursuits.

This Pursuit Policy specifies when an officer and/or a supervisor should initiate or terminate a vehicle pursuit along with the responsibilities of the initiating officer, monitoring supervisor, Communications Officer, and any other involved police vehicles. These guidelines are intended to guide officers in safely and reasonably performing their duties. There are exceptions to specific traffic laws granted to police officers engaged in emergency vehicle operations to assist them in saving lives.

It is also a departmental policy that officers:

- A. Will make every effort to ensure the safety of the public and Department members at all times and authorize emergency use of police vehicles when the necessity of immediate response or apprehension of offenders outweighs the level of inherent danger.

- B. Will recognize the objective of a motor vehicle pursuit is to maintain police contact with a fleeing driver, without unnecessary endangerment to life and property, until the individual can be apprehended, if possible. Officers and the pursuit supervisor will continually evaluate the nature of the pursuit with respect to its danger and, whenever necessary, make the decision to terminate the pursuit.
- C. Only become actively involved in a regional pursuit that enters this jurisdiction if the factors that lead the outside agency to initiate the pursuit meet the criteria set forth by this General Order. For pursuits that enter this jurisdiction that does not meet these criteria, Richmond Officers will participate in a support capacity.

[CALEA 41.2.2j]
- D. Will have documented initial training on the Vehicle Pursuit Procedures policy.

[CALEA 41.2.2m]

IV. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this General Order. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated, and appropriate training, counseling and/or disciplinary action is initiated.

This directive is for internal use only and does not enlarge an employee's civil liability in any way. It should not be construed as creating a higher safety standard or case in an evidentiary sense concerning third-party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department and then only in a non-judicial administrative setting.

V. DEFINITIONS

- A. PURSUIT – An active attempt by a law enforcement officer in a police vehicle equipped with a siren and emergency lights to apprehend the occupants of another moving vehicle who are aware of the attempt but resisting apprehension by increasing speed or clearly taking evasive measures. Continuing the pursuit requires justification based on the potential threat to public safety and the officer's personal safety, and/or the seriousness of the criminal activity.
- B. ***BALANCE TEST (Risk v. Reward) – The "Balance Test" must be used as a guide in determining whether to pursue. The Balance Test is an ongoing decision-making process to analyze the risk of initiating, continuing, and/or terminating a pursuit. If the threat to public or officer safety is greater than the need for immediately apprehending the suspect, then the pursuit should not be initiated, or it should be terminated. Factors, which can be used in continuously assessing the need for apprehension versus risk created by the pursuit, are set forth below in section VI. Procedure, B. Initiating a Pursuit.***
- C. PURSUIT SUPERVISOR – Upon initiating a pursuit, a supervisor will be acknowledged by radio and designated as the pursuit supervisor. However, if that supervisor is the operator of a primary, support, or backup unit that is involved in a pursuit, they shall not act as the pursuit supervisor. If available, the next immediate ranking supervisor in that Precinct, shall serve as the pursuit supervisor for the duration of the pursuit. The ***Department of Emergency Communications, Preparedness, and Response (DECPR)*** shall terminate the pursuit if these efforts to contact a supervisor fail.

- D. [REDACTED]
- E. [REDACTED]
- F. [REDACTED]
- G. SUPPORT CAPACITY – Tactical involvement that consists of officers assisting [REDACTED]
- H. TERMINATION – The point when a pursuit is discontinued based on [REDACTED]

VI. PROCEDURE

A. General Rules during a Pursuit:

1. Exceptions to Certain Specific Traffic Regulations:

Officers are permitted to disregard certain specific traffic regulations when engaged in a pursuit with complete emergency equipment in operation. VA Code §46.2-920 mandates that the drivers of any emergency vehicles, when such vehicles are being used in the performance of public services and are operated under emergency conditions, may, without subjecting themselves to criminal prosecution:

- a) Disregard speed limits while having due regard for the safety of persons and property;

NOTE: At speeds greater than 50 MPH, the sound of a siren may become difficult to hear or distinguish from other ambient noise, especially inside a vehicle. This means that a driver might not be aware of an approaching emergency vehicle until it is very close, potentially creating a hazardous situation.

[REDACTED] *Officers are always reminded to consider the totality of the circumstances when pursuing vehicles in these areas.*

- b) 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;

- c) Park or stop, notwithstanding the other provisions of Chapter 46.2 of the Code of Virginia;
- d) Disregard regulations governing the direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property;
- e) Pass or overtake, with due regard to the safety of persons or 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; and,
- g) 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.

2.



3. The exceptions granted to emergency vehicles under this section shall apply only when the operators of such vehicle display a flashing, blinking, or *alternating* emergency lights or lights and sounds a siren, exhaust whistle, or air horn as provided in VA Code §46.2-1022 – §46.2-1023.

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

NOTE: There are no exemptions for emergency vehicles to pass school buses while loading or unloading with lights on. VA Code §46.2-844, §46.2-859

5. All emergency equipment will remain activated during the pursuit. The primary and secondary units may consider using different siren signals to help the public identify multiple units approaching.

6. Officers will not ram, bump, or collide with fleeing vehicles. They will not pull alongside such vehicles in an attempt to force them off the road or into an obstacle. Officer will never maneuver their vehicles in front of a fleeing vehicle to slow it down. Forcible stopping or ramming is strictly prohibited.

[CALEA 41.2.3]

7. Officers will only fire their weapons following the provisions of General Order 1-5, Use of Force Policy.

8.

[REDACTED]

9.

[REDACTED]

NOTE: Police recruits who are not Field Training are considered as non-police occupants.

10.

[REDACTED]

11.

[REDACTED]

B. Initiating a Pursuit:

[CALEA 41.2.2b]

1. An officer may initiate a pursuit only after a suspect attempts to flee from or refuses to stop for the officer who has tried to stop the suspect based on at least a reasonable suspicion that the suspect has committed or is attempting to commit a felony, reckless driving, any firearms related offense, or any misdemeanor that would typically require full custodial arrest.

NOTE: Officers must adhere to the same parameters if a suspect flees while the officer is attempting to execute a valid search warrant for a vehicle based on one of the above listed offenses

In deciding whether to initiate, *continue, or terminate* a pursuit, officers must consider the following circumstances *with the use of a Balance Test. Pursuing officers must be able to justify the pursuit based on the Balance Test factors.*

Factors to be considered, include but are not limited to: [CALEA 41.2.2a, 41.2.2h]

a) ***Protection of public safety.***

b) ***Speeds Factors to consider, including but not limited to:***

- ***Public safety, risk to officer(s), risk to suspect(s) are continually assessed, and balanced against apparent need for capture.***
- ***Speed risk assessment should be based on the totality of the circumstances, including but not limited to the following factors:***

- [REDACTED]

- [REDACTED]

- [REDACTED]
 - [REDACTED]
- c) *Initial reason(s) for the stop (i.e., the reason the officer first attempted to detain the vehicle or individual inside the vehicle).*
- [REDACTED]
- d) [REDACTED]
- e) [REDACTED]
- f) [REDACTED]
- g) [REDACTED]
- h) [REDACTED]
- i) [REDACTED]
- j) [REDACTED]
- k) [REDACTED]
- l) [REDACTED]
- m) [REDACTED]
- n) [REDACTED]
- o) [REDACTED]
- p) [REDACTED]

2. When the decision is made to initiate a pursuit, that officer will bear operational responsibility unless relieved by a supervisor or another primary unit.

3. Any police unit may initiate a pursuit. [REDACTED]

C. Pursuit Tactics:

1. [REDACTED]
2. [REDACTED]
 - a) [REDACTED]
 - b) [REDACTED]
 - c) [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]

D. Responsibilities of the [REDACTED]: [CALEA 41.2.2c]

1. When a pursuit is initiated, the operator of the [REDACTED] unit will immediately advise **DECPR** of the following information:
 - a) Unit identification number;
 - b) That pursuit has been initiated;
 - c) The unit's location (and the location of the fleeing vehicle, if different);
 - d) The unit's direction of travel;
 - e) The state registration and license number of the fleeing vehicle (if possible);
 - f) A description of the fleeing vehicle;
 - g) The number of occupants of the fleeing vehicle and their descriptions, if possible;
 - h) The violation justifying the pursuit and other appropriate information; and,
 - i) If the suspect(s) is armed.
2. [REDACTED]

[REDACTED] [CALEA 41.2.2e]

3. The [REDACTED] officer must provide a written statement (PD-118, Complaint – Officer Statement of Events) for all pursuits. The PD-118 shall be included in the pursuit packet and forwarded through the appropriate channels.

E. Responsibilities of the [REDACTED]: [CALEA 41.2.2d]

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

F. Responsibilities of Other Police Units during a Pursuit:

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

G. Responsibilities of *DECPR*: [CALEA 41.2.2f]

The *Department of Emergency Communications, Preparedness, and Response (DECPR)* shall terminate the pursuit if efforts to contact a supervisor fail.

1. *DECPR* will contact a supervisor assigned to the Precinct where the pursuit began. The Precinct supervisor shall acknowledge and begin to monitor the pursuit. If the designated Precinct supervisor does not acknowledge *DECPR*, *DECPR* shall terminate the pursuit.

2. Following initial contact with the primary unit, *DECPR* shall perform the following:

- a) Record all pursuit transmissions;
- b) Keep the air clear. Restate the status of the pursuit to clarify location only when necessary;

- c) [REDACTED]
- d) As soon as possible, each police channel operator will give some details with respect to the type and color of the pursued vehicle, especially if an armed party is involved. Priority calls received on the channel involved in the pursuit may be dispatched on other channels until the pursuit is over;
- e) [REDACTED]
- f) [REDACTED]
- g) [REDACTED]
- h) [REDACTED]; and,
- i) **DECPR** will continue to monitor the pursuit until it is discontinued or until the fleeing vehicle has been stopped and the situation is stable.

H. Responsibilities of the Pursuit Supervisor: [CALEA 41.2.2g]

- 1. Be responsible for all units involved in the pursuit, regardless of their regular assignment. In that regard, the authority of the units involved in a pursuit shall be subordinate to the authority of the pursuit supervisor;
- 2. Immediately proceed in the direction of the pursuit;
- 3. Continuously monitor and supervise the pursuit for its entire duration to ensure compliance with the provisions of this policy; and,
- 4. Monitor the progress of the pursuit and issue orders as appropriate, including the termination of the pursuit if the circumstances warrant it. [CALEA 41.2.2i]

I. Responsibilities of the Aviation Unit:

Upon notification by **DECPR** that pursuit is in progress, the pilot shall perform the following:

- 1. [REDACTED]
- 2. [REDACTED]

3. [REDACTED]

4. [REDACTED]; and,

5. [REDACTED]

J. Regional Pursuits – [REDACTED]
[REDACTED] [CALEA 41.2.2j]

1. In-Bound Pursuits: [CALEA 41.2.2j]

a) If **DECPR** is notified of a pursuit coming into the City of Richmond, **DECPR** will alert the appropriate Precinct(s) to acknowledge the pursuit. **DECPR** will then ascertain the reason for the pursuit and advise the Precinct supervisor. If there is no response from the supervisor, **DECPR** shall contact another Precinct supervisor. The responding Precinct supervisor shall proceed to deploy police units as appropriate. Without the authorization of a supervisor, there will be no pursuit. [REDACTED]

b) [REDACTED]

c) If HPD or CPD ARE involved in the pursuit, **DECPR** will advise when the units will move to the [REDACTED]

d) [REDACTED]

NOTE: [REDACTED]

- e) [REDACTED]
- f) City units on the involved channel, NOT directly involved in the pursuit, may be instructed by *DECPR* to move to another channel to receive calls and other services.
- g) [REDACTED]
- h) All information received by *DECPR* regarding the description of the fleeing vehicle and its occupant(s), as well as the progress of the pursuit, must be passed along to the assigned City police units.
- i) [REDACTED]

2. Out-Bound Pursuits:

Pursuits going out of the City will be [REDACTED] by *DECPR*.
[REDACTED]

- a) Whenever it seems apparent that a pursuit will leave the City's boundaries, the ranking supervisor monitoring it will determine whether to continue the pursuit.
- b) If it appears that the pursuit will enter into another jurisdiction, the pursuing [REDACTED]
- c) [REDACTED]
- d) [REDACTED]
- e) [REDACTED]

[REDACTED] The pursuit supervisor may discontinue the pursuit if the circumstances warrant it.

K. Pursuits on an Interstate Highway:

[REDACTED]

L. Termination of a Pursuit: [CALEA 41.2.2i]

1. The pursuing officer(s) shall notify *DECPR* when terminating a pursuit.

NOTE: [REDACTED]

2. A pursuit shall be terminated for any of the following reasons: [CALEA 41.2.2h]

a) [REDACTED]

b) [REDACTED]

c) [REDACTED]

d) [REDACTED]

e) [REDACTED]

f) [REDACTED]

g) [REDACTED]

- h) When the pursuit supervisor or *DECPR* orders termination of the pursuit; and,

i) When the offender is apprehended.

3. ***Forcible stopping, rolling roadblocks, or other pursuit interruption techniques are not authorized.*** [CALEA 41.2.3]

M. Crashes Related to Pursuits:

1. Suppose a vehicle, while being pursued, becomes involved in a crash, involving a fatality, or life-threatening injury. In that case, a traffic accident investigator from Support Services-Special Operations Division, Traffic Unit shall be instructed to conduct an investigation of the crash.
2. Suppose the pursuing officer or related units become involved in a crash while in pursuit; that officer's supervisor shall be responsible for investigating the crash. However, in instances of fatality, or life-threatening injury, a traffic accident investigator from Support Services-Special Operations Division, Traffic Unit shall be instructed to conduct an investigation of the crash.
3. The Department's Internal Affairs Division must be notified in all pursuit fatalities or injuries with a high likelihood of death.

N. Post-Pursuit Reports and Follow-up Requirements: [CALEA 41.2.2k]

1. Any driving officer who actively engaged in the pursuit will submit a completed PD-118 or PD-44A to the pursuit-monitoring supervisor explaining their actions during the pursuit as part of the PD-44 packet. ***The primary officer will also compile and submit an IBR titled Vehicle Pursuit / Eluding Police.***
2. All pursuits must be reviewed. This includes any pursuit initiated or terminated in the City, as well as those initiated by other agencies in which RPD is involved. The pursuit-monitoring supervisor will submit a completed PD-44, Supervisory Pursuit Report, and all supporting documents through channels to the Major of the affected Service. The report shall outline the specifics of the pursuit regardless of whether or not an arrest was made.
3. If further action is necessary (***e.g., an investigation is*** needed because an officer violated policy ***other than this GO, 06-06***, during the pursuit), the pursuit-monitoring supervisor will initiate such action. The supervisor who initiates the PD-44 will also ensure that other required reports or investigations are completed.
4. After the affected Major has reviewed and signed off on the documentation noting a finding of in/out of policy, the PD-44 will be forwarded to the ***Court Liaison*** Sergeant assigned to ***Internal*** Affairs. ***The Court Liaison Sergeant will present Out of Policy pursuits to the Accident Review Board (ARB) and will forward the ARB's findings to the Chief of Police or designee for final determination of In or Out of Policy. Upon that review, the Chief or designee will forward to the Disciplinary Review Office when applicable.***
5. ***The original*** PD-44 and all related reports (i.e., FR 300P, IBR, Police Vehicle Accident Package, GPS data set, etc.) will be forwarded to the ***Court Liaison***

Sergeant for filing. A copy will be sent to the Training Academy for review and training or policy considerations.

6. For necessary notifications following a pursuit, refer to General Orders 07-24, Public Information Requests, and 02-06, Watch Commanders and Notification.

O. Responsibilities of Training Academy:

The Training Academy personnel will provide recruit, in-service and remedial training, which includes emergency response, pursuit techniques, precision driving, and crash avoidance methods. In-Service *will* be held department-wide biennially. *The Training Academy will collaborate with the Court Liaison Sergeant on the annual review of policy and analysis of pursuit data.*

P. Responsibilities of *Internal* Affairs:

[CALEA 41.2.2l]

The *Court Liaison* Sergeant will annually review current policy, and compile and analyze data from Pursuit Reports documenting motor vehicle pursuits and incidents involving fleeing and/or eluding.

Q. This pursuit procedure will be reviewed annually.

[CALEA 41.2.2n]

VII. FORMS

- A. PD-44, Supervisory Pursuit Report
- B. PD-44A, Supervisory Pursuit Report Supplement
- C. PD-118, Officer Statement
- D. FR-300
- E. IBR – Vehicle Pursuit/Eluding Police
- F. Police Vehicle Accident Package