

<b>VIENNA POLICE DEPARTMENT</b>  <b>GENERAL ORDERS</b>	<b>SUBJECT:</b> <b>GENERAL ORDERS</b>		<b>NUMBER:</b> <b>800</b>
	<b>EFFECTIVE DATE:</b> August 1, 2024	<b>REVIEW DATE:</b> August 1, 2026	
	<b>TOPIC:</b> <b>VEHICLE OPERATIONS</b>		
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800 Vehicle Operations

- 801 Normal Driving
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	<b>TOPICS:</b> <b>NORMAL DRIVING</b>	

**I. PURPOSE**

This General Order series is issued for delineating policy, providing guidelines, and establishing rules governing the normal driving of Town-owned police vehicles and Department-leased vehicles.

**II. POLICY**

The safety of all people is of paramount importance in the operation of Town-owned police vehicles or Department-leased vehicles. It is the policy of the Town of Vienna Police Department that all departmental employees, while using normal driving, will operate Town-owned police vehicles and Department-leased vehicles within the limits of state law and Town ordinances.

**III. DEFINITIONS**

A. Normal Driving: That driving which relates to the maintenance of vehicle speed concurrent with the normal flow of traffic, the obedience to motor vehicle laws and requirements of posted vehicular control signs, and the practice of being a courteous, responsible driver.

B. Controlled Intersection: Any location of intersecting streets or highways where vehicular traffic is controlled by signal lights or signs.

C. 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.

D. Response Driving: That driving of an expeditious nature which relates to the effort made in a Town-owned police vehicle to proceed to the location of an emergency or where apprehending violators of the law, in a manner consistent with the provisions of the Va. Code Ann. § 46.2-920 (Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements), to include the usage of emergency lighting equipment, siren, and having due regard for the safety of persons and property. Response Driving includes operation of a Town-owned police vehicle both in apprehension of persons suspected of committing a violation of law or in response to an emergency situation.

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#### **IV. GENERAL GUIDELINES**

Police response must, 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 individuals 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 operating a police vehicle in a manner other than that defined as normal driving.

#### **V. NORMAL DRIVING**

A. During normal driving of Town-owned police vehicles and Department-leased vehicles, all Department employees shall obey all motor vehicle laws.

B. While operating a Town-owned police vehicle or a Department-leased vehicle, seat belts shall be worn by the operator and any passenger, whenever the police vehicle is so equipped. This includes any commercial or privately owned vehicles operated while on duty. For prisoner transports, refer to Regulation C-6, Transportation of Prisoners.

C. All department employees shall operate any Town-owned or Department leased vehicles in a reasonable manner.

D. The operator of a Town-owned police vehicle or a Department-leased vehicle has the responsibility to inspect the safety features of the vehicle, which includes, but not limited to, all lights, brakes, fluid levels, siren, horn, and steering, prior to commencing operation. No officer or employee shall operate any Town-owned police vehicle or a Department-leased vehicle which is believed to be operationally unsafe. The Town-owned police vehicles shall not be operated without fully functioning emergency equipment. A Town-owned police vehicle with serious mechanical defects shall be towed, not driven, to the Town garage. All weapons shall be removed from any Town-owned police vehicle prior to delivering it to Northside or other service location.

E. No operator of a Town-owned police 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, or the Computer Aided Dispatch system.

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F. The operator of a Town-owned police vehicle, when made aware of any unsafe condition, shall advise their supervisor who shall ensure the vehicle is transported to the Northside Garage as soon as practical. Department of Public Works shall determine the condition of the police vehicle and its suitability for service

G. The operator of a Town-owned police vehicle or a Department-leased vehicle shall exercise caution before turning or backing any vehicle. During normal operations of police vehicles, the police vehicle shall be operated with due regard to safety at all times.

H. A Town-owned police vehicle or a Department-leased vehicle shall not be left unsecured with its engine in operation.

I. The operator of a Town-owned police vehicle or a Department-leased 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.

J. During periods of inclement weather when Town-owned police vehicles cannot be washed regularly, the operator of a Town vehicle must ensure that the headlight, the bar light, and the taillight lenses are kept clean as circumstances permit.

K. When officers must block a lane of travel or when conducting police business, officers should be cognizant not to create a traffic hazard. 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.

L. The public-address system located in Town-owned 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.

M. The spotlight and alley lights located on Town-owned 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.

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## **I. PURPOSE**

The purpose of this General Order is to provide a policy on the response driving of Town-owned police vehicles.

## **II. POLICY**

It is the policy of the Town of Vienna Police Department, that under certain emergency situations, sworn officers are permitted to operate Town-owned police vehicles beyond the limits of normal driving, with due regard for safety of all.

## **III. DEFINITIONS**

- A. Controlled Intersection: Any location of intersecting streets or highways where vehicular traffic is controlled by signal lights or signs.
- B. 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.
- C. Response Driving: That driving of an expeditious nature to the location of an emergency, in a manner consistent with the provisions of the Va. Code Ann. § 46.2-920 (Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements), to include the usage of emergency lighting equipment, siren, and having due regard for the safety of persons and property. Response Driving includes operation of a Town-owned police vehicle both in apprehension of persons suspected of committing a violation of law or in a response to an emergency situation.

## **IV. GENERAL GUIDELINES**

- A. Police response must, of necessity, be governed by the nature of the situation, the amount of information a call or complainant provides, and the credibility of that information.
- B. There are instances where an officer may or may not be justified to expedite to the location of a call, depending on the:
  - 1. Nature of the call;
  - 2. Seriousness of the situation; and

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3. Present variable conditions, to include but not limited to, traffic congestion, weather, and road surface.

C. 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.

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

E. Because an officer's judgment and decision to utilize response driving 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.

## **V. RESPONSE DRIVING**

A. Officers must be able to articulate the reason(s) why response driving was utilized.

B. Except for the very limited period of time in which pacing is accomplished, response driving shall require the use of emergency equipment and in accordance with Va. Code Ann. § 46.2-920; Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements (see Addendum).

C. While response driving, the operator shall not be distracted by personal or issued communication devices.

D. While response driving, seat belts shall be worn by the operator and any passengers.

E. While transporting a prisoner, an officer shall not utilize response driving.

F. Regardless of the seriousness of the situation where officers are utilizing response driving, and except in circumstances that are clearly beyond the operator's control, the operator shall be held accountable for the manner in which the Town-owned police vehicle is operated.

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G. When approaching a controlled intersection or other location where there is a reasonable possibility of collision, the operator of a Town-owned police vehicle being operated under response driving shall be granted an exemption as explained in Va. Code Ann. § 46.2-920; ~~Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements, only when the operator 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.

H. The nature of certain crimes in progress may call for the use of the siren to be discontinued on close approach to the location of the situation, as reasonably necessary. If officers on close approach discontinue the use of emergency lights AND siren, then the officers must follow all traffic laws.

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

J. For emergency situations, such as *Police Officer in Trouble (Signal 1)*, the first officer arriving at the location who can do so should advise the dispatcher of the conditions as soon as possible in order that additional units can be canceled or dispatched without delay. The units that are canceled or when advised to no longer response drive shall resume normal driving.

## **VI. TRUCK CHASSIS VEHICLES**

A. Only those sworn personnel authorized by the Chief of Police and who have received training from the Fairfax County Criminal Justice Academy, may engage in response driving while operating an authorized truck chassis platform vehicle.

B. Sworn personnel who are authorized to engage in response driving mode in an authorized 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.

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## VII. TRAINING

All sworn officers shall receive Fairfax County Criminal Justice Academy training in emergency vehicle operations. Officer should be enrolled in emergency vehicle operations training on a regular basis.

### LEGAL REFERENCES

A. Va. Code Ann. § 46.2-920; Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements.

#### ADDENDUM TO GENERAL ORDER 801, RESPONSE DRIVING

CODE OF VIRGINIA § 46.2-920: Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements.

§ 46.2-920. Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements.

A. The driver of any emergency vehicle, when such vehicle is being used in the performance of public services, and when such vehicle is operated under emergency conditions, may, without subjecting himself 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;
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; or
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.

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 §§ 46.2102 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,

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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. In addition, the exemptions granted to emergency vehicles by subsection A shall apply only when there is in force and effect for such vehicle either (i) standard motor vehicle liability insurance covering injury or death to any person in the sum of at least \$100,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of \$300,000 because of bodily injury to or death of two or more persons in any one accident, and to a limit of \$20,000 because of injury to or destruction of property of others in any one accident or (ii) a certificate of self-insurance issued pursuant to § 46.2-368. 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. Nothing in this section shall release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

C. For the purposes of this section, the term "emergency vehicle" shall mean:

1. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer (i) in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation or (ii) in response to an emergency call;
2. Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;
3. Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;
4. Any emergency medical services vehicle designed or used for the principal purpose of providing emergency medical services where human life is endangered;
5. Any Department of Emergency Management vehicle or Office of Emergency Medical Services vehicle, when responding to an emergency call or operating in an emergency situation;
6. Any Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law-enforcement officer;
7. Any vehicle authorized to be equipped with alternating, blinking, or flashing red or red and white secondary warning lights under the provisions of § 46.2-1029.2; and
8. Any Virginia National Guard Civil Support Team vehicle when responding to an emergency.

D. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer may disregard speed limits, while having due regard for safety of persons and property, (i) in testing the accuracy of speedometers of such vehicles, (ii) in testing the accuracy of speed measuring devices specified in § 46.2-882, or (iii) in following another vehicle for the purpose of determining its speed.

E. A Department of Environmental Quality vehicle, while en route to an emergency and with due regard to the safety of persons and property, may overtake and pass stopped or slow-moving vehicles by going off the paved or main traveled portion of the highway on the right or on the left. These Department of Environmental Quality vehicles shall not be required to sound a siren or any device to give automatically intermittent signals, but shall display red or red and white warning lights when performing such maneuvers.

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F. Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer while conducting a funeral escort, wide-load escort, dignitary escort, or any other escort necessary for the safe movement of vehicles and pedestrians may, without subjecting himself 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 for 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; or
  5. Pass or overtake, with due regard for the safety of persons and property, another vehicle.
- Notwithstanding other provisions of this section, vehicles exempted in this subsection may sound a siren or any device to give automatically intermittent signals.

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	<b>TOPICS: VEHICLE PURSUITS</b>	

## **I. PURPOSE**

The Town of Vienna is for the most part a community of family neighborhoods surrounded by a rapidly urbanizing jurisdiction. This creates safety challenges for motorists, pedestrians, and officers. The purpose of this policy is to establish guidelines for all officers, supervisors, and commanders when making the critical decision to initiate a pursuit, continue a pursuit, or end a pursuit.

## **II. POLICY**

It is the policy of the Town of Vienna Department that officers hold the highest regard for human life. Va. Code Ann. § 19.2-77 (Escape, flight and pursuit; arrest anywhere in Commonwealth) authorizes a law enforcement officer, with or without a warrant, to pursue such person anywhere in the Commonwealth. Officers, controlling pursuit supervisors, and commanders must always balance the need for immediate apprehension with the danger created by the pursuit as the preservation of all human life is paramount.

Pursuit management is critical to the safety of all individuals. Therefore, the controlling pursuit supervisor shall ensure that only those authorized officers participate in the pursuit. Over-response poses an unnecessary risk to the officers and to the public. Thus, all pursuits shall be continually monitored.

Officers, controlling pursuit supervisors, and commanders shall intervene to terminate any pursuit when the danger created by the pursuit outweighs the need for immediate apprehension. In all situations, every officer is expected to act within their training and exercise sound judgment. Every pursuit will be reviewed on a case-by-case basis. The officer initiating a pursuit and the authorizing controlling pursuit supervisor must be able to clearly articulate that the need for immediate apprehension outweighed the danger created by the pursuit to the public.

Throughout the pursuit, officers shall ensure that medical aid is rendered or access to medical treatment is provided to any individual who complains of injury, has obvious injuries, or requests medical attention as a direct result of actions during the pursuit. Depending on the situation, officers may end the pursuit in order to render medical aid.

## **III. DEFINITIONS**

A. Controlling Pursuit Supervisor: The sworn supervisor or acting supervisor who is in control of the pursuit.

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**B. Directly Involved:**

1. All officers who are engaged in the act of following another vehicle, with emergency lights and siren activated, in order to apprehend the driver who has disregarded the signal to stop.
2. Officers responding, with emergency lights and siren activated and/or who are response driving, to a pursuit with the intent to participate in the pursuit.
3. Any officers utilizing their emergency lights and siren to maintain proximity to the pursuit.

**C. Indirectly Involved:** Officers who are not directly involved in the pursuit but are responding to a specific location to assist the directly involved officers with some specific law enforcement-related act (ex: closing intersections, etc.).

**D. Initiating Officer:** The officer who initially attempts to stop the fleeing vehicle.

**E. Lead Unit:** The officer who is directly behind the fleeing vehicle. Throughout a pursuit, the lead unit might change.

**F. Medical Treatment:** Any action taken by Emergency Medical Services (EMS), or medical facility personnel to medically assess an individual or physically mend an injury (e.g. dress a wound, stitches, etc.). Access to medical treatment requires direct contact between the patient and one of the above defined competent medical authorities. Routine decontamination does not constitute medical treatment.

**G. Other Agency Pursuit:** A law enforcement officer from a law enforcement agency other than the Town of Vienna Police Department, pursuing a vehicle within the Town's jurisdiction.

**H. Probable Cause:** Facts and circumstances which, taken together with rational inferences therefrom, would lead a prudent individual to believe that a crime or a traffic infraction is being, or has been, committed, and that a particular person committed it.

**I. Pursuit:** An attempt by an officer to apprehend the driver of a vehicle who is disregarding the signal to stop. A pursuit lasts only from the moment an officer initiates a pursuit to the pursuit conclusion, whether the conclusion results from the fleeing driver stopping, use of a vehicle stopping technique, pursuit termination, or authorization to pursue is declined. Any response to incidents, such as a bail out, occurring after the pursuit conclusion is not considered part of the pursuit.

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J. Pursuit Termination: When officers are no longer attempting to apprehend the driver as a result of an order by the controlling pursuit supervisor/lead unit, by actions of directly/indirectly involved officers, or the pursued vehicle stops.

K. Pursuit Withdrawal: Whenever an involved unit in a pursuit removes themselves from the pursuit.

L. Pursuit Driving: The act of following another vehicle, with emergency lights and siren activated, in order to apprehend the driver who has disregarded the signal to stop. This is applicable regardless of the distance, speed, duration, or number of police vehicles directly involved and whether or not an apprehension is made.

M. Reasonable Articulate Suspicion: Facts and circumstances which, taken together with rational inferences therefrom, would cause a reasonable police officer to suspect that a person is, has been, or is about to be, involved in criminal activity or a traffic infraction.

N. Response Driving: The act of operating a police vehicle consistent with the exemptions in Va. Code Ann. § 46.2.-920 (Certain vehicles exempt from regulations in certain situations; exceptions and additional requirements).

O. Second Unit: The officer who is directly behind the lead unit. Throughout a pursuit, the second unit might change.

P. Serious Injury: An injury that creates a substantial risk of death, disfigurement, prolonged hospitalization, impairment of the functions of any bodily organ or limb, or any injury that medical personnel deems to be potentially life-threatening.

Q. Third Unit: The officer who is directly behind the second unit. Throughout a pursuit, the third unit might change.

#### **IV. PURSUITS WITHIN THE TOWN OF VIENNA**

The Town of Vienna is a family community that also becomes very highly congested. This requires a high level of justification to engage in a pursuit. Prior to engaging in a pursuit, officers shall consider their pursuit training, experience, and ability and potential associated risk factors such as environmental conditions (including weather, road conditions, critical infrastructure, etc.), direction of the pursuit (including traffic conditions, pedestrian traffic, school crossings, type of roadway, etc.), the safety of all (especially officers, public, and any passengers, etc.), seriousness of offense, and the danger the offender poses to public safety.

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The decision to pursue must be based upon facts and circumstances known to the officer at the time the officer initiates a pursuit. The following are the pursuit parameters within the Town of Vienna:

The pursuing officer(s) has established probable cause that the person being pursued has committed, has attempted to commit, or is committing any of the following:

1. Any felony other than the felony act of speed to elude.
2. Any violent misdemeanor. (physical force used or the threat of using a weapon).
3. Any offense involving the use or threatened use of a firearm
4. Is currently wanted (warrants on file) for any of the above-listed offenses.

Officers are *not permitted* to briefly pursue a vehicle for the sole purpose of performing a wanted check on the driver or occupant to determine if he/she is wanted for any of the above-listed offenses.

Additionally, officers shall not join in a pursuit initiated by another jurisdiction that enters the Town of Vienna unless the driver or occupant is wanted for any of the above-listed offenses or there is only one officer from another jurisdiction, at which time assistance can be provided until additional units arrive or the pursuit leaves the Town of Vienna. The Vienna Police Department does not pursue for traffic charges only.

A. Officers may pursue within the Town of Vienna when all the following criteria are met:

1. The officer has probable cause that the driver and/or any passenger, has committed, has attempted to commit, or is committing one of the above listed offenses; AND
2. The driver refuses to stop when given the signal to do so; AND
3. The need for immediate apprehension outweighs the danger created by the pursuit to the public, officers, and offender, including passengers.
4. In accordance with this General Order, pursuits may be pre-approved through an operations plan and with prior approval of the Deputy Chief. An operations plan and threat analysis shall be completed, approved, and distributed to Command Staff, Fairfax County Police Liaison Commander, helicopter, canine, and neighboring Fairfax County Stations.

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There shall be an expiration date and time included in the operations plan. The operational plan shall be specific to an on-going criminal investigation and where a pursuit might occur.

B. As soon as the pursuit is initiated, the pursuing officer must advise the dispatcher immediately of the following:

1. They are in pursuit
2. Specific charges (other than eluding)
3. Unit number, and
4. Location (including direction of travel)

Officers are encouraged to provide further information when practical and safe to do so, such as:

1. Detailed vehicle description (make, model, color, license plate, etc.)
2. Number of occupants
3. Weapons, if known
4. Speed
5. Traffic conditions

The supervisor will also be notified as soon as practical, via the dispatcher. The supervisor is required to acknowledge awareness of the pursuit and assume incident command verbally over the police radio.

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 from taking command of the pursuit. As a pursuit progresses, the conditions affecting the pursuit may evolve. Consequently, officers shall continually reassess the pursuit's appropriateness in light of the criteria and environmental conditions.

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The fact that a pursuit has been initiated in no way obligates an officer to continue the pursuit.

Unless explicitly directed otherwise by a supervisor, officers are authorized to terminate a pursuit upon their own authority at any time. Officers shall also ensure that the dispatcher is continually updated regarding all significant developments during a pursuit. When two or more police vehicles are engaged in the pursuit, the second unit shall be designated to provide routine updates. This designation allows the lead officer to devote full attention to driving, without having to attend to the police radio. Generally, other officers engaged in the pursuit shall refrain from unnecessary radio traffic, in order for the radio channel to remain available for the designated update officer, the dispatcher, and the supervisor monitoring the pursuit. However, this general requirement does not prevent any officer from conveying important information that otherwise is not being reported.

C. A variety of environmental conditions and other factors shall be considered when deciding whether to commence and/or continue a vehicle pursuit. These conditions and factors include, but are not limited to:

1. Seriousness of the crime
2. Suspects will continue to be a threat to the community
3. Identity of the suspects are known and the prospects for a later arrest by alternative means exist
4. Time of day
5. Traffic density (vehicular and pedestrian)
6. Area characteristics (rural, school, and commercial zones, etc.)
7. Roadway design
8. Condition of the road
9. Weather
10. Visibility
11. Condition of the involved vehicles.

The above factors shall be assessed collectively in order to identify the apparent risk that a given pursuit poses. That risk shall be weighed against the value of an immediate apprehension, with a reasonable decision to be rendered accordingly.

D. 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;

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3. whether the participating police vehicles have more than one officer; and
4. other clear and articulable 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 who become involved shall advise the dispatcher, 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.

- E. Officers involved in or responding to a pursuit shall monitor the pursuit on the radio channel utilized by the Town of Vienna police dispatcher and supervisor controlling the pursuit, so as to acknowledge information, direction and orders, such as pursuit termination.
- F. Whenever possible, the use of unmarked police vehicles or police motorcycles as pursuit vehicles should be avoided. The increased danger created by these less visible police vehicles makes it necessary that officers operating these vehicles during a pursuit withdraw at the earliest possible time. Whenever marked police vehicles become available to take over the pursuit, the unmarked vehicle or motorcycle shall withdraw from the pursuit. Only pursuit rated vehicles shall be used to engage in a pursuit.
- G. 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, shall space themselves at a distance that will ensure proper braking and reaction time in the event the lead vehicle stops, slows, or turns.
- H. As outlined in General Order-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.

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- I. 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: In accordance with the Precision Immobilization Technique (P.I.T.) procedures established by these General Orders;
  
- J. If, in the judgment of the police officer or officers in pursuit, the fleeing vehicle must be stopped immediately to safeguard life and preserve public safety, the Precision Immobilization Technique (P.I.T) may be used. Only those officers who have successfully completed training in P.I.T shall utilize it. This decision may be made by a pursuing officer. The decision to use the P.I.T must take into account the safety of bystanders, other vehicles, the risk of physical injury to the occupant(s) of the fleeing vehicle, and to the police officer. The Precision Immobilization Technique shall be considered Non-Lethal Use of Force. The use of P.I.T within the prescribed training guidelines of the Town of Vienna 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.
  
- K. Except in extreme cases, three units are sufficient to perform a rolling roadblock 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.
  
- L. 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 to or death of 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 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.
  
- M. Officers are prohibited from being directly or indirectly involved in a pursuit when:

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1. Transporting prisoners.
2. There is a juvenile in their cruiser, to include a juvenile ride-along.
3. There is a passenger in their cruiser, excluding sworn law enforcement personnel.

**V. CLOSE PURSUIT OUTSIDE THE BOUNDARIES OF THE TOWN OF VIENNA.**  
(but within the Commonwealth of Virginia).

Pursuits shall be permitted outside the boundaries of the Town of Vienna, in accordance with the following requirements:

- A. Pursuits originating within The Town of Vienna shall be permitted to continue into another jurisdiction within the Commonwealth with prior authorization from the controlling pursuit supervisor and when the officer has probable cause that the offender and/or any passenger, has committed, has attempted to commit, is committing, or has threatened the use of violence to commit, a violent felony against a person as defined in Va. Code Ann. § 19.2-297.1 (Sentence of person twice previously convicted of certain violent felonies):
- First and Second-Degree Murder and Voluntary Manslaughter under Article 1 (§ 18.2-30 et seq.);
  - Mob-related felonies under Article 2 (§ 18.2-38 et seq.);
  - Any kidnapping or abduction felony under Article 3 (§ 18.2-47 et seq.);
  - Any malicious or felonious assault or malicious bodily wounding under Article 4 (§ 18.2-51 et seq.);
  - Robbery under §18.2-58;
  - Carjacking § 18.2-58.1;
  - Criminal sexual assault punishable as a felony under Article 7 (§ 18.2-61 et seq.);
  - Arson in violation of § 18.2-77 (Burning or destroying dwelling, house etc.) when the structure burned was occupied or a Class 3 felony violation of § 18.2-79.

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B. With supervisory approval, an officer may continue beyond the boundary of the Town, but within the Commonwealth of Virginia under the following circumstances.

1. If a pursuit, initiated by another jurisdiction, travels into the Town of Vienna with only one officer involved from that jurisdiction or if the number of suspects, nature of crime and the possibility of weapons requires additional units for officer safety. A Vienna Officer shall not join a pursuit if the underlying charges(s) are solely traffic related.

C. When an officer in close pursuit perceives the likelihood that the pursuit will necessitate movement into another jurisdiction, the officer shall advise the dispatcher.

D. Responsibilities of pursuing officer(s) after entering another jurisdiction.

1. The officer shall maintain, to the extent possible, communications with the Vienna Police Dispatcher relaying information that will assist the jurisdiction in locating and apprehending the person pursued.
2. Upon apprehension and arrest of a person pursued within the boundaries of the Town of Vienna, or into Fairfax County, the arresting officer shall take the accused to the Magistrate's Office in Fairfax County.
3. Upon apprehension and arrest of the person pursued beyond the boundaries of the Fairfax County, the arresting officer shall take the accused before the proper judicial officer of the city or county in 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, admit the accused to bail, or commit the accused to jail for transfer as soon as possible.
  - 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 the Town of Vienna.

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## **VI. PURSUITS INTO MARYLAND AND THE DISTRICT OF COLUMBIA**

In accordance with Maryland Criminal Procedures § 2-305 (Authority of officers of other states to arrest in State) and District of Columbia Code § 23-901 (Arrests in the District of Columbia by officers of other States), Virginia law enforcement officers have statutory authority to pursue into Maryland and the District of Columbia to effect arrests, provided that probable cause exists involving the occurrence of an offense that is a felony in the Commonwealth of Virginia.

Pursuits shall be permitted to enter Maryland and the District of Columbia in accordance with the following requirements:

- A. Pursuits that originated within the Town of Vienna shall be permitted and justified to continue into another jurisdiction with prior authorization from the controlling pursuit supervisor and when the officer has probable cause that the offender and/or any passenger, has committed, has attempted to commit, is committing, or has threatened the use of violence to commit, a violent felony against a person as defined in Va. Code Ann. § 19.2-297.1 (Sentence of person twice previously convicted of certain violent felonies):
- First and Second-Degree Murder and Voluntary Manslaughter under Article 1 (§ 18.2-30 et seq.);
  - Mob-related felonies under Article 2 (§ 18.2-38 et seq.);
  - Any kidnapping or abduction felony under Article 3 (§ 18.2-47 et seq.);
  - Any malicious or felonious assault or malicious bodily wounding under Article 4 (§ 18.2-51 et seq.);
  - Robbery under §18.2-58;
  - Carjacking § 18.2-58.1;
  - Criminal sexual assault punishable as a felony under Article 7 (§ 18.2-61 et seq.);
  - Arson in violation of § 18.2-77 (Burning or destroying dwelling, house etc.) when the structure burned was occupied or a Class 3 felony violation of § 18.2-79.

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- B. When an officer in pursuit believes that the pursuit will enter either Maryland or the District of Columbia, the officer shall immediately notify dispatch. To the extent possible, pursuit updates should be provided to dispatch to assist the entered jurisdiction officers in locating and aiding in the pursuit.
- C. Unless authorized by the controlling pursuit supervisor, no more than three directly involved units may enter Maryland or the District of Columbia.
- D. The pursuing officer(s) shall allow a unit or units from the entered jurisdiction to become the lead units. It is the responsibility of that jurisdiction's units to initiate any additional requests for assistance.
- E. In the event units from the entered jurisdiction do not become the lead units, the controlling pursuit supervisor shall direct the pursuing officers when to terminate the pursuit.
- F. In the event the pursuing Vienna officers arrest the fleeing suspect(s), the suspect(s) shall be held for the jurisdictional units where the arrest occurred. Custody shall be transferred to that jurisdiction's unit. Town of Vienna officers should then obtain the necessary warrants in Fairfax County and begin the extradition process.
- G. Offenses that are observed by the pursuing officer(s) occurring outside the Town of Vienna shall be reported to the authorities in the jurisdiction where the offenses were observed. The pursuing officer(s) shall offer all reasonable assistance to further that jurisdictions investigation and any resulting prosecution.
- H. Officers should be cognizant that their actions during the pursuit occurring outside the Commonwealth of Virginia are subject to review by that jurisdiction's lead law enforcement agency and that jurisdiction's prosecutor.

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	<b>TOPICS: TAKE HOME VEHICLES</b>	

## **804 TAKE HOME VEHICLES**

A. It is the policy of the Town of Vienna Police Department to enhance operational readiness by ensuring the availability, on an as-needed basis, of the services of specialized, technical, investigative or command personnel in support of operations by assigning the necessary personnel to stand by status. Take-home vehicles are authorized for those on stand by and other critical personnel, as approved by the Chief of Police, to support mission essential operations. This authorization is necessary to ensure the availability and operational capacity of senior and critical staff for response to emergency/critical incidents. Take-home vehicles are assigned in accordance with Town Administrative Regulation 6.1, and are in support of the Department's mission, the National Incident Management System (NIMS), and the Incident Command Structure (ICS). Only sworn police officers employed by the Department, who are authorized by law to make arrests, execute search warrants, and carry firearms, and who regularly carry such firearms (except where it is not possible to do so because of requirements of undercover work), are generally allowed to use such vehicles for the purposes and within the limits described.

### **B. Requirements**

1. Only department employees designated as drivers may operate Town vehicles. The use of a Town vehicle by any other individual is prohibited.
2. At all times, employees shall only operate the class of vehicles in which they possess a valid state operator's license.
3. Employees who drive Town vehicles must grant to the Town the authority to inspect their personal driving records at any time.
4. Certain Town employees may be authorized by the Town Manager to take home a town vehicle on a regular basis. The criteria used to determine the eligibility will be:
  - a. Potential for emergency work-related call back.
  - b. Potential for frequent work-related use outside the normal workday.
  - c. No regular take-home vehicle may be authorized without prior approval of the Town Manager.
  - d. Assignment of a regular take-home vehicle shall be limited to those individuals living within a 35-mile radius of the Vienna Town Hall.
5. On January 1 of each year, each department requesting regular take-home vehicles will submit a list to the Town Manager of all persons needing such vehicles, the actual vehicle proposed to be assigned and a brief justification for its need. A log detailing the use of such vehicle may be required by the Town Manager.
6. Employees not assigned take-home vehicles on a regular basis may take a vehicle home under the following situations and if a vehicle is available and with supervisory approval:

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- a. When the employee is required to return to work that same evening for a meeting. Mileage reimbursement is not available in lieu of using a Town vehicle in these situations.
  - b. When it is logical for the employee to travel directly from home to a work-related meeting or conference.
  - c. In circumstances where it is in the best interest of the Town that an employee has the use of a vehicle.
7. Civilian Police Department personnel that may be required to operate a Town vehicle during special circumstances shall adhere to the guidelines set forth in Town of Vienna Administrative Regulation 6.1.

### C. On-Call Vehicles

Town of Vienna Police officers with specialized, technical, investigative or command responsibilities may be placed in an on-call status, as directed by the Chief of Police.

#### 1. General On-Call Vehicle Provisions

- a. The Chief of Police shall maintain the number and type of positions eligible to be placed on call.
- b. Personnel who are assigned on-call status shall be equipped with a 24-hour use vehicle and shall furnish their supervisor, or other designated person, with the telephone number where they can be immediately contacted. Should it become necessary for an employee to be removed from on-call status due to unscheduled leave, travel from the immediate area, illness, family emergency, or other reason, the employee shall immediately notify their affected supervisor.
- c. On-call vehicles must be maintained in a manner to enable assigned personnel to respond in an expeditious manner. Communications devices and equipment in the vehicle must be operational.
- d. While on or off duty, on-call sworn personnel shall monitor the police radio frequency while within the town limits to be able to provide aid and assistance to citizens and render appropriate assistance in the event of a call of a serious nature or critical incident in close proximity to their location.
- e. On-call personnel are expected to make telephone or radio contact with the Communications Section dispatcher or other designated person, within 15 minutes of receiving a notification and to be en route to a callback assignment within 30 minutes of notification.

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**2. On-Call Unmarked Vehicles**

- a. On-call personnel may use assigned unmarked vehicles for personal use within the Town provided they are prepared to render appropriate assistance or aid, or to take immediate action if required, and such use does not interfere with the ability to be en-route to a callback assignment within 30 minutes of notification.
- b. To maintain operational availability and readiness to respond, on-call personnel may, incident to their law enforcement functions, use unmarked vehicles for limited personal use outside the Town within 35 miles of the Town line provided such use does not interfere with the officer's ability to be en route to a callback assignment within 30 minutes of notification and provided the on-call person is prepared and able to respond directly to the assignment without first returning to their residence. Any other personal use of an assigned vehicle is prohibited outside of the Town.
- c. Distance to the on-call officer's residence shall not exceed 35 miles from the Town line. All personnel residing outside of the authorized distance shall park their on-call vehicle at an authorized secure Town facility.

**3. On-Call Marked Vehicles**

This provision applies to clearly marked vehicles that have painted insignia or words (other than by mere marking on a license plate) that make it readily apparent the vehicles are police vehicles.

- a. On-Call marked vehicles shall not be driven home outside of the Town without authorization from the Chief of Police or his or her designee.
- b. Any personal use of marked vehicles outside of the Town is prohibited.

**4. Constant Stand by Status**

A constant stand by vehicle is any vehicle authorized by the Chief of Police and assigned to personnel based upon their duty assignment and highly specialized skills. Given the limited number of personnel in highly specialized assignments, the Department relies upon a pool of critical personnel to meet routine and emergency service demands. Under this category, authorized commanders are also provided vehicles because of the nature of their assignment and their designated responsibility for critical incident management and response. The constant stand by vehicle category provides sufficient resources required by the Department to effectively respond to service demands. All Town of Vienna Police Department take home vehicles shall be maintained in a constant standby status. All personnel shall, if available, respond within 60 minutes if on constant standby status. For personnel residing outside of the Town, any personal use, other than travel to and

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from home to a duty assignment or for incidental errands along the way, is prohibited. Any officer or detective who has been assigned a take home vehicle shall be on constant standby status.

#### D. Special Provisions

1. All sworn personnel operating any assigned take-home vehicle while off-duty shall be in possession of an issued or approved handgun, badge, and issued police credentials.
2. While operating a take-home vehicle off-duty, all personnel should be dressed in an appropriate manner to function as a police officer or otherwise render aid and assistance.
3. All personnel assigned a take-home vehicle shall be responsible for the proper care and maintenance of the vehicle and associated equipment.
4. Other persons, such as family members, may be transported in a take-home vehicle provided all occupants wear a safety belt or are properly secured in a child restraint system.
5. On-call, constant stand by, or special exemption vehicles may not be used for vacation or recreational trip or similar, such use such as towing privately owned equipment.
6. Personnel assigned to temporary assignments may be provided vehicles based on availability of vehicles and in strict accordance with Town and Department policy.
7. The Chief of Police or his or her designee may waive some provisions of this General Order in the event of an emergency, significant threat, or other articulable need. Provisions requiring compliance with law, Town compensation policies, or IRS regulations may not be waived.

#### E. Towing of Town-Owned Vehicles

1. The Police Department maintains a list of authorized towing service providers to be used in instances of towing Town-owned and police vehicles.

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	<b>TOPICS:</b>	<b>IN-CAR VIDEO</b>

## **805 IN-CAR VIDEO**

### **I. Purpose**

This document establishes specific procedures for the use of the in-car video (ICV) system and a protocol regarding the storage, viewing, release and retention of recordings. The department has adopted the use of ICV to provide an accurate depiction of events for courtroom presentation, to act as an investigative tool to accurately capture statements and events during the course of an incident and to enhance the officer's ability to document and review statements and actions for reports and courtroom preparation. Additionally, ICV can be used to provide an impartial measurement for self-critique and field evaluation.

### **II. Policy**

It is the policy of the Vienna Police Department that the in-car video (ICV) equipment shall be used only as set forth in this General Order.

### **III. Authority and Program Management**

The In-Car Video (ICV) program will be administratively and operationally overseen by the ICV Program Manager/Administrative Service Commander. The ICV program will be operated by the ICV Program Manager (ICV-PM). In general, the ICV-PM is responsible for the management, coordination, operation, maintenance, supply, support and training related to the ICV program. The ICV-PM will:

- a. Act as the Department's principal interface with the vendor's technical and logistical teams.
- b. Maintain a closed loop, interactive process to collect user feedback, make changes and provide feedback to users to ensure that vehicle and back-end operations meet the Department's mission requirements.
- c. Be responsible for coordinating all requests for copies of event records.

### **IV. Overview**

- a. The in-car video (ICV) system consists of hardware and software components installed in the vehicles including cameras, microphones and a digital video recorder as well as back-end components including servers, storage devices, DVD publishers and data management software.
- b. A front-facing camera is installed inside the vehicle pointing straight ahead, through the windshield. A microphone is installed inside the passenger compartment of the vehicle and a wireless body microphone is worn by the officer. In vehicles equipped with a prisoner partition, a rear-facing camera is installed inside the vehicle pointing into the rear transport area.

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- c. The Video Processing Unit (VPU) is a digital video/audio recorder (DVR) installed in the trunk of the vehicle and it contains a Solid-State Drive (SSD) on which digital video/audio data is stored prior to wireless upload to the ICV server. The Front-End Client (FEC) application is the computer program installed on all Police MDTs (CADs) which is used by the officer to control the camera, microphone and play back recordings.
- d. The system is configured to record a continuous video loop prior to manual or triggered activation. Once the system is activated, the 30 second pre-record period becomes part of the video file. There is NO pre-recorded AUDIO during this 30 second period.
- e. The Back-End Client (BEC) is the application used by officers and authorized personnel to review videos once they have been uploaded to the server.

**V. Procedure**

The ICV equipment starts recording automatically when the officer turns on the emergency lights or the on-board G-force sensor is tripped (the G-force sensor is a sensor which automatically starts the ICV in the event of a rapid deceleration (crash or similar event)). The equipment can be started manually when an officer presses the red REC button on the front-facing camera, on the Front-End Client application on the MDT, or on the wireless body microphone. The wireless body microphone switch can turn the recorder ON and capture audio outside the cruiser up to a distance of 1,000 feet line-of-sight (this distance may be reduced by physical structures such as buildings or dense foliage).

- a. Mandatory Use Situations
  - 1. Officers shall utilize the ICV equipment on all traffic stops. The audio and video recording shall remain ON for the duration of the traffic stop. Recording may be stopped only after the traffic stop has ended and the violator and/or officer have left the scene.
  - 2. Officers shall utilize the ICV equipment to record the entirety of all vehicular pursuits. All officers involved in a pursuit shall operate their ICV equipment. All ICV equipment will remain activated until the pursuit is terminated or until the completion of an arrest.
  - 3. Officers shall utilize the ICV equipment during all emergency response driving.
  - 4. Any officer transporting a person (citizen or prisoner) in an ICV equipped vehicle shall initiate ICV recording. These ICV recordings will be helpful to:
    - a. Provide evidence if any allegations of wrongdoing are made by citizens or prisoners.
    - b. Document any damage to the cruiser caused by a prisoner.

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- c. Gain information that may assist in furthering an on-going investigation.
- 5. Nothing in this Order shall prohibit an officer from utilizing the ICV equipment in any situation that he or she deems appropriate or when the recording might be of future evidentiary value. Officers are encouraged to use their discretion when determining whether or not to use the camera and/or audio recorder to document interactions with the public when situations 1-4 are not applicable. When practical and with due regard for officer safety, ICV recording will be initiated if a routine encounter begins to escalate or if the circumstances are aggravated by human and/or environmental factors.
- b. Solid-State Drive (SSD) Removal from the VPU
  - 1. The SSD memory card shall not be removed from the VPU other than for the replacement of a faulty unit or in cases where data cannot be wirelessly uploaded to the back end client and immediate access to the data is required (as in the case of serious crime scenes, departmental shootings, departmental accidents, etc.).
  - 2. The SSD cards may only be removed and replaced by the Program Manager (PM) or his/her designee(s). SSD cards will either be placed into evidence or surrendered to authorized investigative personnel. If an SSD card is removed for investigative purposes, its removal shall be documented in the investigative case report.

## **VI. Definitions**

For the purpose of this General Order, the following definitions shall apply:

- a. In-Car Video: The in-car video (ICV) system consists of hardware and software components installed in the vehicle including cameras, microphones and a digital video recorder as well as back-end components including servers, storage devices, DVD publishers and data management software.
- b. Front-Facing Camera: The camera installed inside the vehicle pointing straight ahead, through the windshield.
- c. Rear-Facing Camera: The camera installed inside the vehicle pointing into the rear transport area.
- d. Video Processing Unit (VPU): The digital video/audio recorder (DVR) installed in the trunk of the vehicle.
- e. Solid State Drive (SSD): The device in the VPU on which digital video/audio data are stored prior to upload to the ICV server.

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- f. **Trigger:** An action taken or experienced by an officer that automatically activates the ICV cameras and microphones.
- g. **Pre-Record Time:** The cameras may be configured to record a continuous video loop after manual or triggered activation. Once the system is activated, the pre-recorded period becomes part of the video file. There is no pre-record audio.
- h. **Post-Record Time:** The cameras may be configured to record a continuous video loop after manual or triggered shutdown. The post-recorded period becomes part of the video file. There is no post-record audio.
- i. **Body Microphone:** The officer-worn microphone linked to the ICV system.
- j. **Transport Microphone:** The microphone installed in the rear transport area.
- k. **Bookmarking:** The process by which an officer can mark a point within a video for quick recall of a specific segment of the video.
- l. **Front-End Client (FEC):** The application used in the vehicle by the officer to control the camera, microphone and playback recordings.
- m. **Back-End Client (BEC):** The application used by authorized staff to review videos and burn copies.
- n. **Back-end Administrator (BEA):** The application used by ICV system administrators to manage the system.
- o. **DVD Burner:** The network-connected device (also referred to as a jukebox) used to burn a video to disk.
- p. **Server:** The network device used to store ICV data.

## **VII. Officer Responsibilities**

- a. Officers operating vehicles with ICV equipment are responsible for the condition of the equipment. Following initial login to the MDT, each officer shall conduct a pre-shift inspection of ICV equipment to ensure it is operating correctly. During this inspection, officers shall sync their wireless microphone by placing it in the in-car docking station located under the arm rest.
- b. Following the inspection, the officer will activate the recording equipment and verbally announce a system check to verify the system is working. The officer will state: his/her name, badge number, date, vehicle number, shift (7p-7a or 7a-7p) and ensure that the system operates for a minimum of five seconds. The officer shall then review the recording to ensure proper operation.
- c. Officers shall confirm that adequate storage is available on the SSD card. This information is available on the MDT ICV front-end application (listed in hours remaining). At the end of the shift or when returning to the station during the shift, officers should park within range of the wireless access point and upload any recently recorded ICV video/audio. The wireless upload should occur automatically if the vehicle is in range of the WAP (Wireless Access Point).

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- d. It is also the responsibility of each officer to ensure the body microphone is synced and charged prior to attaching it securely to their uniform in a place where their voice and the voices of citizens are easily recorded. It is recommended the microphones be worn on the waist, upper chest or shoulder area and on the outer layers of the uniform. The optional lapel microphone may be used to ensure good sound quality.
- e. In the event there is any damage or irregularity discovered during this inspection, it shall immediately be brought to the attention of a supervisor and repairs will be coordinated with the Program Manager or his designee.
- f. Cruisers equipped with defective ICV equipment or cruisers without ICV equipment shall not be operated without supervisory approval.
- g. Following each recording the officer should classify the recording by selecting the appropriate description from the drop-down menu. When reviewing the video in the Archives Tab, the officer should enter the event number or case number in the Case Report Number field. When applicable, officers should note in their incident reports that the ICV equipment was used and that video and/or audio exists.
- h. Officers intending to use any video footage in court should note the date, time and case number associated with the event. Officers should request DVD copies no later than fourteen (14) days prior to their court date by submitting a DVD Request Form to the ICV Program Manager or his/her designee.
- i. If asked by a citizen, suspect or arrested individual, officers shall advise them that the ICV equipment is in use, unless doing so would hamper the investigation. Officers should also consider mentioning ICV equipment is in use during any citizen contact if they feel doing so may dissuade inappropriate citizen behavior.
- j. At no time shall an officer use the ICV equipment for other than official police business.
- k. Officers shall not attempt to alter any part of the ICV equipment or data.
- l. Officers shall not use any unapproved means to copy or distribute the audio/video material.
- m. At no time shall any officer use the ICV equipment to record any portion of an administrative investigation.
- n. All videos are property of the Vienna Police Department.
- o. If officers intend to conduct a "Road Check" or Field Training during which only one officer is equipped with a wireless microphone, the officer(s) will follow the procedure outlined below:
  1. Officer-1 will log into the ICV system as usual
  2. Officer-2 will be selected from the drop-down list as "Officer-2"
  3. Summons numbers will be listed in the comments section of the "Classify" screen. The entry of summons numbers will allow for easy searchability if the video becomes necessary for court.

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4. The case number for the Road Check will be listed in the Case Number field.
5. Both Officer-1 and Officer-2 will be able to view the video(s). This will be valuable if/when Field Trainers and new officers need to review videos for critique purposes.

**VIII. Supervisor Responsibilities**

Supervisors shall be responsible for ensuring that all personnel under their command adhere to this policy.

- a. The Back-End Client (BEC) shall be installed on work stations by the Program Manager or designee to give supervisors, officers and other authorized personnel the ability to review recorded video and audio.
- b. It shall be the responsibility of each supervisor to investigate and document damage to any part of ICV equipment. Damage shall be reported to the Program Manager who will coordinate the necessary repairs.
- c. Supervisors may conduct random inspections of an officer's ICV equipment to determine whether the equipment is being fully and properly utilized.
- d. Supervisors should review their officers' recordings for the purposes of gathering information that may be useful in preparing employee evaluations or establishing training needs. A supervisor may also request a DVD for training purposes.
- e. Although supervisors have been granted "permissions" to view all videos generated by the ICV system, supervisors shall only view the videos of officers under their direct supervision unless circumstances dictate otherwise.
- f. The back-end system records which supervisors have viewed which videos. Supervisors should be prepared to justify their reasons for viewing videos not related to their own squad's activities. This restriction does not apply to Division Commanders or Command Staff.
- g. Investigators are authorized to view ICV recordings with Division Commander approval.

**IX. Commander Responsibilities**

Commanders are responsible for ensuring that all personnel under their command adhere to the provisions of this policy. They shall ensure all personnel are trained in the use of the ICV equipment.

**X. Program Manager Responsibilities**

The ability to make DVD copies shall be limited to the Program Manager and his/her designee(s). "Permissions" can be programmed into the ICV Back End Client to allow individual Supervisors to burn DVD copies. Each DVD copy will be labeled with identifying information related to the video file including but not limited to the

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officer's name, date of recording, case number and the system-generated serial number of the digital record.

**XI. Control and Dissemination of DVD Copies**

The video/audio data is a valuable tool for prosecuting criminal and traffic cases. However, there are significant procedures which must be followed to ensure the admissibility of these recordings in courtroom testimony.

The following policy must be adhered to at all times to ensure the successful admission of ICV data for prosecution. Supervisors and officers will make DVD requests via email (or in person) to the Program Manager or his/her designee(s). An ICV-DVD Request Form shall be completed for each DVD requested no later than 14 days prior to the date needed for court.

- a. Copies will be sent to the officer via interoffice mail unless other arrangements are made.
- b. After the case has been adjudicated officers may retain DVDs in their case files or return them to the Program Manager for destruction.
- c. Officers should consult with the Commonwealth's Attorney and/or the Town Attorney/Prosecutor to determine if extra copies will be needed for discovery.
- d. DVDs are releasable under a Subpoena Duces Tecum, by Court Order, at the direction of the Commonwealth's Attorney, Town Attorney/Prosecutor or through routine discovery. DVDs can be released by the Program Manager.
- e. All video/audio footage shall be subject to the requirements for the admissibility of evidence.
- f. Officers intending to use an ICV DVD in court should advise the Commonwealth's Attorney in advance of the initial court date. This will also apply to DVDs introduced during preliminary hearings or discovery motions.
- g. The Commonwealth's Attorney's Office has provided the following opinion on several issues concerning the usage and admissibility of video for Court purposes.
  - 1. An officer must authenticate the video/audio as an accurate depiction of what transpired during the incident. Under Best Evidence Rules, there is no case law which prohibits the transfer of video/audio material to compact disk or other formats. The critical aspect is that officers must be able to authenticate information in the recording (DVD or other format) as an accurate depiction of the events.
  - 2. If needed for court, officers shall have DVDs and all notes available during court proceedings.
  - 3. There is no law prohibiting officers from recording citizens in public. Individuals in a public area have no expectation of privacy. Audio

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recording of any police contact with individuals is allowed in a private residence, provided that the officers have legal standing to be in that location (i.e., domestic violence cases).

- h. In certain circumstances, DVDs may be releasable under the Virginia Freedom of Information Act (FOIA). These requests will be referred to the ICV Program Manager/Administrative Services Commander and/or the Criminal Investigations Section/Internal Affairs Commander. The release of DVDs shall also be vetted through the Town Attorney's Office and/or the office of the Commonwealth's Attorney as necessary.
- i. ICV Video Viewing, Replay and Access Permissions are set as follows:
  - 1. Patrol: Watch/Classify their own video content
  - 2. Investigators: Watch all videos with Division Commander approval
  - 3. Sgt. Supervisor: Watch all videos, burn DVDs, Change Classification
  - 4. Admin (Chief, Major, Captains)
  - 5. IT: All access but no DVD viewing or DVD burning

**XII. Conduct of Administrative Investigations**

- a. Any time there is a complaint of officer misconduct, the on-duty supervisor should review the video from date/time in question. The supervisor shall then proceed as they would in any allegation of misconduct.
- b. At no time shall any officer let a complainant review any portion of the video without the prior approval of a supervisor. The supervisor, when warranted and during the course of their official duties, may review relevant video footage with a complainant/citizen.
- c. Whenever an audio/video recording is used during the course of an administrative investigation, its use shall be documented. When video footage is used by Internal Affairs, during an administrative investigation, a DVD will be made and kept with the case file. This provision includes incidents in which the complaint is later determined to be unfounded.

**XIII. Storage and Retention**

The back-end system for the ICV program includes secured network storage for the data. Redundant storage devices are located in secured areas with access limited to the Program Manager (ICV-PM) and/or his designee(s). In accordance with the provisions of the Library of Virginia, Records Retention and Disposal Schedule, the following retention times apply:

- a. Video/Audio recordings shall be retained as follows:
  - 1. Traffic Stops: no less than 190 days
  - 2. Arrest: no less than 190 days

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3. Use of Force: no less than 190 days
  4. Pursuit: no less than 190 days
  5. Transport (EDP, Arrest, Escort or similar): no less than 100 days
  6. Investigation: no less than 100 days
  7. Subject Stop: no less than 100 days
  8. Test/training/other: no less than 100 days
  9. Administrative Investigation: Indefinitely
- b. Video footage shall be classified for automatic deletion based on the above retention periods. If videos classified as "Administrative Investigation" are re-classified to a different category, they will be subject to deletion based on the category and the original date of the recording.

**XIV. Beginning of Shift Equipment Check Recording**

- a. The following declaration shall be used at the beginning of each shift during which ICV equipment is utilized:
1. Officer's Name
  2. Officer's rank
  3. Department (Vienna Police Department)
  4. Badge/Unit Number
  5. Date
  6. Vehicle number
  7. Shift (7a-7p, 7p-7a or other)

Example : "My name is (Officer, PFC, MPO, Sergeant, Lieutenant) \_\_\_\_\_(name)\_\_\_\_\_, of the Vienna Police Department, badge number \_\_ (xxx) \_\_, vehicle number \_\_\_\_\_. Today's date is xx/xx/xxxx, and my shift is \_\_\_\_\_."

- b. This Equipment Check will be classified as Testing/Training/Other in the drop down menu and the words "EQUIPMENT CHECK" shall be entered in the CASE NUMBER field. Ensure proper operation of the equipment by reviewing the recording in the Archives tab.

**XV. Legal Reference**

The legal reference for this SOP is the Library of Virginia "General Schedules for Virginia Localities, GS-17, Law Enforcement for County and Municipal Governments":

([http://www.lva.virginia.gov/agencies/records/sched\\_local/index.htm](http://www.lva.virginia.gov/agencies/records/sched_local/index.htm)).

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## 806 LICENSE PLATE READER

### 1. Purpose

The use of License Plate Reader (LPR) equipment is intended to provide law enforcement personnel with an automated method of identifying vehicles and license plates. Locating vehicles identified as having a specific interest to law enforcement is consistent with the mission of the Vienna Police Department in delivering the greatest measure of safety and highest level of service to the citizens and visitors to the Town. The use of LPR equipment shall be for law enforcement purposes only and done in a manner consistent with the manufacturer's recommendations and this policy.

### 2. Terminology

License Plate Reader (LPR) system – Equipment consisting of a camera(s), computer, and computer software used to automatically recognize and interpret the characters on vehicle license plates. This data is then compared against a list of license plates bearing some significance to law enforcement.

- a. Hot List – Also known as “hit list” - A database populated with items of specific concern to the investigative and/or enforcement interests of law enforcement in the Town. This may include, but is not limited to, Terrorist Screening Center watch list, stolen/wanted vehicles and license plates, wanted and missing persons, cautions, and license plates associated with Amber Alerts or various watch lists provided for law enforcement purposes.
- b. Download – Transfer of data from the Virginia State Police database consisting of license plate associated data. Alarm (aka Hit) – A positive indication, by visual and/or audible signal, of a potential match between data on the “hot list” and a license plate scanned by the LPR system. A hit is NOT conclusive confirmation that a license plate is wanted, and additional investigation is always warranted when a hit is indicated.

### 3. Procedure

This procedure establishes basic guidelines to be used in the deployment of LPR equipment by agency personnel. It applies to use by personnel throughout the department, regardless of assignment.

- a. All operators shall receive training prior to using the LPR system.
- b. It shall be the responsibility of each LPR user to down load the current “hot list” from the VSP secure web site prior to deployment of the LPR equipment.
- c. Each LPR operator will be assigned a dedicated flash drive. The sole purpose of the dedicated flash drive is for transferring “hot list” files from the VSP website to the LPR system computer. No other files, documents, photographs, or recordings shall be saved on the dedicated flash drive. In the event of loss or damage to the

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- d. dedicated flash drive, the loss shall be documented and a replacement shall be obtained from the Operations Division Commander. No other type of media storage device shall be used in lieu of the dedicated flash drive.
- e. Upon receiving an alarm, the LPR operator should utilize whatever information is available to determine the accuracy of the "hit". The LPR operator will visually verify that the subject tag and the actual read on the LPR screen are the same (i.e. from the same state, etc.). The operator will confirm that the "hit" is still active by running the information through NCIC/VCIN via the on-duty Dispatcher. Receipt of an LPR alarm is NOT sufficient probable cause to warrant an arrest without additional verification. Upon receipt of an alarm, the LPR operator will ensure that they are in a position to determine the accuracy of the "hit" safely.
- f. Additional information may be entered into the LPR system at any time. Broadcast information received following the initial download should be manually entered immediately upon receipt by the LPR operator. The reason for the entry shall be included in the "note" portion of the entry screen (i.e. stolen vehicle, missing person, abduction, Amber Alert, robbery suspect).
- g. Upon completing a manual entry, the operator should query the LPR data to determine if the license plate was scanned previously.
- h. At the end of an operator's tour of duty, they shall complete an LPR Daily Log Form and forward it to the Operations Commander.

#### **4. Deployment**

- a. LPR equipped vehicles may be used in a routine patrol capacity or for special operations. They should NOT, however, be intentionally used in a manner or location that will increase the risk of damage to or by LPR equipment (such as civil disturbance situations) if at all possible.
- b. Operation of LPR equipped vehicles shall be in accordance with the General Order 41.2 (Operations).
- c. Supervisors should make every effort to deploy LPR equipped vehicles on a regular basis. LPR equipped units should be identified on daily line-up sheets.

#### **5. Maintenance**

- a. Under no conditions should an LPR operator attempt to modify the LPR equipment or software operating system.
- b. LPR camera lenses may be cleaned with glass cleaner or mild soap and water, and a soft, non-abrasive cloth.
- c. LPR cameras must be removed from vehicle prior to entering an automatic car washing facility.
- d. Damage to LPR equipment shall be immediately reported to a supervisor. The supervisor shall document (and investigate, if necessary) the damage in accordance with established procedures.

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- e. The Operations Commander shall be notified of any LPR equipment needing maintenance or repair. The Operation Commander will then coordinate all maintenance and repair with the appropriate vendor.
- f. Any time the LPR unit is disconnected, unmounted, or removed from the vehicle, it SHALL be placed into the protective storage case and secured to prevent damage.

**6. Storage**

Retention and storage of all Town of Vienna LPR data will follow the Virginia State Police policy on retention.