

COLCHESTER POLICE DEPARTMENT

SUBJECT: OPERATION OF VEHICLES -
PURSUIT OF VIOLATORS

EFFECTIVE DATE: June 1, 2014

NUMBER: G.O. #14

REFERENCE:

SPECIAL INSTRUCTIONS: issued one week prior to effective date

REEVALUATION DATE: As needed

APPROVED:

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NO. PAGES: 11

POLICY: All Colchester Police personnel operating department vehicles shall exercise due regard for the safety of all persons. No task, call, or incident justifies disregard of public safety. Further, the public expects its police officers to demonstrate exemplary driving behavior. All department personnel who operate police vehicles will comply with safe driving procedures outlined herein with particular attention to responding to emergency calls for service or engaging in pursuits. Emergency warning devices shall be appropriately used consistent with both legal requirements and the safety of the public and police personnel.

In order to ensure proper operation and maintenance of Colchester Police Department vehicles all members who operate department vehicles shall be governed by the following procedures.

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I. DEFINITIONS:

- A. Normal or routine driving: That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs and adherence to safe driving practices.
- B. Pursuit driving: That driving concerned with the pursuit and apprehension of a fleeing violator or violators in a motor vehicle, consistent with the provisions of Title 23 Vermont Statutes Annotated, Sections 1015 and 1133.
- C. Emergency driving: That driving in response to a life threatening or other serious incident (based on available information) wherein the member is employing the vehicle's emergency equipment.

- D. Emergency equipment: Flickering, blinking, or alternating emergency lights and a siren and/or air horn designed to give notice to other roadway users of the police vehicle's request to yield the right of way.

II. OPERATION OF POLICE VEHICLES:

A. Authority/Restrictions:

1. No person shall operate a department vehicle of any kind unless they have a valid license to operate such vehicle and are qualified to do so.
2. Only members of the department shall operate vehicles owned by the department and members shall not permit operation of departmental vehicles by others except in exigent circumstances. Persons involved in maintenance of police vehicles are exempted from this provision.
3. Other than persons in custody or transported in the line of duty, no one shall be transported in departmental vehicles without prior approval by the Chief or his/her designee, and then only when a "Release from Liability" form has been signed by the rider.

B. Maintenance of Police Vehicles:

1. A member or employee of the Department who is assigned to duty as operator of a department vehicle shall be responsible for the condition and readiness of the vehicle assigned to him/her, including the replacement of any supplies or needed equipment.
2. Members shall immediately inspect the vehicle when it is turned over to him/her. He/she shall further complete a Vehicle Maintenance Request Form if any defect, damage or unserviceability of the assigned vehicle is found.
3. The member shall also inspect the interior of the vehicle and insure that it is clean and free from any items left by prior members or person(s) in custody.
4. The employee shall insure that upon completion of his/her tour of duty the fuel tank is full and shall avoid allowing the fuel tank to become less than one-half full.
5. No Department vehicle will be operated when there is evidence of an apparent mechanical defect which could jeopardize safe operation. The vehicle should be taken out of service as soon as practical and a Vehicle Maintenance Form shall be completed.

6. No equipment or articles shall be placed in or attached to any departmental vehicle unless specifically approved by the Operations Lieutenant.

C. Crash involving Department Vehicles:

1. In the event of a motor vehicle crash involving a department vehicle regardless of the severity, the member operator shall:
 - a. As soon as practical, notify or have notified a supervisor (Sergeant or above). Based on the severity of the crash, the supervisor shall, at his/her discretion notify the Operations Lieutenant.
 - b. Upon receiving notification of a department vehicle involved crash, the Supervisor will institute or cause to be instituted an investigation. A member of higher rank shall investigate the crash if it is conducted by this agency. The supervisor may request that an outside agency conduct the investigation based on the severity of the crash.

D. Safety Requirements:

1. The driver of any police vehicle shall operate such vehicle in a reasonable and safe manner exercising due caution and judgment and at no time operate in a manner that could be considered careless, reckless, or in a manner that endangers public safety.
2. All members shall wear available lap and shoulder seatbelts while operating or a passenger in any department owned vehicle. Exceptions shall apply in the following situations:
 - a. The vehicle is only being driven or moved for a short distance (approximately one hundred yards or less).
 - b. The officer is required to make a series of quick stops in succession requiring exiting the vehicle over a short distance.
 - c. If to do so would represent an obvious, immediate and unjustified risk of harm to the officer or another.
3. Members shall ensure that passengers including prisoners are wearing seatbelts to the extent possible.
4. The use of a department cellular telephone while operating will only be done with hands free devices in use. Personal cell phones may not be used while operating a department vehicle. Operators should not be distracted during vehicle operation by Mobile Data Terminals (MDTs) or other technology. Inputting data should only be done with the vehicle in park except in exigent circumstances.

E. Routine Operation:

1. All departmental vehicles will be driven safely and properly in compliance with all traffic laws and regulations. Police vehicles are conspicuous symbols of authority on the streets and the actions of police drivers are observed by many. Each police driver must set an example of good driving behavior and habits.
2. Police vehicles shall be parked in an appropriate manner when practical. During emergent parking, care should be taken to park the police vehicle in such a manner as to offer maximum protection.
3. No member will modify, remove, de-activate, or otherwise tamper with any of a department vehicle's essential equipment.
4. During periods of inclement weather when police vehicles cannot be washed regularly, the driver must assure that headlight and taillight lenses and windshield are kept clean, insofar as circumstances permit.
5. The driver should exercise careful observation of the surrounding conditions before turning or backing any vehicles.
6. A police vehicle will not be left unattended with its engine in operation unless all doors are locked.
7. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of the vehicle in accordance with these factors.

F. Emergency Driving Procedures:

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. An officer may respond to an incident utilizing emergency driving when her/his presence is urgently needed. Examples of justified emergency driving include but are not limited to:
 - a. Another officer needs urgent help.
 - b. Burglary in progress.
 - c. Robbery in progress or just occurred.
 - d. Person with deadly weapon or threatened violence toward themselves or others.
 - e. Motor vehicle crash with injuries or other serious hazards.

- f. Active fires, fire alarms, or other circumstances posing a threat to life and property.
- g. Disturbance, fights, or assaults that involve ongoing or continued violence.
- h. Response to hold up or panic alarms.

2. Member Response:

- a. Safe emergency operation is incumbent on gaining as much information of the reported emergency as possible. This information will not only provide the officer and supervisors with sufficient cause to initiate and/or approve an emergency driving situation, but will also help guide responders to safely approach a given incident. Colchester Police Communications Specialists should gain as much information as possible and relay that to responders as efficiently as possible. That information should contain but is not limited to:
 - i. Nature of emergency
 - ii. Number and nature of injuries
 - iii. Any use or threatened use of weapons
 - iv. Description of suspects
 - v. Direction and method of travel of any fleeing suspects
 - vi. Any other hazards
- b. Upon approaching a controlled intersection or other location where there is a higher possibility of collision, the driver who is responding under emergency conditions shall reduce the speed of her/his vehicle and use appropriate care to avoid a collision with another vehicle or pedestrian or another responding emergency vehicle.
- c. Operators of police vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right-of-way to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways, nor should they protect the driver from the consequences of an arbitrary exercise of such right-of-way.
- d. Upon arrival at the scene of a call, the first arriving officer(s) should rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding in an emergency mode can downgrade their response.
- e. Certain emergencies require a silent approach to the scene. An officer may choose to discontinue the use of a siren or other audible device while using appropriate caution.

- f. Under no circumstance shall a department member operate a vehicle past a stopped school bus displaying red flashing lights (23 VSA 1015 (a) (3)).

III. PURSUIT OPERATION:

- A. Colchester Police Department recognizes its responsibility to apprehend criminals and violators, but it also recognizes a higher responsibility to protect and foster the safety of the community during pursuit conditions. Officers operating under pursuit conditions shall be constantly aware that no assignment is too important and no task is to be expedited with such emphasis that any of the basic principles of safety are jeopardized. Therefore, officers shall only engage in pursuits when the need for apprehension outweighs the risk to the officer and the public.
- B. Initiating Pursuit - In initiating any pursuit, the officer shall carefully consider the facts, the driving environment, the seriousness of the offense, the need for apprehension, the possible consequences, and the safety of all persons. The factors that should be considered include, but are not limited to:
 - ii. Time of day and day of the week
 - iii. Lighting conditions
 - iv. Vehicular and pedestrian traffic
 - v. Type of roadway
 - vi. Condition of roadway surface (dry, wet, snow covered, etc.)
 - vii. Weather conditions
 - viii. Condition of the police vehicle and the condition and type of the fleeing vehicle
 - ix. Passengers in the fleeing vehicle
 - x. Ability of the officer
 - xi. Speeds of the police vehicle and the fleeing vehicle
 - xii. Available alternate means of identifying and apprehending the operator
- C. If at all possible, especially when the situation involves traffic violators or other misdemeanors, the officer should take every preventative measure in an attempt to avoid pursuit by immediately obtaining the attention of the occupants of the vehicle so that they may choose to stop.
 - i. The officer shall utilize and activate the emergency blue lights and siren as appropriate.
 - ii. The emergency lights and/or other lights and siren shall remain activated after the pursuit is undertaken by both the primary and secondary units.
- D. A continuing high speed pursuit (over a greater distance and for a longer period of time) of a motor vehicle is authorized when the officer has reasonable grounds to believe that the operator of the motor vehicle:

- i. Is wanted for a felony or misdemeanor involving the use or threatened use of force or violence.
 - ii. Has just committed or is about to commit a serious felony.
 - iii. Is operating a motor vehicle in such a manner that the public's safety is endangered independent of the pursuit itself.
- E. Continuing high-speed pursuit of a motorcycle shall only be authorized when:
 - i. The operator is wanted for a felony involving the use or threatened use of force or violence.
 - ii. No pursuit of a motorcycle is authorized when there is a passenger other than the operator on the motorcycle
- F. Officers engaged in a pursuit shall not drive emergency vehicles the wrong way (against the regular flow of traffic) on a divided highway, interstate, or expressway or any other street or highway designated for one-way traffic. When a fleeing vehicle goes the wrong way against traffic, the primary officer shall:
 - i. Parallel the vehicle in the correct lane of traffic.
 - ii. Notify dispatch of a wrong way driver.
 - iii. Request assistance from other officers to shut down vehicular traffic on the highway coming in the fleeing subject's direction.
- G. Officers shall not engage in a pursuit when they are transporting prisoners, witnesses, suspects, complainants or any person who is not a member of this department.
- H. Vehicles
 - i. Only plainly marked police cruisers shall be used for continuous pursuit at high speed. If the initial pursuit must be undertaken by another vehicle, such vehicle shall immediately abandon the pursuit when a marked cruiser has intercepted and undertaken the pursuit.
 - ii. Specialty patrol vehicles such as a motorcycle or four wheel drive trucks should not maintain a pursuit and should yield to a marked unit as provided in 4 a. above.
 - iii. Normally no more than two units (primary & secondary) will be involved simultaneously in a pursuit. However, based on the circumstances and of the pursuit, the shift supervisor may add additional units.

- iv. The purpose of the secondary unit is to be available to assist the primary vehicle in the apprehension of the suspect at the termination of the pursuit. It preferable that the secondary unit become the primary contact officer when the pursuit terminates.
- I. Radio Information - Upon commencing a pursuit, the officer shall immediately make radio contact with the dispatcher and communicate the following information:
 - i. Identify the officer's unit;
 - ii. Advise that he/she is in pursuit;
 - iii. The exact location and direction of travel;
 - iv. The description of the vehicle and/or occupants;
 - v. The offense for which the vehicle/occupants are being pursued.
 - vi. The officer's speed.
- J. Command - Primary command responsibility shall rest with the shift supervisor. The shift supervisor shall monitor the progress and status of the pursuit continuously. If not already on duty, a Sergeant or above should be contacted as soon as possible and made aware of the pursuit.
- K. Termination - Short of apprehension of the suspect, a high speed pursuit shall terminate under the following conditions:
 - i. If the officer receives communication from the dispatcher, under the direction of a supervisor, or directly from supervisor that the pursuit shall be terminated, he/she shall do so immediately, reporting to the dispatcher the final location and direction of the pursued vehicle at the time of termination.
 - ii. The pursuing officer shall terminate the pursuit when he/she determines that the safety of the public, conditions of the road, weather, traffic or other factors necessitates. He/she shall notify the dispatcher of the decision and relay the final location and direction of travel of the pursued vehicle.
- L. Multi-jurisdictional Pursuit - When pursuing into another jurisdiction:
 - i. A request shall be made for the police department in that jurisdiction to take over the pursuit.
 - ii. If and when the requested police department is able to comply with this request, the Colchester unit(s) will discontinue actual pursuit.
 - iii. If necessary and authorized by the Shift Supervisor, the primary Colchester unit may become the secondary unit.
- M. Pursuit by another police department entering this jurisdiction:

- i. Colchester Police units may act as secondary units in accordance with this policy.
- ii. Colchester Police units shall not enter into actual pursuit of the vehicle unless the pursuing department makes a request, and then only if authorized by the Shift Supervisor and actual pursuit by the requesting and/or other involved police department is discontinued.
- iii. If information is received that the cause of the pursuit undertaken by another agency is in violation of this policy, Colchester Police units are not to become involved in the pursuit.

IV. CONTROLLED STOPPING TECHNIQUES:

- A. The Tire Deflating Device is an effective tool that is designed to end high-speed pursuits. It is designed to stop a fleeing vehicle by slowly deflating its tires and immobilizing the vehicle to a relatively safe and effective stop. The use of the Tire Deflating Device is construed as a seizure of an individual and therefore will be viewed under Fourth Amendment requirements.
 - a. Officers shall be trained in the use of the Tire Deflating Device prior to deploying them.
 - b. The type of vehicle being pursued must be considered prior to deployment of the Tire Deflating Device. **Due to the increased risk of injury or death, the deployment of the Tire Deflating Device on two wheeled, three wheeled, or all-terrain vehicles should not be used unless the use of deadly force is justified.**
 - c. When deploying the Tire Deflation Device on a vehicle that may contain other uninvolved passengers such as a bus, consideration must be given to the possibility of a hostage situation.
 - d. When deploying the Tire Deflation Device the officer(s) deploying it shall do so from a position of relative safety. Officers should seek out and identify locations that afford the highest level of concealment and provide an element of surprise. The selection of a location should be made with the following in mind:
 - i. Adequate sight distance in all directions to enable the officer deploying the Tire Deflating Device to observe the suspect vehicle and other traffic as it approaches.
 - ii. Traffic conditions, weather conditions, road conditions and population density should be considered.
 - iii. Barriers such as bridge abutments, guardrails, and trees offer some degree of protection and concealment for deploying officer(s).

- iv. Darkness provides a degree of concealment, but can make it difficult to judge distances and identify the suspect vehicle. The use of emergency lights can defeat the element of surprise unless the police vehicle is in a strategic location.
- v. Certain roadway configurations, such as steep embankments, curves and hills should be avoided.
- vi. In areas that do not offer any barriers, patrol vehicles may offer some protection while deploying the Tire Deflation Device.
- vii. If the tire deflation device cannot be deployed without complete safety for the officers and the public, do not attempt to deploy it.**
- viii. All Tire Deflation Devices shall be deployed and maintained in accordance with training and manufacturer's recommendations.

B. Use of Roadblocks

- a. The use of police vehicles as a roadblock is not recommended. The use of a roadblock shall only be authorized by a Shift Supervisor. Roadblocks may be set up on an emergency basis when the occupants of the pursued vehicle are known to have committed a violent felony and that their immediate apprehension is necessary for public safety, and there are no other means to prevent escape and secure their arrest. The decision to use a stationary or moving roadblock shall consider:
 - i. The safety of the officers.
 - ii. The risk of physical injury to the occupants of the pursued vehicle.
 - iii. The protection of citizens and their property.
 - iv. That all stationary roadblocks must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify communications of the exact location.

- C. Intentional Vehicular Contact - Intentional contact between a police vehicle and the vehicle being pursued is not recommended. Contact should only be used as a last resort after all reasonable means of stopping the fleeing vehicle have failed, and where the member believes the occupant(s) have committed, or is attempting to commit, a felony which involves the use or the threatened use of deadly force, and **may only be used consistent with the use of lethal force as defined in General Order #015 – Use of Force.**

V. ADMINISTRATIVE REQUIREMENTS:

- a. Any member participating in a pursuit and/or who deploys a Tire Deflation Device shall complete a thorough report detailing the circumstances of the pursuit including any decision making information regarding the initiation or termination of the pursuit or deployment of the Tire Deflation Device. The shift supervisor shall also prepare a report detailing the above information from their perspective. All reports shall be completed prior to the end of the member's shift.
- b. The Chief of Police or her/his designee shall review the information regarding the pursuit as a means of evaluating current practices, policies, capabilities, and training needs within this agency.

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