

(Sample) Police Department

General Order

Effective Date:	Subject: Emergency Vehicle Operation	G.O 356
Rescinds: 0002	Reference/Standards: 40.2, 41.2, 43.1, 43.4, 43.5, 47.2 64.1	

I. Definitions

- A. Emergency Operation – “The operation or parking of an authorized emergency vehicle, as defined by Section 101 of the NYS V&T Law, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual or potential release of hazardous materials or other emergency. Emergency operation will not include returning from such service.” (V&T §114-b).
- B. Emergency Response – When an officer responds to:
1. A report of a possible life-threatening situation or serious in-progress crime, or
 2. An unusual incident/event that requires an immediate response by specific staff officers (e.g., Chief, Captain, K-9, etc.).
- C. Pursuit – Attempted apprehension by a police officer operating an emergency equipped police vehicle, attempting to apprehend occupant(s) of another motor vehicle, whose operator refuses to comply with a lawful directive to stop and attempts to flee or takes other evasive action.
- D. Terminate – To immediately stop or cease the pursuit by turning off emergency equipment and returning to non-emergency driving operation by all personnel involved in the pursuit.

II. Policy

- A. NYS Vehicle and Traffic Law exempts authorized emergency vehicles involved in emergency operations from some restrictions of the Vehicle and Traffic Law. This exemption, however, “will not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor will such provisions protect the driver from the

consequences of his/her reckless disregard for the safety of others” (V&T §1104-4e).

- B. During an emergency response or pursuit, officers will:
1. Drive with due regard for the safety of all persons & property.
 2. Terminate a pursuit when instructed by a supervisor, or when a pursuit or emergency response is causing a dangerous and/or hazardous condition to the officer and/or others.
- C. Officers will not initiate or continue a pursuit or emergency response if not in accordance with this order. Officers must constantly evaluate the risks involved in initiating or continuing a pursuit or emergency response. A pursuit may only be initiated if there is reasonable suspicion to believe that the operator of, or a passenger in, the vehicle pursued has committed or attempted to commit an act listed in Appendix A attached hereto.
- D. Even if a pursuit may be initiated or continued because there is reasonable suspicion to believe that the operator of, or a passenger in, the vehicle pursued has committed or is about to commit an act listed in Appendix A, the pursuit shall not be initiated or continued if the risks associated with the pursuit outweigh the possible benefits as determined by a review of the following factors:
1. reason for the response or pursuit, seriousness of the incident or charges
 2. traffic density/pedestrian volume
 3. weather/road conditions
 4. speed involved
 5. officer’s driving skill/specialized training
 6. time of day
 7. type of area (business vs. residential)
 8. type of road
 9. condition of police vehicle
 10. availability of additional police vehicles to assist at the scene or to intercept pursued vehicle
 11. knowledge of the offender’s identity and danger to the community if the suspect is not immediately apprehended
 12. danger caused by the operation of vehicle being pursued.
- E. Marked police vehicles engaged in an emergency response, day or night, will utilize emergency red lights, siren and alternating headlights. The only unmarked vehicles which may engage in an emergency response are those equipped with alternating headlights, sirens, and authorized emergency red lights. In cases of crimes in progress, etc., the siren will be utilized up to the point where it may be heard at the scene of the crime; the lights will be utilized until they may be visible at the scene. Once the emergency response is terminated and when the use of lights and siren are discontinued, officers will respond in obedience to all traffic laws.

- F. Unmarked police vehicles not equipped with alternating headlights, siren and an emergency red light will not undertake an emergency response. If dispatched to a high priority incident, they will respond in obedience to all traffic laws.

Officers operating unmarked vehicles (provided the vehicle is equipped with alternating headlights, siren and an emergency red light) may engage in pursuit only when the fleeing vehicle is wanted for an act defined in Appendix A and only until a marked vehicle becomes available to take over the pursuit. Once the marked vehicle has taken over, the unmarked vehicle will withdraw from the pursuit.

- G. Non-sworn employees will not engage in emergency response or pursuit driving.
- H. Officers will not engage in an emergency response or pursuit driving while transporting non-departmental persons (prisoners, witnesses, parents of juveniles, etc.) unless:
 - 1. The passenger is a ride-along observer, approved by the Chief of Police or his designee, and has signed a Waiver and Release Form, or
 - 2. It is necessary to preserve life when a timely ambulance transport is not available.
- I. Escorts
 - 1. Any routine, planned escort (e.g. oversize vehicles, dignitaries, funerals, etc.) will be coordinated through the Commanding Officer of the Patrol Division.
- J. The officer's supervisor will be responsible for the management of any emergency response, including the responsibility to terminate it.

III. Procedure

A. Emergency Response to Assignments

- 1. The responding officer(s) and backup units will have the discretion, based on the nature of the assignment, meeting the definitions in Section I and the criteria in Section II.C., to respond to a call in an emergency response mode.
- 2. When the dispatched officer elects to respond in an emergency response mode, the ECD dispatcher will be so notified by the responding officer stating that they are "*Code-77*" (e.g., "Brighton 772, *Code-77*").
- 3. Officers will limit their vehicular speed, taking into consideration the safety of self and others and the factors listed in Section II. D.

4. Officers will use extreme caution in operating police vehicles and come to a complete stop and assure safety prior to continuing at intersections where they do not have clear right-of-way.
5. Distance to the location of incident alone will not be a determining factor to engage in an emergency response.

B. Pursuit Driving

1. Initiation. When a motor vehicle pursuit is initiated, the pursuing officer will immediately report same to the ECD dispatcher by stating the officer has a pursuit and advise the following:
 - a. the officer's assigned radio call number
 - b. reason for pursuit (officer will clearly articulate this)
 - c. route, direction of travel and areas being approached (to be reported as frequently as safety permits)
 - d. description of pursued vehicle and license plate number
 - e. number of occupant(s) and description
 - f. weapons involved, in any
 - g. speed of pursuit
 - h. operation of pursued vehicle, e.g., reckless, slow, etc.
2. All employees on the same channel will refrain from radio transmissions during the pursuit except for short transmission of their locations as safety permits. A secondary channel may be utilized for other emergencies with authorization of ECD.
3. ECD dispatcher, upon notification of a pursuit, will:
 - a. Clear the channel except for vehicles involved in the pursuit. The pursuit will stay on the main frequency until/unless ECD directs otherwise.
 - b. If the on duty patrol supervisor has not taken command of the pursuit, assign the on duty patrol supervisor to manage the pursuit until termination. This supervisor shall be solely in charge of Brighton Police personnel involved in the pursuit; regardless of what geographic area the pursuit enters, until or unless relieved by a higher-ranking authority.
 - c. Notify other surrounding police agencies if the pursuit may enter their jurisdictions.
 - d. Initiate registration and criminal record searches as soon as possible and broadcast when time permits.
4. Supervisor's Responsibilities

- a. Acknowledge responsibility for command of the pursuit and respond to the area to manage the pursuit.
- b. Assume sole supervisory responsibility for monitoring and managing Brighton Police involvement in the pursuit until termination, regardless of what geographic area the pursuit enters, until or unless relieved by a higher-ranking authority.
- c. Determine the reason for the pursuit, direction of travel, speed, description of vehicle, description of occupant(s), and weapons involved, if any.
- d. Terminate any pursuit that does not involve an act as defined in Appendix A or any pursuit that does not conform to the restrictions of this policy as outlined herein.
- e. Constantly evaluate risks in continuing pursuit as outlined in Section II. D. and terminate any pursuit where the risks to continue outweigh the benefits.
- f. Complete the **Post-Pursuit Report** (Appendix B) and review attached addendum reports.
- g. Document car numbers of those vehicles involved in the pursuit and all those who respond to the apprehension site.
- h. Attach the ECD printout to the **Post-Pursuit Report** and submit both to the Operations Captain prior to ending the tour of duty. (This information is available by accessing the Station MDT.)
- i. Submit an intra-office memo for any pursuit that does not conform to policy with an explanation as to why the pursuit did not conform and what corrective action was taken or is recommended.

5. Termination

A pursuit will be terminated under any of the following conditions:

- a. When circumstances develop, taking into account the factors set forth in II.D, whereby continuance would cause reckless disregard for the safety of the officer or the public (pursuing officer or supervisory discretion).
- b. When a vehicle is pursued for a traffic violation alone or other act not listed in Appendix A.
- c. Under those circumstances wherein the offender can be identified and an arrest made at a later time without risk of creating an unreasonable danger to the public.

- d. When so ordered by any Brighton Police Department supervisor.
- e. When the pursued vehicle's location is no longer known by pursuing officers.
- f. When radio contact is lost.
- g. When the officer is unfamiliar with the area and is unable to accurately notify ECD of his/her location and the direction in which the pursuit is proceeding.

6. Pursuit Tactics

a. Motorcycles may engage in a pursuit only under the most critical and unusual circumstances where immediate apprehension is necessary to alleviate a danger to public safety. As soon as a marked police vehicle is available to assume the pursuit, the motorcycle will withdraw from active pursuit. Motorcycles will not engage in pursuit in inclement weather.

b. Number of Police Units

- 1) The primary unit in pursuit and one back up unit will be responsible for the actual pursuit.
- 2) The back up unit will assume radio communications responsibility, allowing the primary pursuing unit to devote full attention to driving.

EXCEPTION: If the primary pursuing unit is a two-officer vehicle, they may opt to maintain responsibility for radio communications. In such a case, the passenger officer will assume the communications responsibility.

- 3) The back up unit will maintain a safe distance behind the primary pursuing unit that is reasonable and prudent under the existing conditions. Other than a supervisor, no other units will follow behind these two units.
- 4) Other assisting unit(s) will remain in the area of the pursuit. Only the primary and back up vehicles will continue, unless otherwise directed by the supervisor in charge of the pursuit. Assisting units will not pursue, but will remain in the area adjacent to the pursuit and notify the ECD dispatcher of their location and action.

c. Passing Primary Pursuit Vehicle

There shall be no attempt by officers to pass the primary pursuing unit unless a request is made to do so by the primary pursuing unit or unless directed by a supervisor.

d. Overtaking Pursued Vehicle

Overtaking or attempts to overtake a pursued vehicle is prohibited.

e. Controlled Access Highways

Pursuit vehicles shall not pursue a vehicle the wrong way on a controlled access highway. The following options are to be considered:

- 1) Maintain visual contact with the suspect vehicle by paralleling it on the correct side of the highway.
- 2) Request assisting units to observe the exits available to the suspect vehicle.

f. Forcible Stops

- 1) Road blocking, ramming and boxing-in stop techniques are prohibited.
- 2) The deployment of the tire deflation device (road spikes) by assisting units is acceptable and will be used when deemed appropriate by the coordinating pursuit supervisor.
 - a) Only personnel trained in the use of the tire deflation device will use it for deployment, and only at the direction of a supervisor or command officer.
 - b) Personnel will make every effort to deploy the tire deflation device from a position of safety, utilizing protective barriers, such as guardrails, trees, etc.
 - c) Tire deflation devices will not be used to terminate the pursuit of a motorcycle or three-wheeled vehicles.
 - d) Personnel using the tire deflation device will return the device to proper storage/deployment ready condition, following training directives.
 - e) The tire deflation devices will be inspected monthly by the Operations Captain (or his designee) to ensure their readiness and serviceability.

- f) Repairs to the device and the ordering of replacement parts will be coordinated through the Operations Captain.

- g. Pursuit Initiated by Another Jurisdiction

Brighton Police Department officers may assist in a pursuit which enters the Town from an outside jurisdiction **provided all other provisions of this order are complied with**. If the pursuit is not in accordance with this order, the on duty Brighton Police supervisor will notify the pursuing agency over the air **that Brighton Police personnel will not actively participate in the pursuit. Supervisors will also advise the pursuing agency of any known event(s) (e.g., a parade or block party) that might be in imminent path of the pursuit.** Brighton Police Department vehicles shall not leave the Town limits while assisting another jurisdiction without explicit permission of the on duty Brighton Police supervisor.

- h. Pursuits Initiated in the Town that Extend Outside the Town of Brighton

If a pursuit extends beyond the Town limits, only the two pursuing police vehicles and a supervisor will continue the pursuit. The pursuing drivers and supervisor will constantly evaluate the pursuit to determine if continuance of the pursuit is justified and/or if assistance from other police agencies is available.

If a pursuit extends beyond Monroe County limits, the continuance of the pursuit shall be approved by the highest ranking on duty patrol supervisor.

- i. Traffic Control Devices

Extreme care will be used when passing traffic signs or signals. Police vehicles will stop to insure that all vehicular and pedestrian traffic is aware of and yielding to the emergency vehicle. When two or more emergency operated vehicles approach an intersection at the same time from different directions where traffic control devices are installed, the right-of-way will be determined by said devices and New York State Vehicle and Traffic Law.

- j. Apprehension

The primary and backup units and supervisor are responsible for the activities at the apprehension site. No other units will respond unless requested by the primary unit or supervisor as dictated by the situation.

IV. Post Pursuit Reporting

- A. Each officer involved in the pursuit will submit an addendum report detailing all actions taken, including (but not limited to) the deployment of tire deflation devices, blocking side streets, etc.

- B. After each pursuit situation, it will be the responsibility of the assigned supervisor to complete the Post Pursuit Form, review and approve all associated reports, and forward the complete file to the Operations Captain prior to ending his/her tour of duty. In the event there is any property damage or injury as a direct or indirect result of the pursuit, the on call Captain will be notified immediately.

- C. The Operations Captain will review all pursuit packages for completeness and accuracy and will advise the Chief of Police of the details of all pursuits involving Brighton Police personnel.

By order of:

Thomas M. Voelkl
Chief of Police

APPENDIX A

A pursuit may only be initiated if there is reasonable suspicion to believe that the operator of, or a passenger in the vehicle has committed or attempted to commits or commit the following:

Murder/Manslaughter

Forcible Rape/Sodomy

Robbery

Kidnapping/Unlawful Imprisonment

Felony Assault

Burglary in progress or immediate flight therefrom

Arson

Felony Criminal Possession or Use of a Weapon or Menacing with a Firearm

Class "A-1" felony drug offenses

Leaving the Scene of a Personal Injury Motor Vehicle Accident

"Wanted Persons" if they are wanted for any of the above crimes

***Exigent Circumstances, with the permission of a
supervisor/command officer**

***An exigent circumstance involves an incident where the apprehension of a fleeing suspect, while not falling in a listed crime category, is of an equally serious nature and the apprehension of the suspect outweighs the risks associated with the pursuit. A supervisor/command officer must clearly document the exigent circumstance that lead to permission to pursue.**