

General Order 95-10
Department Operational Policies and Procedures: Driving Departmental Vehicles
Effective Date: September 8, 1995

I. GENERAL STATEMENT

The purpose of this order is to establish departmental policy and police officer's responsibility in regard to vehicle chases, emergency driving, roadblocks, use of vehicle safety equipment and consequences of driver negligence.

All departmental personnel will be held strictly accountable for the consequences of their reckless disregard for the safety of others.

All emergency vehicle operations (hot pursuit, overtaking, emergency or urgent response) shall be conducted in strict accordance with existing statutes. Officers engaged in emergency vehicle operations shall utilize both audible (siren) and visual (emergency lights) when engaged in hot pursuit, overtaking and emergency or urgent response to calls for assistance except if specifically exempted by statute, or departmental policy.

All personnel operating departmental vehicles shall exercise care and caution for the safety of all persons. No assignment shall be of such importance and no task shall be expedited with such emphasis that the principles of safety become secondary. There are no tasks in the department of such importance that they justify the reckless disregard of the safety of innocent persons.

Officers shall avoid increasing the danger already caused by the motorist being pursued or overtaken, or by the operation of police vehicles responding to emergency or urgent calls for assistance.

II. VEHICLE CHASES

All vehicle chase situations are hazardous and the high speeds often associated with chases increase the potential for becoming involved in, or causing serious accidents. While police officers are to make every reasonable effort to apprehend the drivers of fleeing vehicles, they must weigh the hazards presented by the violator against those created by a vehicle chase. It is better to either delay an arrest or lose the chase than to needlessly injure or kill innocent people, including our own departmental personnel.

A. Definition

For purposes of this order, a vehicle chase is the attempt by a police officer driving a motor vehicle to stop another vehicle when the operator of the vehicle being chased is attempting to resist being stopped.

B. Authority

- (1) Section 632 of the Michigan Vehicle Code states, in part, that police officers in pursuit of violators are exempt from speed limitations when traveling in a vehicle with siren/emergency light in operation. Such exemption shall not protect the driver from the consequences of a reckless disregard for the safety of others.
- (2) Where a chase is undertaken that results in damage or injury, the department and the officer involved will be held accountable for the reasonableness of the chase and the driving actions taken during the course of the chase.

C. Initiating a Chase

- (1) Police officers are authorized to initiate and engage in vehicle chases subject to the provisions of this order.
- (2) When making a decision whether or not to chase a vehicle, police officers shall consider the following factors:
 - a. Nature of the violation.
 - b. Presence of pedestrians and traffic conditions.
 - c. Population density in the area.
 - d. Roads and weather conditions.
 - e. Familiarity with the area.
 - f. Patrol car capability and condition including the presence or absence of audio and visual warning devices.
 - g. Familiarity with the violator; i.e., knowledge of his/her identity.

- h. If non-departmental personnel are passengers or a person is in custody in the patrol vehicle, a chase shall not be initiated except in an extreme case.

D. Chase Procedures

When a vehicle chase is initiated, the procedures listed below shall be followed:

- (1) Police officers engaged in a chase shall utilize both emergency lights and siren on their vehicles.
- (2) Police officers initiating a chase (primary chase unit) shall immediately notify Central Dispatch and provide the following information:
 - a. Reason for chase.
 - b. Present location and direction of chase.
 - c. Description of vehicle being chased, including the license plate number, if known.
 - d. Description and number of occupants, if known.
- (3) Police officers in the primary chase unit are responsible for keeping Central Dispatch advised of the progress of the chase, requesting additional units to join the chase, and/or making the decision to abandon the chase.
- (4) If called to assist another department in a chase as a secondary chase unit, the SVSU secondary chase unit's responsibility is to assist the primary unit in the apprehension of the fleeing vehicle, or to continue the chase should the primary unit experience an equipment failure.
 - a. Upon joining the chase, the secondary unit shall so notify Central Dispatch.
 - b. The secondary unit shall not pass the primary unit unless requested to do so.
- (5) Under normal conditions, or unless specifically requested by the occupants in the primary chase vehicle, chases will only involve the primary and secondary chase units. A caravan of police vehicles shall be avoided, as it increases the risk of serious accidents and contributes little to the apprehension of the violator.

- (6) When a marked unit becomes available to take over a chase initiated by a semi-marked unit, the semi-marked unit should withdraw from the primary chase position and assume the secondary chase unit's responsibilities.

E. Termination of Chase

Chases should be terminated under any of the following conditions:

- (1) In the opinion of the police officer participating in the chase, or his/her supervisor, the danger created by the chase outweighs the necessity for immediate apprehension.
- (2) The subject can be later identified and apprehended, and there is no longer any need for immediate apprehension.
- (3) The chased vehicle's location is no longer known.

F. Intentional Collisions

The use of intentional collisions; such as, ramming, to force a violator to stop, shall be considered to be potentially fatal force. All instances in which this technique is used will be thoroughly investigated to determine that the police officer involved acted properly and in accordance with the following:

- (1) Under no circumstances shall an intentional collision be justified in the apprehension of persons for a civil infraction or misdemeanor charge, or fleeing from that charge.
- (2) Intentional collisions MAY be justifiable in cases in which the person fleeing is wanted for, or chargeable with, a life-threatening felony, and when all other efforts to apprehend the individual have failed. However, police officers shall not engage in intentional collisions if there is a reasonable possibility that innocent persons may be injured as a result of the collision.

III. EMERGENCY DRIVING

- A. Many of the factors involved in chases are also involved in emergency driving. Before responding to an incident, the officer should weigh the situation and decide if the risks of a high-speed run can be justified.
- B. The following sections of the Michigan Vehicle Code provide exemptions to certain traffic laws for officers driving vehicles in response to an emergency:

- (1) Section 603 states in part that the driver of an emergency vehicle with siren and emergency lights in operation may: proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation; may exceed the prima facie speed limit so long as he/she does not endanger life or property; may disregard regulations governing direction of movement or turning in specified direction; and may travel without siren in operation when engaged in an emergency run where silence is required.
- (2) Section 632 permits the police traveling in an emergency with siren/emergency lights in operation to exceed speed limits; however, the driver of the vehicle is not protected from the consequences of a reckless disregard of the safety of others. It further states that the use of emergency equipment is not required if the nature of the mission requires that a law enforcement officer travel without giving warning to suspected law violators.
- (3) Section 653 states in part that drivers must yield the right of way to emergency vehicles which are operating their emergency lights and sirens; however, this does not relieve the driver of the emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

IV. ROADBLOCKS

A roadblock, defined as a physical blockage of the entire roadway using vehicles, materials, or other devices leaving little or no room for an approaching vehicle to avoid the barrier, is prohibited.

This prohibition is enacted because of the potential danger to the violator, the departmental member, and to the general public.

This prohibition does not apply to roadblocks used by SVSU police and service personnel in order to control traffic for special events on the campus.

V. USE OF SAFETY DEVICES

A. No vehicle shall be used to conduct university business if the occupant restraint system provided in that vehicle by the manufacturer has been altered, disconnected, or otherwise made inoperable.

- (1) It shall be the responsibility of any departmental member who discovers an inoperable restraint system or other safety device to report it to his/her supervisor.

- B. All departmental members, when operating or riding in a departmental vehicle, or any vehicle used to conduct university or departmental business, shall use all safety devices and restraint systems provided by the vehicle manufacturer. The lap belt and shoulder harness, as well as any other safety devices provided, shall be used in accordance with the intended use and design of the manufacturer.

VI. SMOKING

Smoking in departmental vehicles is prohibited unless specifically authorized by the Director of University Police.

VII. DRIVER NEGLIGENCE

When a member of the department becomes involved in a vehicle accident while engaged in normal departmental business or during a chase or emergency driving, an investigation shall be conducted. If negligence or noncompliance with either the provisions of the Michigan Vehicle Code or the requirements of this order is shown, appropriate disciplinary action shall follow.

VIII. TRANSPORTING OF NON-DEPARTMENTAL PERSONNEL

- A. Except when necessary in the performance of duties and in emergencies, persons not connected with the department shall not be passengers in departmental vehicles without the approval of a Sergeant or the Chief of Police.
- B. Due to liability involved and other concerns, ride-alongs are prohibited without prior approval from a Sergeant or the Chief of Police. A waiver of liability form must be signed by the person before they are allowed to ride along. A liability form is attached to this policy. Probationary police officers will be prohibited from having ride-alongs.

When departmental supervisory permission has been obtained for a civilian not connected with the University Police Department to be a passenger in a departmental vehicle, it shall be the responsibility of the driver of the departmental vehicle to have the official WAIVER OF LIABILITY form completed and signed by the passenger prior to the civilian becoming a passenger. The completed waiver must be turned in to the Parking Services Coordinator prior to the end of the shift.

- C. When prisoners are transported or passengers are permitted to ride in a departmental vehicle, or any vehicle being used to conduct university business, it is the departmental member's responsibility to ensure that the restraint and safety devices provided are properly used by each occupant of the vehicle.

