



TIVERTON POLICE DEPARTMENT

SUBJECT: Department Motor Vehicle Procedures	GENERAL ORDER NO. 300.05
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SECTION: 300- Law Enforcement Operations SUBSECTION: 00- General	AMENDS/SUPERSEDES: 8-2
PER ORDER OF: <i>Thomas Blakey</i> Thomas Blakey, Chief of Police	EFFECTIVE DATE: 12/02/2014
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NOTE: This written directive is for the internal governance of the Tiverton Police Department, and is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

INDEX WORDS:

I. POLICY:

It is the policy of the Tiverton Police Department that all police vehicles be operated in accordance with the law and in a safe, courteous and careful manner. This policy establishes responsibilities and guidelines to assist officers in the safe performance of their duties while enforcing the laws of the State.

II. PURPOSE:

The purpose of this policy is to set forth the manner of operation of police vehicles in both emergency and non-emergency situations and to establish guidelines for Department vehicle operation.

III. DEFINITIONS:

- A. Authorized Emergency Vehicle: All marked and unmarked police vehicles equipped with operable emergency equipment, as designated by State law. A personally owned vehicle is not a police vehicle.
- B. High Speed Pursuit: A pursuit in excess of 15 MPH over the posted speed limit.

- C. Pursuit: The active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing operator of a moving vehicle who, in the officer's judgment, clearly exhibits a refusal to stop his/her vehicle at the officer's direction and attempts to avoid apprehension through speed or evasive tactics.

IV. OPERATIONAL PROCEDURES:

- A. Manner of Operation.

All departmental vehicles shall be driven safely and properly, in full compliance with all traffic laws and regulations. Police vehicles are conspicuous symbols of authority and many observe the actions of police drivers. Each employee shall set a good example by his or her driving behavior and habits.

- B. Emergency Situations; Due Care.

Under certain emergency situations, the Rhode Island Motor Vehicle Laws permit emergency vehicle operators to disregard certain traffic regulations. However, even at such times the driver of such a vehicle is not released from civil or criminal liability for the failure to drive with due care for the lives and safety of other users of the highway.

- C. Accidents.

1. During a pursuit (Refer to "*Vehicular Pursuit*" General Order 300.10) when either a police vehicle or the pursued vehicle is involved in an accident with an unattended vehicle, fixed object or highway fixture, the officer will communicate the incident and may continue the pursuit if, in his/her judgment, it is safe to do so, subject to the discretion of the Officer-In-Charge (OIC).
2. During a pursuit when either a police vehicle or the pursued vehicle is involved in a motor vehicle accident with an attended vehicle or any person, the pursuing officer will stop to render aid unless another police vehicle can be immediately dispatched or is available to render aid. In which case the pursuing officer may continue the pursuit if, in the pursuing officer's judgment, it is safe to do so, subject to the discretion of the Officer-In-Charge.
3. In case of collision or damage to any police vehicle, the Officer-In-Charge shall conduct an investigation as soon as practical. If death, personal injury or property damage in excess of \$1,000 results, the Patrol Division Commander (Captain) and a traffic accident reconstruction expert shall be summoned to the scene.
4. The Chief of Police shall review all such reports and take appropriate action to determine if the accident was preventable or non-preventable. In

the event of a preventable collision, the Chief may impose disciplinary action or require additional training to the driver, as he/she deems appropriate.

5. A copy of the collision report shall also be sent without delay to the Town's liability and property damage insurance carrier.

D. Markings and Emergency Warning Devices Required.

Vehicles used for daily patrol service shall be conspicuously marked. Unmarked cars may be used to stop vehicles only if they are equipped with operable blue and/or red emergency lights, wigwag headlight flashers, sirens and police radios. Personally owned vehicles shall not be used for pursuit or emergency response.

E. Seat Belts.

In keeping with the mandates of Rhode Island Motor Vehicle Code 31-22-22, all police personnel or civilian passengers shall wear seat belts and shoulder straps during vehicle operation. Prisoners arrested and being transported in department vehicles shall be strapped in with seat belts (refer to "*Prisoner Search & Transportation*" General Order 350.10 for exceptions). If it becomes necessary to transport a child, except in an emergency where none is available, the child shall be properly secured in a child safety seat.

F. Reporting of Damage.

Police vehicle drivers are responsible to check their vehicles at the beginning and end of each shift for damage and to report any damage immediately to the Officer in Charge. All reports of damage shall be documented in an Interdepartmental Communication.

1. If, in the opinion of the Chief of Police, damage resulted from neglect or abuse, the officer responsible will be subject to disciplinary action.

G. Pre-Trip Safety Inspection.

Circumstances permitting, the driver must check the fuel levels and check the safety features of the vehicle including tires, lights, brakes, siren, horn and steering for apparent proper operation before beginning a shift and report any defects to the Officer on Charge. All vehicles shall be fueled at the conclusion of each tour of duty.

1. If, in the opinion of the Officer in Charge (OIC), the vehicle is unsafe to drive, or driving the vehicle may cause further damage, the OIC will place the vehicle "out of service". The OIC will indicate that the vehicle is out of service on the "cruiser" dry erase board in the Uniform Division. The driver of the vehicle will complete a "Cruiser Defect Report" (TPD 13-062) and forward

a copy of the report to the Uniform Division Commander (Captain) and the Fleet Operations Officer (FOO).

H. Driving Unsafe Vehicles.

An officer shall not be required to drive a vehicle that is in apparent unsafe condition until it has been repaired.

I. Precautions When Turning or Backing.

The driver shall carefully observe the surrounding conditions before turning or backing any vehicle.

J. Parking at Incident Scenes.

At the scene of a crime, collision or other incident where the police vehicle may need to be parked in or on the roadway, the police vehicle shall be parked so as not to create an obstacle or hazard to other traffic, and the emergency warning devices shall be activated to warn other drivers approaching the location.

1. A police vehicle shall not be left unattended with its engine in operation except briefly during a vehicle stop, nor left unlocked under conditions that invite theft of the vehicle or its contents, such as with the radar antenna on the outside of the vehicle.
2. Police vehicles responding to fire calls shall not park in such a way as to impede movement of responding fire apparatus, i.e. blocking roadways with unattended vehicles, parking in front of fire hydrants, etc.

RI 7.2

V. EMERGENCY RESPONSES:

A. Assignment of Dispatch Codes.

The code for responding to an emergency may be assigned by the Dispatcher as Code 1 (no hurry), Code 2 (proceed without delay, with lights activated, but at legal speeds), or Code 3 (lights and siren, emergency response), or the officer may invoke particular response mode based on information received. Units responding code 3 shall respond without delay by the most direct means using emergency warning devices with paramount consideration for the safety of the public and the assigned officers.

1. En-route, officers shall be alert for the presence of other emergency vehicles that may be responding to the same location, and if following another emergency vehicle, shall be especially mindful of the possibility that motorists or pedestrians may yield to the first emergency vehicle and fail to observe the second one.

2. Officers shall also be mindful of the fact that with windows rolled up and radios on, many motorists do not see or hear emergency warning devices. When going through a red light or stop sign, officers shall slow as much as necessary, even to a stop if required, to be certain it is safe to proceed. Police vehicles shall not be driven the wrong way on a one-way street, traffic rotary, or turnpike ramp.

B. Emergency Vehicle Exceptions to Traffic Laws.

Upon responding to, but not returning from an emergency call, a police car is legally permitted to disregard certain traffic regulations provided the emergency warning devices are in operation. Emergency vehicles may exceed the posted speed, drive through a red light or stop sign but only after such slowing as is necessary to assure safe operation, and disregard certain regulations involving parking and turning, but the driver is not relieved of the liability for the consequences of any reckless acts.

1. It is the policy of the department that both emergency lights and siren should be employed whenever the vehicle is being operated on a call in excess of the posted speeds. The nature of certain crimes-in-progress calls may call for the use of the siren to be discontinued upon close approach to the location of the occurrence, in which case the vehicle should be driven at an appropriate reduced speed.
2. Officers shall not engage in a Code 3 response while transporting a prisoner or accompanied by a civilian passenger.

C. Road and Weather Conditions.

The driver shall recognize the variable factors of weather, traffic volume, road surface conditions and contour, pedestrians, and other conditions which directly affect the safe operation of the vehicle, and shall drive at an appropriate speed to keep the vehicle under control and so that it can be brought to a safe stop without colliding with any other object.

D. Need to Arrive Safely.

No emergency call warrants driving in such a manner as to pose an unreasonable risk of death or serious bodily injury to an officer or a citizen. A police vehicle that never arrives at the scene of an incident because it has a collision along the way is of no value because it never arrives at the scene and in fact, diverts other police resources to handle the collision that it caused. In many cases an officer will receive information that justifies an emergency response; yet upon arrival at the scene will find that the emergency response was not needed.

VI. PATROL VEHICLE EQUIPMENT:

A. The Fleet Operations Officer (FOO) is responsible for maintenance of Patrol vehicles and shall replenish supplies in Patrol vehicles when needed. Officers assigned to Patrol vehicles shall make every effort to replenish their vehicle or make notification that replenishment is required. The FOO will ensure that Patrol vehicles are inspected monthly and the necessary equipment carried in patrol vehicles. The FOO shall be responsible for ensuring that vehicle supplies are replenished and in a state of operational readiness.

RI 7.9

B. All patrol vehicles shall be equipped with the following:

1. Spare tire;
2. Emergency flares;
3. Fire Extinguisher;
4. Protective clothing supply bag (to include latex gloves);
5. Water rescue device;
6. Yellow police caution tape;
7. First aid kit;
8. AED;
9. Halogen tool;
10. Evidence collection supplies;
11. Digital camera;
12. Rolling measurement device.