



<b>APD Policy CHAPTER 12 VEHICLE OPERATIONS</b>	<b>ABERDEEN POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL</b>
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
<b>Applicable State Statutes:</b> SDLC Chapter 32-31	<b>RELATED POLICIES:</b>
<b>DATE IMPLEMENTED:</b> June 15, 2020	
<b>SPECIAL INSTRUCTIONS:</b>	<b>NUMBER OF PAGES:</b> 22

**I. PURPOSE**

- A.** Establish and prescribe guidelines and procedures for all City owned and controlled vehicles operated by members of the Department in the performance of their duties. To include:
- Routine patrol;
  - Emergency response;
  - Pursuit driving;
  - Training;
  - Accident investigation;
  - Vehicle disabling techniques;
  - Seatbelt use;
  - Escorting and transporting citizens; and
  - Parking.

- B.** The purpose of this policy is to provide guidelines and directions for the establishment of responsibility for the safe operation of police vehicles during a pursuit; for the initiation or discontinuation of pursuits; for the responsibility of participating officers and supervisor; and to provide the essential balancing of the necessity for the pursuit and more immediate apprehension of the fleeing subject against the risks involved with the pursuit which might include death, injury and/or property damage.

In these cases, officers should attempt to anticipate flight and utilize tactics to prevent a pursuit. If tactics to prevent a vehicle pursuit fail, tactics should be utilized to minimize the duration of the pursuit, and if possible, to influence the subject vehicle's direction in ways that reduce the risk of harm to others. Once initiated pursuits shall be monitored and assessed according to state statutes

and this policy to ensure that the need to pursue outweighs the risk and dangers of the pursuit itself.

- C. Establish a standard operating procedure for Department vehicle maintenance.
- D. Establish a standard operating procedure for use of hollow spikes.
- E. Establish a standard operating procedure for reporting and reviewing Department vehicles involved in accidents.
- F. Establish a standard operating procedure for responding to calls using emergency equipment.
- G. Establish a standard operating procedure for video recording equipment.
- H. The purpose of this policy is to outline the duties and responsibilities of officers in inspecting vehicles of this agency prior to use.

## II. POLICY

The department recognizes its responsibility to apprehend criminals and lawbreakers, but it also recognizes that higher responsibility to protect and foster the safety of all persons in the operation of police vehicles under 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. Finally, officers shall be held accountable for the consequences of reckless disregard for the safety of others and violations of this procedure. In initiating any pursuit, the officer shall carefully consider the facts, the driving environment, the seriousness of the offense, the need for apprehension, all the possible consequences and the safety of all persons.

It is the policy of this agency to ensure that emergency vehicles are maintained to provide for the maximum safety of officers, the public, and any persons who may be transported in an agency vehicle.

## III. DEFINITIONS

- A. **AERIAL SUPPORT** - The use of aerial surveillance to monitor a pursuit or take over the pursuit allowing vehicles to back off to a supportive role.
- B. **AUTHORIZATION TO CONTINUE PURSUIT** - Verbal approval, transmitted over the assigned radio channel, by the supervisor and acknowledgment by the dispatcher and the officer driving the primary unit.
- C. **AUTHORIZED EMERGENCY VEHICLE**, a vehicle of a fire department, a police vehicle, an ambulance or emergency vehicle of a municipal department or public service corporation that is designated or authorized by the department or the Department of Health, and an emergency vehicle titled to a local organization for

emergency management created pursuant to chapter 34-48A;

- D. AUTHORIZED LAW ENFORCEMENT VEHICLE** - A motor vehicle belonging to a federal, state, or local law enforcement agency with a functioning audible signal and a functioning flashing or revolving light.
- E. BOXING-IN** - Surrounding a violator's vehicle with emergency vehicles that are then slowed to a stop, forcing the violator's vehicle to do likewise.
- F. CANALIZATION** - A technique where objects or vehicles are positioned in a manner intended to direct or redirect a fleeing vehicle into a clearly identifiable and unobstructed path.
- G. CARAVAN** - Operating emergency vehicles in a line or alongside each other in a pursuit.
- H. CITY VEHICLE** - Any motor vehicle that is owned, leased, or borrowed by the city.
- I. EMERGENCY CALL** - A request for police service that presents an actual and immediate danger of death or serious bodily injury.
- J. DEADLY FORCE** - Force when employed may bring about serious bodily injury or death.
- K. DISCONTINUE THE PURSUIT** - The law enforcement officer ends his or her involvement in the pursuit by slowing down to the posted speed limit and turning off his or her emergency light and siren.
- L. DUE REGARD** - When a reasonably careful person, performing similar duties under similar circumstances, would act in the same manner.
- M. EMERGENCY** - A situation in which there is a high probability of death or serious injury to an individual, or significant property loss.
- N. EMERGENCY OPERATION** - Driving an emergency vehicle according to state law and this procedure in response to certain emergency calls or in pursuit of a fleeing vehicle.
- O. FORCIBLE STOP** - An attempt to prevent the continued movement of a fleeing vehicle through the use of hollow spike pursuit strips, ramming, or creating slow moving traffic.
- P. INTER-JURISDICTIONAL PURSUIT** - Any vehicle that crosses into a neighboring jurisdiction, such as across municipal, county, or state line.
- Q. MARKED POLICE VEHICLE** - A police vehicle displaying the emblem and marking of the police department with overhead lights and audible warning devices.
- R. MOBILE VIDEO RECORDING: (MVR)** - A recording device that records video and/or audio of a police event from a fixed camera mounted in a police vehicle.
- S. MOTOR VEHICLE PURSUIT** - An active attempt by an officer in an authorized emergency vehicle to apprehend the occupant(s) of a moving vehicle, providing the driver of such vehicle is aware of the attempt and increases his/her speed, takes other evasive actions to avoid apprehension, or refuses to stop while maintaining a

legal speed.

- T. PACING** - The positioning of a law enforcement vehicle at a stable, fixed distance behind a speeding vehicle at a constant speed to measure its speed.
- U. PARALLELING** - Operating an emergency vehicle on streets or a route parallel to the pursuit route.
- V. POLICE VEHICLE** - A city vehicle assigned to the police department.
- W. PRIMARY UNIT** - The authorized law enforcement vehicle that initiates a pursuit or any other unit, which assumes control of the pursuit.
- X. RAMMING** - Deliberate contact with a violator's vehicle by a marked police vehicle to force the violator's vehicle off the roadway.
- Y. ROADBLOCK** - A barricade or other physical obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.
- Z. SECONDARY UNIT(S)** - Any authorized law enforcement vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.
- AA. SECONDARY VEHICLE** - The marked police vehicle that follows the primary vehicle in a pursuit acting as a back-up for the primary vehicle.
- BB. SERIOUS FELONY** - A serious felony that involves an actual or threatened attack that the officer has reasonable suspicion to believe could result or has resulted in death or serious bodily injury (e.g. aggravated assault, armed robbery, and murder, etc.)
- CC. STOP STICK/SPIKE STRIP** - A rigid column or a strip of belting containing specially designed hollow spikes which when deployed across a lane of roadway, penetrates tires, slowing the pursued vehicle usually to a complete stop.
- DD. SUPERVISOR** - The supervisor assigned or assuming control of a pursuit situation.
- EE. TERMINATE THE PURSUIT** - The decision to discontinue the pursuit.
- FF. UNMARKED POLICE VEHICLE** - A police vehicle not displaying the emblem or marking of the police department and not having emergency warning devices to include emergency lighting and siren.
- GG. VEHICLE PURSUIT** - An active attempt by a law enforcement officer operating an authorized law enforcement vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.
- HH. Violent felony:** a serious felony that involves an actual or threatened attack that the officer has reasonable suspicion to believe could result or has resulted in death or serious bodily injury (e.g. aggravated assault, armed robbery, and murder, etc.).

#### IV. RULES AND REGULATIONS

##### A. VEHICLE RESPONSIBILITY

Members of the Department shall be familiar with his/her patrol vehicle, its capabilities, limitations, and daily operational status.

##### B. ROUTINE PATROL

Under normal, non-emergency operating conditions, and while responding to non-emergency calls for service, operators of police vehicles will adhere to all existing traffic laws and principles of safe and courteous driving.

##### C. EMERGENCY VEHICLE OPERATION - The State of South Dakota outlines the privileges and duties of the operator of an emergency vehicle by state statute:

1. **Privileges** - When responding to an emergency call or when in pursuit of an actual or suspected violator of the law the operator of an emergency vehicle:
  - a. Is exempt from speed restrictions
  - b. May proceed past a stop light, stop signs and uncontrolled intersections after slowing to ensure that he or she may safely pass
  - c. May drive on the left hand side of the roadway or in the opposite direction on a one-way street if the normal lanes of traffic are blocked
  - d. May stop or park without regard for normal provisions on parking at the scene of an emergency as long as the emergency vehicle has at least one warning light in operation
  - e. In all cases the operator of an emergency vehicle must act with due regard to other persons when operating an emergency vehicle
2. **Requirements** - When operating in accordance with the privileges set forth above, the operator of the emergency vehicle must have:
  - a. Emergency lights in operation and
  - b. Audible siren in operation

##### D. PACING

1. Pacing is not an emergency operation. Therefore, when pacing a traffic violator, an officer may operate without emergency equipment engaged.
2. Officers, while pacing a traffic violator, may exceed the speed limit to establish a pace, but must do so with due regard to the safety of others.

## **E. VEHICLE PURSUITS**

### **1. PROCEDURE**

- a. Only two emergency vehicles, -- a primary vehicle and a secondary vehicle, shall engage in a pursuit, unless additional emergency vehicles are authorized specifically by the Watch Commander.
- b. Officers shall not continue a pursuit or assist in a pursuit unless immediate authorization for the pursuit is received from the managing supervisor – if one is on duty.
- c. Officers shall not set up roadblocks or deploy tire deflation devices without the approval of the supervisor.
- d. Officers shall not engage in ramming, boxing-in, caravanning or driving immediately alongside a fleeing vehicle.
- e. Pursuits shall not be undertaken where the officer is operating a two-or three-wheeled police motorcycle or bicycle.
- f. If a pursuit is discontinued by the primary vehicle, (unless for mechanical reasons), or the supervisor, then all officers shall discontinue the pursuit.
- g. Only emergency vehicles or marked police vehicles with emergency warning devices shall initiate a pursuit.
- h. 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.

### **2. Environmental Considerations** - Officers shall carefully consider the facts and weigh the seriousness of the offense against the possible consequences of jeopardizing the safety of others by a continuous evaluation of the following at the time of the initiation and continuation of the pursuit:

- a. Time of day and day of the week
- b. Lighting conditions
- c. Vehicular and pedestrian traffic
- d. Type of roadway
- e. Condition of the roadway (e.g. dry, wet, paved, gravel, icy)
- f. Weather conditions (e.g. clear, overcast, rain, fog)
- g. Condition of the emergency vehicle and the condition and type of the fleeing vehicle
- h. Driving ability of the officer
- i. Speeds of the emergency vehicle and the fleeing vehicle

### **3. Initiating the Pursuit** - Officers shall only initiate a pursuit:

- a. When there is reasonable suspicion that the driver of that vehicle

has committed a serious felony.

- b. When there is evidence of reckless driving and this observation precede the officer's intervention through any pursuit mode.
- c. Officer(s) may experience the driver of a vehicle being stopped that fails to immediately stop and continues driving the vehicle. The possible reasons a driver would fail to immediately stop a car could include being unaware of the officer's efforts to stop the vehicle, medical conditions, distractions, a driver attempting to stop in a safe place, etc. If the vehicle the officer is attempting to stop travels without stopping in a manner that is compliant with the traffic laws, such as speed and obeying traffic control devices, the officer may follow the vehicle for several blocks to determine if the driver will acknowledge the officers attempts to stop the vehicle. If after travelling several blocks, the driver does not stop the vehicle, the officer should deactivate the lights/sirens of the patrol car and follow the car in a normal manner without further attempts to stop the driver. The officer should observe the car to determine where its travel destination may be. During this time, the officer should attempt to record the license plate number of the car for further investigation. Contact can be made when the car reaches its destination. It should be noted that the officer is only allowed to follow the suspect vehicle while initiating a traffic stop when the suspect vehicle is compliant with all traffic laws. In the instant the driver of the suspect vehicle disobeys traffic laws such as speed limits, traffic control devices, etc., the officer should discontinue the stop and adhere to the department's pursuit policy and guidance. If the officer is following a vehicle under the circumstances listed above, the officer should feel free to contact an on-duty supervisor for guidance. In the context of this guidance, an officer should always place the general public's safety as the priority over the desire to stop a suspect vehicle and discontinue the stop of a vehicle when noncompliance is experienced and the justification for a pursuit are not met in the criteria of the pursuit policy.

**4. Responsibilities of the Primary Vehicle Driver:**

- a. Upon receiving approval from the supervisor at the earliest possible moment, activate the vehicle's emergency warning devices from the point of initiation to that of completion.
- b. Notify the supervisor.
- c. Immediately notify communications of:
  - 1) His or her unit number
  - 2) The location
  - 3) Direction of travel
  - 4) Speed
  - 5) Reasons for the pursuit

- 6) The description of the vehicle being pursued
- 7) The number of occupants
- 8) The presence of other law enforcement agencies
- 9) Location at the time the pursuit is discontinued
- d. Provide updated information regarding direction of travel, speed, and other pertinent details;
- e. Allow the secondary vehicle driver to assume all communications.
- f. Abandon the pursuit if any mechanical problems develop in the primary vehicle.
- g. Discontinue the pursuit if the hazardous circumstances or environmental factors present an unreasonable risk to public safety. It should be noted that the officer(s) does not need the approval of a supervisor to discontinue a pursuit when unreasonable risk exists. When the pursuing officer is in the process of relaying information to a supervisor and/ or communications about items 3 a. and b. or 4 C. 1 through 4 C.8, the officer could travel a significant distance in unreasonable risk before the supervisor tells the officer to discontinue the pursuit. An officer should be clear about the two identified policy justifications allowing the initiation of a pursuit. If the officer is unsure about the situation, they should not initiate the pursuit or attempt to pursue while having the supervisor make a decision about whether or not the pursuit falls into the policy justification for initiating a pursuit.

**5. Responsibilities of the Secondary Vehicle Driver:**

- a. The first officer arriving to assist the primary vehicle driver shall notify communications and becomes the secondary vehicle driver.
- b. This officer shall receive immediate authorization from the supervisor to assist in the pursuit to the extent that a supervisor is available and monitoring the pursuit.
- c. This officer shall activate all warning devices from the point of entry into the pursuit until it is ended while following the primary vehicle at a safe distance and shall assume the radio communications for the primary vehicle driver.
- d. This officer shall become the primary vehicle driver if it abandons the pursuit or shall abandon the pursuit if any mechanical problems develop in the secondary vehicle.

**6. Responsibilities of the Supervisor:**

- a. Assert control over the pursuit.
- b. Control the number of authorized vehicles in the pursuit.
- c. Immediately authorize continuation of the pursuit or orders discontinuation depending on the hazardous circumstances and

environmental factors present as communicated by the primary vehicle driver.

- d. Order units to clear intersections in the likely path of the pursuit where appropriate.
- e. Ensure that not more than two (2) emergency vehicles engage in the pursuit unless additional emergency or marked police vehicle are required based on the following circumstances:
  - 1) The severity of the offense;
  - 2) The number of occupants in the suspect vehicle;
  - 3) The likelihood of the suspects being armed.
- f. Direct and approve necessary tactics in the pursuit, including authorizing termination of the pursuit through approved use of force tactics.
- g. Continuously evaluate the pursuit.
- h. Assign additional officers to traffic control, accident investigation, foot pursuit, and/or perimeter security;
- i. Order the discontinuation of the pursuit at any time hazardous circumstances or environmental factors present an unreasonable risk to public safety.
- j. Respond in all situations to the scene of any arrest resulting from the pursuit to control the scene.

**7. Uses of force/Termination of Pursuit:**

- a. Remember that roadblocks and Stop-Sticks or spike strips as well as the firearm, constitute seizures, i.e. a stopping of movement by a means intentionally applied. Roadblocks, and tire deflation devices could under certain circumstances constitute the use of force. In using these tactics officers should consider:
  - 1) How serious is the offense that the officer suspects at the time they use the tactic?
  - 2) Is there a physical threat to the officer or any other person and how significant is that threat?
  - 3) Is the suspect actively resisting or attempting to evade arrest by flight?
- b. Use of firearms:
  - 1) The use of firearms to affect the apprehension of a fleeing suspect is a use of deadly force.
  - 2) Officers shall not shoot at or from a moving vehicle unless:
    - (a) The officer has a reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious physical injury to the officer or another person, or

- (b) The officer has a reasonable belief that an occupant is using the vehicle in a manner that poses an imminent threat of death or serious physical injury to the officer or another person, and there is no avenue of escape.
  - c. Roadblocks: Only in the case of suspected fleeing violent felons whose escape poses a danger to life, may an officer set up a stationary or rolling roadblock, a decision that shall be approved by the on-duty supervisor. This decision to establish a roadblock shall consider:
    - 1) The safety of the officers
    - 2) The risk of physical injury to the occupants of the pursued vehicle
    - 3) The protection of citizens and their property
    - 4) That 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.
  - d. Stop Sticks/spike strips:
    - 1) Only officers trained in the use of Stop Sticks/spike strips shall deploy them. Officers are responsible for making sure that their use is contained in the pursuit report. The deploying officer shall advise pursuing units and all other units that they should distance themselves from the pursued vehicle and be prepared to slow down before entering the deployment site. Other traffic shall be diverted from the site if possible.
- 8. In all cases, officers shall employ felony/high risk traffic stop techniques at the end of pursuits.
- 9. **Reasons for Discontinuation of Pursuit** - Any officer involved in a pursuit shall terminate the pursuit, and immediately notify communications of his point of discontinuation under any of the following conditions:
  - a. When ordered by a supervisor, or any other higher-ranking member of the department.
  - b. When the officer believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension.
  - c. When the risk conditions have increased, and the subject's identity has been established to the point where later apprehension can be accomplished and there is no longer any need for immediate apprehension.
  - d. When the location of the pursued vehicle is no longer known.

- e. When motorists/pedestrians are involved in an accident as a result of the pursuit, immediate assistance shall be given. If there is only the marked primary police vehicle, then this vehicle must stop to aid.
- f. Discontinuation of a pursuit requires the officer(s) to abandon all active attempts to stop and/or follow the suspected vehicles and officer(s) shall turn off all emergency equipment.

**10. Inter-jurisdictional Pursuits:**

- a. Pursuits from this jurisdiction into another jurisdiction:
  - 1) Notify, through communications, the other jurisdiction as soon as possible of the reasons for the pursuit, the vehicle description and if assistance is requested.
  - 2) Under South Dakota law, a peace officer in actual pursuit may continue a pursuit across corporate or county lines for making an arrest.
  - 3) Agencies in close proximity to State borders may not have the same privileges afforded to peace officers within the State of South Dakota.
- b. Pursuits from another jurisdiction into this jurisdiction:
  - 1) The communications staff should determine the number of police vehicles from the other jurisdiction that are involved in the pursuit, find out the circumstances of the pursuit to include the offense, vehicle description and if assistance is requested.
  - 2) Supervisors will only approve assistance from this jurisdiction if the offense is in keeping with our justification for a pursuit, i.e. violent felony or reckless driving and the number is limited to only one vehicle from the outside jurisdiction. If the pursuit does not conform to this policy, officers shall not engage in the pursuit but may attempt to control intersections to promote the safety of innocent persons in the vicinity.
  - 3) A supervisor from this jurisdiction will proceed to the point of completion of the pursuit as quickly as possible.
  - 4) The initiating agency will remain in control of any pursuit that crosses into this jurisdiction and will remain responsible for the pursuit.
  - 5) Generally, officers will not continue with a pursuit that has passed through this jurisdiction, once the pursuit has left this jurisdiction.

**11. Report and Review Process**

The on-duty supervisor conducts an immediate investigation of the circumstances of the pursuit and shall submit a written report regardless of whether the pursuit was discontinued or terminated, or the subject was apprehended. The departmental Pursuit Report Form shall be completed after any pursuit. In addition to providing the

required information on the form, the supervisor will indicate in the narrative section the following:

- a. The reason or probable cause for engaging in the pursuit.
- b. An account of all violations committed during the course of the pursuit.
- c. A summary of tactics employed to apprehend the subject.
- d. The exact point of the discontinuation, apprehension, or termination of any pursuit.
- e. If the subject is apprehended, there should be an account of the officer's involvement in that arrest.
- f. The supervisor's report additionally will include the following:
  - 1) Officers assigned to the pursuit and the assignment of all those involved in the pursuit in various roles.
  - 2) A summary of any accidents or other incidents arising from or related to the pursuit.
  - 3) A complete evaluation on the adherence of the pursuit's conduct to the department's pursuit policy.
  - 4) If the supervisor discontinued the pursuit, the time and location that the pursuit was ordered terminated.
  - 5) Furthermore, the supervisor will:
    - (a) Collect copies of reports.
    - (b) Police video from all officers involved in the pursuit will be reviewed;
    - (c) Order and include a copy of the communications/dispatch tapes.
    - (d) Review each report to ensure that all required information is present.
    - (e) Conduct an analysis of the pursuit and complete the appropriate section of the Pursuit Report.
    - (f) Attach copies of the officers' reports, including his report and forward the packet to patrol commander/chief of police.
- g. The patrol commander/chief of police will either submit the report to any Accident Review Board or determine compliance with all statutes and policies and make a recommendation for further action (various forms of discipline, suspension, letter, verbal reprimand, and/or retraining. Termination is also included in a possible recommendation)
- h. Vehicle involved should be removed from service and inspected by a qualified mechanic after each pursuit.

12. **Mobile Video Recordings** - In emergency vehicles equipped with mobile video recorders, officers shall record pursuits utilizing mobile video recordings.
13. **Training** - Officers shall not be authorized to utilize any equipment or tactic during a pursuit unless the officer has received proper training and/or certification with respect to that equipment or tactic.
14. The Department shall prepare an annual report evaluating the pursuit history and frequency during that year. This report shall assess the adequacy of the written policy, training, and field implementation of the Department's pursuit policy.

#### **F. SEATBELT USE**

To assure the safety of all personnel, safety belts shall be worn by drivers and passengers in all vehicles owned, leased or rented by the department at all times. This also applies to the operation of privately owned or other vehicles used on-duty.

1. Department personnel shall use the safety belts installed by the vehicle manufacturer, properly adjusted and securely fastened, when operating or riding in any vehicle used while on-duty.
2. The driver of the vehicle is responsible for insuring compliance by all occupants of the vehicle they are operating. Approved child safety restraints are available at the police station and shall be used for all children of the age, size, or weight for which such restraints are prescribed by law.
3. No person shall operate or transport a passenger in a department vehicle in which any safety belt is inoperable.
4. No person shall modify, remove, deactivate, or otherwise tamper with vehicle safety belts.
5. Personnel who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.
6. Any person under arrest and being transported in a department vehicle is required to be secured in the vehicle by a safety belt. An exemption to the use of safety belts by prisoners may be granted by the Watch Commander in those cases in which the use of such a restraint would jeopardize the officers' safety.
7. When arriving at an emergency call or making a vehicle traffic stop, the officer may remove the safety restraint just prior to stopping for a quick exit. Caution should be exercised to insure that during the traffic stop the alleged violator is in fact going to stop to prevent becoming involved in a pursuit without the use of a safety belt.
8. If negligence or non-compliance with the requirements of this order is

displayed appropriate corrective or disciplinary action shall be initiated.

#### **G. TRAFFIC CONTACTS**

Officers making traffic stops using lights or lights and siren should, when appropriate, direct the motorist to a suitable stopping point where normal traffic flow will not be impeded.

1. Emergency lights should be activated both to signal a motorist of the officer's intention to stop their vehicle and to protect the stopped vehicle from other traffic.
2. Before making initial contact with the motorist the officer will notify the Communications Center of pertinent vehicle information, including the license plate number of the vehicle being stopped.
3. When avoidable, the following should not be used for traffic stops:
  - a. Private driveways,
  - b. Gas stations open for business, or
  - c. Other areas which provide access to business or residential establishments.
4. When private property must be used for a traffic stop, care must be taken to avoid inconvenience to the property owners or business patrons.
5. When making a traffic stop, officers should position their vehicle to provide protection for themselves but should also avoid creating a traffic obstruction. Transition from emergency lights to amber caution lighting.

#### **H. ESCORT ASSISTANCE**

Officers shall not use department vehicles and emergency equipment to escort any vehicle to a hospital or doctor in an emergency situation. It is recommended that first aid is rendered, and an ambulance be summoned to provide transportation. Officers are authorized to clear intersections for emergency vehicles if needed.

#### **I. TRANSPORTING CITIZENS**

1. Persons not in police custody will be transported in departmental vehicles only with the permission of a supervisor or commanding officer.
2. Transportation of sick or injured persons in a Department vehicle shall not be permitted except with the permission of a supervisor and then only when a citizen is seriously injured or seriously ill and there is no other satisfactory method of transportation available.
3. Intoxicated persons who are incoherent, passing out, falling asleep or showing signs of distress should not be transported until medically

evaluated.

**J. POLICE VEHICLES AT FIRE SCENES**

Police vehicles will not block fire hydrants or entrances of roadways at fire scenes. Police vehicles at a fire scene will be positioned so as to allow fire apparatus to pass.

**K. NORMAL PARKING**

Operators of police vehicles will comply with all parking regulations and will not double park or otherwise block traffic lanes except:

1. In emergency situations in which proper parking would hamper proper or timely response.
2. Where the call for service or activity requires the vehicle be used to protect accident scenes, injured persons or officers directing the flow of traffic. In such instances, the vehicle's emergency lights shall be activated.

**L. UNAUTHORIZED VEHICLE OPERATION**

Department members shall not allow the unauthorized operation of any department vehicle by any person other than another department employee, shop mechanic or under the direction of the officer assigned to the emergency vehicle in emergency situations.

**M. OTHER VEHICLE EMERGENCY EQUIPMENT OPERATIONS**

1. Spotlight – Marked units will be equipped with a minimum of one spotlight. Spotlights will assist the officer to illuminate areas or vehicles in low light situations. Spotlights will only be used to accomplish police responsibilities and purposes and will not be used to harass or intimidate.
2. Public Address System – Department vehicles may be equipped with an amplified voice address system. Officers may use this address system to inform the public of directions as they relate to the command and control involved during a police related contact. The address system should be limited to only those voice commands or instructions deemed necessary for officer safety, compliance, or emergency instruction.
3. Hazardous Warning Lights – The factory standard flashing hazardous signals equipped on each vehicle may be used in conjunction with other authorized emergency equipment during traffic stops and emergency responses outlined in **Section V.D.2.a. and b.** of this chapter. The factory equipped hazardous flashing system is not to be employed as the only visible signaling device during emergency vehicle operations.

## V. SYSTEM OF POLICY AND PROCEDURE

### A. VEHICLE MAINTENANCE AND INSPECTION

#### 1. Inspections

Duty: Each member of this agency who is assigned a vehicle shall inspect the vehicle prior to placement of the vehicle into service each tour of duty. This inspection shall occur on each shift. Where a vehicle is assigned as a take-home vehicle, the officer assigned the vehicle shall conduct the inspection prior to placing the vehicle into active service.

- a. This inspection will include a determination as to the presence of safety equipment and the working order of this equipment.
- b. The inspection will include: (See Equipment Report)
  - 1) Lighting
  - 2) Emergency Lighting and Siren (Note: Officers should consider location/time of day when checking functionality of siren)
  - 3) Tires
  - 4) Brakes
  - 5) Engine Noise
  - 6) Safety Barrier-Prisoner Transport
  - 7) Required Emergency equipment i.e. fire extinguisher, road flares, bloodborne pathogen equipment etc.
- c. If new visible damage is found on any vehicle, that damage shall be reported prior to placing the vehicle in service. If the damage impacts the safety or operation of the vehicle, the vehicle shall not be used.
- d. The interior of the vehicle shall be inspected prior to each shift and following the transport of any prisoner. This shall include a check under seats to ensure that no weapons or contraband have been left in the vehicle by a suspect who has been transported. If weapons or contraband are discovered, a found property report will be written and a supervisor will be notified to initiate appropriate action.
- e. If the vehicle is found in a state of being unclean, steps shall be taken to have the vehicle cleaned.
- f. If a vehicle is damaged during the officer's shift, the officer shall report this damage immediately. The damage shall be documented in a report, which includes a vehicle inspection sheet.
- g. Any time a vehicle is found with damage or in a state of disrepair or unclean, a vehicle equipment report (see attached) shall be filed indicating the items needing attention. Where such damage or disrepair impacts the safe operation of the vehicle, the vehicle shall not be used.
- h. Once per month on a day designated by the sergeant, assigned to fleet maintenance, a vehicle equipment report shall be filed on the

vehicle. This report and the vehicle shall be reviewed by a supervisor who shall determine the accurateness of the report. Any discrepancies shall be documented and corrected. Any items missing will be replaced and documented. The vehicle equipment report can be found in the attachments.

2. Maintenance
  - a. In the event that a vehicle will be out of service or the vehicle will be sent to an outside vendor for repairs, the patrol rifle will be removed and placed in the weapons locker.
3. Operator Responsibilities
  - a. Each operator of a police vehicle is responsible for its care and condition during all times it is in his/her possession.
  - b. All police vehicles parked in the Police Department parking lot or out of service shall be locked; windows closed, trunk secured, and the keys removed and placed on the key rack in the squad room.
  - c. All police vehicles left out of the view of its operator shall be properly parked and locked. Employees should make cursory or quick checks around the vehicle for signs of damage or vandalism whenever the vehicle is left unattended on a City street or parking lot.
4. Vehicle Equipment
  - a. Marked vehicles shall be equipped with emergency lights, red and blue combination, siren, and a wig wag headlight flashing system. The patrol vehicles are conspicuously marked making them readily identified as law enforcement vehicles. The markings shall be on the sides of the vehicles indicating Aberdeen Police. The Operations Division Commander shall approve all markings.
  - b. The following is a minimal list of items to be in each patrol vehicle:
    - 1) Rifle including Ammunition.
    - 2) Flashlight w/Wand
    - 3) Radar/Tuning Fork
    - 4) Fire Extinguisher
    - 5) First Aid kit
    - 6) Airway
    - 7) Roller or 100 foot and/or 25-foot tape
    - 8) Traffic Cones
    - 9) Cyalume Sticks
    - 10) Crime Scene Tape
    - 11) Blanket
    - 12) Marking Chalk
    - 13) Marking Paint
    - 14) Traffic Vest
    - 15) Pathogen Kit
    - 16) Flex Cuffs

- 17) Leg restraints
- 18) Spikes
- 19) Hand Cleaner
- 20) Child Toy
- 21) Ram or sledgehammer

## **B. HOLLOW SPIKE STRIP SYSTEM**

### **1. INTRODUCTION**

The Hollow Spike Pursuit Strip System is a device that can be used to safely stop pursuits. It consists of several sharp hollow metal spikes that are held upright as they are deployed across a highway or street. When a vehicle passes over the system, the hollow spokes penetrate and remain in the tire and thereby causing deflation of the tire at a controlled rate.

### **2. PROCEDURES**

#### **a. Training and Safety**

- 1) Prior to using the system, all officers shall receive training consisting of viewing the related videotape, reviewing the instructions that accompany the system and actually deploying the system under supervision until the officer and supervisor/trainer is satisfied that the officer can safely and efficiently do so.
- 2) The safety of the involved officers, the public, and the fleeing subject must never knowingly be sacrificed. The system is not to be used in locations where specific geographic configurations increase the risk of serious injuries (such as next to a drop off or a steep embankment). It is not to be used to stop motorcycles. Gloves should be worn during actual use if the officer remains in close proximity. The rope shall never be wound around the hand, nor the handle held in such a manner that it cannot be quickly released.

#### **b. Authorization**

The system is only to be used when authorized by a supervisory member and in conjunction with the safe termination of a pursuit that otherwise would pose a threat to the safety of others. Potential strategic locations for placement shall be discussed and established beforehand as much as is practical. When the decision has been made to deploy the system, all involved units are to be notified.

#### **c. Deployment**

- 1) The officer deploying the system should use any available safety barriers such as guardrails, abutments, bridges, or patrol vehicles. If the deployment is on a two-way roadway, applicable oncoming traffic must be stopped a safe distance from the site. Additional cones and vehicles may be necessary to channel the pursuit into the proper lane to ensure passing over the spikes.

- 2) As the pursued vehicle approaches, pull or push the spikes onto the roadway into the appropriate path; let go of the rope; and seek a safe position. As soon as the pursued vehicle passes over the system, immediately remove the system to avoid having pursuing patrol vehicles pass over it. If the pursued vehicle passes over the spikes, be prepared to continue the pursuit. Deflated tires may not force some individuals to stop.
- 3) Following the use of the system, be sure the roadway is clear of any detached spikes. Restore and repair the system as needed.

c. Reporting

- 1) The A.P.D. supervisor authorizing the use of the Hollow Spike System shall be responsible for submitting a use report to the Operations Division Commander describing the particulars of the pursuit including the location, vehicles or individuals involved in the use of the system, and the effectiveness of the Hollow Spike System.

## **C. VEHICLE ACCIDENT / REPORT AND REVIEW PROCESS**

### **1. INTRODUCTION**

Motor vehicle accidents can occur at any time. The inherent risks involving the large number of miles driven by a police officer indicate that police vehicles can also be involved in a motor vehicle accident. To insure to the public that an accident investigation has been conducted fairly, all accidents involving a Department vehicle will be investigated by an outside law enforcement agency of competent jurisdiction. The accident will be reviewed at a later time by the Department's Command Staff.

### **2. PROCEDURES**

#### **a. Accident Investigative Procedure**

- 1) A police department vehicle, while being operated by an employee of the Aberdeen Police Department in conjunction with employment of said department, which becomes involved in an accident (by statutory definition) will be investigated.
- 2) The Watch Commander, upon notification of such accident, will request an officer of the investigating agency respond to the scene.
- 3) The Watch Commander will also respond, if possible, to the accident scene to assist the officer in the investigation.
- 4) If enforcement action is deemed necessary against the member involved, the officer will handle such prescribed enforcement activity.
- 5) In the event of a major accident or accident resulting in injuries, the City of Aberdeen policy of an employee submitting to a drug

test should be utilized.

b. Accident Review

- 1) Members of the Command Staff and a designated sergeant will review the accident.
  - a) If the member bears no responsibility for the accident, the official record will reflect that finding.
  - b) If the facts indicate negligence or wrongdoing on the part of the member, a recommendation of disciplinary or other remedial action will be determined by the Command Staff.
- 2) The Command Staff will classify the accident. The recommendation of the members may fall within the realm of “no action” to “termination”.
- 3) The recommendations of the Command Staff shall be forwarded to the Chief of Police within five days of the accident.

3. RESPONSIBILITIES OF THE CHIEF OF POLICE

- a. The Chief of Police shall render a decision on the matter within a reasonable time.
- b. Such decision will comply with City policies.
- c. The officer will be notified of the Chief’s decision by the officer’s Division Commander.

4. CLASSIFICATION OF ACCIDENTS

- a) Non-Preventable – one in which an employee operating a motor vehicle did not contribute to or did not have a reasonable opportunity to avoid the accident.
- b) Preventable – one in which the employee operating a motor vehicle involved in an accident did contribute to or had a reasonable opportunity to avoid the accident; and the accident resulted in minor property damage and no serious bodily injury.
- c) Serious Preventable – a serious preventable accident is a preventable accident which involves major property damage and/or serious bodily injury or an employee who has operated his/her vehicle in a manner of reckless disregard for human life or safety.

**D. EMERGENCY RESPONSE TO CALLS**

1. INTRODUCTION

Responding to emergency calls for service requires the safe operation of an emergency vehicle. The member responding is to use due caution as well as operate the emergency vehicle according to established policy and law. The following guidelines have been established to govern the emergency response to calls for service.

## 2. PROCEDURES

- a. Level 3 Response – Emergency calls requiring immediate police response - lights and siren.
- 1) These calls involve incidents where there is imminent danger to human life. Included are major in-progress crimes, disasters, injury accidents, possible suicide attempt in progress, officer assistance requests.
  - 2) The responding officer would use **all** emergency equipment but would have the option of not using the siren if it would compromise the safety of officers or citizens at the scene of the call.
  - 3) The responding officer's speed will remain reasonable for the existing conditions.
  - 4) The responding officer will exercise due caution at all intersections by slowing and/or stopping prior to entering the intersection.
  - 5) 32-31-1. Circumstances under which emergency vehicle may disregard traffic regulations. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in § 32-31-2, but subject to the conditions stated in §§ 32-31-3 and 32-31-5
  - 6) 32-31-2. Particular regulations which may be disregarded. The driver of an authorized emergency vehicle may:
    - (1) Park or stand, irrespective of the provisions of chapter 32-30.
    - (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
    - (3) Disregard regulations governing direction of movement or turning in specified directions.
  - 7) 32-31-3. Use of emergency signals required. The exemptions granted in subdivisions 32-31-2(2) and (3) to an authorized emergency vehicle apply only if the vehicle is making use of audible or visual signals meeting the requirements of law. However, the exemption granted in subdivision 32-31-2(1) to an authorized emergency vehicle applies only if the vehicle is making use of visual signals meeting the requirements of law.
  - 8) 32-31-5. Duty of operator to use care--Liability for recklessness. The provisions of this chapter shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.
- b. Level 2 Response – Emergency calls requiring urgent response in non-life-threatening situations –lights and siren (intermitted).

- 1) These incidents involve in-progress or just occurred crimes where there is a strong likelihood of apprehension and the presence of officers is needed to halt criminal activity and protect citizens. Included are cases that could lead to violence as in family fights, combative shoplifters, and bar fights. Also included are cases of alarms and property destruction.
  - 2) The responding officer would use **all** emergency equipment to legally take the right-of-way at intersections or other locations when necessary to ensure safe passage.
  - 3) The responding officer's speed will remain close or at the speed limit with emergency lights only, when the siren is activated the officer will only travel at a reasonable speed for the existing conditions.
  - 4) The responding officer will exercise due caution at all intersections by slowing and/or stopping prior to entering the intersection.
- c. Level 1 Response – Non-Emergency calls not requiring an immediate police response.
- 1) Responding officers would proceed at normal speed, obeying all traffic control devices and laws.
  - 2) Officers will park in compliance with posted signs and not violate any City ordinances or state statutes.
  - 3) Officers may park where needed by utilizing their emergency flashers.