

MEDINA POLICE DEPARTMENT

GENERAL ORDER

ORDER NO: 2016-010

SUBJECT: Emergency Response Driving
and Vehicle Pursuit

EFFICTIVE DATE: January 1, 2016

RESCINDS ORDER NO: 98-10-01

DISTRIBUTION: All Departmental Personnel

PURPOSE: To establish procedure and provide guidelines for the operation of a police vehicle during emergency responses and pursuit driving.

- I. **POLICY:** The primary concern in emergency or pursuit driving situations is the protection of the lives and safety of all citizens and officers. Section 1104 of the New York State Vehicle and Traffic Law requires the operator of an emergency vehicle to drive with due regard for the safety of all persons. No exemption contained within Section 1104 shall protect the driver from the consequences resulting from their reckless disregard for the safety of others. All members shall be familiar with Section 1104 of the New York State Vehicle and Traffic Law and are required to operate their patrol vehicles in a responsible and prudent manner. Officers operating patrol vehicles in non-emergency conditions will do so in compliance with all New York State Vehicle and Traffic Laws.

DEFINITIONS: Pursuit – A pursuit is an active attempt by an officer, in a police unit to stop a moving vehicle when the driver of the vehicle attempts to avoid apprehension by fleeing or failing to stop.

Termination – is the deactivation of emergency equipment and returning to the posted speed limit.

II. EMERGENCY RESPONSE

- A. The decision to engage emergency equipment when responding to a call is the responsibility of the individual officer, who must remain cognizant of both personal and public safety issues. The decision must be based upon sound judgement, taking into consideration:
1. The nature of the call
 2. Urgency for police presence at the scene
 3. Possibility of alerting an offender

4. Danger of collision with other vehicles or emergency vehicles that are responding
 5. Existing weather and traffic conditions
 6. Any other information of which the officer may have knowledge
- B. Police vehicles must be brought to a complete stop before entering intersections against a steady red or flashing red light or before passing a stop sign.
- C. During hours of darkness, alternating headlights will be shut off upon arrival at the destination of emergency response call or at Vehicle and Traffic stops after the violator has come to a complete stop. The vehicle spotlight and takedown lights may then be used to illuminate the interior of the vehicle.

III. PURSUIT OF VIOLATORS

- A. Officers are charged with the responsibility of exercising control and sound judgement in any pursuit situation and must consider both the reason for and the location of the pursuit.
- B. The decision to continue or abandon pursuit must be made by the individual officer based upon the circumstances at the time. Consideration shall be given to:
1. The reason for and the location of the pursuit.
 2. The degree of hazard which is created by the pursuit.
 3. The severity of the offense for which the violator is being pursued and the threat to public safety which exists if the violator is not quickly apprehended. Traffic infractions alone may not justify a lengthy, high-speed pursuit.
 4. The particular characteristics of the operator or passengers in a pursued vehicle.
 5. The presence and density of other vehicular traffic.
 6. The presence of pedestrians, schools, parks and children.
 7. Weather, road conditions and time of day.
 8. The possibility of the pursuit continuing beyond the jurisdiction of the Medina Police Department.
- C. In every instance where a pursuit is initiated, the officer will immediately activate all emergency equipment and maintain the operation of such equipment throughout the pursuit. The officer will also notify the dispatcher and other police units in the area of the pursuit and will provide details of location, direction of travel, description of vehicle and occupants, plate number if known, approximate speed and reason for pursuit.

- D. In every instance where a pursuit is initiated, the shift supervisor will notify Chief of Police; relaying the details of the pursuit. If the shift supervisor is unable to make the notify, it will be done via dispatch.
- E. Only the pursuit vehicle, and one back-up unit shall be responsible for the actual “tailing” pursuit. Other assisting units shall remain in the area of the pursuit, take parallel courses, and attempt to stay with the pursued vehicle.
- F. In the event an unmarked vehicle initiates a pursuit, the actual pursuit shall be taken over by a marked vehicle at the earliest possible opportunity. The unmarked vehicle will then cease operation in emergency mode.
- G. Members shall not engage in an emergency operation while transporting Non-departmental persons (prisoners, witnesses, parents of juveniles, etc.) other than observers, “Ride-Alongs”, who have signed a Liability Release Form.
- H. Upon notification that a vehicular pursuit is in progress, the supervisor shall immediately transmit their acknowledgement. The supervisor must then continually review incoming data to determine whether the pursuit should be continued or terminated. Factors to be considered are as set forth in II B.
- I. Upon notification of a pursuit, the Orleans County Public Safety Dispatcher shall clear the channel except for vehicle involved in the pursuit. All other transmissions will be sent to a secondary channel. The dispatcher will additionally ensure that the appropriate supervisor is notified that a vehicle pursuit is in progress and will notify surrounding police agencies if the pursuit may enter their jurisdiction. Lastly, the dispatcher will initiate and broadcast registration and criminal records searches as soon as possible.
- J. Roadblocking or ramming is considered a use of deadly physical force. As such, all policies governing such use of force must be applied in these situations. They shall be allowed only in extraordinary situations and as directed by a supervisor.

IV. TERMINATION

- A. A pursuit shall be terminated under any of the following conditions:
 - 1. When circumstances develop which present extraordinary danger to the officer or the public (pursuing officer or supervisor’s discretion).
 - 2. 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.
 - 3. When so ordered by Departmental authority or shift supervisor.

4. The pursued vehicle's location is no longer known by pursuing officers.
5. Radio contact is lost due to distance.

V. REPORTING EMERGENCY RESPONSE OR PURSUIT DRIVING

- A. Whenever emergency equipment is used for the purpose of pursuit, the operator of the vehicle will immediately notify the dispatcher.
- B. In order to ensure an objective and timely review and critique of pursuit driving situations, all members initiating the direct pursuit of a fleeing vehicle shall complete and submit a incident report outlining the details of the pursuit. This shall be submitted to the Chief of Police through the chain of command.

By Order Of:

Chad D. Kenward
Chief of Police