



## TOWN OF SENECA FALLS POLICE DEPARTMENT

### GENERAL ORDER



<b>GENERAL ORDER #:</b> 530	<b>RESCINDS:</b> 07/01/13, 01/21/21
<b>SUBJECT:</b> Routine, Emergency, and Pursuit Driving	<b>NYS ACCREDITATION:</b> 43.1, 43.4, 43.5
<b>EFFECTIVE DATE:</b> 03/22/2022	
<b>BY ORDER OF:</b> Stuart W. Peenstra, Chief of Police	

#### I. PURPOSE

To establish guidelines for Routine, Emergency, and Pursuit Operation of Departmental Vehicles.

#### II. 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 a member responds to:

1. A request to a possible life-threatening situation or serious in-progress crime, or
2. An unusual incident/event that requires an immediate response by administrative officers (Chief/Lieutenant).
  - a. **Pursuit** – Attempted apprehension by a police officer operating an emergency equipped police vehicle, of 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.
  - b. **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.

#### III. POLICY

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 their reckless disregard for the safety of others" (V & T §1104-4 e).

- A.** Personnel responding to routine calls for service will obey all department regulations and vehicle and traffic laws with the exception of parking requirements. Emergency equipment will not be used while responding to routine calls.
- B.** During an emergency response or pursuit, members will:
1. Drive with due regard for the safety of all persons and property.
  2. Terminate a pursuit as instructed by a supervisor, or when a pursuit or emergency response is causing a dangerous and/or hazardous condition to the member and/or others.
- C.** Members will not initiate or continue a pursuit or emergency response if not in accordance with this order. Members 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 is about 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 skill, knowledge and ability in emergency vehicle operation.
  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 and siren. Only unmarked vehicles equipped with siren and an authorized emergency red light will engage in an emergency response. 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, members will respond in obedience to all traffic laws.
- F. Unmarked police vehicles not equipped with 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.
- G. Officers operating unmarked vehicles (provided the vehicle is equipped with 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.
- H. Non-sworn employees will not engage in emergency response or pursuit driving.
- I. Members 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 who has signed a Liability Release Form, or
  - 2. When necessary to preserve life when a timely ambulance transport is not available.
- J. **Escorts:**
  - 1. Any routine, planned escort (over-size vehicles, dignitaries, funerals, etc.) will be coordinated through the Supervisor of the platoon.
  - 2. If an emergency situation exists and a civilian vehicle is used for emergency transport to a medical facility, officers may block intersections to assist the civilian vehicle, but may not escort the civilian vehicle.
- K. The member's supervisor will be responsible for the management of any emergency response, including the responsibility to terminate same.

#### IV. PROCEDURE:

##### A. Emergency Response to Assignments:

1. The responding member(s) and back-up units will have the discretion, based on the nature of the assignment, meeting the definitions in Section II and the criteria in Section III.C., to respond to a call in an emergency response mode.
2. Members will limit their vehicular speed, taking into consideration the safety of self and others and the factors listed in Section III.C.
3. Members 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.
4. Distance to the location of incident alone will not be a determining factor to engage in an emergency response.
5. Members will use extreme caution in operating police vehicles and come to a complete stop upon encountering a stopped school bus with red lights flashing. [Revised: 03/22/2022]
6. Members will use extreme caution in operating police vehicles and come to a complete stop upon any non-controlled railroad crossing or railroad crossing at which safety gates and/or warning lights are activated. [Revised: 03/22/2022]

##### B. Pursuit Driving

1. Initiation. When a motor vehicle pursuit is initiated, the pursuing member will immediately report same to the dispatcher by stating the member has a pursuit and advise the following:
  - a. The member's assigned radio call number
  - b. Reason for pursuit (member 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, if any
  - g. Speed of pursuit
  - h. Operation of pursued vehicle, e.g. reckless, slow.

2. All employees on the same channel will refrain from radio transmissions during the pursuit except for short transmissions of their locations as safety permits. A secondary channel may be utilized for other emergencies. The officers supervisor or senior officer will request the Seneca County 911 dispatcher to clear the air for Seneca Falls Police.
3. The dispatcher, upon notification of a pursuit, will:
  - a. Clear the channel except for vehicles involved in the pursuit. All other transmissions may be sent to a secondary channel.
  - b. If a patrol supervisor has not taken command of the pursuit, assign one to be responsible to manage the pursuit until termination. This supervisor shall be solely in charge regardless of what geographic area the pursuit enters or until or unless relieved by a higher- ranking authority.
  - c. Notify other surrounding police agencies if the pursuit may enter their jurisdiction.
  - d. Initiate registration and criminal record searches as soon as possible and broadcast when time permits.
  - e. When the pursued vehicle's location is no longer known by pursuing members.
  - f. When radio contact is lost
  - g. When the member is unfamiliar with the area and is unable to accurately notify the dispatcher of his/her location and the direction in which the pursuit is proceeding.

#### 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 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), 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 III.D. and terminate any pursuit where the risks to continue outweigh the benefits.

- f. Document car numbers of those vehicles involved in the pursuit and all those who respond to the apprehension site.
- g. Attach the CAD printout to the Spillman report and submit both to the Lieutenant.
- h. Submit an intra-departmental correspondence (IDC) 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 III.D., whereby continuance would cause reckless disregard for the safety of the member or the public (pursuing member 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 Seneca Falls Police Department supervisor or supervisor of a jurisdiction into which a Seneca Falls pursuit extends.

6. **Pursuit Tactics**

a. **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.
- 3) \*EXCEPTION: If the primary pursuing unit is a two- member vehicle they may opt to maintain responsibility for radio communications. In such a case, the passenger member will assume the communications responsibility.
- 4) 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.
- 5) Other assisting unit(s) will remain in the area of the pursuit. Assisting units will not pursue but will remain in the area adjacent to the pursuit.

b. **Passing Primary Pursuit Vehicle:**

- 1) There shall be no attempt by members 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.

c. **Overtaking Pursued Vehicle:**

- 1) Overtaking or attempts to overtake a pursued vehicle is prohibited.

d. **Controlled Access Highways:**

- 1) Pursuit vehicles shall not pursue a vehicle the wrong way on a controlled access
- 2) Maintain visual contact with the suspect vehicle by paralleling it on the correct side of the highway.
- 3) Request assisting units to observe the exits available to the suspect vehicle.

e. **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.
- 3) 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.
- 4) Personnel will make every effort to deploy the tire deflation device from a position of safety, utilizing protective barriers, such as guardrails, trees, etc.
- 5) Tire deflation devices will not be used to terminate the pursuit of a motorcycle or three- wheeled vehicles.
- 6) Personnel using the tire deflation device will return the device to proper storage/deployment ready condition, following training directives.
- 7) The tire deflation device will be inspected on a regular basis by those officers assigned to the police vehicle the device is mounted in.
- 8) Repairs to the device and the ordering of replacement parts will be coordinated through the Commander of the Patrol Division.  
highway. The following options are to be considered:

f. **Pursuit Initiated by Another Jurisdiction:**

- 1) If requested by another jurisdiction and according to the Seneca Falls Police Department policies for pursuit engagements, Seneca Falls Police Department members may assist in a pursuit within the Town limits provided all other provisions of this order are complied with. If the pursuit is not in accordance with this order, Seneca Falls Police Department supervisors will notify the pursuing agency over the air that they will not 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. Seneca Falls Police Department vehicles shall not leave the Town limits while assisting another jurisdiction without permission of a Seneca Falls Police Department supervisor.

g. **Pursuits Initiated in the Town that Extend Outside the Town of Seneca Falls:**

- 1) If a pursuit extends beyond the Town limits, only the two pursuing police vehicles and a supervisor will continue the pursuit. 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.

h. **Traffic Control Devices:**

- 1) Extreme care will be used when passing traffic signs or signals. Police vehicles will stop to ensure 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.

i. **Apprehension:**

- 1) 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.

**V. POST PURSUIT REPORTING:**

- A.** Each officer involved in the pursuit will submit the Vehicle Pursuit Report through the LEFTA/Shield system. Each officer will forward the Vehicle Pursuit Report to his or her immediate supervisor. The supervisor will forward the Vehicle Pursuit Report to the Lieutenant for review and the Lieutenant will forward the Vehicle Pursuit Report to the Chief of Police for final review.
- B.** After each pursuit situation, it will be the responsibility of the assigned supervisor to notify the Lieutenant.

**C. The Lieutenant will:**

1. Notify the Chief of Police of the details of the pursuit.
2. Review the pursuit package for completion and accuracy and will make appropriate recommendations for follow-up.
3. Review all pursuit packages submitted for policy compliance and suggest changes to the policy if the policy is found to be deficient in any respect.

**Commits or attempts to commit the following crimes:**

**Murder/Manslaughter**

**Forcible Rape/Sodomy**

**Robbery**

**Kidnapping/Unlawful Imprisonment**

**Felony Assault**

**Burglary in progress or immediate flight there from**

**Arson**

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

**Class "A" felony drug offense**

**Leaving the Scene, Personal Injury Motor Vehicle Accident**

**\*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.**