

INGHAM COUNTY SHERIFF'S OFFICE GENERAL ORDER

14-8672

SUBJECT: OPERATION OF DEPARTMENT VEHICLES

NUMBER: **240**

EFFECTIVE DATE: November 1, 2014

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AMENDS/SUPERSEDES:

APPROVED: GN

Sheriff

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Emergency runs; Emergency vehicles;
Pacing; Road blocks; Vehicles -
Maintenance; Vehicles - Damage

240.01

POLICY:

All personnel operating Departmental vehicles shall exercise due regard for the safety of all persons. No task, call, or incident justifies disregard of public safety. Further, the public expects its Officers to demonstrate exemplary driving behavior. All Departmental personnel who operate Departmental vehicles will comply with safe driving procedures outlined herein with particular attention to emergency runs or pursuits.

240.02

PURPOSE:

To afford Deputies guidance in the operation and use of Departmental vehicles. It is not intended to discourage nor prohibit Deputies from taking reasonable steps to apprehend fleeing violators. It is intended to establish certain parameters and to emphasize this message:

Discontinuing a pursuit is not a reflection of a lack of courage or ability. In most cases, if an apprehension cannot be made quickly and at a reasonable speed, the most intelligent action is to break off the pursuit. This is the professional approach.

240.03

DEFINITIONS:

240.03.1

Authorized emergency vehicle:

Vehicles equipped with emergency oscillating lights and siren.

240.03.2

Emergency:

According to MCL 750.540a, "A situation in which property or human life are in jeopardy and the prompt summoning of aid is essential."

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240.03.3 Emergency runs:

The operation of an authorized emergency vehicle in response to an emergency call or in an emergency situation, requiring the activation of oscillating lights and siren.

240.03.4 Pacing:

The positioning of a police vehicle at a stable, fixed distance behind a speeding vehicle in order to determine the speed of the violator.

240.03.5 Pursuit:

An attempt by a police officer in an authorized emergency vehicle to apprehend one or more occupants of another moving vehicle when the driver of the fleeing vehicle is attempting to avoid apprehension.

240.03.6 Slick Top Semi-Marked:

Patrol vehicle marked only by a shield on the passenger front door. Emergency lights will be concealed throughout the vehicle.

240.03.7 Transport Vans:

Ingham County Sheriff's Office Transport vans marked with Sheriff's Office markings as well as emergency lights (red and blue). The emergency lights are located in the front windshield area and rear doors and possible other locations. Transport vans are not equipped with sirens.

240.03.8 Traffic Violators:

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 lights in operation, **UNLESS** the nature of the mission requires that a law enforcement officer travel without giving warning to suspected law violators. Such exemptions shall not protect the driver from the consequences of a reckless disregard for the safety of others (see Pacing, 240.06).

240.03.9 Stop Sticks:

The only controlled tire deflation device authorized to stop a vehicle being pursued or to immobilize a suspect's vehicle.

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GENERAL PROCEDURES AND MAINTENANCE:240.04.1 Maintenance:

- A. Departmental vehicles should be closely inspected for problems prior to their use. *Does this include Dash cam & tires?*
- B. Maintenance needs are to be promptly reported to the Departmental Mechanic using the Department Vehicle Repair Request Form (SF-133).

240.04.2 Damage:

- A. Any incident which results in damage to a Departmental vehicle shall be immediately reported to the On-duty Command Officer.
- B. A Special Incident Report shall be completed and submitted to the Staff Services Division Commander through his or her chain of command. This report is to be completed without delay by the individual assigned the vehicle at the time and submitted to his/her immediate Supervisor to be forwarded.

240.04.3 Accidents:

- A. Any accident which results in property damage or injury - no matter how slight - involving a Department vehicle shall be immediately reported to the On-duty Command Officer.
 - 1. Accidents on public streets or highways are to be reported on the State of Michigan UD 10 Form.
 - 2. Accidents on private property are to be reported on the SF-104 or the Private Property Accident Form.
- B. A Special Incident Report shall be completed and submitted to the Staff Services Division Commander through his or her chain of command. This report is to be completed without delay by the individual assigned the vehicle at the time and submitted to his/her immediate Supervisor to be forwarded.
- C. The ranking patrol Supervisor shall be immediately informed and will ensure the Accident Report is completed and forwarded. The Accident Report shall not be completed by the Deputy involved in the accident.

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- 240.04.4 Intentional abuse of, misuse and/or negligent care of a Departmental vehicle will not be tolerated.
- 240.04.5 In routine operation of a Departmental vehicle, members shall observe all traffic regulations and are expected to practice defensive driving.
- 240.04.6 Except when answering emergency calls, members shall park Departmental vehicles legally.
- 240.04.7 Whenever a Departmental vehicle is left unattended, the engine is to be turned off and the doors locked. Exception: The engine of a patrol vehicle may be left running to accommodate the welfare of a police K-9.
- 240.04.8 Seat belt use is required as provided by law.
- 240.04.9 Members who operate Departmental vehicles shall have their driver's license with them when operating a departmental vehicle.
- 240.04.10 The provision of an administrative vehicle is for the purpose of 24 hour call-back and may be reasonably utilized for both personal and business use.
- 240.04.11 Slick top Semi Marked patrol cars offer certain enforcement advantages in both traffic and criminal work. The use of these vehicles is intended to balance visibility needs against maximum enforcement capability.
- 240.04.12 Transport vans, even if equipped with emergency lighting, shall not be utilized to initiate traffic stops or to initiate/participate in any manner of a pursuit or emergency response.
- 240.04.13 Transport vans, when equipped with emergency lighting, may assist when requested or when necessary at traffic accidents and/or traffic control points, motorists assist, and non-emergency situations.

240.05 EMERGENCY RUNS:

- 240.05.1 While engaging in most emergency runs, Deputies shall utilize all emergency equipment (oscillating lights and siren) and shall operate their vehicle with due regard for safety of others. Any vehicle not equipped with oscillating lights and siren shall not be used for an emergency run.

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240.05.2 Emergency Runs Where Silence Is Required:

- A. Whenever a Deputy believes that a silent approach or arrival is necessary, the Deputy may deactivate the siren and continue as a "silent response".
- B. While not utilizing a siren, Deputies must make full use of their emergency lights in responding. Under such circumstance, Deputies must continue to exercise due regard for safety and recognize, should they exceed the speed limit, that they forfeit right-of-way privileges.

240.06 PACING TRAFFIC OFFENDERS:

240.06.1 Exceeding the speed limit while pacing is authorized by MCL 257.632, this specifies that, Officers:

- A. Must not violate any other traffic laws other than speeding.
- B. Must operate their vehicles with due regard for safety.
- C. May operate their vehicle without using lights and/or siren, but must use a siren when necessary to warn innocent motorists or pedestrians.

240.06.2 Only authorized emergency vehicles will be permitted to pace.

240.07 PURSUIITS:

240.07.1 General Guidelines:

- A. The pursuing Deputy must constantly consider the risk created by the pursuit. Deputies shall not needlessly endanger other persons. In pursuits it is important for Deputies to realize that the potential for civil liability extends not only to damage or injury that may be caused by a pursuit vehicle, but also to injuries or damages that may be caused by the vehicle being pursued.
- B. Under no circumstance shall any vehicle not equipped with emergency lights and siren in good working order initiate or participate in a pursuit.
- C. Deputies transporting victims, witnesses or prisoners shall not engage in a pursuit.

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240.07.2

Initiating a Pursuit:

Deputies must understand that the decision to pursue must involve a deliberate reasoning process that considers all of the existing circumstances. The Deputy must carefully consider all of the following factors:

- A. Vehicular and pedestrian traffic.
- B. Location of pursuit - i.e., residential, business, highway, freeway.
- C. Time of day or night.
- D. Weather and road conditions.
- E. Reason for pursuit.
- F. Speeds involved.
- G. Vehicle and driver capability.
- H. The offender is known to be a juvenile.
- I. The identification of the offender is known to the Deputy.

240.07.3

Pursuit Procedures:

- A. Notification: Deputies initiating a pursuit shall operate emergency lights and siren and immediately notify the dispatcher, providing at a minimum the following information:
 - 1. Reason for pursuit.
 - 2. Present speed, location and direction of pursuit.
 - 3. Description of pursuit vehicle, including license plate number if known.
 - 4. Description and number of occupants.
- B. An initial unit known as the primary unit and a secondary unit shall pursue a suspect in a vehicle. All other units shall stay clear of the pursuit but remain alert to its progress and location.

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1. Termination of Pursuit: The pursuing Deputy in the primary unit must at all times use his/her best judgment in evaluating and re-evaluating the pursuit and must make a continuous appraisal of the decision to pursue and must decide whether or not to continue the pursuit. Deputies shall discontinue any pursuit when:

1. The danger to life and property exceeds the necessity of immediate apprehension; or

2. Weather, road or geographical conditions indicate that continued pursuit would be futile, that is unlikely to result in apprehension of the violator; or

3. The offense is a civil infraction, misdemeanor or non-violent, non-life threatening felony and the identity of the violator is known; or

4. The pursuing Deputy knows or has reasonable cause to believe that the fleeing vehicle is operated by a juvenile and the offense constitutes a civil infraction or misdemeanor or a felony that did not involve an actual or threatened attack and the safety factors involved are obviously greater than a juvenile can cope with; or

5. When ordered to do so by a Command Officer.

240.07.4

Command Officer Responsibility:

Command Officers shall be responsible for supervising the overall conduct of the pursuit.

240.07.5

Dispatcher Responsibilities:

The dispatcher, upon being notified of the pursuit, will have the following responsibilities:

- A. Broadcast the initial pursuit information to all units.
- B. Notify and receive acknowledgment from a Command Officer.
- C. Obtain warrant and registration information on the registration number, if available, and provide the information to the pursuing units.

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- C. Primary Unit: When two police units are involved in a pursuit, the Deputy/Officer in the primary unit is responsible for keeping the dispatcher informed of the current progress of the pursuit. The primary unit is also responsible for making the initial decision as to when to terminate a pursuit. He/She may delegate radio responsibilities (progress of the pursuit) to the secondary unit to concentrate on driving.
- D. Secondary Unit: Under normal circumstances pursuits will only involve the primary and secondary units.
1. The secondary unit's responsibility is to assist the primary unit or to continue the pursuit should the primary unit experience failure.
 2. Upon joining a pursuit, the secondary unit shall notify the dispatcher.
 3. The secondary unit shall not pass the primary unit unless requested to do so by the primary unit.
- E. K-9 Vehicles: In the event that a pursuit is initiated by a Deputy in a K-9 vehicle, the pursuing Deputy shall immediately request to be relieved by a patrol sedan vehicle. Once a K-9 unit is relieved as the primary and/or secondary unit, it shall abandon pursuit and proceed to the termination point of the pursuit using normal driving precautions.
- F. Slick Top Semi Marked Vehicles: When a marked unit becomes available to take over a pursuit initiated by a slick top unit, the slick top unit shall withdraw from the primary pursuit position and assume the secondary pursuit unit's responsibilities.
- G. Caravanning: A caravan of police vehicles should not occur during the pursuit of a fleeing vehicle unless authorized by a Command Officer.
- H. Paralleling: There shall be no paralleling of the pursuit route unless the pursuit passes through a unit's assigned patrol area. The unit which is paralleling shall not join or interfere with the pursuit and shall stop all pursuit related activity at the boundary of its assigned patrol area. Paralleling units shall obey all traffic laws. The principal responsibility of the paralleling unit is to ensure that innocent motorists or pedestrians are not injured by inadvertently crossing the path of the pursuit vehicle.

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- D. Alert surrounding police authorities in the apparent path of the pursuit.

240.07.6

Methods of Apprehension and Stopping of Pursued Vehicles:

- A. Road blocks may only be utilized when the fleeing person is a suspected felon, constitutes an immediate and continuing hazard to the public, and all other efforts have failed. Road blocks shall not be utilized where it is apparent that innocent persons would be in danger or where the violator is wanted for a civil infraction or misdemeanor.
- B. Only a Command Officer can authorize the use of a road block.
- C. Once a road block has been ordered and a Departmental vehicle has been stationed as part of the road block, no one shall remain in or next to the vehicle.
- D. Only authorized emergency vehicles shall be used on road blocks. The emergency lights shall be activated.
- E. Road blocks shall be set up so that they are visible at a distance that affords motorists sufficient warning to safely stop their vehicles.
- F. Units paralleling the pursuit may use a road block to prevent other innocent motorists from entering the roadway where the pursuit vehicle is traveling.
- G. Stop Sticks are an effective tool to safely stop a suspect vehicle in a pursuit. The decision by a Deputy or a Command Officer involved in a pursuit to deploy Stop Sticks shall be made after giving consideration to the principles outlined in this policy, specifically to Sections 240.07.1 through 240.07.10. In situations where circumstances and time permit, prior approval from a Command Officer shall be obtained before deploying Stop Sticks to terminate a pursuit. The Incident Report shall include detailed information regarding the deployment of the Stop Sticks.
- H. Stop Sticks shall not be deployed when the pursuit involves motorcycles, three wheeled vehicles or all-terrain vehicles unless confronted with a deadly force situation.
- I. Only members trained in the proper deployment of Stop Sticks shall deploy them.

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J. It is imperative that all Deputies/Officers involved in the pursuit are aware of the exact location of the deployed Stop Sticks, so they can slow in time to allow the removal of the device after the suspect's vehicle crosses it.

K. Method of Deployment:

1. The Deputy deploying the Stop Sticks will position their vehicle off the roadway (whenever possible) with the front of the vehicle facing the same direction the pursuit is traveling with all emergency lights activated. The vehicle will not be occupied.
2. The Deputy should be 15 to 20 feet in front of the patrol vehicle when deploying the Stop Sticks (keeping the patrol vehicle between the Deputy and the suspect vehicle). If circumstances exist that require the patrol vehicle to be facing toward the pursued vehicle, the Deputy will then be 15 to 20 feet to the rear of the vehicle when deploying the Stop Sticks.
3. Deputies will deploy the Stop Sticks by using the approved methods of deployment specified by the training received.
4. The expended "Stop Stick" will be carefully collected and treated as evidence.
5. The serial number from the bar code sticker will be recorded on the Stop Stick Evaluation Form (SF-169) and forwarded to the Training Section for replacement purposes.

240.07.7 Intentional Collisions:

- A. Under no circumstances shall an intentional collision be justified in the apprehension of a person for a civil infraction or a misdemeanor charge or fleeing from such charge.
- B. Intentional collisions may be justified in cases where persons fleeing are wanted for or charged with a violent felony and only where all other efforts to stop the violator have failed and where there is no risk to innocent citizens.

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- C. Deputies must understand that intentional collisions constitute the use of deadly force and are justified only in those situations where the suspect has committed a violent or life threatening felony and where all other methods of apprehension have failed or would be fruitless (see the Deadly Force and Weapons General Order Policy #207).

240.07.8 Off the Road Pursuit:

Pursuit of vehicles that leave the roadway and enter fields, parks or pedestrian areas shall be discontinued immediately unless otherwise ordered by the monitoring Command Officer. Even if authorized by a Command Officer, the Deputy must terminate such pursuit when continuance would threaten life, safety or property of the public or of the Deputy. Departmental four wheel drive vehicles are included in this provision.

240.07.9 Pursuits Leaving Jurisdiction:

Pursuits originating in this County shall be terminated when the pursuit continues beyond the County jurisdiction, except in those cases where continued pursuit is authorized by a Command Officer.

240.07.10 Pursuits by Other Agencies:

Pursuits originating in other jurisdictions and involving other Departments which enter Ingham County may result in the Ingham County Sheriff's Office becoming involved.

- A. When a pursuit initiated by an outside agency enters our area, the initiating unit shall be responsible for the progress of the pursuit. Our Deputies shall not create a caravan of pursuit vehicles.
- B. If a vehicle pursued by another agency is observed and the outside agency does not have a primary vehicle in position, a vehicle from this County may assume that position. In those instances, our Deputies shall not pursue beyond Ingham County limits, except in those cases where the crime committed is a life threatening felony and continued pursuit is authorized by a Command Officer.

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