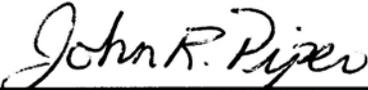




WINCHESTER POLICE DEPARTMENT OPERATION ORDER

NOTE: This policy is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Number 2-12		Effective Date February 01, 2008	Review Date February 21,2021	Reviewing Division Administration
Subject VEHICLE OPERATIONS AND DRIVING	<input type="checkbox"/> New Policy <input type="checkbox"/> Amends: <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised: 02/17/21		This policy shall apply to personnel assigned to the following divisions: <input type="checkbox"/> All Personnel <input checked="" type="checkbox"/> Patrol Division <input checked="" type="checkbox"/> Administration Division <input checked="" type="checkbox"/> Investigation Division	
References VLEPSC: OPR.01.01 - .04, OPR.01.09, OPR.07.10 CALEA				
 <hr/> Chief of Police or Designee		February 21st, 2021 <hr/> Date		

I. PURPOSE

The purpose of this policy is to establish procedures governing the safe operation of police vehicles, with special attention to emergency response driving and vehicle pursuit situations.

II. POLICY

All personnel operating Department vehicles shall exercise due regard for the safety of all persons. Protection of life is the paramount goal of the Department. No task, call, or incident justifies disregard of public safety. Further, the public expects its law enforcement officers to demonstrate exemplary driving skills. All Department personnel who operate Department vehicles will comply with safe driving procedures outlined in this policy.

III. DEFINITIONS

A. Emergency Response Driving

That driving of an expeditious nature which relates to the effort made in a police vehicle to proceed to the location of an emergency, in a manner consistent with the provisions of *Code of Virginia* § 46.2-920, to include the usage of emergency lighting equipment, siren, and having due regard for the safety of persons and property. The term *response driving* includes operation of a law enforcement vehicle both in apprehension of persons suspected of committing a violation of law or in a response to an emergency call.

B. Emergency Equipment

Flickering, blinking, or alternating emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. All Department marked vehicles have distinctive, reflector decals for additional visibility. In this order, an authorized emergency vehicle is one that is equipped with emergency equipment.

C. Normal or Routine Driving

Driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to traffic laws and posted signs.

IV. VEHICLE OPERATION PROCEDURES

A. General

1. All Department vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Department vehicles are conspicuous symbols of authority on the streets and many people observe an officer's actions. All personnel must set an example of good driving behavior and habits.
2. Under certain emergencies as defined in this policy, Virginia Code authorizes officers to disregard certain traffic regulations. Both the vehicle operator and the Department, however, are not released from civil liability for failure to use reasonable care in such operation.

B. Vehicle Inspection

1. Before each duty assignment, officers will inspect their assigned vehicles for cleanliness and operability of all equipment. Officers shall also ensure that vehicles have adequate levels of engine oil, transmission, coolant, and other fluids, and fuel.
2. Officers shall inspect the safety features of their assigned vehicles before assuming duty. The inspection shall include, but not be limited to, all lights, brakes, siren, horn, tires and steering.
3. Officers shall examine their assigned vehicles at the beginning and end of their tour of duty for damage. Officers shall report any damage immediately to the on-duty supervisor. If, in the opinion of the Chief of Police, vehicle damage resulted from abuse or neglect caused by an officer, disciplinary action may result.
4. Officers shall examine their vehicles at the beginning and end of their shifts as well as after each transport of a person, to search for evidence, contraband, or property discarded by prisoners or others. Rear prisoner seating areas shall be thoroughly checked.

5. For fleet vehicles, a Department Daily Vehicle Inspection Sheet will be completed by officers at the beginning of their tour of duty. Officers assigned a take home vehicle will complete a Daily Vehicle Inspection Sheet on a monthly basis, while ensuring that their assigned vehicle is operational and properly equipped prior to each operation of the vehicle.
6. With the exception of vehicles assigned for take home use, all Department personnel shall complete a Vehicle Mileage Log when operating any Department vehicle.
7. No officer or employee shall operate any Department vehicle that they believe to be unsafe. Officers who discover a Department vehicle in need of repairs shall immediately inform the on-duty supervisor, and send a repair request email to the fleet manager.
8. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any part of the vehicle that affects vehicle operation.
9. During periods of inclement weather when Department vehicles cannot be washed regularly, the driver must ensure that headlight and taillight lenses are kept clean, as circumstances permit.
10. Supervisors shall conduct monthly inspections of Department vehicles assigned to personnel under their supervision. Vehicle monthly inspection reports shall be submitted to the division captain. Daily vehicle check sheets and monthly take home check sheets shall be submitted to the Fleet manager.

C. Vehicle Operation

1. Regardless of the seriousness of the situation to which the officer is responding, and during normal vehicle operation, personnel shall be held accountable for the manner in which their vehicle is operated.
2. Department personnel shall carefully observe the surrounding conditions before turning or backing any vehicle.
3. Department personnel must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any vehicle, and shall govern the operation of the vehicle accordingly.
4. All Department personnel and passengers shall wear seat belts and shoulder straps during vehicle operation. An exception is officers approaching an incident scene or call for service, and the officer believes that a rapid exit from the vehicle may be required, then the officer may release the seat belt.
5. A Department vehicle shall not be left unattended with the engine running, nor shall the vehicle be left unlocked when the officer is not with the vehicle.

Exemptions are officers with canine partners and officers who are in close proximity to their vehicle conducting traffic enforcement or a vehicle crash investigation.

6. Standard lighting equipment on marked Department vehicles includes hazardous warning lights, spotlights, and alley (side) lights on the rooftop light bar. Hazardous warning lights may be used at any time the Department vehicle is parked where other moving vehicles may be endangered. Alley lights and spotlights may be used when the vehicle is stationary or moving at speeds not to exceed fifteen (15) miles per hour, and shall not be used in a manner that will blind or interfere with the vision of operators of other approaching vehicles.
7. At the scene of a crime, a vehicle crash, or other incident, a Department vehicle should be parked in such a manner so as not to create an obstacle or hazard to other traffic, unless necessary for the protection of an incident scene or injured persons. If a traffic hazard exists, the vehicle emergency lights will be used to warn other drivers approaching the location.
8. In case of vehicle crash or damage to any Department vehicle, the driver shall immediately request the on-duty supervisor to conduct an investigation. If the personnel involved in the vehicle crash is a supervisor, the next highest-ranking officer shall conduct the crash investigation. In the event that a higher-ranking officer is unavailable, an officer of the same rank, who possesses seniority over the operator of the vehicle involved in the crash may conduct the crash investigation. The investigating supervisor shall report Department vehicle crashes using a Department Police Vehicle Report.
9. Personnel will submit to a post-accident drug test if the employee is charged in the accident, a fatality occurs, injuries are sustained that require immediate medical attention away from the scene, or when any vehicle must be towed.

D. Unauthorized Technology in Department Vehicles

No non-department issued communication or electronic device shall be hard wired in any Department vehicle without authorization from the Chief of Police or his/her designee.

E. Cellular Telephone Usage

No personnel driving a Department vehicle shall use a cellular telephone or other wireless communication device while operating that vehicle, except in an emergency situation, a situation where confidentiality must be maintained, or when a hands-free mode is used. Under no circumstance will personnel send or read text messages while operating a Department vehicle.

F. Special Purpose Vehicles

1. Special purpose vehicles are vehicles that are operated or used in any manner other than as passenger vehicle type patrol, administration, or detective vehicles. Department personnel required to operate any special purpose vehicle shall be trained in the operation and maintenance of such vehicle and equipment.
2. Special purpose vehicles include the following:
 - a. Police bicycles, used for patrol and special events;
 - b. Canine vehicles, used for patrol and canine operations;
 - c. Crisis Negotiations Team (CNT) vehicle used to transport team members and team equipment for training or callout incidents requiring the deployment of the team.
 - d. Four-wheel drive vehicles, used for animal control activities and patrol operations;
 - e. Four-wheel drive utility trucks, used for transport of equipment and items in non-emergency situations; and
 - f. Utility Van, used for non-emergency transport of persons, property and equipment.
 - g. Special Weapons and Tactics (SWAT) vehicle, used to transport the SWAT team and SWAT equipment;
 - h. MRAP, primary use is to assist the Department SWAT with critical incidents. It will be the responsibility of the SWAT commander to determine when and how the MRAP will be deployed.
3. When appropriate, special purpose vehicles are equipped with a fire extinguisher, police radio, emergency warning lights, siren, tinted windows, canine cage and water supply for canine vehicles, evidence processing and collecting equipment and supplies, and storage compartments.

G. Administrative Review – Department Vehicle Crashes

1. The Department has a duty to ensure that Department personnel conduct themselves in a highly professional, proper, and legal manner at all times. To ensure that officers conduct themselves in proper accordance with established Department Rules and Regulations and General Orders, an administrative review shall be conducted for all Department vehicle crashes or injury involving the operation of the Department vehicle, regardless of damage amount.

2. An administrative review is not an internal investigation. The purpose of an administrative review is to review all available information to determine if an officer's action complies with established Department Rules and Regulations and General Orders.
3. It shall be the responsibility of the division captain to which the involved officer is assigned to conduct the administrative review. In conducting the administrative review, the division captain shall review, if appropriate, the following documents:
 - a. The initial police vehicle report and all supplemental reports;
 - b. The call notes from the Emergency Communications Center (ECC);
 - c. An audio copy of radio transmissions of officers involved in the incident;
 - d. Any photographs associated with the incident; and
 - e. Related Department Rules and Regulations and General Orders.
4. After reviewing the collected documents, the division captain shall submit a written report to the Deputy Chief of Police and the Chief of Police. The written report shall contain the following information:
 - a. The date, time, and incident number, if applicable, which references the incident;
 - b. A brief synopsis of the specific incident;
 - c. A list of documents attached;
 - d. A diagram of the incident area, if appropriate;
 - e. A finding and conclusion statement including a list of any violations of Department Rules and regulation and General Orders; and
 - f. A recommendation to the Deputy Chief of Police on proposed further course(s) of action.
5. It is possible that an administrative review could lead to an administrative investigation. This action shall be determined by the Deputy Chief of Police based on the findings and conclusions from the administrative review.
6. Upon review of the report, the Chief of Police will forward the report to the Risk Manager for the City of Winchester.

V. PROCEDURES FOR EMERGENCY RESPONSE DRIVING

A. General

1. Virginia Code 46.2-920 states that the exemptions to driving laws granted to emergency vehicle operators "shall not, however, protect the operator of any vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property" and that the law does not "release the operator of any such vehicle for failure to use reasonable care in such operation." Recognizing that protection of human life is paramount, officers must remember that their objective is to get to the location of the occurrence as soon as possible, safely, and without danger to themselves or to others.
2. Operators of Department vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any emergency vehicle, do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways, nor shall they protect the driver from the consequences of an arbitrary exercise of such right of way.
3. During emergency response driving situations, upon approaching a controlled intersection or other location where there is reasonable possibility of collision, the officer shall reduce the speed of the vehicle, stopping completely if necessary, before entering and traversing the intersection.
4. The driver of a City owned police vehicle being operated under emergency response driving shall be granted an exemption as explained in Virginia Code 46.2-920 only when the driver utilizes the vehicle's emergency lights and siren, or without a siren, slows the vehicle down to a speed reasonable for the existing conditions, **yields the right of way** to the driver of another vehicle approaching or entering the intersection from another direction or, if required for safety, **brings the vehicle to a complete stop** before proceeding with due regard for the safety of persons and property.
5. Emergency response driving includes the use of both the siren and emergency lights. Should one fail to function, the officer must revert back to normal driving response and make notification of the failure to the on-duty supervisor as soon as practical.
6. The nature of certain crimes in progress may call for the use of the siren to be discontinued on close approach to the location of the situation, as reasonably necessary. If officers on close approach discontinue the use of emergency lights AND siren, then the officers must follow all traffic laws.
7. Emergency response driving to the scene of a vehicle crash is permissible only when specific information indicates that conditions at the scene require an emergency response by police officers, or when directed to do so by a supervisor.

B. Routine and Emergency Response Driving

1. Police response must, of necessity, be governed by the nature of the occurrence, the amount of information a caller or complainant provides, and the credibility of that information.
2. Officers and supervisors have an obligation to rapidly evaluate emergency situations and determine whether additional officers are still needed or whether other officers can be slowed to normal driving or cancelled. This evaluation will be relayed to the other responding officers who will abide by the direction provided. This evaluation should be repeated by ECC personnel when practical.
3. During normal day-to-day police operations, many calls are received from citizens that concern mostly matters of routine services and complaints. In the majority of these calls, the situation reported is neither urgent nor of an emergency nature; hence, an officer responding to such an assignment would not be justified in operating the police vehicle in a manner other than that defined as normal driving. In other cases, however, an officer may or may not be justified to expedite to the location of a call, depending on: (1) the nature of the call; (2) the seriousness of the situation; and (3) the variable conditions of traffic congestion, weather, road surface, etc., present at the time.

C. Officer and Supervisor Discretion

1. Officers and supervisors may elect to respond under the provisions of emergency response driving to those calls for service that indicate a crime involving violence is in progress, where the suspect is armed, and all other calls alleging an implied or immediate threat to the safety of a person. Examples of these calls include, but are not limited to:
 - a. Officer who needs urgent assistance;
 - b. Burglary in progress;
 - c. Robbery in progress;
 - d. Person with a deadly weapon;
 - e. Serious injury or fatal vehicle crash or hit and run;
 - f. Riot or large disturbance with assaults, injuries, or damages occurring;
 - g. Reported homicide;
 - h. Fight or assault in progress;

- i. Sex offense in progress;
 - j. Auto theft in progress;
 - k. Shoplifting involving a violent suspect;
 - l. Domestic dispute with an assault in progress or just occurred with a suspect still present; and
 - m. Suicide attempt in progress.
2. Upon receipt of a request for law enforcement service that necessitates the dispatch of an officer, the Emergency Communications Center (ECC) shall determine sufficient facts in order for the responding officer(s) to determine the appropriate response type. The ECC shall collect information regarding the following:
- a. Whether the perpetrator is still on the scene or armed;
 - b. Condition of the victim;
 - c. Possible hostage situation;
 - d. Direction and method of travel of any fleeing suspects; and
 - e. Description of any fleeing vehicles.

D. Use of Emergency Warning Devices in Non-Emergencies

- 1. Officers shall activate emergency equipment to notify drivers that they must stop and to provide a safe environment for the driver, officer, and the public.
- 2. Officers may activate emergency equipment in non-emergency situations when expediency is required to eliminate a potential hazard to the public or other officers, such as using emergency lights to protect disabled motorists, funeral escorts, or when Department vehicles are used as protective barriers.