

	POLICY & PROCEDURE	SERIES # 1502	PAGE 1 OF 7
	OPERATION OF POLICE VEHICLES		EFFECTIVE DATE 04/08/15
			OVERSIGHT Operations
DISTRIBUTION ALL MANUALS	AMENDS/SUPERSEDES/CANCELS P&P # 1502 dated 07/10/12 .		

I. PURPOSE:

The purpose of this policy is to establish procedures for the operation of police vehicles during emergency and nonemergency situations.

II. POLICY:

It is the policy of the Hampton Police Division to operate police vehicles in a manner consistent with law and in consideration of the safety of the public.

III. DEFINITION:

- A. **Due Regard for the Safety of Persons and Property** – The duty to protect other persons from unreasonable risk. A reasonably careful person, performing similar duties and under similar circumstances, would act in the same manner.
- B. **Emergency Vehicle** – For the purposes of this policy, this term shall apply to any law enforcement vehicle operated by or under the direction of a Hampton Police Officer charged with the responsibility of emergency response or the pursuit and apprehension of violators of the law.
- C. **Emergency Response** – A situation in which there is a high probability of death or serious injury to an individual or significant property loss and the immediate presence and action by an emergency vehicle operator may reduce or eliminate the seriousness of the situation.

The following are examples of situations where an emergency response may be necessary. The decision to engage in an emergency response must weigh the necessity of the response based on the information known at the time versus the danger to the public.

- 1. Officer needs assistance

APPROVED:
CHIEF OF POLICE



2. A felony that involves risk to the safety of the public or significant property loss
3. Persons calling for help
4. Hold up alarm activations
5. Any other situation which requires the immediate and urgent presence of an officer.

IV: PROCEDURE:

A. Emergency Operation of Police Vehicles

1. Emergency vehicle operators are subject to all traffic regulations, unless a specific exemption is made in Virginia State Code. Virginia State Code §46.2-920 exempts emergency vehicles from certain regulations. The following procedures are a combination of Virginia State Law and Division policy constraints, which shall serve as guidelines for the emergency operation of police vehicles by officer of the Hampton Police Division.
 - a. The driver of any emergency vehicle, when such vehicle is being used in the performance of public services, and when such vehicle is operated under emergency conditions, may, without subjecting himself to criminal prosecution:
 - 1) Disregard speed limits, while having due regard for safety of persons and property.
 - 2) Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop after:
 - a) Stopping the police vehicle.
 - b) Yielding right-of-way as necessary to moving vehicles, self-propelled vehicles, and pedestrians.
 - c) Determining that the intersection may be entered safely.
 - 3) Park or stop notwithstanding the other provisions of Virginia State Code or the Hampton City Code.
 - 4) Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property.

- 5) Pass or overtake, with due regard to the safety of persons and property, another vehicle at any intersection.
 - 6) Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle either in a no-passing zone or by crossing the highway centerline.
 - 7) Pass or overtake with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going off the paved or main traveled portion of the roadway on the right. Notwithstanding other provisions of this policy and the Code of Virginia, vehicles exempted in this instance will not be required to sound a siren or any device to give automatically intermittent signals.
 - 8) Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer may disregard speed limits, while having due regard for safety of persons and property, (i) in testing the accuracy of speedometers of such vehicles, (ii) in testing the accuracy of speed measuring devices specified in § 46.2-882, or (iii) in following another vehicle for the purpose of determining its speed.
 - i. This specific exemption does not require the activation of emergency equipment as outlined in the paragraph below.
- b. All exemptions granted to emergency vehicles shall apply only when the operator of such vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in §§ 46.2-1022 and 46.2-1023 and sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals, as may be reasonably necessary, unless otherwise specified in this policy.
 - c. Such exemptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property.
 - d. Nothing in this section shall be construed to release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

- e. Due to traffic volume in the region and the increased potential for accidents at intersections, police vehicles operating in emergency response mode will do the following when approaching green lights at major intersections:
 - 1) Decrease speed by removing foot from the accelerator and cover the brake pedal. Be prepared to brake and stop if necessary.
 - 2) Increase speed only after passing through the intersection and ensuring it is safe to do so.

- f. Officers who operate Division vehicles are prohibited from operating the vehicle in emergency mode while the vehicles are occupied by non-police passengers.
 - 1) In the event it becomes necessary to engage in an emergency response, the officer will immediately contact the field supervisor and advise him of the situation.
 - 2) The operator will deposit the passenger at a safe location before responding in an emergency mode. The supervisor will ensure the passenger is picked up as soon as practical.

- g. All civilian employees are specifically prohibited from engaging in the emergency operation of police vehicles.

- h. Patrol Service Officers and Police Cadets are authorized to utilize emergency equipment while performing authorized escorts and parades.

- i. Officers engaged in the transportation of prisoners will not initiate an emergency response unless the following circumstances exist:
 - 1) Emergency medical attention is needed for the prisoner and emergency response to the nearest medical provider (i.e. hospital, fire station) is more appropriate than stopping and summoning fire department personnel, or
 - 2) In all other situations, officers should transport prisoners directly to their designated secure facility unless approval to do otherwise is granted by a supervisor.

- j. Regardless of the nature of the emergency, operators will not drive in such a manner as to endanger the life and property of others.
- k. Officers will consider the following when making the decision to operate in an emergency response:
 - 1) Road conditions
 - 2) Traffic conditions
 - 3) Weather conditions
 - 4) Driver capability and condition
 - 5) Vehicle capability and condition
- l. In addition to the guidelines in this policy, police pursuits will also be governed by the procedures set forth in P&P 1128, Police Pursuits.
- m. Vehicles not equipped with emergency equipment (lights and siren) will not be operated in an emergency mode.

B. Non-Emergency Operation of Police Vehicles

1. Police vehicles will be driven in a safe and proper manner, with the driver acting in full compliance with all traffic laws and regulations. Police vehicles are conspicuous symbols of authority on the streets and the actions of police drivers are observed by many. This places the responsibility on each police driver to set the visible example of good driving behavior and habits.
2. Police vehicles are equipped with a public address system which has the capability to broadcast directions or emergency messages as necessary. Care and judgment must be used to ensure that appropriate volume levels are utilized so as not to unnecessarily disturb citizens.
3. Other vehicular lighting equipment available includes hazardous warning lights, spotlights, alley lights and take down lights, which should be used as appropriate. Hazardous warning lights will be used at any time the police vehicle is parked where vehicular traffic is present or high visibility is necessary. Alley lights and spotlights may be used when the vehicle is stationary or moving slowly and in such a manner as not to interfere with the operations of the police vehicle or the vision of operators of other approaching vehicles. Take down lights may be used to illuminate a vehicle when the police vehicle is stationary.

C. Towing Trailers

Employees are required to have completed the Division's Trailer Towing Course prior to being authorized to tow any of the Division's trailers. Examples of the division's trailers are but not limited to: boat trailers, light trailers, utility trailers, and speed generators.

D. Police Vehicle Accidents

Employees are required to comply with all existing policies pertaining to the reporting of accidents, whether the accident involves a motor vehicle or is an industrial accident.

1. All accidents, regardless of their severity or the parties involved, are reportable according to City Policy.
2. Employees will report all accidents at the scene and time of their occurrence or as soon and as near as reasonable under the prevailing circumstances.
3. The employee involved in an accident will notify Public Safety Communications who in turn will make proper notification of the following:
 - a. The employee's supervisor
 - b. An ambulance, if needed
 - c. The city wrecker, if needed
4. If necessary the employee involved in an accident will provide any life-saving or first aid measures required by an injured party.
5. The employee will not move his vehicle (if involved in a motor vehicle accident) from its final resting position unless it presents an immediate traffic danger.
6. Employees involved in accidents or supervisors investigating accidents will not make any statements as to the city's liability or the liability of any employee to members of the press, other parties involved in the accident, or within the general hearing of the public. Inquiries should be referred to Risk Management.

7. The employee involved in an accident will detain and/or obtain the names and proper identification of any and all witnesses to the accident, if possible.
8. The employee involved in an accident will make proper identification of himself and the city equipment involved in an accident to the other parties of the accident.
9. An employee involved in an accident will be required to complete the following reports:
 - a. Special Report
 - b. State Accident Report

E. TRAINING

1. All sworn personnel will successfully complete all aspects of driver training prescribed by DCJS before operating police vehicles in the field.
2. Patrol Service Officers and Police Cadets will complete an authorized City of Hampton or Hampton Police Division driver training course, including a review of this policy.

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