



OPERATION OF POLICE VEHICLES

FC No.: 421

Date: 09-27-17

If a provision of a regulation, departmental directive, or rule conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

Contents:

- I. Policy
- II. Definitions
- III. General Operating Procedures
- IV. Police Response to Incidents
- V. Guidelines for Use of Push Bumpers
- VI. CALEA Standards
- VII. Proponent Unit
- VIII. Cancellation

I. Policy

- A. A policy regarding operation of police vehicles under emergency circumstances requires the consideration of two basic issues. First, a procedure must be developed to provide an expedited response to emergency calls where lives are endangered or a serious crime is in progress. Second, consideration must be given to the hazards associated with an expedited response. Responding to an emergency call for service does not justify endangering motorists, pedestrians, or fellow officers. This policy is designed to protect officers of this department and the public from the hazards of an expedited response to emergency calls and to provide legal and departmental guidelines for the benefit of employees.
- B. Maryland law does not relieve the operator of an emergency vehicle from driving with due regard for the safety of all persons. Operators of emergency vehicles may be held liable for negligence. The policy of the department attempts to establish a balance between a quick and safe response to emergencies. Supervisors will be held responsible for the urgency of response and thus have the authority to modify the response code on their own initiative or at the request of an officer. This permits the flexibility necessary to meet a variety of circumstances and places authority and responsibility over police personnel and operations on first line police supervisors. All sworn officers and ECC personnel will receive periodic training corresponding with the policies and guidelines contained in this directive.
- C. For information on the pursuit policy, refer to FC 135, "Vehicle Pursuits."

II. Definitions

- A. Priority Response: Expedited response to a call-for-service using emergency lights and siren.
- B. Routine Response: Response in obedience to all traffic laws.
- C. Emergency Vehicle: Defined in Sections 11-118 and 21-106 of the Maryland Transportation Article.
- D. Supervisor: Team, shift, or unit supervisor (sworn) responsible for the direction of officers.

III. General Operating Procedures

- A. Officers on patrol, responding Routine to an assigned call, or otherwise operating in a non-emergency or off duty status, will obey all traffic laws.
- B. When operating an emergency vehicle in a pursuit situation or on a Priority call, the primary concern of the operator of the vehicle must be the safety of other motorists, pedestrians, and fellow officers. Although officers are given a qualified privilege by state law from observing traffic regulations while operating an emergency vehicle, they are not relieved of the responsibility of driving with due regard for the safety of all persons. Officers are not protected from the consequences of failing to exercise reasonable care under these circumstances despite the operation of emergency equipment. (Refer to Section 21-106 of the Maryland Transportation Article.)
- C. Safety Equipment
 - 1. All employees of the department will use seat belts when operating or riding in county motor vehicles. Employees will ensure that all passengers in county vehicles have buckled their seat belts prior to the vehicle being moved.
 - 2. Prior to driving a county vehicle, employees will check the operation of all safety equipment (lights, seat belts, etc.) and all emergency equipment (siren, emergency lights). Employees discovering defects that may impair the safe operation of the vehicle will report the defect immediately to their supervisor. The vehicle should not be operated until the deficiency has been corrected.
 - 3. During monthly inspections, supervisors within each district/unit will verify the operation of all vehicle safety equipment and note the inspection results and repair recommendations (if any) on the vehicle inspection form.
 - 4. Employees will check tire pressure on a regular basis to ensure safe operation of the vehicle.
 - 5. Employees operating county vehicles equipped with Electronic Stability Control are encouraged to keep this function on at all times for safety reasons.
 - 6. While operating a county vehicle during periods of inclement weather, all employees should periodically ensure that vehicle and emergency lights are clear of visual obstructions such as snow, sleet, freezing rain and hail.
- D. Cellular Phone Use While Operating Department Vehicles
 - 1. Cellular phone use by employees while operating a Department vehicle is permitted only when utilizing a “hands-free” (i.e. Bluetooth) device. If the cellular phone is not equipped with a “hands-free” option, the operator will, before using the device, drive the vehicle to a safe location outside of travel lanes.
 - 2. Use of cellular phones by officers is prohibited while operating a Department vehicle during vehicle pursuits and priority responses.
 - 3. Use of cellular phone/electronic messaging devices by employees for any purpose other than GPS navigation or approved “hands-free” phone calls is prohibited while operating a Department vehicle.
 - 4. Employees are considered operating a motor vehicle even when temporarily stationary because of traffic, traffic signals or traffic devices.
 - 5. The above restrictions (III.D.1-4) do not apply to officers in exigent circumstances. Exigent circumstances include, but are not limited to, emergency operations, rolling surveillance, undercover activities, or confidential briefings of responding tactical units.
 - 6. The above restrictions (III.D.1-4) do not apply to the use of Mobile Data Terminals (MDTs).
 - 7. Officers using cellular phones/electronic messaging devices while on-duty and/or operating a department vehicle should always be aware of the possible negative effects on officer safety and driving ability that these devices may cause.

E. Passenger Restrictions

Employees operating a police vehicle will not permit persons other than authorized department personnel to ride in the vehicle except in the performance of police duties or in conjunction with authorized department programs such as the Ride-Along and PPV/SOFV programs.

F. Vehicle Escorts

1. Ambulances and Other Emergency Vehicles: Police officers will escort ambulances and/or other emergency vehicles in emergency situations under the following circumstances:
 - a. When an operator of an ambulance or fire apparatus is unfamiliar with the route to the destination.
 - b. When the emergency equipment of an ambulance or fire apparatus is inoperative.
2. Privately-Owned Vehicles: Officers may escort privately-owned vehicles when such action is deemed necessary to prevent the loss of life and/or serious injury and only when, in the opinion of the officer, calling for an ambulance is impractical or the injured person cannot be transferred to the police vehicle without aggravating the patient's condition.
3. Emergency Deliveries: Emergency deliveries of blood, critically needed medication, or other items may be made only with the authorization of a supervisor.
4. Notifications: In all incidents involving emergency escorts or deliveries, the officer will notify the Communications Division upon starting and completing the escort.

- G. Before conducting official business in neighboring jurisdictions, officers must first request authorization from their immediate supervisor of the rank of sergeant or above.

IV. Police Response to Incidents

The department's policy is geared toward achieving a safe, expeditious response to emergency situations. The following procedures serve as guidelines and are intended to provide officers with flexibility when responding to calls.

A. Routine Response:

1. Most calls for police service do not require an expedited response unless information is available to either ECC or field officers that a quick response is necessary to prevent loss of life or serious injury, or to apprehend suspects. All calls for service not listed in sections IV.B and C will be handled Routine.
2. Routine calls will generally only require one officer be dispatched unless the nature of the call dictates otherwise, ECC receives additional information indicating the situation has escalated into one requiring additional officers, or if any officer believes that additional assistance is required.
3. If ECC receives additional information requiring an expedited response, the dispatcher will provide the information to the responding units and upgrade the response to Priority. Similarly, if an officer is responding to an incident Routine and has information based on knowledge of crime problems in a beat, suspects seen in the area, or familiarity with the suspect's modus operandi, etc., the officer may request the patrol supervisor upgrade the response to Priority. Although authorization for upgrading a response will be made only by a police supervisor, officers should request a response code change if they feel the situation warrants it.
4. To avoid redundancy and waste of airtime, supervisors will continuously monitor the calls assigned to officers in order to direct operations, modify response codes, and make decisions concerning tactics and deployment.

B. Response to Alarms

All alarms are Routine responses except under the following circumstances:

1. "10" signal intrusion alarms or similar devices with audio or visual monitoring installed by this department.
2. Alarms which are activated with verification of a robbery or burglary in progress.

3. Alarms which, based on the officer's experience, suggest a quick response. (Factors such as criminal patterns or known criminals seen in the area, past experience indicating the reliability of the alarm, etc., should be considered.) Officers will request authorization from their supervisor to upgrade the response code.
4. Alarms identified as highly reliable (e.g., television-monitored alarms).
5. AWARE Program alarms.

C. Priority Response:

1. A Priority response (use of emergency lights and siren) is warranted when the circumstances are such that an expedited response is necessary to prevent injury to any person and/or increase the likelihood of apprehending suspects. Generally, a minimum of two officers will be dispatched on all Priority calls. All Priority calls dispatched (except for personal injury collisions) will be preceded by an alert tone.
2. The dispatch of a call as Priority does not, however, require the use of emergency lights and siren especially if the circumstances make the use of the siren inappropriate. In these circumstances, officers are not operating as authorized emergency vehicles and must comply with the traffic laws (refer to TA: 21-106). Examples would be when the officer is so close to the scene that use of the siren would be self defeating or the officer has specific knowledge pertaining to the incident indicating that a Priority response is unnecessary.
3. If a call is dispatched Priority and officers feel the response is not justified, they will advise ECC and the field supervisor that they are responding Routine and provide the reason why. Likewise, supervisors have the option of reducing a response code if they feel a Priority response is not justified.
4. A Priority response is warranted in the following circumstances:
 - a. Signal 13 - Officer in trouble and Signal 3 – Fire/Rescue personnel in trouble
 - b. Murder in progress or just occurred
 - c. Rape in progress or just occurred
 - d. Robbery in progress or just occurred
 - e. Aggravated assault in progress or just occurred
 - f. Burglary in progress or just occurred
 - g. Arson in progress
 - h. Assault/fight in progress
 - i. Attempt suicide in progress
 - j. Felony fugitive/wanted person, when there is a likelihood of apprehension
 - k. Kidnapping in progress or just occurred
 - l. Domestic Violence in progress (battery/weapons involved)
 - m. Pediatric Injury just occurred
 - n. Vicious animal in progress
 - o. Personal injury traffic collisions just occurred (exception - Fire/Rescue personnel, an MCP unit, or other police agency on the scene and the situation does not warrant an emergency police response, Routine will be the response code for the back-up unit)
 - p. Any other situation where additional information is available to ECC personnel or officers that an emergency response would prevent loss of life or serious injury
5. The provisions of Section 21-106 of the Transportation Article are applicable in all emergency response situations (driving with due regard for the safety of all persons).
6. It is strongly recommended that an emergency vehicle operator refrain from overtaking/passing another emergency vehicle if that vehicle is responding in a Priority status.

D. Assisting a Primary Unit

Units responding to an incident in a backup capacity will not exceed the response code that is designated for the primary unit, unless authorized by a supervisor. If the primary unit reduces the response code, the backup unit must also reduce its response code.

V. Guidelines for Use of Push Bumpers

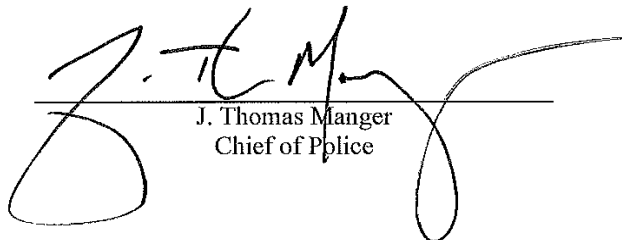
- A. Only the following types of vehicles will be pushed via the push bumper:
 - 1. Passenger cars
 - 2. Pick-up trucks not heavily loaded
 - 3. Vans not exceeding 3/4 ton
 - 4. Recreational vehicles not exceeding 3/4 ton
- B. The disabled vehicle's owner/operator must consent to being pushed by the police unit.
- C. The traffic assist push will be from the point of stoppage in the traveled portion of the roadway to the nearest shoulder. There will be no pushing to the nearest gas station, parking lot, etc.
- D. The cruiser speed will not exceed 5 mph when pushing a disabled vehicle.
- E. Emergency lights will be activated during the push effort.
- F. Instruct the driver of the disabled vehicle that the loss of power may affect power brakes and steering. Ensure that the vehicle being pushed has the brakes off and is in neutral. Advise the driver that no "push starts" will be allowed since this may lead to collisions or activation of the airbag.
- G. Ensure the driver knows where the car is being pushed. This can reduce collisions caused by quick, unexpected turns.
- H. Push bumpers are not designed to be used for forcing vehicles off the road.
- I. Plastic on new vehicles tends to crack or break in extremely cold weather. Exercise care when using the push bumpers during these conditions.
- J. If damage occurs as a result of a push, document the incident so that the county can address any claims. (Refer to FC 350, "Occupational Injury/Disease, Vehicle, Property Damage, and Other Accidents/Collisions.")

VI. CALEA Standards: 41, 42, 61

VII. Proponent Unit: PSB Administration

VIII. Cancellation:

This directive cancels Function Code 421, effective date **10-21-14**.



J. Thomas Manger
Chief of Police