

Geneva Police Department GENERAL ORDERS		EMERGENCY RESPONSE & PURSUIT DRIVING	
<input type="checkbox"/> new: <input checked="" type="checkbox"/> rescinds: Policy & Procedure 43.1; 43.4; 43.5 <input type="checkbox"/> amends:		cross-reference: New York State Vehicle and Traffic Law G.O. 400	
effective date: 10.21.03		Accreditation/Recognition standards: NYS L.E.A.P.: 43.1; 43.4; 43.5	
issue/amend date: 10.21.03 / 2.22.12 / 5.18.20 / 1.18.23			

I. PURPOSE	The purpose of this General Order is to establish policies and procedures governing emergency response driving, vehicular pursuits and tactics used.
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II. POLICY	<p>A. It is the policy of the Geneva Police Department to closely regulate the manner in which emergency response driving and vehicular pursuits are undertaken and performed. In any emergency response or vehicle pursuit situation, the safety of all persons and officers is the primary consideration. A fast response to a call for service, or apprehension of a fleeing motorist, is of secondary concern.</p> <p>B. The New York State Vehicle & Traffic Law (V&T) exempts authorized emergency vehicles involved in emergency operations from some restrictions of the Vehicle & Traffic Law. This exception however <i>“shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.”</i> V&T §1104 (4)(e). Officers may be subject to criminal and/or civil liability for reckless conduct associated with emergency response and pursuit driving.</p> <p>C. Officers shall not initiate or continue and will terminate any emergency response or vehicle pursuit that is not in accordance with the policies and procedures as set forth in this General Order. Personnel must constantly evaluate the risks involved in a vehicle pursuit or emergency response situation, ensuring that the police vehicle is being operated in a safe manner with due regard for the safety of all persons and within applicable laws, ordinances, and established policy and procedure.</p> <p>D. All involved officers and supervisor(s) shall be responsible for the management of the emergency response or vehicle pursuit, including the responsibility to terminate the response or pursuit if warranted.</p> <p>E. In all driving situations, not involving an authorized emergency response or authorized vehicle pursuit, all officers will operate motor vehicles safely and in strict adherence to all Vehicle & Traffic laws.</p> <p>F. Only sworn police officers are permitted to engage in emergency response or pursuit driving. Non-sworn personnel are not permitted to engage in emergency response or pursuit driving.</p>
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III. DEFINITIONS	<p>A. <u>Boxing-In</u> - Surrounding a violator’s vehicle with pursuit vehicles which are then slowed to a stop, forcing the violator to stop.</p> <p>B. Emergency-Equipped Vehicle - A clearly marked police vehicle equipped with the following emergency equipment:</p> <ol style="list-style-type: none"> 1. Rotating or flashing lights affixed to the roof of the vehicle; <ol style="list-style-type: none"> a. 360 degree warning capabilities; 2. Alternating (wig-wag) headlights; and 3. Siren and other audible warning device if so equipped. <p>C. <u>Paralleling</u> - A tactic which employs pursuit vehicles moving on streets parallel to that on which the violator is being pursued.</p>
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<p>III. DEFINITIONS (CONT.)</p>	<p>D. <u>Pursuit</u> - an attempt by a sworn Police-Officer operating an emergency-equipped vehicle to apprehend the occupant(s) of another vehicle, whose operator refuses to comply with a lawful directive to stop and who attempts to flee from the officer.</p> <p>E. <u>Ramming</u> - The deliberate act of striking a violator’s vehicle with a pursuit vehicle for the purpose of functionally damaging, stopping, or forcing the violator’s vehicle off the roadway.</p> <p>F. <u>Roadblock</u> - Barricades or other obstructions placed across a roadway to impede the violator’s flight and to cause the violator to stop.</p> <p>G. <u>Spike-Sticks</u> - The Spike-Stick is a Tire Deflation Device (TDD) that is used to terminate or reduce the speed of a vehicle pursuit. This TDD is 15’ in length and 1’ in width containing hollow spikes that become embedded in the tires of a vehicle that drives over it. The embedded spikes cause a controlled deflation in the tires, which allows the vehicle operator to maintain control of the vehicle at a reduced speed.</p>
<p>IV. EMERGENCY RESPONSE DRIVING</p>	<p>A. <u>Emergency Response Driving</u></p> <ol style="list-style-type: none"> 1. Only sworn officers operating emergency-equipped vehicles may engage in emergency response driving. Officers dispatched to calls for service will respond based on the nature of the assignment and in compliance with policies and procedures as set forth below in § IV (B). 2. Officers will not engage in emergency response driving while transporting non-Departmental personnel (prisoners, witnesses, etc.) in their vehicles unless: <ol style="list-style-type: none"> a. There is a clear risk of grave injury to another person and the safety of the prisoner, witness, etc. will not be put at risk; or b. The passenger is an authorized civilian “ride-a-long” observer who has signed a waiver and release from liability form. <p>Note: When engaging in authorized emergency response driving with non-Departmental personnel, officers will use caution to ensure their safety.</p> <p>B. <u>Response Modes</u></p> <ol style="list-style-type: none"> 1. Officers will adhere to the following guidelines as to the response mode to be used when answering calls for service. These guidelines are not meant to limit or restrict the appropriate response when factors exist that require a different type of response. Nothing shall prevent an Officer from upgrading his/her response to an incident, providing it is reasonable, based on information regarding that particular incident. <ol style="list-style-type: none"> a. <u>Emergency Response Mode</u>- Critical situations requiring an immediate response such as a serious crime in progress, (e.g., robbery, burglary, assault, domestic violence, sex crimes, other violent crimes), motor vehicle accidents with serious injuries, calls involving life-threatening or physically dangerous situations, robbery or burglar alarms, and another officer’s call for help. Only Emergency-Equipped Vehicles shall respond in Emergency Response Mode. Officers responding to critical situations will proceed as quickly and safely as possible with all available emergency equipment activated as set forth in this order, while remaining within the statutory requirements for operation of an emergency vehicle. Officers responding in Emergency Response Mode must be aware of other police and emergency vehicles responding to the scene of the incident. b. <u>Routine Response Mode</u>- Non-emergency calls including, but not limited to, routine calls for assistance, crimes reported after the fact, property damage accidents (unless the accident is causing a serious traffic problem or an immediate hazard to the public), 911 hang-up calls (unless other circumstances exist, e.g. disturbance, yelling, crying heard etc.), shoplifters in custody, minor offenses which do not prove a potential life threatening or physically dangerous situation, fire alarms, bomb threats, etc.

<p>IV. EMERGENCY RESPONSE DRIVING (CONT.)</p>	<p>C. Officers will adhere to the following emergency response driving procedures:</p> <ol style="list-style-type: none"> 1. DRIVE SAFELY. Do not unreasonably jeopardize your safety or that of other motorists, pedestrians, or other persons. Officers may exceed the posted speed limit; however, the officer(s) shall take into consideration factors such as weather, road and traffic conditions in determining a safe speed for travel. 2. Officers engaged in Emergency Response Mode driving, whether during the day or at night, will utilize all emergency warning equipment (e.g., red lights, siren, and alternating headlights) during the emergency response. In cases of crimes in progress, etc., the emergency equipment will be utilized up to the point where they may be heard or seen at the incident location. However, once the emergency equipment is deactivated, the Officer is responsible to modify his or her manner of driving to ensure safe operation without the emergency equipment. 3. Officers must be alert to the presence and movements of other vehicles, including police and civilian vehicles, and other responding emergency vehicles (e.g., fire, EMT, ambulance, etc.). 4. Do not place total confidence in the emergency equipment. Other motorists may not observe or hear emergency equipment. Also, Officers must allow time for other motorists or pedestrians to react to the emergency warnings. 5. If at any time before or during the emergency response ANY of the emergency equipment on a police vehicle fails, that vehicle will immediately cease the emergency response and proceed to the call for service as safely as possible. 6. Officers may disregard regulations governing direction (<i>except for one-way streets, see GO 410 §V (H)(6)</i>), movement or turning in specific locations when necessary, but with due regard for the safety of persons and property. Officers may also park or stand irrespective of the provision of state and local ordinances, except that an Officer shall not block access to a fire hydrant at a fire scene or in any way obstruct the free passage of an ambulance, fire apparatus or emergency medical services vehicle. 7. Officers will come to a complete stop at intersections where they do not have a clear right-of-way (e.g., red light, stop sign) and carefully check all directions before proceeding through the intersection to ensure that such action is safe. Under no circumstances should an Officer enter an intersection unless sure that cross traffic has yielded. 8. Once Officers are notified via radio broadcast or otherwise that the emergency situation is under control or that no additional assistance or units are needed, they will immediately terminate their emergency response and drive in compliance with all traffic laws and regulations.
<p>V. PURSUIT DRIVING PROCEDURES</p>	<p>A. <u>Authorized Vehicle Pursuits</u></p> <ol style="list-style-type: none"> 1. A vehicle pursuit will be authorized initially for felony crimes against person(s) only if they were attempted, in progress, or committed and immediate flight therefrom. 2. A vehicle pursuit will be authorized initially if the suspect is being sought for a felony indictment warrant or an active felony arrest warrant only when the felony charge is a crime against another person not involving property. 3. Any investigative stop backed by credible information which the investigative elements of the crime/potential crime possess a risk to the public, officers or the subjects of the investigation if said subjects are not immediately stopped, detained, or arrested. 4. A vehicle pursuit will not be initiated for any offense listed in the Vehicle and Traffic Law.

**V. PURSUIT
DRIVING
PROCEDURES
(CONT.)**

B. Initiation of Vehicle Pursuits

1. When a motor vehicle pursuit is initiated by an Officer, he/she will immediately notify the E911 Center that a pursuit has begun and provide the following information:
 - a. The Officer's car number;
 - b. Reason for the pursuit;
 - c. Speed and direction of travel and areas being approached (to be reported as frequently as safety permits);
 - d. Description of the vehicle being pursued (make, color, license number if known);
 - e. Number of occupants and description if possible; and
 - f. Weapons involved, if any.
2. The police vehicle initiating the pursuit will be considered the primary pursuit vehicle unless it must terminate its participation in the pursuit (e.g., vehicle or equipment failure), requests another police vehicle to be the primary pursuit vehicle, or is relieved by a Supervisor.
3. Emergency-Equipped Vehicles shall be employed in vehicle pursuits and will use their emergency lights and sirens at all times during the pursuit. Officers operating unmarked police vehicles equipped with emergency lights (non-affixed to roof) and siren may engage or assist in pursuits **only** in the most critical and unusual circumstances where immediate apprehension is necessary to prevent a danger to the public (there is an imminent and direct threat to life). As soon as a marked emergency-equipped vehicle is available to assume the pursuit, the unmarked vehicle will withdraw from active pursuit.

C. Evaluation of Risks

1. The Officer must constantly evaluate the risks involved in initiating or continuing a pursuit. Factors to be considered are:
 - a. Reason for the pursuit/seriousness of the offense committed;
 - b. Traffic density/pedestrian volume;
 - c. Weather conditions (fog, snow, ice, rain, etc.);
 - d. Road type and conditions;
 - e. Time of day;
 - f. Police vehicle capability and reliability;
 - g. Danger to the public if the offender is not apprehended;
 - h. Knowledge of the offender's identity;
 - i. Operating skills and experience of the officer;
 - j. Speeds involved.

D. Number of Police Vehicles

1. The first back-up unit to establish visual contact with the pursuing unit and the suspect vehicle involved in the pursuit may join the pursuit. The second patrol unit shall maintain a distance behind the primary pursuing unit which is reasonable, safe, and prudent under the existing circumstances.
2. Unless special circumstances exist, **no more than two (2) patrol units will be actively involved in a pursuit.** Based upon the seriousness of the suspected crime(s) or other reasons for the pursuit (e.g., homicide, robbery, firearms involved, etc.), the number of occupants within the vehicle, or other situations that pose a clear and present danger to the Officers involved in the pursuit, the on-duty Supervisor may approve additional units to engage in the pursuit.
3. The on-duty Supervisor shall monitor the pursuit, and the number of Officers involved, and may direct additional responding units to assist in the pursuit, parallel the route of the pursuit, or terminate their participation in the pursuit if enough units are already involved.

**V. PURSUIT
DRIVING
PROCEDURES
(CONT.)**

4. The secondary pursuing vehicle and all other police vehicles involved in the pursuit, including units paralleling the pursuit, must have all emergency lights and siren activated as long as they are actively involved in the pursuit.

E. Communication Center Responsibilities

1. Will follow the E911 Center's Standard Operating Procedures.

F. Pursuits initiated within the City that extend outside of the City

1. If a pursuit extends beyond the City limits, only the authorized patrol units involved in the pursuit shall continue the pursuit.
2. The patrol units engaged in the pursuit should advise the E911 Center that they are leaving the City and have them notify the law enforcement agency having jurisdiction over the area the pursuit is entering.
3. The Officers and Supervisor involved in the pursuit must evaluate the pursuit to determine if continuance of the pursuit is justified and/or if assistance from other police agencies is available.
4. If patrol units of the jurisdiction the pursuit has entered assume an active role in the pursuit, the primary GPD patrol unit will allow, if requested, a patrol unit from that agency to assume the primary pursuit position. The GPD unit may continue on the pursuit as a secondary vehicle unless directed to terminate the pursuit by his/her Supervisor.

G. Pursuits Initiated by Another Jurisdiction which enter the City

1. GPD personnel may assist in the pursuit in accordance with the policies and procedures set forth in this Order.
2. If an agency involved in a pursuit enters the City of Geneva, GPD patrol units shall not attempt to take primary responsibility for the pursuit unless assistance is requested by the pursuing agency.
3. GPD patrol units may assist other Agency units at the scene of a pursuit termination within the City Limits.
4. Under no circumstances will any GPD personnel leave the City to assist in a pursuit outside the City Limits without:
 - a. A request for assistance from the pursuing Agency; **AND**
 - b. Authorization from a GPD Supervisor to leave the City.

H. Supervisor's Responsibility

1. The duty Supervisor, or in his absence the OIC, upon notification of a vehicle pursuit in progress, shall assume responsibility for monitoring and management of the pursuit. The Supervisor shall continuously monitor and evaluate the circumstances of the pursuit in order to determine if the pursuit should continue or be terminated. The Supervisor shall:
 - a. Designate the primary and secondary unit for the pursuit;
 - b. Approve and coordinate pursuit tactics;
 - c. Direct additional units to assist when necessary; and
 - d. Direct units to terminate the pursuit, when appropriate.
2. Whenever a pursuit ends in the apprehension of the suspect, the Supervisor shall respond to the scene and assume control of the investigation.

I. Pursuit Tactics

1. Intentionally ramming, or other vehicle to vehicle contact intended to slow down or block the suspect vehicle, or cause the suspect to lose control of the vehicle is strictly prohibited. Vehicles rebounding or interlocking after being rammed at pursuit speeds are likely to lose control and create a safety hazard to the Officer(s) involved in the pursuit, the general public, and the occupants of the suspect vehicle. The possibility of the detonation of the air bag is another consideration, which prohibits this action.

V. PURSUIT DRIVING PROCEDURES (CONT.)

2. The practice of “boxing in” the suspect vehicle while traveling at pursuit speeds also creates a hazard to officers and the public. Officers with the permission of the duty Supervisor may, if the suspect vehicle has come to a complete stop, either voluntarily, or due to an accident or mechanical failure, “box” in a suspect vehicle with police vehicles. Personnel must also be aware of the possibility that the suspect vehicle might intentionally attempt to ram the Officer’s vehicle, which may detonate the police vehicle airbag. Once the suspect vehicle has been stopped, Officers should not put themselves in a position where their safety is jeopardized.
3. Roadblocks shall not be used as a means to stop a pursued violator.
4. Officer(s) will use firearms during a vehicle pursuit only in strict accordance to the law and Departmental Policy. (*See GO 400 - Use of Physical Force, Deadly Physical Force and Firearms*).
5. Overtaking or attempting to overtake a vehicle being pursued is prohibited.
6. **Pursuit vehicles shall not pursue a suspect vehicle the wrong way down a one-way street or controlled access highway.** The following options may be considered:
 - a. Maintain visual contact with the suspect vehicle by paralleling it on the correct side of the highway.
 - b. Request assisting units to observe the exits available to the suspect vehicle.
 - c. Consider the use of Spike-Sticks.

J. Termination of Pursuits

1. Officers shall immediately terminate pursuit under any of the following conditions:
 - a. When directed to do so by a Supervisor;
 - b. When circumstances develop indicating there is an unreasonable risk in continuing the pursuit;
 - c. When the identity of the offender becomes known and an arrest can be made at a later time, without risk of creating an unreasonable danger to the public;
 - d. When the location of the vehicle being pursued is no longer known by the pursuing Officers;
 - e. When radio contact is lost with the Dispatcher;
 - f. When the pursuing Officer becomes unfamiliar with the area and is unable to notify the Dispatcher of his location.

K. Tire Deflation Devices (TDD) - SPIKE STICKS

1. There will be circumstances when TDD may be used to stop a pursued vehicle. These devices are for the purpose of effectively assisting officers in an early resolution of vehicle pursuits, while preventing property damage and injury to Officers and the public.
 - a. All appropriate personnel shall receive agency-approved training before the utilization of TDD in an actual pursuit situation and periodic training thereafter. TDD will only be used in accordance with the Officer’s training.
 - b. TDD will not be deployed with out the authorization of the duty Supervisor or in his absence the OIC.
 - c. TDD will not be deployed under the following circumstances:
 - i. To terminate pursuits involving motorcycles, or other two-wheel vehicles, or any vehicles known to be transporting flammable or hazardous materials.
 - ii. Areas of special events or activities, or where there are large groups of pedestrians.
 - iii. Curves or locations where the safety of oncoming traffic cannot be ensured.

<p>V. PURSUIT DRIVING PROCEDURES (CONT.)</p>	<p>d. Deployment of TDD outside the City of Geneva:</p> <ol style="list-style-type: none"> i. Upon the request of assistance from another law enforcement agency, the duty Supervisor may approve the use of TDD by Geneva Police Department Officers outside of the City. ii. Officers may deploy TDD to terminate a pursuit entering the City in accordance with the procedures set forth in this General Order.
<p>VI. POST PURSUIT REPORTING AND REVIEW</p>	<p>A. <u>Post Pursuit Reporting</u></p> <ol style="list-style-type: none"> 1. As soon as possible after a high-speed pursuit, the primary pursuing Officer will complete and submit an appropriate report detailing the following information. <ol style="list-style-type: none"> a. Reason for pursuit/offense; b. Suspect’s information; c. Charges filed or to be filed; d. Speed/duration of chase; e. Injuries/accidents; f. Number of GPD vehicles involved and/or outside agencies assisting; and g. Any deviation from established procedures and justification for such deviation. 2. If the primary pursuing Officer is unable to complete the report due to injury or other circumstances, the duty Supervisor will complete the proper report. 3. All other involved Officers shall file a Supplemental Report to the initial report detailing their involvement and actions. 4. Officers shall file any other reports as required by Departmental procedures. <p>B. <u>Administrative Review</u></p> <ol style="list-style-type: none"> 1. As soon as possible after the termination of the pursuit, the duty Supervisor will meet with those personnel involved in the incident, to include the Supervisor, Officers, and a member of the E911 Center (if possible). The purpose shall be to review reports and to evaluate the Department’s procedures as they applied to the pursuit being reviewed. 2. The Supervisor will collect all reports associated with the pursuit and after approving them, will forward them to the duty Lieutenant if he/she was not the Supervisor conducting the initial review. Upon review and approval by the duty Lieutenant, he/she will forward the reports to the Chief of Police. 3. The Chief of Police will review all reports to determine if the pursuit complied with Department policy or if further investigation is needed to make this determination. If further investigation is warranted, the investigation will be referred to the Lieutenant/Detective. 4. Upon review, the Chief of Police will place the reports into a Vehicle Pursuit File. 5. The Chief of Police or his designee will conduct an annual review of all vehicle pursuits for the previous twelve months for the purpose of identifying: <ol style="list-style-type: none"> a. Patterns or trends in pursuits; b. Changes in laws and court decisions regarding pursuits; c. Training needs; d. Need for policy revision. <p style="text-align: right;">Approved By</p> <p style="text-align: right;">MICHAEL J. PASSALACQUA <i>CHIEF OF POLICE</i></p>

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