

GENERAL ORDER

PORT WASHINGTON POLICE DEPARTMENT

SUBJECT: PATROL: OPERATION OF POLICE VEHICLES		NUMBER:	6.1.1
		ISSUED:	9/11/2009
SCOPE:	All Sworn Personnel	EFFECTIVE:	9/11/2009
DISTRIBUTION:	General Orders Manual	<input checked="" type="checkbox"/> RESCINDS	F-3-83, F-5-83, I-1-82, I-2-82
		<input type="checkbox"/> AMENDS	
REFERENCE:	WI State Statutes 346.03, and 347.48	WILEAG 5 th EDITION STANDARDS: 6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.1.6	

INDEX AS: Emergency Lights/Sirens, Use of
 Operation of Police Vehicles
 Police Vehicle Operation
 Response to Routine and Emergency Calls
 Safety Restraining Devices
 Vehicles, Operation of Police

PURPOSE: The purpose of this Order is to establish procedures for the operation of police vehicles under emergency and non-emergency circumstances, the use of emergency equipment and to identify the responsibilities of officers while driving a police vehicle.

This Order consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. DRIVER RESPONSIBILITY WHILE OPERATING EMERGENCY VEHICLES
- IV. USE OF SIRENS AND/OR EMERGENCY LIGHTS
- V. USE OF SPECIAL PURPOSE VEHICLES
- VI. VEHICLE CARE AND MAINTENANCE
- VII. PARKING
- VIII. SAFETY RESTRAINING DEVICES
- IX. SPECIAL CIRCUMSTANCES

I. POLICY

- A. It is the policy of the Port Washington Police Department that officers drive with due regard for the safety of all persons. Officers shall adhere to all statutory restrictions regarding traffic laws and may only take exception to traffic laws under prescribed conditions and circumstances, as outlined in State Statute 346.03, and then only in ways that shall minimize the risk of accidents or injuries to officers or the public.

II. DEFINITIONS

- A. **POLICE VEHICLE:** Any vehicle owned, rented or leased by the City and operated by a police officer.
- B. **EMERGENCY VEHICLE:** Any police vehicle equipped with one or more revolving or flashing red lights or red and blue lights in combination and an audible siren.
- C. **SPECIAL PURPOSE VEHICLES:** A police vehicle, including police bicycle, that may or may not be equipped with emergency lights and descriptive identifiers on the side, and may or may not be equipped with a siren. The vehicles are primarily used for the transportation of passengers or property, for undercover investigations, or dedicated bicycle patrol.
- D. **EMERGENCY ASSIGNMENT:**
 - 1. Response to a call in which it may be reasonably inferred that a person's life is in jeopardy or that a person is seriously injured and needs immediate aid.
 - 2. Response to an "Assist Officer" call.
 - 3. Response to a "Felony-in-Progress" call.
 - 4. Pursuit of an actual or suspected violator of the law.
- E. **VIOLATOR OF THE LAW:** An individual who has committed or is suspected of committing a felony or misdemeanor involving substantial harm to person or property or has committed traffic violations of a nature that would indicate unusual risk to the driver, passenger, pedestrians or other vehicles.

III. DRIVER RESPONSIBILITY WHILE OPERATING EMERGENCY VEHICLE

- A. The City of Port Washington Police Department provides 24-hour emergency coverage, responds to routine calls for service and maintains continuous patrol coverage. This is accomplished through the use and operation of various department vehicles.
- B. Employees shall drive City vehicles in a reasonable manner in order to conserve fuel and ensure efficiency of operation

- C. Officers shall in all cases drive with due regard for the safety of all persons and shall carefully weigh the risks inherent in purposely disregarding the traffic laws against the value of the end result promoted by such violation. In case of doubt the officer shall opt for safety.
- D. When responding to calls-for-service of a non-emergency nature, officers shall comply with all the traffic laws.
- E. Assignments of an emergency nature shall not relieve the driver of a police vehicle from the responsibility of driving with due regard for the safety of all persons. The traffic laws may be violated only as enumerated and then only when sirens and emergency lights are being used.
 - 1. At an intersection a stop sign may be passed only after slowing down, or coming to a complete stop if necessary, and proceeding when it is safe to do so.
 - 2. At an intersection or railway crossing a red traffic signal may be passed only after slowing down, or coming to a complete stop if necessary, and proceeding when it is safe to do so.
 - 3. Speed limits may be exceeded only when it can be done safely, and the driver is not endangering life or property.
 - 4. A center line may be crossed when necessary to pass a line of vehicles. In this event, the driver must insure that oncoming traffic has a place to go and then drive slowly enough to allow oncoming traffic to move out of the way.
 - 5. Regulations governing direction of movement or turning in specified directions may be disregarded if such actions can be executed safely.

IV. USE OF SIRENS AND/OR EMERGENCY LIGHTS

- A. Sirens and emergency lights shall be activated when responding to emergency assignments.
 - 1. When necessary to alert traffic to yield to the right of way on the same street on which the police vehicle is traveling.
 - 2. When violating a traffic law as authorized by this Order.
- B. Sirens may be used to stop traffic violators when other means such as a combination of emergency lights and horn are ineffective.
- C. An officer shall comply with the requirements of the Driver Responsibility While Operating an Emergency Vehicle Section of this Order, relative to giving audible and visual signals and safe vehicle operation, but may exceed the speed limit without giving audible and visual signals under the following circumstances:

1. If the officer is obtaining evidence of a speed violation, but he or she shall attempt to stop the violator once the elements of the violation are obtained.
 2. If the officer is responding to a call which the officer reasonably believes involves a felony-in-progress and the officer reasonably believes any of the following:
 - a) Knowledge of the officer's presence or approach may endanger the safety of a victim or other person.
 - b) Knowledge of the officer's presence or approach may cause the suspected violator to evade apprehension.
 - c) Knowledge of the officer's presence or approach may cause the suspected violator to destroy evidence of a suspected felony or may otherwise result in the loss of evidence of a suspected felony.
 - d) Knowledge of the officer's presence or approach may cause the suspected violator to cease the commission of a suspected felony before the officer obtains sufficient evidence to establish grounds for arrest.
- D. Any exemptions granted in Section IV C above do not relieve the operator of a police vehicle from a duty to drive with due regard under the circumstances for the safety of all persons nor do they protect such operator from the consequences of his/her reckless disregard for the safety of others.
- E. Emergency lights shall be turned off at the scene of any incident unless it is necessary to alert traffic of an actual or potential hazard or to guide responding personnel to the scene.

V. USE OF SPECIAL PURPOSE VEHICLES

- A. Special purpose vehicles are not necessarily designed or equipped for customary motorized patrol duty or emergency responses. However, all general rules for safe and lawful operation of police vehicles found in this Order are applicable to special purpose vehicles.
1. **BICYCLES:** Use of the police equipped mountain bicycles is restricted to members of the bicycle patrol unit who are outfitted for and trained in their operation. The unit members are responsible for the condition and maintenance of the bicycles.
 2. **UNDERCOVER VEHICLES:** The vehicles are used for surveillance and other undercover investigation activities.
 3. **UNMARKED VEHICLES:** Used by department personnel for non-emergency assignments. The vehicles may be equipped with a portable or moveable red flashing or red and blue flashing emergency light. If so equipped and as necessity dictates, the vehicle can be parked in accordance with the Parking section of this Order.

4. VAN: Used for general transportation needs. It accommodates multiple officers, equipment, supplies, or evidence.
5. UTILITY TASK VEHICLE (UTV): Used for beach patrols and patrol of other areas not easily or readily accessible by regular patrol vehicles. All operators are trained in UTV operation and are responsible for the condition and maintenance of the UTV.
6. POLICE MOTORCYCLE: The primary use of the motorcycle is in traffic complaint enforcement, traffic control and enforcement, crash reduction enforcement, escorts, parades, and traffic and crowd control associated with special events. Additionally, the motorcycle is used to respond to dispatched calls-for-service, and in self-initiated activities. Police motorcycle operators are WI DOT motorcycle endorsed and trained and certified in police motorcycle operation. The motorcycle officer is responsible for the condition and maintenance of the vehicle.

VI. VEHICLE CARE and MAINTENANCE

A sound maintenance program and the degree to which it is carried out on a daily basis are extremely important. Not only does a well-implemented maintenance program extend the life of the fleet, it also reduces operational costs and may reduce insurance premiums, and crash frequency. Having vehicles that are well maintained creates a positive image with the public and projects a safety conscious image. With this in mind, the following outlines those procedures and/or requirements deemed fundamental for proper upkeep of Police Department vehicles.

- A. Operators of Police Department vehicles shall be responsible for performing a daily walk-around inspection of their vehicle prior to it being placed into service at the start of their shift. Inspections shall include but are not limited to:
 1. Identifying and reporting any obvious physical damage
 2. Engine inspection (includes checking oil and fluid levels)
 3. Interior, exterior and emergency lighting
 4. Brakes, steering, tire pressure and tire condition.
 5. Windshield wipers, defrosters, windows and mirrors.
 6. All police related equipment to include but not limited to emergency lighting, sirens, radios, weapons, cameras, cell phones, radar units, preliminary breath test equipment, defibrillators, oxygen tanks, fire extinguishers and miscellaneous equipment.
- B. Operators of Police Department vehicles are responsible for the general daily upkeep, cleanliness, and condition of their assigned vehicles and equipment. Vehicles and equipment are to be washed only at Department approved facilities. Due to safety, health and sanitary issues, vehicle interiors must be kept clean and free from dirt, litter, debris etc.

- C. If equipment/maintenance problems are noted during the vehicle inspection the person finding the item(s) in need of repair/service shall promptly report it to the shift supervisor, note same on the whiteboard in the garage and log the repair/service needed with Records.
- D. Vehicles that are found to have potential operational safety hazards are to be immediately taken out of service until such safety hazards are corrected. Employees who operate a vehicle with a known safety hazard or one that has been taken out of service awaiting repair will be subject to disciplinary action.
- E. Except in an emergency, or for very minor repairs, employees shall not alter or attempt any repairs to a departmental vehicle without the prior authorization of a supervisor or command officer.
- F. Any supplies carried in the vehicle that may be depleted during the officer's tour of duty shall be replaced by that officer as soon as possible and before the end of his/her tour of duty.
- G. Every employee shall take reasonable care to avoid damaging, misusing, abusing or destroying department vehicles.
- H. Any employee/operator involved in a crash while operating a department vehicle, shall immediately notify dispatch and the shift supervisor.
- I. Barring an emergency, officers/employees shall fill the fuel tanks of their assigned vehicle at or near the end of their shift, to provide the incoming officer/employee with a fully fueled vehicle.

VII. PARKING

- A. Police vehicles shall not be left unattended unless the transmission is in the "Park" position. The emergency brake may be applied when the vehicle is parked on an incline and the vehicle shall be parked in such a manner as to provide safety to both surrounding traffic and the police vehicle.
- B. Police vehicles shall be parked in a legal manner unless an emergency situation exists, or it is necessary to alert traffic of a hazard. In such situations, the emergency lights and/or flashing warning lights shall be operating. When the emergency or hazard no longer exists, and the officer must remain at the scene, the vehicle shall be properly parked and the emergency and warning lights turned off.
- C. When leaving a police vehicle unattended for any reasons, the engine shall be turned off and the key shall be removed from the ignition, unless the vehicle is equipped with the "Police Engine Idle" feature that enables secure engine idle mode after the key is removed has been enabled. Unless exigent circumstances exist, which prevent it, all windows shall be closed, and the police vehicle locked whenever it is left unattended.

VIII. SAFETY RESTRAINING DEVICES

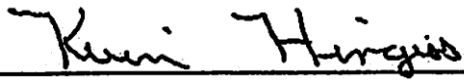
- A. Pursuant to Sec. 347.48, Wisconsin Statutes, the use of seat belts by officers shall be required. Additionally, any officer or person who operates or rides as a passenger, or is transported as a passenger, in a city owned police vehicle shall wear a properly adjusted and fastened seat belt unless the person is combative and securing the safety belt would place the officer at great risk.
- B. Police officers shall be permitted to exercise the statutory exception for seat belt use. This exception affords officers the option of not wearing seat belts in situations where their use could endanger the safety of the officer or another. These exceptions are;
1. Where an officer's personal safety may be at risk when approaching or leaving a scene involving high risk situations;
 2. Under circumstances in which compliance could endanger the safety of the officer or passenger;
 3. A person in a seating position that is not equipped with a seat belt;
 4. A driver or passenger who must exit and enter a vehicle on a frequent basis, more than 10 stops per mile; and
 5. Anyone who has filed written notice from a physician that they are unable to wear a seat belt for medical or physical reasons.
- C. Children under the age of four will be transported in a child safety seat in which they have been properly restrained and which is properly secured in the rear seat of the police vehicle only if the rear seat of the police vehicle can safely accommodate a properly secured child safety seat. Children ages 4 – 7 will be transported properly and secured in a child booster seat.
- D. Whenever possible, prisoners will be secured with a seat belt/shoulder harness except when the use of the seat belt/shoulder harness may aggravate the situation or cause further difficulties for the officer.

IX. SPECIAL CIRCUMSTANCES

- A. The following may only be employed by a police officer if, and only if, the use of deadly force would be authorized (See General Order 5.1.2 Use of Deadly Force):
1. The use of blockades or roadblocks constructed by placing obstacles (including but not limited to police vehicles) of such density and mass upon a roadway that any vehicle colliding with them would be so severely decelerated that its occupants would likely suffer death or serious injury.

2. Ramming of a suspect/evader vehicle by a police vehicle.
 3. Forcing a suspect/evader off the roadway or highway and/or into another object by the use of a police vehicle.
- B. Pursuit of a traffic violator beyond the city limits should be terminated when speeds meet maximum rates and/or the pursuit becomes prolonged. (See General Order 6.1.2; Vehicle Pursuits.)

APPROVED:



Chief Kevin Hingiss

DATE:

4/3/19

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Revised 10/5/09