

ELIZABETH POLICE DEPARTMENT GENERAL ORDERS



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SUBJECT: VEHICLE OPERATION AND RESPONSE GUIDELINES

EFFECTIVE DATE:

October 6, 2020

ACCREDITATION STANDARDS:

3.5.1

BY THE ORDER OF:

Chief Giacomo Sacca

BY AUTHORITY OF:

Police Director Earl J. Graves

SUPERSEDES ORDER #:

PURPOSE The purpose of this general order is to maintain clear guidelines for operating agency vehicles and responding to calls for service.

POLICY It is the policy of the Elizabeth Police Department to evaluate the urgency requiring a response to any given situation and to respond accordingly in an effective, efficient, and expeditious manner. As a general rule, no matter how urgent the response, personnel are required to operate department vehicles in a safe and controlled manner at all times, while taking into consideration the characteristics of the roadway, mechanical capabilities of the vehicle, weather conditions, and the potential actions of other citizens. The first priority of call response is to arrive safely at the scene with minimal disruption to the public.

It is further the purpose of this general order that personnel shall operate vehicles in a safe and courteous manner consistent with all applicable statutes, guidelines, and ordinances.

PROCEDURES

I. GENERAL

- A. Unless otherwise defined in this general order, the following terms are defined:
1. Emergency is defined as an unexpected occurrence demanding immediate action.
 2. Emergency vehicle includes any City of Elizabeth vehicle equipped with emergency lights, siren, or other emergency warning devices required by law and used for emergency response situations. This term includes marked and unmarked vehicles regardless of type or design.
 3. Emergency warning device includes devices placed in/on each department emergency vehicle that emit audible or visual signals in order to warn others that law enforcement services are in the process of being delivered.
- B. All personnel operating City of Elizabeth vehicles shall maintain a valid New Jersey driver's license with appropriate endorsements (e.g., motorcycle, C.D.L., etc.).
1. Any loss of driving privileges (e.g., suspended/revoked license, expired license, etc.) must be immediately reported to the Chief of Police through the chain of command.
 2. Personnel with suspended/revoked driving privileges or an expired driver's license shall not be permitted to operate a City of Elizabeth vehicle under any circumstances.
- C. Personnel must immediately notify their supervisor if a City of Elizabeth vehicle is involved in a collision (whether parked or moving) or he/she has received a uniform traffic ticket or other citation or summons while operating or parking a City of Elizabeth vehicle.
- D. All vehicle operations must be in accordance with existing statutes, local ordinances, and department policies and general orders.
1. All personnel shall utilize seat belts when operating any City of Elizabeth vehicle in accordance with N.J.S.A. 39: 3-76.2.
 2. N.J.S.A. 39: 4-1, reads in pertinent part, "...*The provisions of this chapter [4] applicable to the drivers of vehicles on the highways shall also apply to the drivers of all vehicles owned or operated by this State, the United States, any territorial or Federal district, any other State or any county, municipality or any other political subdivision thereof, subject to such specific exceptions as are set forth in this chapter...*"
 3. N.J.S.A. 39: 4-91b, reads in pertinent part, "...*This section shall not relieve the driver of any authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall it protect the driver from the consequences of his reckless disregard for the safety of others.*"

Nothing in this section shall be construed to limit any immunity or defense otherwise provided by law...

4. N.J.S.A. 39: 4-103 read in pertinent part, “*...Motor vehicles belonging to the military establishment, while in use for official purposes in time of riot, insurrection or invasion; all police officers, while the officers are engaged in the apprehension of violators of the law, or of persons charged with, or suspected of, a violation, are exempt from the provisions of this chapter [4] relating to speed...*”
- E. Personnel engaged in emergency vehicle operations shall utilize emergency warning devices while engaged in a pursuit, overtaking another vehicle, or when responding to calls for emergency and priority assistance.
- F. Police vehicle operation shall not relieve the driver of a City of Elizabeth vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provision protect the driver from the consequences of their reckless disregard for the safety of others.
- G. Whether on patrol or responding to an actual or suspected emergency, personnel will proceed at a reasonable speed while assessing existing road and traffic conditions. Extreme caution must be observed when changing directions of travel from lane-to-lane, when turning, and when entering intersections. A full stop shall be made prior to proceeding through any stop intersection (stop sign or stop light) or at red light.
- H. Personnel operating agency SUVs, motorcycles, vans, pick up trucks, truck chassis vehicles, undercover vehicles, and vehicles towing trailers must be continually aware of the limitations of these vehicles in high-speed driving and maneuvering and adjust their response accordingly so as not to exceed the performance capabilities of the vehicle being operated.
- I. Calls for service are generally classified into one of two categories:
 1. Emergency;
 2. Non-emergency or direct.
- J. The type of response is determined by a number of different factors and many times is based upon the information obtained from the initial caller. None of these procedures will preclude the possibility of circumstances, which may alter normal and expected reactions. Supervisors may override the decision of responding personnel and order an officer to use a different response mode, if deemed necessary under the circumstances.
- K. Response to any type of call requires personnel to utilize the shortest and safest route of travel. Passing other vehicles on the right is prohibited unless otherwise authorized by law.
- L. Upon arrival at the scene of any call for service, whether assigned or self initiated, personnel shall:

1. In non-emergency situations, lawfully park and lock the vehicle when unattended when not engaged in official police business.
2. In emergency situations, park or position the vehicle with emergency lights in operation in such a manner as to cause the least amount of obstruction to other traffic (excluding times when a vehicle is used to block the flow of traffic).
3. Upon arrival at a motor vehicle collision scene or outdoor crime scene, officers shall position their vehicle with its emergency lights in operation in such a manner, which provides for a safe scene while providing medical attention or during the immediate investigation.
4. Officers/detectives shall not leave their assigned vehicle unsecured when unattended unless in direct sight of the officer. Weapons and equipment could be compromised. The agency is not responsible for personal items left unsecured within the vehicle.

II. EMERGENCY RESPONSE

- A. These calls are critical in nature and usually involve situations where there is
 1. Imminent danger of death or serious injury;
 2. Any ongoing crime/offense that involves violence (including in-progress domestic violence calls) that may result in injury;
 3. Any serious crime that has just occurred and there is reason to believe that the suspect is still in the area;
 4. Any incident that involves exigent or unique circumstances that demands an immediate police response;
 5. An officer in trouble call or any request from an officer for an emergency response.
- B. Examples include, but are not limited to:
 1. Shootings or stabbings;
 2. Vehicle crashes involving serious personal injury;
 3. Life threatening need for medical assistance;
 4. Bank or armed robberies in progress, including robbery alarms;
 5. Burglaries in progress;
 6. Subject(s) with a gun or other deadly weapon;
 7. Bombing, explosion, major fire, building collapse;
 8. Assaults or domestic violence assaults in progress;

9. Hostage/barricaded subject investigations.
- C. Personnel responding to emergency calls will use both emergency lights and siren, except when doing so would diminish the element of surprise that is desired when responding to certain types of crimes in progress. Personnel have a responsibility to the public to ensure that their actions do not create a greater public hazard than is represented by the nature of the situation to which they are responding.
1. Four-way flashers shall **not** be used when the emergency vehicle is in motion because they may interfere with other motorists' recognition of brake lights and turn signals.
 2. The spotlight is primarily utilized to facilitate building and stationary vehicle checks and shall at no time be directed at the windshield or vision of oncoming traffic.
 3. Emergency warning devices may be deactivated a reasonable distance from the scene (to be determined by the vehicle operator) so as to not alert any subjects to law enforcement's proximity.
 4. When emergency warning devices are deactivated, the operator of the emergency vehicle shall comply with posted speed limits, obey all traffic control devices and signals, and proceed in a manner consistent with normal traffic flow.
- D. As soon as practicable, the first unit on the scene shall verify the existence of an emergency that would justify secondary units to continue, modify, or cancel their emergency response.
- E. Once the scene of the initial emergency has been secured, ancillary and/or support units are no longer justified in an emergency response. In these cases, these supporting units shall drive to the scene as a routine response.

III. NON-EMERGENCY RESPONSE

- A. These calls require a direct response, but are not so critical that they could be termed emergencies. Police presence is needed at the scene but the need does not warrant an emergency response.
1. A non-emergent response is accomplished by responding directly to an assignment without unnecessary delay, usually traveling at moderate speeds and proceeding with caution without emergency warning devices in operation.
 2. Units responding to non-emergent calls should be attentive to their radios as the situation may quickly change to a more or less serious incident, thereby allowing personnel to adjust their response accordingly.
- B. Conditions that will define a non-emergent response include, but are not limited to:

1. Any incident that does not represent a significant threat to life and property or a crime that has occurred without injury and the suspect has fled the area;
 2. An in-progress incident that could be classified as a minor offense or civil dispute;
 3. Any incident that represents a hazard to the flow of traffic;
 4. Any incident that requires a prompt, non-emergency response;
 5. Another officer's call for non-emergency assistance (i.e., request for a back-up unit; potential for, but not a present problem).
- C. Examples of non-emergent calls include, but are not limited to:
1. Family problems, unless an assault is in progress;
 2. Property damage vehicle crashes;
 3. Non-life threatening medical aid; and
 4. Any other call, which requires an immediate response from the police.
- D. Officers must remain aware of the statutory limits placed on the operation of their vehicle when emergency lights and sirens are not in use.

IV. SELF INITIATED USE OF EMERGENCY WARNING DEVICES

- A. Officers shall activate emergency warning devices when required to assist in handling any actual or perceived emergency situation. The officer shall advise Communications of the nature of the emergency and any need for assistance.
- B. In other than emergency situations, when expediency is required to effectively eliminate a potential hazard to the public or other personnel, officers should activate emergency warning devices to allow orderly and safe transit through heavily congested roadways. Examples of permissible uses of emergency warning devices during non-emergency response situations include, but are not limited to:
1. Using emergency lights as beacons to protect disabled motorists; or
 2. Protecting roadway construction; or
 3. Protecting utility workers; or
 4. Using emergency lights when it is necessary to use agency vehicles as protective barriers.
 5. Officers shall deactivate emergency warning devices as soon as practicable once the need is no longer necessary.

V. RESPONSE TO OFFICER INITIATED CALLS

- A. When officers are involved in situations where assistance is needed, they must be aware that a non-specific request will probably result in an uncoordinated, insufficient, or overwhelming response. The subsequent response may be a greater hazard to life and property than that of the originating incident.
- B. Personnel must minimize this potential hazard by giving the following information:
 - 1. Their unit number;
 - 2. Their exact location;
 - 3. The reason for the assistance.
- C. Officers making the request shall remain near their radio long enough to determine if the call has been received by communications. Additionally, the officer shall provide status reports, to coordinate the efforts of arriving units and to confirm that adequate assistance actually arrives.
 - 1. Responding units shall proceed to the specified location in accordance with the response mode specified or warranted.
 - 2. Responding units will closely monitor their radios in the event that the situation changes (such as when an officer in trouble call is upgraded and/or downgraded to a back-up request), so that the response can be modified accordingly.
 - 3. Responding units shall immediately notify communications upon arrival at the scene and provide a status report as soon as possible.
 - 4. Upon receipt of a termination notice, responding units shall discontinue emergency operation and return to their assigned area unless specifically requested to continue to the location under normal driving conditions.
- D. Field supervisor's responsibilities include:
 - 1. Upon notification of a request for officer assistance, review and reclassify the response if a different response mode is warranted.
 - 2. Monitor the response until it has stabilized or terminated and assert control by directing specific units into or out of the response if necessary.
 - 3. Verify that no more than the required or necessary units are involved in the response and that affected ancillary agencies are or have been notified.
- E. The first unit to arrive at the scene will report the current situation so that other units may adjust their response accordingly. Any units called off by either communications and/or a supervisor will immediately discontinue any emergency response and resume normal assignments.