

**BAY CITY DEPARTMENT OF PUBLIC SAFETY
BAY CITY, MICHIGAN**

SECTION 2 - PUBLIC SAFETY
GENERAL ORDER

July 23, 2014
INDEX NO. 2.14

EMERGENCY VEHICLE OPERATION

I. PURPOSE

The purpose of this General Order is to establish an emergency vehicle driving policy and specific procedures regarding law enforcement and fire operation of motor vehicles by the members of the Bay City Department of Public Safety and to provide tactics and considerations when members are involved in a pursuit, emergency or non-emergency driving situation.

II. SCOPE

All department personnel required or approved to drive department vehicles or respond emergent to incidents shall adhere to the portions of this policy that apply to their job description.

III. DEFINITIONS

- A. Emergency Response Driving - The operation of an authorized emergency vehicle with mandatory use of emergency lights and siren by department personnel in response to an incident where the employee knows or has reasonable grounds to believe that an immediate response is necessary and that a delayed response is likely to result in death, injury, serious property damage or the escape of a criminal following the commission of a serious felony.
- B. Non-Emergency Driving - Department personnel will be governed by traffic laws and the rules of the road. Employees will operate patrol vehicles and fire apparatus in a safe, courteous manner and in strict compliance with Michigan Motor Vehicle Code and all applicable local ordinances, including requirements governing: running, standing and parking of motor vehicles.
- C. Pursuit - An attempt by a law enforcement officer in an authorized emergency vehicle to apprehend one or more occupants of another moving vehicle when the driver of the fleeing vehicle is attempting to avoid apprehension by maintaining or increasing speed, maneuvering in an evasive manner, or by ignoring the law enforcement officer's attempt to stop the vehicle.
- D. Patrol Vehicle - A vehicle used for law enforcement operations; also referred to as a 'patrol unit'.

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- E. Fire Apparatus** - A vehicle used for fire operations; includes the “aerial”, “engine”, and “tender”.
- F. Marked** - An authorized emergency vehicle of the Bay City Department of Public Safety that is equipped with both audible and visual emergency warning devices as required by the Michigan Motor Vehicle Code for the purpose of being exempted from certain traffic regulations during emergencies or pursuits.
- G. Unmarked** - Any vehicle that does not meet the definition of a marked vehicle.

IV. STATUTORY REFERENCE

- A. MCL 257.603** - provides in pertinent part:

“The provisions of this chapter.....shall apply to the drivers of all vehicles owned or operated by the [City of Bay City Department of Public Safety], subject to the specific exceptions as are set forth....with reference to authorized emergency vehicles.”

“The driver of an authorized emergency vehicle when responding to an emergency call...may exercise the privileges in this section, subject to the conditions of this section.”

“The driver of an authorized emergency vehicle may:

- Park or stand irrespective of the provisions of this act.
- Proceed through a red or stop signal or stop sign but only after slowing down as maybe necessary to allow for safe operation.
- Exceed the prima facie speed limit so long as he/she does not endanger life or property.
- Disregard regulations governing direction or movement or turning in specified directions.”

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B. MCL 257.632 - provides in pertinent part:

“The speed limitations set forth in this chapter shall not apply to vehicles when operated with due regard for safety under the direction of the police when traveling in emergencies or in the chase or apprehension of violators of the law or of persons charged with or suspected of a violation, nor to fire department or fire patrol vehicles when traveling in response to a fire alarm. This exemption shall not however protect the driver of the vehicle from the consequences of a reckless disregard of the safety of others.”

C. MCL 257.706d

“An authorized emergency vehicle may be equipped with a siren, whistle, air horn or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law. In those cases the driver of the vehicle shall sound the siren when necessary to warn pedestrians and other drivers of the approach of the vehicle.”

V. GENERAL INFORMATION

- A.** It is the policy of the Bay City Department of Public Safety to use reasonable force and driving tactics necessary to conduct the lawful public safety activities of the Department.
- B.** Employees will comply with the vehicle laws contained in the Michigan Vehicle Code (M.V.C.) and city ordinances at all times when operating a city owned, rented, leased or seized vehicle.
- C.** Employees will not use departmental vehicles without the permission of a supervisor for other than official public safety business.
- D.** Employees will not drive off the highway or street unless necessary.
- E.** On-duty employees will not leave the city limits except when on official public safety business and/or with supervisor permission.

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- F.** Seat belts and shoulder harnesses shall be worn by all personnel riding or driving department vehicles under all conditions. All personnel shall be seated and the seat belt in place and properly fastened before the vehicle is placed into motion.
- G.** All department personnel who operate a city owned vehicle shall possess a current State of Michigan driver's license with required endorsements for class and restrictions. Personnel shall immediately notify the Public Safety Director through the chain of command of any suspension, restriction, revocation, or other encumbrance which would invalidate or otherwise restrict the individual's legal ability to operate a motor vehicle.
- H.** Vehicle headsets in fire apparatus, when available, shall be used by all department personnel when responding to emergency calls for service.
- I.** Prior to backing a fire apparatus, the driver shall be responsible to have another department employee posted to the rear of the vehicle in a position where the driver can clearly observe their directions. If this is not possible during fire ground operations, the driver shall use extreme caution and check behind the apparatus before backing.
- J.** At all intersections, the driver must account for all traffic lanes prior to entering an intersection. If the intersection is a negative right-of-way (red light, stop sign, etc.) the driver must stop prior to entering the intersection and may proceed only if all traffic lanes have yielded.
- K.** Emergency vehicles are required to pass other vehicles on the left. In any case where an emergency vehicle passes another vehicle on the right, an additional responsibility is incurred which may result in liability and other legal sanctions.
- L.** Barring exigent circumstances, at no time will one emergency vehicle pass another emergency vehicle during emergency response driving.
- M.** When approaching a railroad crossing drivers shall use due care and caution, due to the fact that lights and sirens may mask an oncoming train.

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- N. Emergent response shall be discontinued upon hearing any communication that informs that the need for emergent response is no longer needed. The driver must resume routine travel and follow all applicable traffic regulations immediately upon receipt of such communications.

VI. NON-EMERGENCY (ROUTINE) DRIVING

Department personnel will be governed by traffic laws and rules of the road. Employees will operate public safety vehicles in a safe, courteous manner and in strict compliance with M.V.C. and all applicable local ordinances.

VII. EMERGENCY RESPONSE DRIVING / FIRE APPARATUS

A. Speed limits

1. Fire apparatus will be operated at a speed which does not exceed the posted speed limit by more than 10 mph.
2. Under conditions of rain, fog, snow, darkness or other conditions which may reduce vision or impair driving ability, the maximum speed will be dictated by the conditions and reduced to a safe operational speed.
3. When an emergency response requires operation in on-coming traffic lanes, apparatus speeds shall be reduced to the speed limit or below.
4. Apparatus which are responding and operating outside the posted speed limits or in legal disregard to traffic signs or signals will have all warning lights and siren in full operation.
5. Drivers shall have the apparatus under full control at all times and be able to stop should traffic fail to observe the warning signals.
6. When approaching school zones, crossings, buses or other areas where children may be present, drivers will slow to a speed which is appropriate for the hazard. Drivers shall obey school zone speed limits and school bus stop signs even when responding to emergency incidents.
7. Responses on "change of quarters" will be made non-emergency, unless directed to the scene or other emergency.

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B. Emergency Response - All responding units will respond using lights and siren. Due caution shall be exercised at all times. These incidents would include, but are not limited to:

1. Structure fires
2. Medical emergencies
3. Water and/or ice rescues
4. Mutual aid responses to the scene
5. Chemical emergencies
6. Carbon monoxide incidents with symptoms
7. Technical rescue incidents
8. Automatic fire alarms
9. Vehicle fires
10. Odor investigations inside buildings
11. Personal injury vehicle accidents
12. Natural gas leaks inside buildings

The Shift Commander may order units to change from an emergency to a non-emergency response based upon dispatch information, incident potential, and/or the report from the first arriving unit(s).

C. Non-Emergency Response - The incidents listed below should be responded to as normal traffic under most conditions:

1. Open burning complaints
2. Carbon monoxide alarms without symptoms
3. Natural gas leaks outside buildings
4. Odor investigations outside buildings
5. Automobiles leaking fuel (other than personal injury accidents)
6. Bomb threats
7. Animal rescues
8. Mutual aid responses for station coverage
9. Assists to the Law Enforcement Divisions
10. Assists to the public
11. Trash fires
12. Dumpster fires
13. Wires down

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If response distance and/or traffic conditions will increase the response time to an unreasonable level, an emergency response is justified. An example would be responding to a single company response outside of your normal response district.

VIII. EMERGENCY RESPONSE DRIVING / LAW ENFORCEMENT OPERATIONS

- A.** The decision to drive under emergency conditions will be at the discretion of each law enforcement officer.
 - 1. Law enforcement officers will have sufficient information to justify the decision to drive or continue to drive under emergency conditions and will continuously evaluate the safety to do so.
 - 2. Safe arrival will always have priority over speed and unsafe maneuvers en-route to an emergency.
- B.** When initiating or continuing to drive under emergency conditions, law enforcement officers will consider the following:
 - 1. Traffic volume
 - 2. Time of day
 - 3. Weather conditions
 - 4. Type of crime in progress
 - 5. Distance from event or incident
 - 6. Potential hazards to law enforcement officers and the public
 - 7. Patrol vehicle and driver capability
- C.** When responding “emergent” **all** emergency equipment shall be utilized unless the situation calls for a silent approach. A patrol vehicle shall retain the exemptions granted in MCL 257.603 to an authorized emergency vehicle without sounding an audible signal if the patrol vehicle is engaged in an emergency run in which silence is required.

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IX. PURSUIT DRIVING

A. Guidelines

1. Any sworn officer of this department in an authorized emergency vehicle may initiate a vehicular pursuit when a suspect(s) exhibit(s) the intention to avoid apprehension by refusing to stop when properly directed to do so. Pursuit will also be justified if the officer reasonably believes that the suspect, if allowed to flee, would present a danger to human life or cause serious injury.
2. A primary responsibility of law enforcement service and the individual officer is the protection of life and property. Vehicle pursuits will not be initiated and will be terminated when the pursuit presents a greater risk to the life and well-being of the public than the immediate apprehension of the individual(s) being pursued.
3. Law enforcement officers shall weigh the necessity to apprehend and take into immediate custody against the level of risk presented to the public by initiating or continuing a pursuit.
4. Pursuits will not be initiated for any traffic violations, misdemeanors, and non-violent felonies.

B. Definitions

1. Primary Unit - The patrol vehicle which initiates a pursuit or any unit which assumes control of the pursuit.
2. Secondary Unit - Any patrol vehicle which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

C. Procedures

1. Only law enforcement officers in marked vehicles may become directly involved in the pursuit of another vehicle.
2. Upon initiating a pursuit, the law enforcement officer shall activate all of the vehicles emergency equipment (lights & siren).

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3. The primary unit will notify Central Dispatch as soon as it is practical that they are “in pursuit” and advise the following:
 - a) Reason for pursuit
 - b) Location and direction of pursuit
 - c) Suspect and suspect vehicle description
 - d) Speed of pursuit
 - e) Vehicle and pedestrian traffic
4. When the primary unit has two officers, the officer not driving the vehicle shall assume control of radio communication.
5. If the primary unit has only one officer, when a secondary unit becomes actively involved in direct line pursuit, the secondary unit shall assume control of radio communication.
6. Except in the case of extreme emergency, department vehicles shall not be used to block the path of the pursued vehicles. Permission to deviate from this policy shall only be with the permission of a field supervisor.
7. Except in the case of extreme emergency and when deadly force can be justified, officers shall not pull directly alongside or ram a fleeing motorist in an attempt to force the subject into a ditch, curb, parked car, or any other obstacle. Further, the officer(s) shall maintain a proper safe distance behind the pursued vehicle in order to avoid the potential of a collision in the event the motorist makes a sudden stop.
8. Officers may proceed past a red signal or stop sign, but only after slowing down as may be necessary for safe vehicle operations.
9. Use of firearms in a pursuit situation shall be in accordance with the Department Response to Resistance General Order.
10. No officer at any time shall operate a department vehicle at such a rate of speed or manner that causes the officer to lose control over the operation and/or direction of the department vehicle.

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11. Officers driving department vehicles transporting citizens, prisoners, or suspects shall not become involved in any pursuit situation. Citizens (including but not limited to interns, dispatchers, reserves, explorers, ride-a-longs, etc.) that have properly completed and signed department ride-a-long waiver forms are exempt.
12. Paralleling may be done when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.
13. When feasible, available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit.

D. Termination of a Pursuit

The policy of this department is whether to continue the pursuit of a vehicle as a discretionary part of the officer's responsibility. If the officer, in the exercise of reasonable judgment based upon the situation as it is presented to the officer at and during the time of pursuit, feels that the need for safety outweighs the need for apprehension, the pursuit shall be discontinued. An officer shall not be disciplined if, in the exercise of the officer's discretion, a pursuit is discontinued.

1. The field supervisor will monitor the progress of a pursuit and if necessary, order the termination of pursuit.
2. Pursuits shall be immediately terminated under the following conditions:
 - a) A supervisor orders the pursuit terminated.
 - b) The suspect is known to the officer and does not pose an immediate threat to the public.
 - c) The distance between the officer and the suspect is so great that exceptional speeds are required to catch up, placing the officer(s) and/or the public in serious danger.
 - d) The officer loses visual contact with the suspect for an extended period of time.
 - e) Equipment failure involving emergency lights, siren, police radio, brakes or steering.

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3. If the officer initiating the pursuit chooses to discontinue the pursuit for any reason other than mechanical failures. This decision shall be immediately communicated and obeyed by all other officers.
4. When terminating a pursuit, officers will deactivate all emergency equipment, discontinue following the vehicle and advise Central Dispatch of their terminating the pursuit and their current location.
5. The officer initiating the pursuit will complete a report. This report will be completed even when there is no apprehension of the violator or when the pursuit is terminated for any reason. This report will be forwarded through the chain of command to the Public Safety Director.

E. Pursuit Initiated by Outside Agencies

1. When a pursuit initiated by an outside agency enters our jurisdiction, the initiating unit and jurisdiction remain responsible for the progress and conduct of the pursuit.
2. If the initiating unit requests assistance, officers will give assistance following the guidelines of this Department's policy.
3. Prior to assisting in a pursuit involving an outside agency, an officer shall obtain permission from a supervisor.
4. Once the pursued vehicle leaves our jurisdiction, officers shall obtain permission from a supervisor before continuing the pursuit.

By order of:


Michael J. Cecchini
Public Safety Director