

VEHICLE OPERATION

STANDARD NO(S):

NYSLEAP #: 41.2 & 43.1

DATE:

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REFER TO:

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I. OBJECTIVE:

To establish guidelines and responsibilities for the safe operation of SCSO vehicles during routine urgent, emergency, pursuit, civilian escort, and for members' use between one's residence and official duty station.

II. POLICY:

Emergency operation of SCSO vehicles is authorized **only** when the member is responding to an emergency call or is in pursuit of an actual or suspected violator. Under no circumstances shall the member be relieved of the duty to drive with due regard for the safety of all persons; nor shall one's use of emergency procedures protect one from any consequences arising from a reckless disregard for the safety of others. It is incumbent upon all members operating SCSO vehicles to be familiar with the provisions of Section 1104 of the New York State Vehicle & Traffic Law captioned "Authorized Emergency Vehicles."

III. DETAILS:

- A. **VALID OPERATORS LICENSE** - All operators of SCSO vehicles which require a driver's license to operate will have a valid NYS driver's license in the proper class to operate such vehicle. Every operator of an SCSO vehicle must maintain a safe driving record and attend any additional driving classes at the request of the Sheriff.
- B. **TEXTING & EMAILING WHILE DRIVING** – No member of any SCSO vehicle while engaged in the operation of such vehicle will engage in sending, replying or viewing any text or email message.

- C. CELLULAR PHONE USAGE WHILE DRIVING** – Certain SCSO personnel are assigned a hand held mobile telephone for use in the official duties. Use of these devices are controlled pursuant to New York State Vehicle and Traffic Law which prohibits the use of a hand held mobile telephone while driving, for other than emergency or medical personnel in an emergency situation. Members assigned an SCSO mobile hand held telephone may use such device pursuant to the provisions of the aforementioned NYS Vehicle and Traffic Law while in the performance of their official duties when completely safe to do so and only in a “hands free” mode. No member will use any hand held mobile telephone while operating any SCSO vehicle for any purpose other than those outlined in the aforementioned NYS Vehicle and Traffic Law.
- D. Routine and Urgent Operation** - Under normal non- emergency operating conditions and while responding to routine calls for service, including those calls characterized as “urgent”, officers operating SCSO vehicles may use emergency equipment. Officers will adhere strictly to all traffic and navigation laws and will operate the vehicle in a safe, courteous, and defensive manner. In responding to urgent calls, officers will avoid unnecessary delay.
- E. Emergency Operation and Response** - Vehicle operation of this type requires the use of emergency lights and when necessary the siren. An officer operating a vehicle in an emergency or in pursuit may:
1. Exceed the posted speed limit; however, officers shall take into consideration factors such as weather, road or water, and traffic conditions in determining a safe speed for travel.
 2. Proceed through a red light or stop sign after slowing or stopping as may be necessary for safe operation. Under no circumstances should an operator enter an intersection unless sure that the cross traffic has yielded.
 3. Disregard traffic or navigation regulations governing direction or movement or turning in specified locations when necessary, but with due notice and consideration for the safety of other persons and property. Under no circumstances shall an officer pursue a violator the wrong way on an interstate highway or other divided roadway.
 4. Park, moor, or stand irrespective of the provisions of state statutes, or of county or local ordinances.
 5. Disregard the regulations governing the parking of vehicles under ordinary circumstances to the extent necessary to effect a valid law enforcement purpose; except that an operator shall not block access to a fire hydrant at a fire scene or in any way obstruct the passage of an ambulance, fire apparatus, or emergency medical services vehicle.

6. Special purpose vehicles will operate under the procedures outlined in “**Vehicle Pursuits**”, this Manual, regarding pursuits.

F. TRAFFIC STOPS –

1. Emergency lights and, if necessary, the siren shall be used in effecting a traffic stop. In addition, the following procedures shall be observed:
 - a. Every effort should be made to direct the violator to a safe and suitable stopping point where the normal traffic flow will not be impeded, which offers a safe area for the officer during the traffic stop and in dealing with the violator. Private driveways or other areas providing access to business establishments should not be used for traffic stops when alternate locations are available. When private property is used for a stop all possible care should be taken to avoid inconvenience to property owners or patrons.
 - b. If both the patrol and the violator’s vehicles are parked off the roadway and the occupants can safely stand or walk between the vehicles and the roadway, any emergency signal which shows light to the rear of the patrol vehicle shall be extinguished in order to reduce the distractive effect on approaching drivers and to limit attracting the curious.
 - c. Members in civilian clothes shall not routinely make traffic stops unless the actions of the violator are a clear danger to pedestrian or vehicle traffic and a marked vehicle is not readily available or its use practical.
 - d. The spotlight should not be used to signal a violator to stop since its extreme brightness could cause a condition of temporary blindness in the violator and possibly other motorists.
 - e. The loudspeaker system is particularly valuable when stopping a violator. Actions of the violator can be directed from a safe distance, minimizing the hazard to the member.
 - f. New York State courts have repeatedly upheld an officer’s right to order occupants out of a motor vehicle that has been lawfully stopped.

G. ESCORTS –

1. Members will not engage in escorts of civilian vehicles while in an emergency operation mode.

H. SCSO VEHICLE TAKE-HOME POLICY –

1. The Seneca County Sheriff has authorized certain SCSO County-owned vehicles to be assigned to certain members of the SCSO.
2. It is the policy of the SCSO to assign a vehicle, marked or unmarked, to full time sworn members of the Road Patrol, CID and Administration. Since the member is expected to respond quickly when needed, one is directed to keep the county vehicle at one's residence in a state of readiness during off-duty hours. Said vehicles are to be secured against vandalism, if possible, and parked in an inconspicuous manner.
3. During periods in which a member is on disability, vacation or any other absence from duty for four days or more, or during any period of disciplinary suspension, member's assigned vehicle will be parked and secured at the SCSO.
 - a. The following policy shall be in effect concerning marked vehicles:
 - 1) No marked vehicle will be operated when the officer is not "on duty" without the express permission of the officer's immediate supervisor. "On duty" includes any work related activity including but not limited to, attendance at schools or seminars, in-service training, community policing (e.g. meetings, lectures), teaching assignments and Court connected appearances.
 - 2) No passengers are to be carried in marked vehicles except those related to their official duties. (e.g. victims, witnesses, suspects, prisoners, other SCSO member's) without the express permission of one's immediate supervisor.
 - 3) Unless a particular assignment or school authorizes the wearing of civilian clothes, or unless responding as a back-up in an emergency, a full uniform should be worn when operating a marked vehicle.
 - 4) Anyone operating a marked car should be ready and able to respond to any call for help from the public while in transit, and should regularly check in and out of service with the E-911 Center.
 - b. The following policy shall be in effect concerning unmarked vehicles:
 - 1) No unmarked vehicle shall be operated when the officer is not "on duty" without the express permission of the officer's immediate supervisor.

- 2) As with the marked vehicle, the officer should advise the E-911 Center the car is in use, unless information broadcast would jeopardize the investigator's assignment.
- 3) Use of an unmarked car does not exempt the officer from the duty to respond to a situation requiring police intervention, and any failure to do so must be fully justifiable.
- 4) No passengers are to be carried in unmarked vehicles except those related to their official duties. (e.g. victims, witnesses, suspects, prisoners, other SCSO member's) without the express permission of one's immediate supervisor.

I. SECURITY OF VEHICLES –

1. Police vehicles are essential to the performance of our responsibilities and often contain specialized and valuable equipment. Vehicles should not be left unlocked and unattended. Police vehicles should not be surrendered for valet parking and the use of long-term parking should be avoided if possible. Except in connection with protecting the scene of a crime or a motor vehicle accident, vehicles should be parked in a safe place whenever possible.

J. HAZARDOUS MATERIAL –

1. No explosive or hazardous substance will be transported in or upon an SCSO vehicle unless the substance has been safely packaged in such a way as to be rendered harmless. (See “**Hazardous Materials Incidents**”), this manual.

K. VEHICLE PURSUITS & HIGH SPEED CHASES – See “Vehicle Pursuits ”, this manual.

L. DEFINITIONS –

1. **EMERGENCY EQUIPMENT** – Consists of at least an audible siren and flashing red lights.
 - a. Emergency red lights are used to signal other users of the highway that an emergency exists and that the right-of-way should be yielded to the police vehicle. Red lights should be used in any situation in which the member is taking or about to take unusual liberties in driving and there is a need to expedite movement in order to reach the destination quickly.
 - b. Red lights are also used to make a violator aware of member's presence, signaling the violator to drive to the right and stop.

- c. The audible siren should be used based on traffic and roadway conditions and the need for an expeditious arrival. The siren should also be used to make a violator aware of member's presence when other means of attracting attention have failed.

2. **SAFETY EQUIPMENT** – For the purpose of this directive safety equipment shall include:

- a. All marked SCSO vehicles are equipped with flashing red lights showing to the front and rear of the rooftop light bar. Also all vehicles are equipped with hazardous warning lights commonly known as “four-way flashers.”
- b. All marked, and some unmarked, SCSO vehicles are equipped with a remotely controlled spotlight that is to be used to illuminate the interior of a stopped violator's vehicle when necessary.
- c. All marked, and some unmarked, SCSO vehicles are equipped with a loudspeaker used in connection with an in-the-car microphone. This equipment is used to direct the actions of persons under conditions ranging from traffic stops to crowd control.