

PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS COLONEL OSCAR L. PEREZ CHIEF OF POLICE

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Law Enforcement Operations		All Personnel			

PURPOSE

The purpose of this policy is to establish parameters pertaining to Department motor vehicle operations.

POLICY

It is the policy of the Providence Police Department to promote the safety of our officers and to assist them in protecting life and property by ensuring the availability and proper use of emergency motor vehicle equipment and by minimizing the risks associated with police vehicle operations.

DISCUSSION

All department personnel who operate a department motor vehicle when responding to a call for service shall comply with safe driving procedures outlined herein. Motor vehicle safety equipment and emergency warning devices shall be used consistent with both legal requirements and the procedural mandates of this policy.

All Department personnel who operate a department motor vehicle shall exercise due regard for the safety of all persons. No task, call, or incident justifies a disregard for either personal or public safety. Furthermore, the public expects its law enforcement officers to demonstrate exemplary driving skills and adherence to state statutes and traffic laws.

The National Law Enforcement Officer's Memorial Fund has reported that motor vehicle

accidents were the second most common cause of all line of duty deaths (28%) incurred by law enforcement officers in the United States from 2006 through 2015.

For the purpose of this General Order, the following definitions apply:

Authorized Emergency Vehicle: A law enforcement vehicle, operated by a sworn law enforcement officer, that is authorized to respond to an actual or apparent emergency. The authorized emergency vehicle must be equipped with emergency lights and siren, and that equipment must be activated at the time of the emergency response.

Automated Talk Group: A group of PPD radio channels, comprised of channels 1, 2, 3, 4, Detective 1, Narcotics 1, PPD Emergency, Detail 1, and Detail 2.

Primary Unit: The patrol unit that either has been assigned to, or has initiated, a call for service.

Assisting Unit: A patrol unit that has been authorized to assist the primary unit.

Uncommitted Unit: A patrol unit not actively engaged in responding to a call for service.

Marked Unit: A Department vehicle, operated by a sworn member of the Providence Police Department, that is marked with PPD decals on its exterior and is equipped with an audible siren and roof-mounted emergency lighting.

Unmarked Unit: A Department vehicle operated by a sworn member of the Providence Police Department that is not marked with PPD decals on its exterior but is equipped with an audible siren and emergency lighting.

Crime of Violence: Any of the following crimes or an attempt to commit any of them: murder, manslaughter, first or second degree sexual assault, first or second degree child molestation, kidnapping, first and second degree arson, mayhem, robbery, assault with a dangerous weapon, assault or battery involving serious bodily injury, and/or assault with intent to commit any offense punishable as a felony.

Designated Response Level: The response level stipulated for a particular call for service.

Preventable Collision: A motor vehicle collision involving a Department vehicle where the officer operating the Department vehicle either failed to take reasonable action to prevent the collision or engaged in improper action(s) that caused the collision.

Non-Preventable Collision: A motor vehicle collision involving a Department vehicle where the officer operating the Department vehicle either took every reasonable action to prevent the collision or did not engage in improper action(s) that caused the collision.

PROCEDURE

I. STANDARD PATROL VEHICLE EMERGENCY EQUIPMENT

- A. All marked Uniformed Division Patrol Bureau vehicles shall carry the following emergency equipment, at a minimum:
 1. Fire extinguisher.
 2. Life ring with rope attached.
 3. Crime scene tape.
- B. In addition to the above, all marked Uniformed Division Patrol Bureau Supervisor vehicles shall also carry the following emergency equipment, at a minimum:
 1. Emergency first aid medical kit.
 2. Bullhorn.
 3. Crime scene tape.
 4. Plexiglas™ riot shield.
 5. Kevlar™ body bunker and charger.
 6. Riot helmet.
 7. Snow shovel (seasonal).
- C. With the exception of crime scene tape, which may be replenished from supplies stored in the Patrol Bureau and BCI, requisitions for equipment replenishment, replacement, or the repair of defective emergency equipment shall be submitted in writing via the chain of command to the Commanding Officer of the Administrative Division.

II. INSPECTIONS OF MARKED PATROL BUREAU POLICE VEHICLES

- A. Inspections of marked Patrol Bureau police vehicles and the addressing of any vehicle or equipment deficiencies detected shall be performed in accordance with General Order 330.04, "PPD Portal Reporting System".

III. IN-SERVICE PARAMETERS FOR NEW MARKED PATROL BUREAU POLICE VEHICLES

- A. Managing in-service periods is a critical function for preserving new police vehicles and controlling operating costs. Accordingly, to ensure that the new marked police vehicles are periodically rested, the following procedures shall be followed:

1. Each new police vehicle shall be assigned to a district and used only within that assigned district.
2. New marked Patrol Bureau police vehicles shall be assigned to a car post within the assigned district.
 - a. Regarding the Day Shift, if the car post to which a new police vehicle is assigned is split for any reason (i.e. the officer is out sick or taking a furlough, personal day, etc., said new police vehicle shall not be used at all during that day shift.)
 - b. If a Mid-Shift officer is assigned a new police vehicle, that new police vehicle shall be parked at the conclusion of that officer's tour of duty and shall not utilized for the remainder of the concurrent Outlast shift.
 - c. New police vehicles shall only be used for their assigned purposes within the Patrol Bureau only. Said vehicles shall not be used for details, special events, etc.
3. There shall be no deviations from these procedures without the express consent of the Commanding Officer of the Uniformed Division or his/her designee.
4. The Officers-in-Charge of the Patrol Bureau for each shift shall ensure compliance with these parameters.

IV. MANDATORY USE OF SEATBELTS

- A. All Department members shall operate Providence Police Department vehicles in accordance with R.I.G.L. 31-22-22(g), which states:

“Any person who is an operator of a motor vehicle shall be properly wearing a safety belt and/or shoulder harness system as defined by Federal Motor Vehicle Safety Standard 208 while the vehicle is in operation on any of the roadways, streets, or highways of this state.”

- B. All Department members shall operate Providence Police Department vehicles in accordance with R.I.G.L. 31-22-22(f), which states:

“Any operator of a motor vehicle transporting a person eighteen (18) years of age and older in any seating position of a motor vehicle operated on the roadways, streets or highways of this state shall ensure that the person be properly wearing a safety belt and/or shoulder harness system, as defined by Federal Motor Vehicle Safety Standard 208.”

1. All Department members who are passengers within a Providence Police Department vehicle shall also have the responsibility of

ensuring that they properly wear a safety belt and/or shoulder harness system.

- C. R.I.G.L. 31-22-22(i)(2), which states that statutes 31-22-22(g) and (f):

“...shall not apply to a driver or passenger of a passenger motor vehicle in which the driver or passenger possesses a written verification from a licensed physician that the driver or passenger is unable to wear a safety seat belt system for physical or medical reasons”,

This is not applicable to the vehicles or personnel of the Providence Police Department. Thus, any Department personnel who is unable to wear a safety belt and/or shoulder harness for physical or medical reasons shall not operate, or be transported as a passenger within, any Providence Police Department vehicle.

- D. Only persons engaged in official police business may operate, or be transported as a passenger within, a Providence Police Department vehicle.
- E. Children who are passengers in Providence Police Department vehicles shall be required to utilize seating restraints in accordance with R.I.G.L. 31-22-22:

“(a)(1) Any person transporting a child under the age of eight (8), less than fifty-seven inches (57") in height and less than eighty pounds (80 lbs.), in a motor vehicle operated on the roadways, streets, or highways of this state, shall transport the child in any rear seating position of the motor vehicle properly restrained in a child restraint system approved by the United States Department of Transportation under 49 C.F.R. § 571.213. All infants and toddlers under the age of two (2) years or weighing less than thirty pounds (30 lbs.) shall be restrained in a rear-facing car seat. All children two (2) years of age or older or who have outgrown their rear-facing car seat by height or weight should use a forward-facing car seat with a harness up to the maximum allowed by the child restraint manufacturer. If the child is under eight (8) years old but at least fifty-seven inches (57") in height, or at least eighty pounds (80 lbs.), the child shall be properly wearing a safety belt and/or shoulder harness approved by the Department of Transportation pursuant to 49 C.F.R. § 571.208 in any rear seating position of the motor vehicle. For the purpose of this section, applying to all parts of this section, “rear seating position” means any seating positions located behind the driver and front seat passenger. Under this subsection, a child must be properly restrained in the front seat if:

*(i) The vehicle is not equipped with a back seat; or
(ii) All rear seating positions are being utilized by other children.*

(2) In no event shall failure to wear a child restraint system or safety belt be considered as contributory or comparative negligence, nor the failure

to wear the child restraint system, seat belt and/or shoulder harness be admissible as evidence in the trial of any civil action.

b)(1) Any operator of a motor vehicle transporting a child, who has attained the age of eight (8) years but is under eighteen (18) years of age, in any seating position within a motor vehicle operated on the roadways, streets, or highways of the state shall ensure that the passenger is properly wearing a safety belt and/or shoulder harness system, as defined by 49 C.F.R. § 571.208.

(2) Any operator of a motor vehicle under eighteen (18) years old shall properly wear a safety belt and/or shoulder harness system.

(3) This subsection applies only to those motor vehicles required by federal law to have safety belts.

- F. For information pertaining to the use of seat restraints on prisoners, refer to General Order 390.02 *Restraint and Transport of Prisoners*.

V. CALL CLASSIFICATIONS AND VEHICULAR RESPONSE PARAMETERS

- A. The Providence Police Department has instituted a three-tiered call classification and vehicular response system consisting of "Code One", "Code Two", and "Code Three" designations.
- B. Calls for service that are designated as "Code Three" constitute situations that call for non-emergency vehicular operation.
1. Code Three responses are applicable to routine calls for service. Examples include:
 - a. Calls for minor incidents.
 - b. Taking reports of a non-emergency nature.
 - c. Minor investigations.
 - d. Performing informational services.
 2. Personnel who engage in a Code Three response must comply with all posted speed limits, traffic control devices, restrictions on vehicular movement, and all motor vehicle laws.
 3. Special privileges afforded to authorized emergency vehicles by RI. General Laws 31-12-6 through and including 31-12-9 are not available when engaging in Code Three vehicular operation.
 4. The use of emergency lights and siren is not authorized when Code Three responses are undertaken.

- C. Code One and Code Two responses constitute emergency vehicular operation.
- D. All authorized emergency vehicles that engage in Code One and Code Two responses shall adhere to the following provisions:
 1. R.I.G.L. 31-12-6 - Emergency Vehicles - Times when entitled to special privileges:

The driver of an authorized emergency vehicle, when responding to an emergency call, when in the pursuit of an alleged violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in section 31-12-7, but subject to the conditions stated in this section and 31-12-8 and in 31-12-9.

Upon establishment of the law enforcement agency accreditation council, the council shall adopt uniform rules and regulations governing high speed pursuits in the state in accordance with the standards established by the national law enforcement accreditation agency. Until the rules are adopted, all police departments within the state shall submit to the department of the attorney general a copy of their high speed pursuit policies, which shall be available to the public.

2. R.I.G.L. 31-12-7 - Privileges allowed emergency vehicles.

- The driver of an authorized emergency vehicle may:*
- a. *Park or stand, irrespective of the provisions of any law;*
 - b. *Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;*
 - c. *Exceed the prima facie speed limits so long as not endangering life or property;*
 - d. *Disregard regulations governing direction of movement or turning in specified directions.*

3. R.I.G.L. 31-12-8 - Warning signals given by emergency vehicles.

The exemptions granted under this chapter to an authorized emergency vehicle shall apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the

front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

4. R.I.G.L. 31-12-9 - Due care by emergency vehicles.

The foregoing provisions in this chapter 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 the provisions protect the driver from the consequences of the driver's reckless disregard for the safety of others.

- E. It is important to note that, as far as the physical operation of an authorized emergency vehicle is concerned, *the only difference between a Code One response and a Code Two response is the maximum speed that the responding authorized emergency vehicle is allowed to attain.*
1. Code One responders are allowed to operate authorized emergency vehicles at maximum speeds in excess of twenty (20) miles per hour over the posted speed limit, with due regard for the safety of all persons at all times.
 2. Code Two responders are allowed to operate authorized emergency vehicles at a maximum speed of no greater than twenty (20) miles per hour over the posted speed limit, with due regard for the safety of all persons at all times.
 3. An officer who is responding Code One or Code Two is not obligated to operate an authorized emergency vehicle at the maximum speed allowed for that response level.
 4. The following factors should always be considered when determining the appropriate driving maneuvers and speed at which to operate an authorized emergency vehicle when engaging in a Code One or Code Two response:
 - a. Nature and seriousness of the suspected offense.
 - b. Geographic location and topography.
 - c. Time of day.
 - d. Road conditions.
 - e. Weather conditions.
 - f. Visibility.

- g. Other vehicle and/or pedestrian traffic along the response route.
 - h. Personal knowledge of the road and surrounding area.
 - i. The performance capabilities of the authorized emergency vehicle.
 - j. Any other conditions known to the officer that may be potentially hazardous.
 - k. Balancing the danger to the public and the officer with the operational speed of the vehicle.
- F. Code One responses are restricted to critical incidents and situations which by their very nature present a substantial risk of resulting in serious injury or death. Examples include but may not be limited to:
- 1. A crime of violence, either in progress or committed so recently that the suspect is likely to be in the vicinity of the crime and the opportunity for apprehension is great.
 - 2. A call for assistance from a police officer who is perceived to be in physical jeopardy.
 - 3. Burglary and residential breaking and entering incidents where specific, credible knowledge is present indicating that the complainant is within the residence and a suspect is either in the residence or attempting to force entry.
 - 4. Occupied building fires.
- G. Code Two responses are restricted to incidents which are serious in nature but which do not present an imminent threat to the health and safety of any person based upon the information available. Examples include but may not be limited to:
- 1. Disturbances.
 - 2. Prowlers.
 - 3. Suspicious suspects.
 - 4. Minor motor vehicle accidents.
 - 5. Burglary calls/building alarms other than those covered under Section III (F)(3), above.

- H. Personnel shall refer to General Order # 330.02, "Vehicular Pursuit Policy", for procedures and vehicle operation parameters that are specific to motor vehicle pursuits.

VI. RESPONSE LEVEL DESIGNATION, ESCALATION AND DE-ESCALATION

- A. Following the entry of a call for service into the CAD system, the dispatcher will communicate the designated response level at the time of broadcast.
1. Code One calls for service are broadcast over all PPD channels within the Automated Talk Group.
 2. Code Two and Code Three calls for service are broadcast over the main broadcast channel in use at the time of dispatch.
- B. Officers will acknowledge the receipt of a dispatched call message from the Public Safety Communications Center (PSCC) by clearly stating their call sign and a response of "Received" or "10-4". The Officer will then respond to the call in accordance with the vehicular operation parameters applicable to the designated response level.
1. In cases when a call for service that is generated by an officer in the field requires a response by other officers, either the officer who originated the call, a supervisor, or the dispatcher may designate the appropriate response level based upon the totality of the information available.
 2. All Code One and Code Two calls shall be assigned to a primary unit and at least one assisting unit. Additional units shall be assigned when necessary.
 3. Code Three calls will usually only require the assignment of a primary unit.
 4. Officers not assigned to a call for service by either the dispatcher or a supervisor shall remain in service unless additional officers are specifically requested.
 5. In the event that an officer is in the immediate vicinity of a call for service, that officer will notify the dispatcher giving his or her present location. The dispatcher or a sworn supervisor may then elect to have that officer respond to the call depending upon the circumstances, such as the type of call, the distribution of manpower, and any other concurrent calls for service requiring a police response.

- C. A sworn supervisor, any on-scene unit, or the dispatcher may escalate or de-escalate the designated response level of a call for service as the incident dynamics change and new information becomes available.
- D. Sworn supervisors shall have authority over PSCC personnel insofar as the escalation or de-escalation of a designated response level is concerned. However, final authority for an order involving the escalation or de-escalation of a designated response level rests with the OIC or, when applicable, any sworn officer superior to the OIC who issues such an order.
- E. In all cases, the escalation or de-escalation of a designated response level shall be performed in accordance with all applicable procedures and parameters as set forth in this general order.
- F. *Silent Response.*
Tactical considerations may dictate discontinuing the use of emergency equipment upon the final approach to the scene of a call for service. Any officer engaging in such tactics shall downgrade to a Code Three response level prior to the deactivation of emergency equipment.

VII. POLICE VEHICLE ACCIDENTS AND INVESTIGATIONS

- A. When a Department vehicle is involved in any accident, a Patrol Bureau supervisor shall be immediately summoned and shall immediately respond to the scene.
 - 1. The on-scene supervisor shall inform the OIC of the nature, circumstances, and severity of the accident.
 - 2. The OIC or his/her designee, shall then make a determination as to whether or not a member of the Traffic Bureau is needed to respond to the scene to conduct the accident investigation.
 - a. In the event that a Traffic Bureau member is requested and none are either on-duty or available, one will be summoned to respond to the scene on a called-back basis.
 - b. When the accident involves serious bodily injury or death to any person, the Commanding Officer of the Traffic Bureau or designee shall be notified and shall immediately respond to the scene to oversee the investigation.
 - c. When the determination is made that a Traffic Bureau member is not needed, the on-scene supervisor shall summon a patrol officer to conduct the accident investigation.

3. All accident scenes shall be properly photographed. Traffic Bureau personnel or the patrol officer conducting an accident investigation may summon BCI personnel for this purpose. Accident scene photographs shall document, at a minimum:
 - a. Weather, road, and lighting conditions present;
 - b. Damages to the vehicles, objects, or structures involved and any resultant debris fields;
 - c. License plates of any vehicles involved;
 - d. Locations of any tire marks, pavement gouges, or fluid trails;
 - e. Locations of any traffic control devices;
 - f. As many angles and directions necessary to fully document the accident scene.
 - g. The primary location of the accident; i.e., building numbers/addresses, utility pole numbers, street signs, etc.
- B. Police vehicles shall not be moved in any way until permission is granted by the on scene supervisor.
 1. A vehicle may be moved prior to the arrival of a supervisor, if in the opinion of the officers on the scene, the safety of motorists and pedestrians would be jeopardized if the vehicles were left in their original positions. However, such reasoning must be articulated and will be subject to later review by the OIC.
 2. For limited exceptions to this requirement which arise from the pursuit of a fleeing motor vehicle, refer to General Order 330.02 *Vehicular Pursuits*.
- C. Officers who are involved in police vehicle accidents as operators, passengers, or witnesses shall provide a written statement addressed to their Division Commanding Officer articulating their involvement, actions, and/or observations during the accident as soon as practicable.
 1. If an employee is involved in a traffic accident with a city vehicle, statements are to be given only to Department personnel in order to assist those investigating the accident and to assist the City of Providence Law Department in preparing for and considering resulting claims and/or suits. No statements shall be provided to any third party, including private insurers or their agents, unless authorization is received from the Law Department.

- D. Many Department vehicles possess an Event Data Recorder (EDR), a standard equipment feature installed on the most recent domestic vehicle models.
 - 1. In the event of a vehicle collision, the EDR records extensive amounts of data related to the vehicle during the collision event, including vehicle speed, engine speed, the positions of the brake and accelerator pedals, and whether or not seat belts were fastened.
 - 2. A Crash Data Retrieval System (CDR system) allows the Department to retrieve vehicle collision data in the form of electronic and printed reports. The CDR system may be utilized to retrieve EDR data from a Department vehicle when a Department vehicle equipped with an EDR is involved in a collision.
 - 3. In cases when data is retrieved from an EDR by the CDR system, all data shall be saved to a CD in electronic format and shall also be converted into the form of a printed report. The CD and printed report shall become a permanent part of the accident case file, and shall be analyzed and consulted prior to the determination of an accident being preventable or non-preventable.
- E. The supervisor overseeing the accident investigation shall compile a written report and a Blue Team Police Vehicle Collision Report, taking into consideration all available documentation relating to the accident to assist the Accident Review Board and to assist the Law Department in preparing for and considering resulting claims and/or suits. The report shall contain a determination by the supervisor as to whether the accident was preventable or non-preventable.
- F. The supervisor's report and documentation shall be forwarded to the Commanding Officer of the Uniform Division. The Commanding Officer of the Uniformed Division shall review the report and supporting documentation for completeness and clarity, and shall submit the report and documentation to the Accident Review Board and to the Law Department for review.
- G. Any officer involved in an accident while operating a Department vehicle shall not be allowed to operate any Department vehicles until one of the following has occurred:
 - 1. The accident is reviewed by the officer's Division Commanding Officer and is clearly deemed non-preventable and devoid of any violations of policies or procedures, pending final review by the Accident Review Board.
 - 2. The accident is reviewed by the Accident Review Board, the Deputy Chief, and the Chief of Police, and any adverse actions

that may have been imposed by the Chief of Police have been completed.

VIII. THE ACCIDENT REVIEW BOARD

- A. All accidents involving a Department vehicle will be submitted to the Accident Review Board for review for the purposes described in this General Order and to assist the Law Department in preparing for and considering resulting claims and/or suits. The Accident Review Board shall be comprised of the following Department members:
 1. The Commanding Officer of the Uniform Division or his designee, who shall act as the Chairperson of the Board.
 2. Two Department members above the rank of Sergeant, selected by the Chairperson.
 3. A member or designee of the Executive Board of Providence FOP Lodge #3.
- B. The Commanding Officer of the Uniform Division or his designee shall present the facts and circumstances of each case to the Accident Review Board. The Board shall consider all of the facts of each case, and shall render determinations regarding accident preventability and/or the presence of any violations of Department policies or procedures.
 1. If it is determined that the accident was non-preventable and that no Department polices or procedures were violated, the Board shall forward a recommendation to the Chief of Police that no adverse actions be imposed against the officer.
 2. If it is determined that the accident was preventable, and/or that Department policies or procedures were violated, the Board shall forward a recommendation to the Chief of Police that adverse actions commensurate with the facts of the case be imposed against the officer.
 3. When determining the nature and extent of any recommendations for adverse actions to be imposed against an officer, the Board shall also consider the officer's entire on-duty driving record in existence prior to the accident under review.
 4. Adverse actions will normally span the range from retraining through disciplinary sanctions up to and including suspension. However, a recommendation for termination of employment may be rendered when either of the following conditions exists:

- a. The Board determines that the accident was the result of deliberate indifference or reckless disregard on the part of the officer.
 - b. The Board determines, based upon the officer's entire on-duty driving record, that the officer is unsuitable for continued employment as a Providence Police officer.
5. The findings and recommendations of the Board are forwarded to the Deputy Chief and the Chief of Police for final review.
 6. The Chief of Police shall have final authority over the determination of the accident's preventability and the imposition of any adverse actions.
 7. The findings and recommendations of the Board, as well as copies of any materials considered by the Board in making its determination, shall be forwarded to the Law Department to assist in preparing for and considering resulting claims and/or suits.
- C. Any officer aggrieved, for whom involvement in a preventable collision and/or violation of Department policies and procedures has been determined and against whom adverse actions have been imposed, may appeal said imposition(s) in accordance with the Law Enforcement Officer's Bill of Rights, RI General Laws 42-28-6.1 et. seq.

IX. ADDITIONAL PROVISIONS

Refer to the Providence Police Department Rules and Regulations, Part II, Section 207: *Regulations Governing the Operation of Police/City Vehicles*.

APPROVED:



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CHIEF OF POLICE