

	<b>SAN MARCOS POLICE DEPARTMENT</b>	
	<b>Policy</b> 7.14 Vehicle Operation	
	<b>Effective Date:</b> May 9, 2019	<b>Replaces:</b> GO 209, 802
	<b>Approved:</b>	
	 _____ <b>Chief of Police</b>	
<b>Reference:</b> TBP 7.15, 7.20, 7.24		

**I. POLICY**

All personnel operating department vehicles shall exercise due regard for the safety of all persons. Protection of life is the paramount goal of the department. No task, call, or incident justifies disregard of public safety. Further, the public expects its law-enforcement officers to demonstrate exemplary driving skills. All department personnel who operate department vehicles will comply with the safe-driving procedures outlined in this policy with particular attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be used consistent with both legal requirements and the safety of the public and department personnel.

**II. PURPOSE**

The purpose of this policy is to establish procedures governing the operation of police vehicles.

**III. DEFINITIONS**

- A. Emergency Driving: Driving in response to a life-threatening or other serious incident (based on available information) that requires emergency equipment. Emergency driving -- with emergency lights and siren activated -- allows an officer to disregard certain traffic regulations, but officers must still drive with due regard for the safety of the officer and others.
- B. Emergency Equipment: Emergency lights and a siren, whistle, or air horn designed to give intermittent signals automatically. All marked vehicles have distinctive, reflectorized decals for additional visibility. In this order, an authorized emergency vehicle is one that has this emergency equipment installed.
- C. Normal or Routine Driving: Driving that dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, and adherence to commonly understood "rules of the road."

**IV. ASSIGNED VEHICLE PROGRAM**

- A. Personnel may be assigned a vehicle with the understanding that assignment of these vehicles may change at any time at the discretion of the chief of police.
- B. Assistant chiefs are to use the following criteria in authorizing personnel to take an assigned vehicle home:
  - 1. Sworn officers and civilian managers who live within 15 miles of the San Marcos city limits.

2. Investigators assigned to the narcotics unit who live within Hays county.
  3. Officers who were assigned to SWAT before January 17, 2004, may take their assigned vehicle home, regardless of location.
  4. Officers joining SWAT subsequent to January 17, 2004, may take their vehicle home if they live within Hays county.
  5. Investigators assigned to the criminal Investigation section may take their vehicle home on the days that they are on call.
- C. Employees living outside the limits of this policy must get permission directly from their immediate supervisor prior to taking vehicles home for any reason.
  - D. Officers driving their assigned vehicles off-duty must be dressed appropriately, be in possession of their police ID, their weapon, and have the police radio on ready to respond to an emergency call.
  - E. Non-employees of the department are not permitted to operate city vehicles, except in unusual but appropriate circumstances.
  - F. Employees are assigned a vehicle to facilitate immediate response to duty related activities. Upon response to a duty related incident, aside from authorized riders, any non-essential passengers being transported in the vehicle will be immediately taken to a safe location where public transportation or appropriate accommodations are available.

## **V. MARKED PATROL UNITS**

Employees on less than full duty status will not operate marked patrol units.

## **VI. UNMARKED VEHICLES**

- A. Certain officers are assigned unmarked vehicles. These vehicles will not normally be used for traffic enforcement activities; however, officers in these vehicles may initiate a vehicle stop under the following circumstances:
  1. To identify the occupant(s) of an observed or reported suspicious vehicle.
  2. If a vehicle is being operated in reckless disregard for public safety.
  3. If the occupant(s) of a vehicle is wanted for a criminal violation or warrant.
- B. Plainclothes officers conducting a traffic stop will use all of the vehicle's warning equipment and advise communications of the stop, the location, and the license number of the vehicle.
- C. In an emergency, officers operating unmarked vehicles may respond, using all emergency lights and siren. Given the nature of the vehicle and the equipment, the driver will exercise extreme care in emergency operation.
- D. Officers operating an unmarked vehicle will not engage in a pursuit unless the officer is certain that the occupant of the vehicle being pursued has committed a violent felony involving an act of serious injury or death or has the imminent intent and ability to carry out such an act. The unmarked vehicle may engage in a pursuit only until the arrival of a marked unit.

## **VII. GENERAL PROCEDURES FOR ALL RESPONSES (TBP: 7.15)**

A. General

1. All departmental vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Department vehicles are conspicuous symbols of authority on the streets and many people observe an employee's actions. Each employee must set an example of good driving behavior and habits.
2. Under certain emergencies as defined below, the Transportation Code authorizes officers to disregard traffic regulations. Both the officer and the department, however, are not released from civil liability for failure to use reasonable care in such operations.

B. Routine Operation

1. In case of accident or damage to any department vehicle, the employee shall immediately request the on-duty supervisor who will conduct an investigation.
2. Employees involved in an accident shall complete a damage to city property report.
3. Employees shall report any found damage or other non-accident damage to their supervisor immediately and document the damage.
4. Vehicles used in routine or general patrol service shall be conspicuously marked except those being used for covert patrol operations.
5. Unmarked cars that are provided with emergency lights and a siren may be used to stop vehicles as listed above in section VI.
6. Standard lighting equipment on marked vehicles includes emergency warning lights, spotlights, and alley (side) lights on the rooftop light bar.
  - a. Emergency warning lights may be used at any time the department vehicle is parked where other moving vehicles may be endangered.
  - b. Alley lights and spotlights may be used when the vehicle is stationary or moving at low speed and shall not be used in a manner that will blind or interfere with the vision of operators of approaching vehicles.
7. Seat belts and shoulder straps shall be worn by the driver and all passengers during vehicle operation. Prisoners shall be strapped in with seat belts whenever possible. (TBP: 7.20)
8. Any young children transported in a police vehicle should be transported in the manner prescribed by the Transportation Code using infant/child car seats when necessary and the equipment is available.
9. Non-employees of the department are not permitted to operate city vehicles, except in unusual but appropriate circumstances.

C. Inspection (TBP: 7.24)

1. All vehicles will be inspected by supervisors on a quarterly basis and the inspection documented on the prescribed forms.
2. Before each patrol duty assignment, officers shall check marked vehicles for cleanliness, operability, and all required equipment and document the inspection procedure on their in-car video system.

- a. Activate in-car and body camera video system and check for proper function. Leave running for duration of vehicle check.
    - i. Identify yourself and the unit you are checking in service to the camera: "This is Officer \_\_\_\_ ID# \_\_\_\_ performing an in service check on Unit# \_\_\_\_"
    - ii. Run down this list of in-car checks, verbally confirming the functionality/status of each piece of equipment as you go.
      - i. Spot light
      - ii. Emergency light/siren control bar (leave in the on/code 3 position for external check)
      - iii. Radio
      - iv. Ticket Writer/Printer
      - v. Laptop/MDC
      - vi. Dash Mounted Radar
      - vii. Any other necessary equipment you may use (i.e. Laser/LIDAR, Portable Breath Test, Camera, etc...)
    - iii. Run down this list of external vehicle checks, verbally confirming the functionality/status of each piece of equipment as you go.
      - i. Verify all exterior emergency lighting is functional
      - ii. Verify all four wheels and tires are functional
      - iii. Verify there is no new/unreported body damage to the vehicle
      - iv. Verify the rear passenger/prisoner compartment is clean and free of contraband
  - b. Once this list is complete turn your video system off, ensure that the system functioned properly during the vehicle check-in-service, and tag as *Daily Inspection*.
3. Aside from the marked unit in service checks above, all employees shall examine their vehicles at the beginning and the end of their shifts for damage. Employees shall report any damage immediately to the on-duty supervisor.
  4. Officers shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others. Rear seats shall be thoroughly checked before and after a person is placed there.
  5. On a weekly basis, all employees shall ensure that vehicles have adequate levels of oil, brake fluid, power steering fluid, and transmission fluid where applicable. Tires shall be checked for tread wear and proper inflation. Any deficiencies should be rectified promptly.
  6. Employees who discover a department vehicle in need of repairs shall make arrangements to have the vehicle repaired.
  7. No employee shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any part of the vehicle that affects its operation.
  8. Employees are responsible for maintaining the cleanliness of the interior and exterior of their assigned vehicle. During periods of inclement weather when department vehicles cannot be washed regularly, the driver must ensure that headlight and taillight lenses are kept clean, insofar as circumstances permit.
  9. No employee shall operate any department vehicle that he or she believes is unsafe.

#### D. Driving Rules

1. Employees shall carefully observe the surrounding conditions before turning or backing any vehicle.
2. Department vehicles shall not be left unattended with the engine running unless:
  - a. On a call for service,
  - b. In the cases where the outside temperature is below 45 degrees or above 85 degrees, or
  - c. When someone is in the vehicle.
3. The vehicle shall not be left unlocked when the officer has left it to handle other business.
4. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle, and shall govern the operation of the vehicle accordingly.
5. Officers responding to certain crimes-in-progress may discontinue the use of the siren upon approaching the location of the occurrence. While this is allowed by Texas law and this policy, officers shall understand that to do so means that they are no longer operating in a manner that would warn other traffic and should remember that they still have a duty to drive with due regard for other motorists and pedestrians.
6. Emergency driving to the scene of a motor vehicle accident is permissible only when an emergency exists, when specific information indicates that conditions at the scene require an emergency response, or when directed to do so by a supervisor.
7. Upon approaching a controlled intersection or other location where there is possibility of collision because of traffic congestion, the emergency driver shall reduce the speed of the vehicle, stopping completely if necessary, before entering and traversing the intersection. When faced with a red traffic signal or stop sign, the officer shall stop his or her vehicle and ensure by careful observation that the way is clear before proceeding through the intersection.
8. Regardless of the seriousness of the situation to which the officer is responding, and excepting circumstances that are clearly beyond the officer's control, he or she shall be held accountable for the manner in which they operate the vehicle.
9. At the scene of a crime, a motor vehicle crash, or other incident, a department vehicle shall be parked in such a manner so as not to create an obstacle or hazard to other traffic, unless necessary for the protection of an incident scene or injured persons. If a traffic hazard exists, the emergency lights shall be used to warn other drivers approaching the location.
10. Operators of department vehicles must bear in mind that the traffic regulation requiring other vehicles to yield the right of way to any emergency vehicle does not relieve emergency vehicle operators from the duty to drive with due regard for the safety of all persons using the highways. Nor does this traffic regulation protect the

driver from the consequences of arbitrary use of this right-of-way regulation.

## **VIII. PROCEDURES FOR EMERGENCY DRIVING**

### **A. General**

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. We must be reminded that although an officer may receive information that leads him/her to respond to a call with emergency lights and siren activated, in the majority of such cases an officer discovers, upon arrival, that an emergency response was not justified.
2. Section 546.005 of the Transportation Code states that the exemptions to driving laws granted to emergency vehicle operators "does not relieve the operator from the duty to drive with appropriate regard for the safety of all persons or the consequences of reckless disregard for the safety of others." Recognizing that protection of human life is paramount, responding officers must remember that their objective is to get to the location of the occurrence as soon as possible--safely--without danger to themselves or to others.

### **B. Response codes: Responses are classified as Code 1 or Code 3, depending on circumstances. The codes are defined as follows:**

1. Code 1 responses are utilized for any situation regardless of apparent urgency where the preservation of life is not a consideration. Units responding to Code 1 calls shall respond to the location without delay, complying with all traffic regulations, and shall not use emergency warning devices.
2. Code 3 responses are authorized for any emergency where the preservation of life is a consideration. Primary and support units responding to Code 3 calls shall proceed rapidly to the location of the emergency by the most direct means, using all emergency warning devices with a paramount consideration for the safety of the public and the assigned officers. Code 3 responses are at the discretion of the officer, subject to the considerations discussed below. Field supervisors shall closely monitor all Code 3 responses and shall respond if necessary.

NOTE: Field supervisors shall monitor the response codes for calls for assistance and shall have the authority to upgrade or downgrade response codes.

3. Examples of Code 3 calls (not all inclusive) include:
  - a. An officer who needs urgent help.
  - b. A burglary in progress.
  - c. A robbery in progress.
  - d. A serious-injury or fatal accident or hit/run.
  - e. A riot or large disturbance with fighting or injuries or damages occurring.
  - f. An apparent homicide.
  - g. A fight or an assault-in-progress.
  - h. A sex offense in progress.

- i. Domestic dispute with an assault in progress, or where the assault has just occurred with a suspect still present.
    - j. An in-progress suicide attempt.
- C. Officer's Response to Call
  1. Upon arrival at the scene of a call, the responding officer shall evaluate the situation and determine whether additional units are still needed or whether other units responding Code 3 can be slowed or cancelled.
  2. All units responding to Priority 1 in-progress calls, before coming within hearing distance, may discontinue the use of the siren and proceed with due regard for the safety of others. Before coming within sight of the location, officers may discontinue the use of the emergency warning lights. Officers are reminded that upon deactivation of both siren and flashing lights, their response ceases to be an emergency and they must comply with all posted speeds and traffic control devices.
  3. In situations requiring a silent response, e.g., alarms and prowler calls, officers shall respond as rapidly as possible, obeying all traffic laws and signs.
  4. Officer-Initiated Response.
    - a. When, in the opinion of the officer, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary enforcement, the department authorizes an emergency response.
    - b. Examples include the following:
      - i. Any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents, or disasters).
      - ii. As a visual signal to attract the attention of motorists being stopped for traffic violations, or to warn motorists of imminent dangers.
      - iii. Responding to Code 1 calls, where the officer has previous or additional information which would have warranted a Code 3 response.
      - iv. In response to an officer's emergency request for assistance.
      - v. For pursuit. See general order 7.15 Vehicle Pursuits.
- D. Use of Emergency Warning Devices in Non-Emergencies
  1. Officers shall activate emergency equipment to notify drivers that they must stop, and to provide a safe environment for the driver, officer, and the public.
  2. Officers may activate emergency equipment in non-emergencies when expediency is required to eliminate a potential hazard to the public or other officers, such as using emergency lights to protect disabled motorists or when department vehicles are used as protective barriers.