

 <p><b>FERNDALE</b> POLICE DEPARTMENT</p>	<b>Emergency Vehicle Operations</b>		
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### 1.0 PURPOSE

The purpose of this protocol is to establish regulations regarding emergency vehicle operations for members of the Ferndale Police Department and to provide tactics and considerations when operating vehicles in an emergency situation.

### 2.0 APPLICATION

2.1 This order constitutes department practice and is not intended to enlarge the employee's civil or criminal liability. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims; the only legal duty of care is that imposed by law.

2.2 This protocol is for internal use only. Noncompliance with this protocol can be a breach of an employee duty only, except insofar as such non-compliance is also in contravention of the laws of the State of Michigan. As such, violation of this directive can form the basis of disciplinary action within this department. In the event that a breach of the duties imposed by this protocol also constitutes a breach of duty imposed by the laws of the State of Michigan, nothing herein shall be construed to relieve one from liability for the breach of that legal duty.

### 3.0 POLICY

3.1 Pursuits at high speeds are permitted when the individual officer knows or has reasonable grounds to believe that the person being pursued has committed or attempted to commit a serious felony. A serious felony is one that involves an actual attack or perceived threat that the officer has reasonable cause to believe could result in death or serious bodily injury.

3.2 Pursuits are also permitted to apprehend the operator of a motor vehicle involved in a traffic violation, misdemeanors, or felonies that do not involve an actual attack or perceived threat that may result in death or serious bodily injury. However, in doing so, the manner of driving shall not be conducted in the same manner as enumerated for serious felonies.

3.3 While department officers shall make every reasonable effort to apprehend the drivers of fleeing vehicles, they shall weigh the hazard presented by the violator against that created by a vehicle pursuit.

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3.4 All personnel involved in a pursuit shall write a narrative (MLEAC 3.5.2 I) detailing their involvement including but not limited to the following: reason for pursuit, role of officer in pursuit, roadways over which the pursuit travelled, whether an arrest was made and what role the officer played, was pursuit terminated and by whom, if pursuit was terminated list the circumstances for termination, injuries or damage to vehicles and property as a result of the pursuit. The approximate distance pursuit travelled, traffic conditions, road conditions, weather, and vehicle speeds (the officer's and the suspect's) should also be included in each officer's report.

### **4.0 DEFINITIONS (MLEAC 3.5.2 a)**

**MOVING/ROLLING ROADBLOCKS (BOXING IN):** A technique designed to halt a suspect's vehicle by surrounding it with law enforcement vehicles and then simultaneously slowing to a stop. This technique is to be used to stop slow-speed pursuits in which circumstances lead the officer to believe the occupants are not armed, and no fewer than two and no more than four police vehicles are used to conduct the maneuver (authorization for more than two police vehicles shall be authorized by the on-duty shift commander).

**CARAVANNING:** The practice of multiple police vehicles other than the primary and secondary police vehicles participating in the pursuit.

**CHANNELING:** A technique that is designed to direct a vehicle into a given path by using stationary objects placed in the current or potential path of the suspect vehicle.

**PACING:** The positioning of a police vehicle at a stable, fixed distance behind a speeding vehicle, in order to determine the speed of the violator.

**PARALLELING:** Driving in the direction of a pursuit on a parallel or corresponding route to be in a position to offer assistance to the officers involved. Officers shall use lights and sirens in this circumstance.

**POLICE VEHICLE:** A publicly owned motor vehicle used for police operations. Also referred to as a "patrol vehicle" or "patrol unit," there are four types:

- Vehicles equipped with a siren and overhead warning lights, in compliance with Michigan motor vehicle code requirements. Painted and/or equipped with insignias in a manner which makes it generally recognizable as a police vehicle.
- Slick-Top Patrol Car: A patrol car painted and marked as a standard patrol car but equipped with grille-mounted lights and other covert warning devices in place of the traditional overhead lights.

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- Semi-Marked Patrol Car: A patrol car that may be painted a color other than the traditional department color, with limited markings or none, and with covert lighting and other warning devices like a slick-top patrol car. It is designed to more easily blend in with traffic when not on a traffic stop.
- Unmarked: Any vehicle not designed or intended for patrol use, that has no markings whatsoever nor permanently mounted warning devices (i.e., staff cars, undercover cars).

**PURSUIT:** An attempt by a police officer in an authorized emergency vehicle (with all emergency warning equipment operating simultaneously) to apprehend one or more occupants of a moving vehicle when the driver of the fleeing vehicle is attempting to avoid apprehension by maintaining or increasing speed or by ignoring the police officer's attempt to stop the vehicle.

**VEHICLE INTERCEPT:** A technique involving the "blocking in" of a suspect vehicle. The intercept is most commonly done at an intersection, parking lot, driveway, or any location where a suspect vehicle is slowing, stopped, or beginning to move. A vehicle interception is not a moving roadblock and vehicles that are traveling in excess of 10mph are not considered viable options.

**RAMMING:** The intentional collision between a police vehicle and the offender. For the purpose of this definition it is limited to the intentional collision initiated by a police officer and an offender vehicle.

### **5.0 LEGAL REFERENCE**

5.1 Michigan Vehicle code MCL 257.632 – Vehicle in Pursuit of Criminals, Fire Patrols, Ambulances. Section 632.

"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 persons charged with or suspected of a violation, nor to fire department or fire patrol vehicles when traveling in response to a fire alarm, nor to a public or private ambulance when traveling in emergencies. This exemption 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 or when the vehicle is equipped with at least one (1) lighted lamp displaying a flashing, oscillating or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicles, unless the nature of the mission requires that a law enforcement officer travel without giving warning to suspected law violators. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others."

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5.2 Even though an officer is legally engaged in a pursuit, the officer is not relieved of the duty to drive with “due regard” for the safety of all persons, nor is the officer protected from the consequences of any reckless disregard for the safety of others (MLEAC 3.5.2 b).

### **6.0 CONSIDERATIONS** (MLEAC 3.5.2 c)

6.1 Reasonableness is a primary consideration in police pursuit tactics.

Reasonableness considers:

- 6.1.1 The seriousness of the offense for which the suspect was initially wanted.
- 6.1.2 The officer’s judgment with regard to conditions to continue the pursuit.
- 6.1.3 The tactics that are employed by the officer in the course of the pursuit.

### 6.2 Evaluation

Each officer must overcome any perception of “personal challenge” and rationally and analytically evaluate the situation, as it develops.

### 6.3 Factors

The initiation and continuation of a high-speed pursuit shall recognize that such pursuits represent a fluid, tactical situation during which conditions are rapidly changing. The decision to continue the pursuit shall involve an ongoing evaluation of these factors:

- 6.3.1 The nature of the violation
- 6.3.2 The speed of the pursuit
- 6.3.3 The population density in the area
- 6.3.4 Weather and road conditions (i.e., residential, school zone, business, highway, freeway, snow, rain, fog, sleet, etc.)
- 6.3.5 The presence of pedestrians and traffic conditions
- 6.3.6 the patrol car capability and condition, including the presence or absence of audible and visual warning devices
- 6.3.7 Time of day or night and
- 6.3.8 The familiarity with the violator, i.e., knowledge of his or her identity.

## **7.0 PROCEDURE**

### 7.1 Pacing Procedure

7.1.1 While operating with due regard for the safety of others, officers pacing a traffic offender may exceed the posted or prima facie speed limit in order to determine the speed of the violator’s vehicle.

7.1.2 While pacing traffic offenders, officers must exercise that care which a reasonably prudent person would exercise in the discharge of official duties of like nature under like circumstances.

7.1.2 Throughout the pacing procedure, officers must continually be evaluating their decision and be prepared to terminate the pace at any time if public safety so requires.

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7.1.3 The officer must not violate any traffic laws other than speeding.

7.1.4 The officer may operate his/her vehicle using lights and/or siren but must use a siren when necessary to warn other innocent motorists or pedestrians. NOTE: MCL 257.632 does not protect the officer operating the police vehicle from the consequences of a reckless disregard of the safety of others.

### 7.2 Initiating Officer (MLEAC 3.5.2 d)

7.2.1 Dispatch shall be notified as to reason for pursuit; present location and direction of pursuit; description of vehicle being pursued, including the license plate number, if known; description and number of occupants; speeds involved.

7.2.2 Officers shall activate and continuously operate emergency lights and sirens on their vehicles until the pursuit has terminated or is abandoned.

7.2.3 Officers shall immediately terminate a pursuit if their emergency lights and/or siren fail and notify dispatcher of this fact.

7.2.4 Maximum of two (2) marked police vehicles shall become actively involved in the actual pursuit at any given point in time, the primary unit and one (1) secondary unit. Other officers shall monitor the progress of the pursuit and be prepared to assist by positioning themselves at possible intersecting routes. A supervisor may allow additional units to be actively involved in the pursuit when considering limits of communication equipment, environment, the seriousness of the offense committed and the number of suspects in the fleeing vehicle.

- Shift supervisor may authorize additional units to be involved in the pursuit depending on the number of suspects in the fleeing vehicle, the severity of the crime, or other reasonable circumstances.
- Road patrol supervisor may be actively involved in a pursuit, as a third unit, if he or she deems it necessary and notifies the shift commander. The supervisory unit must comply with all other protocols listed.

7.2.5 The marked patrol vehicle initiating the pursuit shall normally be designated the primary unit.

7.2.6 The marked patrol vehicle in closest, strategic location shall normally be designated as secondary unit.

7.2.7 If an officer in a semi-marked/slick-top police vehicle or a police motorcycle initiates a pursuit, it shall be conducted in a manner that acknowledges the increased hazards present in a pursuit by a low-profile vehicle.

7.2.8 In such cases, the semi-marked/slick-top vehicle or motorcycle shall withdraw from the pursuit at such point as a marked unit is in position to assume the primary unit role, provided that the semi-marked/slick-top vehicle

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may serve as the secondary unit until such time as a second marked unit is in position to assume such role. At that time, the semi marked/slick-top unit shall withdraw and serve in a support function, having resumed a safe and prudent speed.

7.2.9 Unmarked units shall not participate in pursuits except under extraordinary circumstances and with permission from the shift supervisor.

7.2.10 Vehicles conveying witnesses, citizens, suspects, or any non-sworn police personnel shall not become engaged in any pursuit situation.

### 7.3 Primary Unit Responsibility

7.3.1 The primary unit shall assume responsibility for the pursuit and shall update information as to pursuit factors and changes therein.

7.3.2 The primary unit shall have radio priority. The primary unit may transfer radio pursuit updates to the secondary unit.

7.3.3 The primary unit's decision to discontinue the pursuit shall be obeyed by all other units.

7.3.4 The primary unit shall immediately comply with an order to discontinue the pursuit.

### 7.4 Secondary and/or Supervisor Unit(s) Responsibility (MLEAC 3.5.2 e)

7.4.1 The secondary unit shall notify their primary dispatcher upon joining the pursuit.

7.4.2 The secondary unit shall maintain a safe distance behind the primary unit, taking care to maintain a stopping/safe distance for evasive action but maintaining visual contact, when possible and prudent.

7.4.3 The secondary unit shall not pass and assume the primary unit role unless instructed by the primary unit.

7.4.4 If the primary unit experiences mechanical problems or is otherwise unable to continue, when possible or prudent the secondary unit shall become the primary unit. If possible, another nearby unit shall be assigned to assume the secondary unit's role.

7.4.5 The secondary unit shall immediately comply with an order to discontinue the pursuit.

7.4.6 Road patrol supervisor unit may be actively involved in a pursuit, as a third unit, if he or she deems it necessary and notifies the shift commander. The supervisory unit must comply with all other protocols listed.

### 7.5 Desk Personnel Responsibility (MLEAC 3.5.2 g)

7.5.1 Acknowledge the primary unit.

7.5.2 Acknowledge or attempt to locate a secondary police vehicle to assist the primary pursuit vehicle.

7.5.3 Broadcast to all other stations and vehicles sharing the radio frequency that there is a 'pursuit in progress' and request that the channel be kept clear for emergency traffic only. Coordinate and control any changes of frequency

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and all radio traffic.

7.5.4 Notify other police departments in the apparent path of the pursuit and of such information as it is available.

7.5.5 Immediately notify the shift commander of the pursuit and of such information as it is available.

7.5.6 Obtain registration and warrant information, if applicable, for field units concerning the suspect vehicle.

7.5.7 Confirm compliance from each unit involved when the pursuit is terminated.

### 7.6 Shift Supervisor's Responsibility (MLEAC 3.5.2 h)

7.6.1 The shift supervisor shall continuously monitor pursuits involving members of their command, evaluating the risks in view of all known factors.

7.6.2 When the shift supervisor's judgment dictates that the necessity for apprehension is outweighed by the level of risk being assumed or danger created by continuation of the pursuit, the shift supervisor shall order the termination of the pursuit. The shift supervisor shall require each involved police unit to confirm termination of the pursuit.

7.6.3 The road supervisor also has the authority to terminate a pursuit when the necessity for apprehension is outweighed by the level of risk being assumed or danger created by continuation of the pursuit.

### 7.7 Termination of Pursuit (MLEAC 3.5.2 i)

It shall be recognized that termination of a vehicular pursuit may represent, in fact, the best judgment and most professional course of action and does not signify a lack of courage or perseverance. Officers shall discontinue a pursuit for the following reasons:

7.7.1 Officers shall terminate a pursuit whenever they reasonably believe that the risk to themselves and others outweighs the benefit of apprehension.

7.7.2 The secondary unit shall be authorized to terminate a pursuit if, in the judgment of the secondary unit officer, the risks to others outweigh the prudence of continued pursuit.

7.7.3 Units may re-engage in a previously terminated pursuit, when officers become aware of new information that refreshes the circumstances that justified the original pursuit (MLEAC 3.5.2 j).

- A supervisor must authorize units to re-engage in a previously terminated pursuit regardless of who terminated the initial pursuit.

### 7.8 Tactics (MLEAC 3.5.2 f)

7.8.1 The tactics of intentional collisions, forcing vehicles off the roadway, or blocking of the roadway with any vehicle, barrier, or object could be considered potentially fatal force and shall not be used except in the following limited circumstances:

- The fleeing suspect is endangering the life of a citizen or officer by use of

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a firearm or other lethal force.

- Direct approval for this exception must be authorized by shift supervisor if circumstances permit. Should the pursuing officer have to take such action in order to prevent loss of life or serious injury to citizen or officers, the circumstances must be of an exigent nature, and consultation with the shift supervisor is neither practical nor timely.

7.8.2 The use of stationary roadblocks can be an effective means of apprehending a fleeing violator. However, creating a stationary roadblock is potentially dangerous to the violator, police officers, and the general public. Therefore, stationary roadblocks shall only be established when authorized by a shift supervisor or higher authority. Officers may only establish or participate in a total roadblock to apprehend a fleeing felon when the use of deadly force would be authorized by department policy.

7.8.3 Total roadblock is a physical blockage of the entire roadway using vehicles, materials, or other devices leaving no room for an approaching vehicle to avoid the barrier.

- A partial roadblock may be established to stop a fleeing vehicle when there is a substantial risk that the continued operation of the vehicle may cause serious injury or death to another person. A partial roadblock is an incomplete blockage of the roadway, leaving room for an approaching vehicle to avoid the barrier.
- Roadblocks shall only be established in locations where the operator of the fleeing vehicle has sufficient visibility and distance to stop his or her vehicle.
- Patrol vehicles will be positioned with due concern for the safety of innocent persons.
- Emergency warning lights on patrol vehicles shall be in operation at all roadblocks.
- Vehicles used in roadblocks

7.8.4 As a general tactic, officers should not pull alongside of or attempt to overtake or pass a fleeing suspect.

7.8.5 Caravanning of police vehicles in a pursuit situation is not recommended. Units not designated as a primary, secondary, or support unit shall remain in assigned areas.

7.8.6 The Moving/Rolling Roadblocks (Boxing In) The use of the moving/rolling roadblock (boxing in) is a technique designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles to the front, rear, and sides, and then simultaneously slowing all vehicles to a stop. This technique can be used under the following circumstances by those officers having received the proper training as required by this agency:

- The suspect vehicle is moving at a slow speed that will minimize risk



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to the officers, suspect, and public.

- The suspect appears to be under the influence of alcohol, drugs, or may be suffering from a medical condition or fatigue that may render him unaware of the presence of emergency vehicles. In these instances, the suspect vehicle is normally traveling at or below the speed limit and could pose a threat to public safety if allowed to continue.
- Consideration must be given to several criteria, including speed of the suspect vehicle, density of pedestrian and vehicle populations, proximity of buildings, structures and other obstacles, and road conditions.
- Boxing in is prohibited when a suspect is known to be or suspected to be armed with a firearm.
- Two to four police vehicles are necessary for this technique to be effective.
- Civilian vehicles shall not be utilized to assist in this technique.
- Officers shall not intentionally collide with the suspect vehicle during this technique unless deadly force can be justified.
- The moving/rolling roadblock shall be authorized by the on-duty supervisor prior to implementation unless circumstances dictate immediate action

### 7.8.7 The Intercept Technique

- The intercept technique is designed to block in a stationary suspect vehicle before a pursuit begins, as the suspect vehicle is slowing to a stop, or as the suspect vehicle is beginning to move.
- This technique is designed to take place at intersections, parking lots, driveways, etc., where the suspect vehicle is stopped or traveling at 10mph or less.
- This technique can be accomplished with two or three patrol vehicles. As the vehicle is stopped or slowly moving (10mph or less), patrol cars are positioned to the front and rear of the suspect vehicle to block it in.

### 7.8.8 Channeling

- Channeling is a technique that is designed to direct a vehicle into a given path by using stationary objects placed in the current or potential path of the suspect vehicle.
- When circumstances warrant the redirection of a suspect vehicle, channeling can be very effective. Officers may use the channeling maneuver against a non-compliant suspect vehicle that is being pursued in an attempt to end the pursuit.
- When channeling, attempt to: direct the suspect vehicle into a given path; avoid potential hazards (i.e. school zones, residential areas, construction

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- zones); and/or direct the vehicle into a spike strip area.
- The desired effect here is to: reduce vehicle speed, control suspect actions, improves potential for public safety, and visibly demonstrate authority (uniformed police officers and marked patrol vehicles).
- When selecting a location, consider clear route of escape and clear visibility.
- To assist in this maneuver, stationary objects may assist. Examples are cones, flares, and patrol vehicles.
- Certain conditions may prove to be hazardous. Caution and consideration must be given to traffic conditions; roadway obstructions; and weather conditions.

### 7.8.9 Precision Immobilization Technique (P.I.T.)

The use of the Precision Immobilization Technique (P.I.T.) shall not be utilized by officers.

### 7.9 Pursuit Initiated by Outside Agency (MLEAC 3.5.2 k)

7.9.1 When a pursuit initiated by an outside police agency enters the city of Ferndale, the initiating unit and jurisdiction remain responsible for the progress and conduct of the pursuit.

7.9.2 Ferndale Police Officers shall become actively involved in any such pursuit only when circumstances warrant and with permission from a shift supervisor.

7.9.3 Ferndale police units will assist the initiating agency by clearing intersections.

7.9.4 Ferndale police units may leave our jurisdiction only if they have received specific and direct permission from a supervisor.

7.9.5 Ferndale police units may be actively involved in another agency's pursuit with direct permission from the shift supervisor. The shift supervisor will consider the number of occupants in the fleeing vehicle, the severity of the crime, the safety of the initiating agency's officer, and other reasonable circumstances.

7.9.6 This order shall govern the conduct of this agency's personnel and actions once committed.

### 7.10 Officers Assigned to other Agencies

7. 10.1 Officers of this department assigned to other law enforcement agencies shall be guided by their policy.

### 7.11 Pursuits Leaving the City of Ferndale

7.11.1 The on-duty supervisor will decide based on the circumstances known at the time to continue pursuits that originate in Ferndale but continue outside of the city's boundaries.

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7.11.2 The primary and/or secondary will immediately notify dispatch when a pursuit leaves the boundaries of Ferndale.

7.11.3 Other support units must receive direct permission from the shift supervisor to leave the city boundaries to assist with the pursuit.

### **8.0 AFTER ACTION REPORT AND REVIEW**

8.1 The supervisor in charge during a pursuit shall conduct a review of the incident. The supervisor will use this review to provide possible training or counseling for personnel. The review will also examine possible policy or rule violations (MLEAC 3.5.2 m).

8.2 The same supervisor shall complete an After-Action report of the incident and submit the report to the shift's ranking officer.

8.3 The shift supervisor shall:

8.3.1 Review the initial After-Action Report.

8.3.2 Take any necessary supervisory actions.

8.3.3 Include and attach any actions or recommendations to the initial report; and

8.3.4 Forward the final report to the Captain (or Chief's designee).

8.4 The Chief of Police shall designate a command officer to prepare an annual analysis examining the past year's vehicle pursuits in the aggregate to discover any patterns or trends that need to be addressed (MLEAC 3.5.2 n).

### **9.0 RESPONDING TO NON-PURSUIT CALLS FOR SERVICE**

9.1 Officers are expected to be excellent examples of safe and lawful driving in the course of their duties.

9.2 Most calls for service or assignments do not require an officer to drive in an emergency manner.

9.3 Officers will be prudent when responding to all calls for service or assignments. Officers must demonstrate sound and safe reasoning, weighing the need for a timely response against the danger posed to life and property by driving in excess of the speed limit or disregarding traffic control devices. Officers will activate their lights and siren when driving in an emergency manner.

9.4 Officers will not drive in an emergency manner to calls for service or other assignments that do not reasonably involve:

9.4.1 The risk of significant harm to a person or the loss of human life

9.4.2 The possibility of escape of a suspected felon or misdemeanor for an assault crime.

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9.5 Officers are authorized to drive in an emergency manner to priority calls for service.

### 9.6 Priority Calls for Service

9.6.1 When responding to priority calls for service, officers will activate emergency equipment when exceeding the speed limit, disregarding traffic control devices, or otherwise driving in an emergency manner. Examples of priority calls for service, but not completely inclusive are:

- Crimes in Progress- especially against a person as opposed to property
- Domestic violence, personal protection order violations, or domestic violence conditional release bonds
- Officer needs assistance
- Armed homicidal or suicidal person
- Robbery or panic alarms
- Seriously injured person
- Person not breathing or choking (CPR in progress)
- Traffic accidents involving injury or are located in the roadway
- Structure or vehicle fires

9.6.2 Exceptions to not activating, or deactivating, emergency equipment may be: tactical, safety, or investigative concerns such as when officers are approaching locations that may require a need for stealth, such as: armed robbery or other alarms, shots fired/armed criminal, suicidal subject, crimes in progress where stealth may assist in apprehending suspects and pacing a speeding vehicle or accelerating to overtake a violator.

### 9.7 Non-Priority Calls for Service

9.7.1 Officers responding to non-priority calls for service will drive safely and serve as an example of lawful driving to the public. Officers will not drive recklessly, exceed the speed limit, disregard traffic control devices, or otherwise violate the motor vehicle code. Examples of calls for service that do not require emergency driving, but not completely inclusive are:

- Report calls for service
- Department errand
- Parking violations
- Verbal disputes
- Noise complaints
- Routine traffic stop assists
- Prisoner transports
- Impounds or road hazards
- Peace officer details
- Unarmed, or not in imminent jeopardy, suicidal person
- 911 hang ups
- Injured animals
- Suspicious person or circumstance

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- Repetitive burglar alarms

9.8 The department recognizes that non-priority calls for service can become priority runs based on new information or an officer's knowledge or experience. Likewise calls for service that appear to be an emergency may not be based on knowledge and experience. But safe operation of department vehicles is a principal concern for the department. Officers that drive unsafely, recklessly, or imprudently may face discipline.

A handwritten signature in black ink, reading "Vincent S. Palazzolo". The signature is written in a cursive style with a large, prominent initial "V".

Vincent S. Palazzolo  
Chief of Police