



**BURLINGTON POLICE DEPARTMENT
DEPARTMENT DIRECTIVE
DD04 – Operation of Police Vehicles, Response Codes/Pursuits**

POLICY: The policy of the Department is to provide a quick and safe response to emergencies, while protecting the lives and safety of citizens and officers.

PURPOSE: The purpose of this Directive is to establish policy and procedures for the operation of police vehicles under emergency conditions, normal patrol conditions and during pursuits.

CONTENTS:

- I.** General Guidelines for Operation of Police Vehicles
- II.** Emergency Equipment Defined
- III.** Use of Emergency Equipment
- IV.** Police Response to Incidents – Codes
- V.** Pursuit of a Motor Vehicle
- VI.** Tire Deflation Devices
- VII.** Forceful Stopping Techniques

I. GENERAL GUIDELINES FOR OPERATION OF POLICE VEHICLES

- A. **Safety Equipment** – All employees of the Department must wear seat belts for their personal safety and as a community example when operating or riding in a City motor vehicle. All other occupants must wear seat belts except where it is physically impractical because of arrest, injury or a situation beyond the control of the employee.
- B. **Passenger Restrictions** – Employees operating a police vehicle will not permit persons other than Department personnel to ride in the vehicle except in the performance of police duties or in conjunction with the authorized Department “Ride-Along” program, or with the approval of the employee's supervisor.

II. EMERGENCY EQUIPMENT DEFINED

- A. **Blue or Blue/White Lights** – All Department vehicles and operators shall comply with Vermont Title 23 VSA 1252(a)(1) and 1255 (2) and only in accordance with official duties.
- B. **Siren** – The siren of the vehicle may be used when responding to an emergency, provided it does not defeat the element of surprise. Best results are obtained from activating the siren intermittently, and not at a steady pitch, as it attracts more attention in this manner.
- C. **Four-Way Flashers** – The four way hazard lights may be activated during a traffic stop. While parked off the traveled portion of the roadway, the four-way flashers may be used in lieu of the emergency blue light flashers.
- D. **Spotlight** – Officers may use the spotlight, headlights, alley lights and flashlights on traffic stops, motorist assists, traffic accidents and general area searches. The officer should be aware of the position of such lights so they will not interfere with vehicular traffic.
- E. **Public Address System** – An officer may use the public address system to communicate with traffic or pedestrian violators, during felony stops, for crowd control, or in situations where voice

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amplification is needed for long distance communication or for the officer to be heard over a large crowd.

III. USE OF EMERGENCY EQUIPMENT

Responding to calls for immediate police assistance is one of the most important functions of the Uniform Services Bureau (USB). To carry out this responsibility it is necessary that responding officers arrive where they are needed as quickly and safely as possible.

Regardless of whether a police vehicle is being operated on patrol, in a pursuit, or on an emergency response, the first concern of the operator of the vehicle must be the safety of other motorists, pedestrians, and fellow officers. Vermont law authorizes the use of blue or blue and white lights in the following sections of Title 23.

A. T. 23 VSA 1015. Authorized Emergency Vehicles – The driver of an authorized emergency vehicle, when **responding to an emergency call** or when responding to, **but not returning from**, a fire alarm and a law enforcement officer operating an authorized emergency vehicle in fresh pursuit of a suspected violator of the law:

1. may park or stand contrary to the provisions of this chapter;
2. may proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. shall come to a full stop when approaching a school bus which is flashing red lights and may proceed only when the flashing red lights are extinguished;
4. may exceed the maximum speed limits;
5. may disregard regulations governing direction of movement or turning in specified directions.

The exemptions granted to an authorized emergency vehicle apply only when the vehicle is making use of audible or visual signals meeting the requirements of this chapter. **The foregoing provisions do 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 such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others.**

B. Other uses of emergency equipment include the following:

1. **Motorist Assist** – When assisting a motorist the officer shall activate the emergency blue lights and emergency flashers and protect the motorist and themselves by parking at an angle, or in an offset manner behind the motorist.
2. **Parking On/Off Road** – When a cruiser is parked in the traveled portion of the road or in a prohibited area, the officer should activate the cruiser emergency blue lights and hazard flashers. The officer should remove the cruiser from the road at the earliest possible time. If a cruiser is to be parked off the traveled portion of the road, the officer should activate the emergency blue flashers or hazard flashers on the vehicle. There is no need for the flashers or lights if the cruiser is legally parked. **An officer shall not park contrary to law if not performing lawful duties.**
3. **Escorting Ambulances and Other Emergency Vehicles** – Officers may escort ambulances and other emergency vehicles when in their judgment an emergency situation exists under the following circumstances:

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- a. the operator of the ambulance or fire apparatus is unfamiliar with the route to the destination, or to facilitate the shortest and safest route to the emergency location; or
- b. the emergency equipment of an ambulance or fire apparatus is inoperative.

NOTE: Consideration should be given to the practicality of the officer being a passenger in the emergency unit for the purpose of giving directions.

- 4. **Stopping Violators** – Emergency equipment should be used consistent with department policy and procedure regarding stopping and approaching violators.

When responding to any emergency, the officer shall use discretion as to whether the emergency blue lights and/or any of the other emergency equipment shall be used. The officer should use the emergency lighting equipment and siren when he/she will be operating contrary to traffic laws and to provide ease of passage through traffic. Officers should use their best judgment to operate the police vehicle at reasonable speeds considering existing traffic, road and vehicle conditions. **Officers should be mindful that use of lights and siren does not guarantee that other highway users will see or hear them or yield the right of way.**

IV. POLICE RESPONSE TO INCIDENTS – CODES

- A. **Responsibilities/Assignment of Calls** – The dispatcher shall obtain as much information as possible from callers to facilitate the assignment of the proper number of officers. As much information as possible should be transmitted to the responding officer(s) who may cancel, upgrade, or downgrade the level of code response to the incident. The Shift Commander shall be responsible for monitoring radio transmissions and may cancel, upgrade or downgrade the code at any time.

- B. **Code 1** – The ordinary response to all calls will be “Code 1.” There shall be no use of emergency equipment. All state motor vehicle regulations will be observed.

- C. **Code 2** –Used for a non life-threatening call where the timely response of an officer is required. Examples of a Code 2 response are vandalism in progress, or a traffic accident with unknown injuries.

This response does not relieve the officer from the duty to drive with due regard for the safety of all persons using the highway. The blue light and siren shall be used, except when in the discretion of the officer the use of the siren would inhibit law enforcement purpose (i.e., response to a burglary in progress).

- D. **Code 3** – A “Code 3” response shall be used for life-threatening calls or crimes in progress, which require the unit to reach the scene as expeditiously as possible. Examples of a Code 3 response include a robbery or felony in progress where deadly force has been used or threatened, a police officer in trouble whose safety is threatened, a bombing or major fire, or any other situation where human life is endangered.

This emergency response does not relieve the officer from the responsibility to drive with due regard for the safety of all persons, nor does it afford protection from the consequences of reckless disregard for the safety of others. The blue light **and** siren shall be used for all Code 3 responses.

Note: Officers should notify communications of their intention to proceed “Code 2” or “Code 3.”

*Operation of Police Vehicles, Response Codes/Pursuits***V. PURSUIT OF A MOTOR VEHICLE**

- A. **High-Speed Pursuit & Driving Procedures** – Pursuit, when used in this directive, means the motorized pursuit of another vehicle at speeds above the legal speed limit. Only fully marked units equipped with blue light(s) and siren should be involved in pursuits. Although the involvement of unmarked vehicles is discouraged, if the initial pursuit must be undertaken by an unmarked police vehicle, such vehicle shall immediately abandon the pursuit when a marked cruiser has intercepted and undertaken to continue the pursuit. Unmarked units may act as backups but may not actively engage in pursuits, except as indicated above.
- B. Units which have persons other than Burlington Police employees in the vehicle are prohibited from becoming engaged in pursuit situations.
- C. **Initiating Pursuit** – An officer may initiate pursuit when he/she has reasonable grounds/reasonable suspicion to believe that:
1. The driver or occupant of the vehicle has committed a violent felony, or
 2. The driver or occupant of the vehicle has committed a violent misdemeanor and facts and circumstances suggest that apprehension is necessary to mitigate an ongoing threat, or
 3. There is evidence of reckless driving beyond a single, low-level moving violation (possibly associated with driving under the influence) that places the public at risk and the observations of reckless driving precede the pursuit.

In other cases, officers will obtain as much information about a fleeing vehicle as possible and to utilize all possible investigative methods to identify the vehicle and the operator to seize all relevant evidence and arrest any violators associated with the eluding vehicle.

- D. **Evaluation of Circumstances** – **The most critical element of any pursuit is the need to match the level of control exerted to the degree of risk posed by the fleeing individual. In other words, what is the degree of risk posed by the offense committed by the individual, and what is the degree of risk posed should the fleeing individual escape, and be free to commit the offense again? Therefore the Department's policy pertaining to the use of force shall be adhered to during any pursuit.**
1. Each officer must use their discretion in determining whether or not to initiate a pursuit and whether to continue or discontinue the pursuit. Additional factors that should have a bearing on their decision include:
 - a. road conditions;
 - b. traffic conditions;
 - c. time of the day;
 - d. type of vehicle involved;
 - e. nature of the offense;
 - f. speed of the vehicle;
 - g. identity of the operator;
 - h. condition of the cruiser.

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2. Officers discontinuing a pursuit shall immediately notify communications.

E. **Initiating Officer's Responsibilities** – When it is apparent that the operator of a vehicle is attempting to elude apprehension or driving in such a manner as to endanger the safety of others, the officer shall immediately activate emergency lights, siren, wig wag and headlights, and use them throughout the pursuit.

1. As soon as practical and safe to do so, the pursuing officer shall start and maintain steady communication with the public safety dispatcher, notifying them of the identity of the unit, location and direction of travel, and reason(s) for pursuit. Pursuing officer(s) should transmit year, make, color, license number and state, as well as the number of occupants of the pursued vehicle. The dispatcher shall notify the Shift Commander immediately upon learning of a pursuit.
2. The dispatcher will broadcast information concerning the pursuit to all other units and those of surrounding communities as soon as practical.
3. All other radio communication shall cease unless it is of an emergency nature.

F. **Supervisor's Responsibility** – This policy requires the immediate attention of the field supervisor or Shift Commander. The supervisor's responsibility is to exercise direct control of the pursuit. It is also the supervisor's responsibility to coordinate support activities for the primary pursuing vehicle; to continually review available information as to the judgment of the officer in initiating and continuing the pursuit; and to make independent judgment on continuing or discontinuing the pursuit.

1. The supervisor shall monitor and evaluate the pursuit and shall order the termination of the pursuit at any time he/she believes the circumstances warrant. The supervisor shall order termination of the pursuit if the information detailed in Section V, Subsection D-1 is incomplete.
2. Primary command responsibility shall rest with the dispatcher **under the direction of the field supervisor/shift commander**.
 - a. If the officer receives a communication from the dispatcher that the pursuit is to be abandoned, he/she will do so immediately, reporting to the dispatcher the final location and direction of travel of the pursued vehicle.
3. The supervisor shall determine the secondary unit and any other unit which will provide assistance to the primary unit in the pursuit to avoid heightening the risks associated with the pursuit. If necessary the supervisor will coordinate with other law enforcement agencies.
4. The supervisor shall respond to the point of termination, supervise apprehension and debrief involved officers. The supervisor shall ensure that all officers involved in the pursuit complete a report of the incident. The supervisor will review these reports and forward copies to the Operations Deputy Chief. Additionally, the supervisor shall submit a report to the Operations Deputy Chief detailing his/her actions during the pursuit, and an analysis of the pursuit's compliance with department policy.
5. The supervisor will be responsible for providing officers involved in a pursuit with feedback to their report, to serve as a pursuit critique.

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- G. **Secondary Unit** – Normally no more than **two** units will be directly involved simultaneously in a pursuit. However, based on the causation of the pursuit, the Shift Commander supervising the pursuit may assign additional marked units. If another police agency becomes involved in the pursuit outside of Burlington, no more than **one** Burlington unit will continue in pursuit.
1. If other units are dispatched to assist, they shall respond Code 2 as secondary response units, and shall observe the departmental guidelines set forth for operation of police vehicles in Section IV. C
 2. Secondary response units shall yield the right of way to the pursued and pursuing vehicles and will not become directly involved in the chase. Such units shall maintain a reasonable distance between themselves and the vehicles involved in the high-speed chase and shall be available to assist in any subsequent apprehension.
 3. Only units dispatched will respond to the vicinity of a pursuit for the purpose of assisting in apprehension.
- H. **Intra-Jurisdictional Pursuits** – When it is anticipated that a pursuit will enter another jurisdiction, the appropriate police department will be notified, and furnished with pertinent information.
1. Officers becoming aware of a pursuit entering Burlington should position themselves at locations within their assigned districts thought to be helpful in apprehension.
 2. When a pursuit enters another jurisdiction, the involved officer will make all radio transmissions on state Channel 2.
 3. When a pursuit by another police department enters the city limits of Burlington:
 - a. Burlington units may act as secondary units in accordance with Section V.G. The extent to which other Burlington units shall become involved should be limited primarily to traffic control. This is to ensure passage through the City is made in a safe manner.
 - b. **Burlington units shall not enter into actual pursuit of the vehicle unless the pursuing police department makes a request, and then only if authorized by the Shift Commander.** If a Burlington unit becomes the primary unit during an intra-jurisdictional pursuit, the officer must adhere to the guidelines enumerated in Sections V. A-E of this policy.
 - c. If the pursuit by another agency ends in Burlington, officers will be assigned by the supervisor to render necessary assistance to assure the orderly arrest and transportation of the suspect(s).
- I. **Termination of Pursuit** – Unless there is a strong possibility that apprehension of a pursued vehicle is imminent; officers should limit the pursuit to approximately three miles from point of origin, unless they have received the **express** permission of a supervisor to continue on. If at any time during a pursuit, a unit experiences emergency equipment failure, the officer shall immediately terminate his/her involvement in the pursuit.
- J. **Critique of Pursuit** – Except in pursuits resulting in serious injury or death, officers who participate in a high speed pursuit shall submit a written report to the Shift Commander prior to the end of his/her shift. This report shall be comprehensive, shall explain in detail the circumstances of

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the pursuit, and shall cite all facts known to the officer at the time the pursuit was undertaken, as well as a justification for either continuing or discontinuing the pursuit.

In the event that the Shift Commander is involved in the pursuit, he/she will also complete a report. A copy of all pursuit reports shall be forwarded to the Operations Deputy Chief.

- K. **Annual Analysis of Pursuits** – The Operations Deputy Chief or his/her designee, shall conduct an annual analysis of all agency pursuits. The Operations Deputy Chief shall submit a written report to the Chief. The purpose of this analysis shall be to detect training or equipment needs, or desired policy modifications and to ensure compliance with Department policy.

VI. USE OF TIRE DEFLATION DEVICES

- A. The use of tire deflation devices is not considered an application of deadly force, as they produce a slow, controlled deflation of the pursued vehicle's tires and do not cause the vehicle to lose control.
- B. Tire deflation devices may be used in the following situations:
1. To terminate a pursuit;
 2. To prevent a stationary vehicle from being moved by a suspect attempting to flee a scene;
 3. To prevent movement of a stationary vehicle that is, or may become, evidence;
 4. To assist another law enforcement agency upon request, pursuant to department directive and the County "Mutual Aid" agreement.
- C. Only officers trained in the proper use and deployment of tire deflation devices according to the manufacturer's recommendation may use them. All uses shall be in accordance with the manufacturer's recommendations.
- D. All uses shall be thoroughly documented by narrative report and completion of a use of force report. A copy of the report shall be forwarded to the Operations Deputy Chief for review.

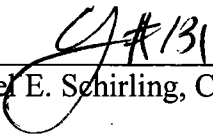
VII. FORCEFUL STOPPING TECHNIQUES

- A. Forceful stopping techniques include: rolling road blocks; boxing in techniques; ramming; bumping; colliding with a vehicle; or pulling along side of a vehicle in an attempt to force the vehicle off the road or into an obstacle. Forceful stopping techniques may be used only in cases in which the use of lethal force is justified.
- B. **Use of Road Blocks** – Officers will refrain from setting up roadblocks for the purpose of apprehending suspects when it is apparent innocent persons will be endangered.
1. Before a roadblock will be used, permission to do so must be granted by a supervisor. When authorization has been given, the exact location of the intended roadblock shall immediately be relayed to the pursuing officer, and whenever possible the roadblock should be established in such a location as to allow vehicles approaching at high speeds sufficient time to stop. Any roadblock should provide an "escape route" should the vehicle refuse to stop.

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2. **No officer or passenger** will remain in the police vehicle after it is stationed as part of a roadblock.

*Reviewed & adopted by the Burlington Police Commission on November 2, 2011,
to be effective on December 1, 2011*



Michael E. Schirling, Chief of Police

December 1, 2011
Effective Date