

Waltham Police Department

DEPARTMENT VEHICLES READINESS AND USE

CHAPTER 41

General Order Number: GO-01 2016

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POLICY:

All Waltham Police Department personnel who operate department motor vehicles will comply with safe driving procedures herein, with particular attention paid to procedures for responding to calls for police service or engaging in pursuits. Emergency warning lights and siren shall be used in a manner consistent with safe performance of the police function and the safety of the public and police personnel.

Police vehicles are conspicuous symbols of authority on the streets, and many observe the actions of police drivers. This places the responsibility on each police driver to set a visible example of good driving behavior and habits.

Chapter 89, Section 7-B, of the Massachusetts General Laws [41.2.1-3A, B]:

" The driver of a vehicle of a fire, police, or recognized protective department, and the driver of an ambulance shall be subject to the provisions of any statute, rule, regulation, ordinance, or bylaw relating to the operation or parking of vehicles, except that a driver of fire apparatus while going to a fire or responding to an alarm, or the driver of a police or a recognized protective department or the driver of an ambulance, in an emergency and while in performance of a public duty or while transporting a sick or injured person to a hospital or other destination where professional medical services are available, may drive such vehicle at a speed in excess of the applicable speed limit if he exercises caution and due regard under the circumstances for the safety of persons and property, and may drive such vehicle through an intersection of ways contrary to any traffic signs or signals regulating traffic at such intersection if he first brings such vehicle to a full stop and then proceeds with caution and due regard for the safety of persons and property, unless otherwise directed by a police officer regulating traffic at such intersection."

"The driver of any such approaching emergency vehicle shall comply with the provisions of Section 14 of Chapter 90 when approaching a school bus which has stopped to allow passengers to alight or board from the same, and whose red lamps are flashing." [41.2.1-3A, B]

PROCEDURES: [41.2.1]

1. **SAFE DRIVING OF POLICE VEHICLES:** The driver of any department vehicle shall operate said vehicle in a reasonable and safe manner, exercising due caution and judgment. He shall operate the department vehicle in compliance with

the motor vehicle laws and traffic regulations of the Commonwealth. **WHEN IN AN ACTUAL PURSUIT OR WHEN RESPONDING TO AN EMERGENCY, HE/SHE SHALL STRICTLY ADHERE TO THE DRIVING PROCEDURES ESTABLISHED FOR THE OPERATION OF EMERGENCY VEHICLES, MASSACHUSETTS GENERAL LAW, CHAPTER 89, SECTION 7B.**

2. **LICENSE REQUIREMENTS:** No person shall operate a department vehicle of any kind unless they have a valid license to operate such vehicle.
3. **AUTHORITY TO OPERATE:** No person shall operate a department vehicle without receiving orders or permission from a superior officer authorized to give such orders or permission.
4. **PASSENGERS:** No person shall be permitted to be an occupant or to ride as a passenger in a department vehicle, except when necessary for the performance of a proper police duty, unless otherwise authorized by the Chief of Police or his designee. [41.3.3]
5. **SEATBELTS - POLICE OFFICERS: All officers are encouraged to wear seatbelts at all times.** The use of seatbelts can have a significant effect in reducing the number of deaths and the severity of injuries resulting from motor vehicle accidents. Seatbelts also assist officers in maintaining proper control of their vehicles during pursuit or emergency high-speed operations. In addition, officers using seatbelts during the deployment of the air bag in a collision will be held in a position to receive maximum protection. All officers using department vehicles shall use occupant safety restraining devices (safety seatbelts) during Code Two and Code Three responses, during pursuits, and when their speed exceeds the normal speed limit, for all but for the briefest of times. [41.3.3]
6. **SEATBELTS - CIVILIANS:** In all cases, civilian employees and passengers shall wear safety seatbelts when driving in or are a passenger in a department vehicle. [41.3.3]
7. **SICK AND INJURED PERSONS:** Sick and injured persons are to be transported by ambulance. Police officers are first responders in many instances, and as such will provide what assistance they can to sick or injured persons until the ambulance arrives.
8. **RESPONSIBILITY FOR VEHICLE:** [70.1.2A] Any member of the department, who is assigned as the operator of a department vehicle, shall be responsible for the instant serviceability of the vehicle assigned to his use.

Officers who operate police vehicles shall at the beginning of their tour of duty inspect the vehicle assigned to them and complete the Vehicle and Equipment Inspection Form (#41-1), which contains a list of all equipment. [41.3.2] The form,

when completed, shall be submitted to the Commanding Officer - Platoon on Duty, or the Operations Supervisor, who shall check the form for completeness and accuracy. Failure to inspect the condition of the vehicle upon receipt by the member shall be regarded as neglect of duty. Superior Officers shall periodically spot check vehicles to verify the accuracy of the Vehicle and Equipment Inspection Forms.

Officers who operate vehicles are to search their assigned vehicle at the beginning of the tour of duty for the presence of weapons, contraband, or other items, such as evidence. The results of this search shall be noted on the Vehicle and Equipment Inspection Form. All officers shall conduct a similar search before and after transporting detainees. [41.3.2, 70.1.2A, B, C]

Officers who note missing or malfunctioned equipment shall note so on the Inspection Card and submit an additional "administrative card" or "email" to the Building and Grounds Maintenance Officer. [41.3.2]

The maintenance Officer will assure that equipment is fixed and replenished in a timely fashion from date of report. [41.3.2]

9. **CLEANLINESS OF VEHICLES:** All members of the department shall keep the interiors of department vehicles clean of litter. Any member who is assigned to a vehicle that he finds to be littered shall note this condition on the Vehicle and Equipment Inspection Form, and shall also notify his superior officer.
10. **PLACING OF ARTICLES IN TRUNKS:** No member of the department is to place any article in the trunk of a department vehicle that may cause damage to radio equipment, electrical wiring, or other authorized equipment. When in doubt, officers should request permission from a superior officer before transporting items in the trunk. Articles that might cause damage if placed in the trunk should be transported by wagon.
11. **PUSHING OR JUMP STARTING ANOTHER VEHICLE:** No department vehicle shall be used for the purpose of pushing another vehicle. No department vehicle shall be used for "jump starting" a vehicle other than another department vehicle. **TOWING OF DEPARTMENT VEHICLES:** Towing of department vehicles shall be done only by towing facilities provided by the department, unless otherwise decided by the Commanding Officer - Platoon on Duty. [61.1.4D]

13. **OPERATING DEPARTMENT VEHICLE WITH A FLAT TIRE OR MECHANICAL DEFECT:** No member shall operate a department vehicle with a flat tire or an apparent mechanical defect without prior authority from the Commanding Officer - Platoon on Duty. In the event a department vehicle sustains a flat tire, the operator of the vehicle shall notify the OIC and the tow company will be called. The flat tire shall then be tagged and placed in the garage. If necessary, the spare from another vehicle may be used. Officers shall note that a flat has been sustained on the Vehicle and Equipment Inspection Form, and shall also note the vehicle from which a spare was taken.
14. **OPERATING DEPARTMENT VEHICLE WITH SERIOUS MECHANICAL DEFECT:** Officers shall immediately notify a superior officer upon discovery of a mechanical defect, which would affect the safe operation of the vehicle or could lead to vehicle damage. A superior officer, upon receipt of such notification, shall remove the vehicle from service for evaluation and repair, if necessary.
15. **UNATTENDED POLICE VEHICLES:**
- a. The operator of a department vehicle shall lock the ignition and remove the keys from his vehicle upon leaving the vehicle.
 - b. When leaving a department vehicle unattended for more than a brief period, the doors of such vehicle shall be locked.
 - c. In responding to a call where the reasonable potential for arrest exists, the rear doors of marked cruisers may be left unlocked.
16. **SECURING VEHICLE AT END OF TOUR OF DUTY:** At the end of their tour of duty, officers are to make certain that their vehicles are **locked, windows rolled up**, and lights, and radio, and ignition are turned off. Keys shall be returned to Operations.
17. **ACCIDENTS INVOLVING DEPARTMENT AND CITY VEHICLES:** All accidents involving department and city vehicles shall be investigated by or under the direct supervision of a superior officer. All officers shall follow the following procedures:
- a. Immediately contact dispatch who shall assign an officer to the accident scene. Dispatch will also notify the shift OIC.
 - b. Do not move vehicles prior to the arrival of the superior officer if personal injury or substantial property damage has occurred.
 - c. Request appropriate assistance (Ambulance, Rescue, etc.).

- d. Assist the injured.
- e. Cooperate and assist in the investigation as requested by a superior officer.
- f. Vehicle operator must complete a RMV motor vehicle crash operators report.
- g. The investigating officer shall conduct a thorough investigation of the accident and shall, when appropriate:
 - 1. Obtain photographs of the vehicles involved and the scene.
 - 2. Issue citations.
 - 3. If personal injury or substantial property damage has occurred, the superior officer assigned shall request that the Officer in Charge of the Community Services Division or his designee be notified forthwith.
 - 4. Investigating Officer shall complete a motor vehicle crash report.
- h. The assigned supervisor shall:
 - 1. Respond and oversee the accident scene.
 - 2. Assist the investigating officer as needed.
 - 3. Ensure pictures are taken.
 - 4. Submit a CAD supplemental report regarding their observations, actions and findings. The officer operating the department vehicle shall submit a complete report to his Commanding Officer, who shall forward this report to the Commanding Officer of the Community Services Division.
- i. The Division Commander of the officer involved in the accident shall **review and sign the submitted report(s) and forward them** to the Commanding Officer in charge of the Community Services Division. He shall set forth his findings and recommendations relative to the responsibility or negligence on the part of the operator(s).
- j. The Commanding Officer of the Community Services Division shall review all documentation, submit a report with his findings and recommendations to the Chief of Police, and maintain a file on all such accidents.

18. **TRAINING:** When the Commanding Officer of the Community Services Division reviews accidents involving Department vehicles, he shall make note as to whether the accident was an at fault accident by the officer. All police personnel involved in an at fault motor vehicle crash shall attend appropriate driver training as a matter of policy. This action, in and of itself, shall not be considered a punishment, but rather a training tool with documentation to be placed in the employees training file.

Any officer involved in three motor accidents with a department vehicle, in one calendar year, shall also attend appropriate driver training regardless of whether the accident is an at fault accident. This too, is standard procedure and shall not be viewed as punishment, unless extenuating circumstances exist. Documentation of the driving school shall be placed in the officer's training file.

19. **USE OF SIRENS AND BLUE LIGHTS:** Officers operating department vehicles are to activate sirens and blue lights as necessary and appropriate. Officers are to exercise good judgment in the use of sirens when approaching the hospital, having regard for established quiet zones. [41.2.1-4AB]
20. **PUBLIC ADDRESS SYSTEMS:** All marked vehicles have a public address system capability, which may be used to broadcast emergency messages or to hear radio transmissions while out of the vehicle for an extended period. Care must be taken that appropriate volume levels are maintained.
21. **ALLEY LIGHTS AND SPOT LIGHTS:** All marked cruisers are equipped with spotlights and alley lights. Officers are to use these lights as appropriate, but in doing so must make certain that their use does not create a hazard by blinding or interfering with the vision of operators of approaching vehicles.
22. **HAZARDOUS WARNING LIGHTS (EMERGENCY FLASHERS):** When stopping a cruiser in a potentially hazardous location, operators are to activate their emergency flashers and any other lights necessary to maximize the vehicle's visibility.
23. **RESPONSE TO CALLS FOR SERVICE:** A response level is inappropriate when the response itself creates a greater danger to the safety of the community than the situation being responded to. The purpose of the following procedures is to provide guidelines for the evaluation of the urgency of a police response to a given situation. While these policies and procedures are designed to guide an officer in the manner in which he will respond to a call, it also serves as a guide for the dispatcher when assigning calls and response priorities. For the purpose of this policy, consistent with the law, the prioritization codes shall be defined as follows: [41.2.1-1A, B, C, 2ABC, 4A, B]
- a. **CODE THREE RESPONSES:** Involves the use of both emergency blue

lights and siren. This response should be made as quickly as possible, and should be made by the closest units in a quick but safe manner, taking into consideration the traffic conditions, the safety of the officers and the general public. Units responding to Code Three calls should be attentive to their radio, as the situation may quickly change to a more or less serious incident.

A Code Three Response is indicated when an officer is needed at the scene and an immediate response is essential. Conditions that will warrant a Code Three Response are:

1. Any apparent threat to life or danger of serious physical injury or major property damage.
2. Any on-going felony or misdemeanor that involves violence and may result in injury.
3. Any felony or violent misdemeanor that has just occurred, and there is reason to believe the suspect is still in the area.
4. Any incident that involves exigent or unique circumstances that demand an immediate police response.
5. An "Officer in Trouble" call, or any request from an officer for a Code Three Response.
6. **[41.3.30 EXCEPTIONS TO THESE PROCEDURES MAY BE APPROPRIATE WHEN THE SAFETY OF THE OFFICERS AND THE PUBLIC WARRANTS A SILENT RESPONSE.**
Example: To avoid precipitating a hostage-taking situation.
7. **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.**

- b. **CODE TWO RESPONSES:** Involves the use of emergency blue lights only. The response should be made by the closest units in a quick but safe manner. Units responding to Code Two calls should be attentive to their radio, as the situation may quickly change to a more or less serious incident.

A Code Two Response is indicated when an officer's presence is needed at the scene but the need is not immediate. Situations that will warrant a Code

Two Response are:

1. Any incident that does not represent a significant threat to life and property (such as disorderly groups) or a felony that has occurred without injury and the suspect has fled the area.
2. Any in-progress incident that could be classified as a possible crime (a suspicious person, vehicle, etc.).
3. Any incident that represents a significant obstacle to the flow of traffic.
4. Any incident that requires a prompt, non-emergency response.
5. Officers calling for non-emergency assistance (a backup unit, potential but not a present problem) or any officer requesting a Code Two Response.
6. Officers holding a detainees and requesting transport will receive a Code Two Response unless special circumstances dictate otherwise.
7. **THIS EMERGENCY RESPONSE DOES NOT RELIEVE THE OFFICER FROM THE DUTY 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.**

c. **CODE ONE RESPONSE:** Involves no emergency lights or siren. It is a normal traffic speed response, such as:

1. A call for service.
2. To take a report.
3. Transport of detainees.

24. **SPECIAL PURPOSE VEHICLES:** The special purpose vehicles utilized by the department are the Patrol Wagon, Accident Investigation Vehicles, Crime Scene Operations Vehicle, Motorcycles and Bicycles. Officers themselves are responsible for the overall condition of all vehicles they operate; however, as with patrol vehicles, the Maintenance Officer is in charge of the maintenance of all vehicles. [41.1.3E]

a. **AUTHORIZATION FOR USE:** Special purpose vehicles shall be used

only by authorized members who have received the necessary training in their use.

If a member wants to utilize a special purpose vehicle for a function other than authorized in these procedures, he/she must first obtain the permission of a superior officer. **[41.1.3a]** All personnel authorized to operate marked units are authorized to operate the patrol wagon **[41.1.3a]**. Officers themselves are responsible for the overall condition of all vehicles they operate; however, as with all other patrol vehicles, the Building and Maintenance Officer is in charge of the maintenance of all vehicles **[41.1.3e]**.

- b. **PATROL WAGON:** The Patrol Wagon is an oversized van-type vehicle that serves many functions. There are no additional qualifications or training necessary to operate the patrol wagon. **[41.1.3b-B, D]**

- 1. **Purposes:** The Patrol Wagon serves the following purposes:

- a. **Detainee Transport:** The Patrol Wagon is most frequently used to transport groups of detainees or individual detainees who, due to their physical condition or behavior, should not be transported by cruiser. (See Chap #71, Transportation of Detainees)
- b. **Property Evidence Transport:** The Patrol Wagon may be used to transport bulky items of evidence or property that would be difficult or impossible to transport by cruiser.

- 2. **Equipment:** The Patrol Wagon shall be equipped with blue lights, siren, radio, and the following: **[41.1.3-1]**

- a. First aid kit.
- b. Plastic handcuffs.
- c. Latex gloves.

- c. **MOTORCYCLE:** Motorcycles offer considerably more maneuverability in traffic than automobiles, and as such constitute an important part of the department's fleet. Officers assigned to a motorcycle must have a valid motorcycle license, and have successfully completed a Massachusetts Criminal Justice Training Council (or equivalent) course on the safe operation of the motorcycle. **[41.1.3-A,D]** As with all other vehicles, motorcycle officers are responsible for the overall condition of the motorcycle. All maintenance/ mechanical issues should be brought to the

attention of the Maintenance Officer. [41.1.3-E]

The Commanding Officer - Platoon on Duty shall not allow motorcycle patrol during any weather condition that would adversely affect the safe operation of the motorcycle. [41.1.3-C]

a. **PURPOSE:** Motorcycles serve the following purposes [41.1.3-B]:

1. Patrol.
2. Traffic safety and enforcement.
3. Parking enforcement.
4. Traffic control.
5. Escorts.

b. **EQUIPMENT:** Motorcycles shall be equipped with the following: [41.1.3-1]

1. Emergency lights and siren.
2. First aid kit.
3. Radar unit.

d. **BICYCLE:** The Commanding Officer - Patrol Division shall ensure that officers assigned to bicycle patrol have the training and ability necessary to perform the required functions assigned to these units. [41.1.3-A] Officers shall use discretion when riding in inclement weather [41.1.3-C]. Officers are responsible for the condition and maintenance of their vehicles at all times. [41.1.3-E]

1. **PURPOSE:** The bicycle patrol unit serves the following purposes [41.1.3-B]:

- a. Traffic safety and enforcement.
- b. Parking enforcement.
- c. Investigation of routine calls for service, patrolling business districts in the city, lakes and river ways, parks, and elderly and other housing projects in the city.

2. EQUIPMENT: The bicycle shall be equipped with the following:

- a. Lights (front and rear).
- b. First aid kit.
- c. Lock.
- d. Pump.
- e. Cyclometer.
- f. Horn.
- g. Water bottle.
- h. Any other equipment authorized by the Chief of Police.
[41.1.3-1]

e. **CRIME SCENE VAN:** The Crime Scene Van is assigned to the Detective Division. The Detective in charge of Crime Scenes or any detective with crime scene training may use this vehicle [41.1.3-A, D]. The Crime Scene Detective is specifically responsible for the condition and maintenance of the vehicle. As with all vehicles, the Maintenance Officer is specifically in charge of the mechanical maintenance [41.1.3-E]

1. **PURPOSE:** The Crime Scene vehicle is used whenever it is necessary to process any crime scene [41.1.3-B].

2. **EQUIPMENT:** [41.1.3-1] The Crime Scene Vehicle is equipped with the following:

- a. Postmortem fingerprint kit.
- b. DNA saliva kits.
- c. Nuisance odor masks.
- d. Vinyl Tyvek shoe covers.
- e. Extension cords.
- f. Fiberglass brush.
- g. Ninhydrin spray.

- h.** Ninhydrin pump.
- i.** Cyano-wand fingerprint kit.
- j.** Hinge lifters.
- k.** Mikrosil kit.
- l.** Evidence ties.
- m.** Evidence collection swabs.
- n.** Swab boxes.
- o.** Applicator shields.
- p.** Distilled water.
- q.** photo evidence ruler.
- r.** Buccal swab kit.

f. EMERGENCY/ACCIDENT POLICE VEHICLE:

- 1. PURPOSE:** The Accident police vehicle may be used for accident reconstruction.
- 2. EQUIPMENT [41.1.3-1]:**
 - a.** Complete first aid kit.
 - b.** Two blankets in a suitable container.
 - c.** Fire extinguisher.
 - d.** 12 road flares.
 - e.** Wrecking bar or other extrication device.
 - f.** Spare tire, jack and wrench.
 - g.** Bulletproof vest.
 - h.** Metal cruiser folder.

- j. Marking crayon.
- k. Water rescue equipment, life vest and throw rope.
- l. Police line tape.
- m. Hazardous material book.

g. **UNMARKED POLICE VEHICLE EQUIPMENT:** The following equipment will be included in every unmarked patrol car:

- 1. First aid kit.
- 2. Body armor for each officer occupant.
- 3. Crime scene tape.