

Article 30E: Driving Patrol Vehicles

30E1 Basics of Emergency Driving

Effective: 11/--/15

Rescinds: --/-- version

- a. Drive safely.
- b. Do not take any action that may jeopardize your safety or that of other motorists or pedestrians.

Note: Although the VTL gives you certain legal privileges during emergency driving, it does not permit you to operate a vehicle in a dangerous or reckless manner.
- c. Do not place total confidence in the emergency lights and siren.
 1. Motorists may not see your emergency lights if you are too close to them.
 2. Motorists may not hear your siren if they are using an audio device.
 3. Be aware that at high speeds, it is easy to overdrive your siren.
- d. Do not drive to a point directly behind another vehicle then suddenly sound the siren because this could startle the motorist and cause loss of vehicle control.
- e. Give motorists an opportunity to yield to your Patrol Vehicle.
- f. Do not pass on the right unless you have no other choice and you can do so safely.
- g. When possible and safe to do so, drive near to the center of the roadway so that oncoming vehicles can easily see your emergency lighting.
- h. Approach all intersections, railroad crossings, and other hazard areas cautiously and avoid passing vehicles in these areas.

30E2 Pursuit Driving

Effective: 06/29/23

Rescinds: 10/21/22 version

- a. Introduction:
 1. The protection and safety of the citizens of this State is always of paramount concern and is integral to the mission of the New York State Police.
 2. Pursuit of a vehicle in which the driver is exhibiting an intent to avoid apprehension presents a unique challenge to police personnel.
 - The failure to apprehend a reckless or intoxicated driver poses a risk to the motoring public.
 - The failure to apprehend a fleeing felon or a person wanted in connection with the commission of a violent crime poses a grave risk to the public at large.
 3. Yet, high speed pursuits, by their very nature, can pose a risk to the public and must be carefully managed to minimize this inherent danger.
 4. The fact that a Member may not be aware of the reason for which a motorist is seeking to avoid apprehension adds to the complexity of the decision to initiate or terminate a pursuit.
- b. Policy:
 1. Members should make every reasonable effort to apprehend suspects in a fleeing vehicle.
 - Therefore, pursuit may be initiated whenever a law violator refuses to stop and uses a vehicle to flee, but vehicular pursuits may present a substantial danger to the public, the pursuing Members, and the fleeing subjects.
 2. The primary purpose of this policy is to secure a balance between:
 - The protection of the lives and safety of the public and police officers, and
 - The Member's duty to enforce the law and apprehend violators.
 3. The pursuit must be terminated when it becomes apparent to the Members involved that the immediacy of apprehension is outweighed by a clear and unreasonable danger to the public or to the Members.

c. Definitions:

Moving Roadblock	The surrounding of a fleeing vehicle with pursuit vehicles which are then slowed to a stop along with the pursued vehicle.
Primary Pursuit Vehicle	The police vehicle that initiates a pursuit, or any police vehicle that assumes control of the pursuit as the lead vehicle.
Secondary Pursuit Vehicle	A second police vehicle which becomes involved as a backup to the primary police vehicle and enters the pursuit. [REDACTED]
Stationary Roadblock	A restriction or obstruction, including a vehicle, used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to affect the apprehension of a violator.
Supervisor	Any Member with the rank of Sergeant or higher who is responsible for the direction or supervision of the activities of other Members and who is not actively engaged in the pursuit.
Vehicle Contact Action	The initiation of a deliberate collision (or ramming) between the patrol vehicle and the pursued vehicle for the purpose of terminating the pursuit.
Vehicular Pursuit	An active attempt by a Member in a Division vehicle to apprehend a fleeing subject in a motor vehicle who is knowingly attempting to avoid apprehension. The Member must have a reasonable belief that the subject is aware of the Member's attempt to stop the vehicle.

d. Factors to Consider Prior to the Initiation of a Vehicular Pursuit:

1. A Member's decision to initiate a vehicular pursuit must be based on the facts present at the time. Some facts which must be considered include the following:
 - Pursuit driving can result in accidents or personal injury to Members, the persons being pursued, or innocent bystanders.
 - The chances of an incident occurring during a pursuit situation increase proportionately with the speed of the vehicles involved.
2. In deciding whether to pursue a vehicle, always use good judgment and carefully consider the following factors, on a cumulative and continuing basis, to determine whether the risks of pursuit are warranted:
 - The nature of the offense.
 - Your safety and the safety of other motorists, passengers and pedestrians.
 - Your personal driving capabilities and tactical preparations.
 - The type of vehicle pursued. (Motorcycles, ATVs, UTVs pose a greater risk of injury to the operator).
 - The road and weather conditions (dry, wet, icy).
 - The traffic conditions (heavy or sparse).
 - The time of day or night.
 - Your knowledge of the area.
 - The population density of the area.
 - Your knowledge of the violator.

The decision to pursue is not irreversible and Members must continually reevaluate the risks of continuing the pursuit against the seriousness of the violation involved.

e. Pursuing Member's Responsibilities:

Note: Unless otherwise specified, the following responsibilities apply to both primary and secondary pursuit vehicle operations.

1. Activate all emergency warning lights and audible devices when participating in a vehicular pursuit.
2. Immediately notify your radio control point of the pursuit situation and keep the control point informed of the following information:
 - Your location and direction of travel.
 - A description of the pursued vehicle, including the license plate number, and identifying characteristics.
 - The number of occupants in the pursued vehicle.
 - The reason for the pursuit.
 - Any other pertinent information that may be helpful in terminating the pursuit or resolving the incident.
3. Announce that the violator is attempting to avoid apprehension and continually update the radio control point of the pursuit's pertinent facts.
4. Utilize the Signal 30 Procedure when initiating a pursuit.

X-Ref: Article 12, Subsection titled: Dispatch Radio Procedures

- The Radio Control Point will initiate and cancel a "radio silence" procedure during the pursuit, as appropriate.
 - If a secondary pursuit vehicle is involved, radio communications should be assumed by the secondary pursuit vehicle to relieve the operator of the primary pursuit vehicle.
5. If the fleeing vehicle is lost or conditions warrant discontinuing the pursuit, provide all available information through radio communication that could assist in locating the pursued vehicle.
 6. At any point during the pursuit, if you consider the danger to be unacceptable:
 - Terminate the pursuit.
 - If the violator is known and there is no immediate danger to the public, terminate the pursuit and obtain an arrest warrant.
 7. Do not duplicate reckless and hazardous driving maneuvers taken by the pursued driver.

Note: Members engaged in a pursuit must at all times drive in a manner exercising reasonable care for their safety and that of all other persons and property within the pursuit area.

8. [REDACTED]

9. [REDACTED]

- [REDACTED]

10. Do not pursue vehicles when you are transporting passengers or prisoners, except in extreme life-threatening emergency situations.

f. Termination of Pursuit:

1. Termination of the pursuit is the responsibility of the primary pursuit vehicle, unless otherwise directed by a supervisor.
2. Barring compelling reasons not to do so, termination of the pursuit should occur if:
 - The immediacy of apprehension is clearly outweighed by the unreasonable danger to the public if the pursuit were to continue.
 - An accident occurs in the pursuit with an uninvolved citizen and there are no other police or medical personnel readily available.
 - Division aircraft are in position to monitor movement and assume control of pursuit.
 - Adequate information is available to obtain a warrant of arrest and there is no immediate danger to the public.

3. Barring extraordinary or life-threatening circumstances, the following methods of terminating a pursuit should be employed only with the approval of a supervisor:

- Moving roadblock.
- Stationary roadblock.
- Vehicle contact action.
- Use of tire deflating devices.

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○ The devices will only be deployed by Members who have been trained in their use.

○ Deployment of the tire deflating device will require the completion of the GENL-91.

See: Section titled: Reporting Pursuit Incidents.

○ After each use of the tire deflating device, inspect for any damage.

○ If the tire deflating device was deployed, including unsuccessful deployments, and the offending vehicle was involved in a collision, consider documenting/securing the device as evidence if criminal charges will be filed.

○ If a serious injury or fatal collision (critical incident) occurred while deploying the tire deflating device, or after the successful deployment on the offending vehicle, the device will be secured as evidence and documented by the Collision Reconstruction Unit (CRU) and the Forensic Investigation Unit (FIU).

○ The deploying Member is responsible for ensuring the tire deflating device is in working condition after its use.

Note: ► The use of any of the above methods for terminating a pursuit constitutes a use of force and will be evaluated pursuant to PL Article 35 and the standard of objective reasonableness.

X-Ref: ► Article 29: Use of Force

4. Upon termination of a pursuit, the pursuing Member must physically disengage from the pursuit by reducing their speed and returning to a reasonable and prudent speed consistent with the posted speed limit.

5. Advise the radio control point when the pursuit has been terminated and the status of the violators.

g. Post-Pursuit Discipline:

1. The primary pursuit vehicle operator maintains the responsibility for the control and direction of activities at the conclusion of a pursuit, unless relieved by a supervisor.

2. Safety is critical at the termination of a pursuit.

3. At the time of termination, there will be a need for decisive action and strict personal discipline.

h. Supervisor:

1. Upon notification that a vehicular pursuit is in progress, supervise and control the pursuit as it progresses.

2. Coordination of the pursuit through the radio control point, as follows:

- Direct pursuit vehicles into or out of the pursuit.
- Coordinate pursuit tactics.
- Approve or disapprove the continuation of a pursuit.

3. Assign additional backup units to assist the primary and secondary pursuit vehicles with the pursuit when necessary.

4. Approve or disapprove the use of a tire deflating device.

5. Advise [REDACTED] vehicle operators should use legal intervention

(moving roadblock or vehicle contact action).

6. As a last resort, approve the use of a stationary roadblock only under the following circumstances:

- [REDACTED]
- [REDACTED]
- [REDACTED]

Note: [REDACTED]

- ◆ [REDACTED]
- ◆ [REDACTED]
- ◆ [REDACTED]

7. Continually review incoming data to determine whether the pursuit should be continued or terminated. Factors to be considered are:

- High speed increases the potential for and the seriousness of an accident.
- The seriousness of the violation of law and related efforts to apprehend weighed against the possibility of death, injury, or property damage which may result.

8. If the pursuit could continue outside of the state:

- [REDACTED]
- [REDACTED]
 - [REDACTED]
 - [REDACTED]

i. Radio Control Point Responsibilities:

During a vehicular pursuit, the Member or employee assigned to the radio control point must:

1. Discontinue other non-emergency activities and communications.
2. Immediately notify an appropriate supervisor so that the pursuit situation can be monitored.
3. Follow procedures regarding Signal 30.

X-Ref: Article 12, Subsection titled: Dispatch Radio Procedures

4. Ensure that you receive and record all incoming information on the pursuit and the pursued vehicle, such as:

- The changing location of the pursuit;
- The direction of travel;
- Any laws which have been violated;
- The reason for the pursuit, and
- The description of the pursued vehicle and the number of occupants.

5. Notify other area patrols of the situation and assign them to assist, if authorized by a supervisor.
6. When the pursuit may extend into their locality, notify neighboring jurisdictions, when practicable.
7. Consider contacting the registered owner of the vehicle to ascertain the identity of the operator.
 - If unknown, ascertain whether the pursued vehicle is an unreported stolen vehicle.

30E3 Inter-Agency Pursuits

Effective: 10/--/16

Rescinds: --/-- version

a. Pursuing Member:

1. Before assisting another agency in a pursuit, immediately notify your radio control point of the other agency's pursuit, and request authorization from a supervisor to assist the other agency.
2. If personnel from other agencies are assisting you in a pursuit, advise your radio control point of the agency name and the number of vehicles involved in the pursuit.

b. Supervisor:

1. If you are supervising a pursuit whereby our Members are assisting another agency or that agency is assisting our Member, limit the number of vehicles in the pursuit.
2. Maintain liaison with the other agency's radio control point to minimize the number of pursuit vehicles.

30E4 Reporting Pursuit Incidents

Effective: 08/24/21

Rescinds: 08/14/18 version

a. Primary Pursuit Vehicle Operator or Initial Member Involved in Other Agency Pursuits:

1. Ensure an incident report is completed for any pursuit involving a Division vehicle.

Note: Involvement includes any action to apprehend a fleeing vehicle or the deployment of tire deflating devices.

2. Complete the Vehicle Pursuit Report (GENL-91) on the intranet, electronically sign the form, and e-mail it to the pursuit supervisor.

- Carbon Copy (CC) your station sergeant's in-box.

Note: If personnel from more than one Troop are involved in the pursuit, the personnel from the Troop that initiated the pursuit are responsible for the Administrative Message and all required reports.

b. Pursuit Supervisor:

1. Notify the Zone or Detail Commander of the pursuit.
2. Send an Administrative Message on all incidents involving a pursuit.
 - The AMS Message shall include whether any tire deflating device was used, the approximate duration of the pursuit, and the approximate top speed reached.
3. Upon receipt of the GENL-91 from the pursuing Member, review for accuracy and electronically sign the form.
4. E-mail the completed GENL-91 to your respective Troop Traffic Section.

- The subject line should include: TZS of Incident- Date of Incident-Subject's Last Name (if known).
- Carbon Copy (CC) your respective Zone in-box.

Note: If the Member or subject sustained any injuries, in addition to sending the AMS Message, follow all other reporting procedures.

X-Ref: Article 31, Subsection titled: Injury to a Person in Custody

X-Ref: Article 8: Attendance and Leave

X-Ref: Article 9: Complaints Against Personnel

c. Troop Traffic:

1. Review all GENL-91s received.
2. E-mail the completed/reviewed GENL-91 to Division Traffic at [REDACTED]
 - The subject line should include: TZS of Incident- Date of Incident-Subject's Last Name (if known).

d. Major-Traffic:

1. Save submitted GENL-91s in a folder on the Division Share drive organized by Troop.

- Each Troop folder should be sub-divided by year, each year sub-divided by month.
2. Retain for five years, then purge yearly.
 3. Report pursuits to Field Command on a quarterly basis.