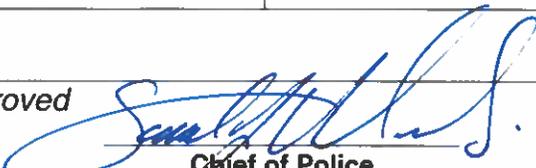


LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> August 26, 2015		<i>Amended Date</i> March 6, 2023		<i>Directive</i> 7.11.1	
<i>Subject</i> Operation of Department Vehicles					
<i>Reference</i>			<i>Approved</i>  Chief of Police		
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition Program Reference</i> 7.15; 7.20; 7.24		<i>Review Date</i> February 1, 2023	
				<i>Pages</i> 10	

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this directive is to establish guidelines and govern the protocol concerning the use and operation of department vehicles.

SECTION 2 POLICY

It is the policy of the department to respond to calls for police service in the most expeditious manner possible taking into consideration such factors as actual and potential threats to human safety, the need to arrive as quickly as possible, the possibility of alerting a criminal to our pending arrival, and the general safety of the public at large. It is also the policy of the department that officers will respond to calls for service in accordance with the provisions set forth in this directive.

SECTION 3 DEFINITIONS

- A. **Emergency Equipment:** Flickering, blinking, LED, or alternating emergency lights and a siren, whistle or air horn designed to give intermittent signals automatically.
- B. **Department Vehicles:** Vehicles owned or leased by the Lancaster Police Department.
- C. **Unmarked Vehicles:** Vehicles without conspicuous markings or colors that identify them as police vehicles and are fully equipped with emergency equipment; such vehicles include, but are not limited to, those assigned to administrative personnel, detectives, investigators, and members of other specialized units.
- D. **Authorized Emergency Vehicles:** Lancaster Police Department vehicles equipped with emergency equipment, these vehicles may, or may not be conspicuously marked as police vehicles.
- E. **Authorized Pursuit Emergency Vehicle:** A conspicuously marked police vehicle of the Lancaster Police Department equipped with operable emergency equipment to include emergency warning lights (red and blue) and siren, and which is pursuit rated by the manufacturer.

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- F. **Normal or Routine Driving:** That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly-understood "rules of the road," and courtesy.
- G. **Emergency Driving:** That driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. Sections 546.001; 546.002 and 546.005 of the Texas Transportation Code.
- H. **Supervisor:** A supervisor is a supervising officer with rank of Sergeant or higher.

SECTION 4 PROCEDURES

A. GENERAL PROCEDURES FOR ALL RESPONSES (TPCA 7.15)

1. All vehicles owned or leased by the department are authorized only for official business of the department.
2. Employees conducting official work related functions may not use their personal vehicle unless authorization has been obtained from a supervisor.
3. Efforts will be made to provide all employees a City of Lancaster vehicle for use on official business.
4. All personnel operating department vehicles shall exercise due regard for the safety of all persons. No task, call, or incident justifies disregard of public safety. Further, the public expects its police officers to demonstrate exemplary driving behavior. All department personnel who operate police vehicles will comply with safe driving guidelines outlined herein with particular attention to responding to calls for service or engaging in pursuits. Emergency equipment shall be minimally used and consistent with both legal requirements and the safety of the public and police personnel. In any situation, an officer must base his or her decision to respond "Code 2" or "Code 3" upon facts and not assumptions.
5. Only those vehicles equipped with a siren and emergency warning lights in a manner approved by the Chief of Police will be designated as authorized emergency vehicles.
6. Only conspicuously marked police vehicles equipped with a siren, and emergency warning lights installed in a manner approved by the Chief of Police are authorized to continuously participate in vehicle pursuits.
7. Vehicles not equipped with serviceable emergency equipment will not be operated in an emergency manner.

B. VEHICLE INSPECTIONS (TPCA 7.24)

1. This section applies to the use of all vehicles by all employees, regardless of their assignment or use of the vehicle.

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2. Patrol Vehicles shall be inspected at the beginning of each shift, unless emergency circumstances warrant an immediate response of police personnel. If an emergency circumstance warrants an immediate response, as soon as practical after the emergency, the officer shall conduct a vehicle inspection.
3. Officers shall log onto the MDC and create a "Vehicle Check" call for service. Officers should put the vehicle unit number and any problems or defects in the notes section of the call. Once officers have completed their vehicle inspection and added the required notes, officers shall use disposition code "R5" to clear the call for service.
4. Officers conducting an inspection at the beginning of each shift will activate the in-car camera system prior to starting the inspection. The officer will sync the body camera with the in in-car system. The officer will use their body camera to document the condition of the vehicle. At the end of the inspection, the officer will stop the video recording. The video inspection shall be disposed, "Test."
5. The officer will identify himself or herself, give the date and vehicle number. The officer then will conduct an inspection of the vehicle.
6. Officers will inspect the outside of the vehicle to check for any unreported damage. Officers will inspect the inside of the vehicle for any damage, contraband or property discarded by prisoners or others. Officers will verify they have emergency equipment, such as flares, traffic cones, tire deflation devices, etc. in the vehicle. Officers will inspect the vehicles safety features including but not limited to all lights, brakes, siren, horn, steering and tires.
7. Officers, who locate any unreported damage, will notify the on-duty supervisor immediately. The supervisor shall inspect and photograph the damage, determine the extent of the damage and try to determine who and/or what caused the damage. The supervisor shall submit a memorandum through their chain of command to the Chief of Police detailing the damage and who and/or what caused the damage along with al photographs taken of the damage.
8. Officers, who do not have needed emergency equipment inside the vehicle, shall notify the on-duty supervisor. The on-duty supervisor will provide the officer with the emergency equipment, if there is some available to provide.
9. If the in-car camera is not functioning properly, the officer will notify the on-duty supervisor of the issue and the vehicle will be downed. The on-duty supervisor will notify the supervisor responsible with maintenance over the camera system by email so the camera system can be fixed. No vehicle should be driven by an officer for patrol duties without a properly functional and working in-car camera system, unless instructed to by a supervisor or in an emergency situation.
- 10.If an officer discovers a vehicle to be unsafe or inoperable, it will be downed and a vehicle maintenance request will be completed by the officer. The officer will notify the on-duty supervisor and if safe, the officer will transport the vehicle to vehicle maintenance for repairs.
- 11.Officers who locate evidence, contraband or any other type of property inside the vehicle shall notify the on-duty supervisor and complete a found property information report in the department's Records Management System by the end of the officer's shift.

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- 12.No employee shall modify, remove, de-active, or otherwise tamper with the vehicle safety belts, emission control device, or any part of the vehicle that affects its operation.
- 13.Officers shall ensure that all patrol vehicles are refueled at the end of their shift or special assignment, unless exigent circumstance exists. If an officer is unable to refuel the vehicle the on-duty supervisor will be notified of the reason.
- 14.No employee will intentionally or negligently cause damage to any city vehicles.

C. USE AND OPERATION OF DEPARTMENT VEHICLES

1. General

- a. All department vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Police vehicles are conspicuous symbols of authority on the streets and the actions of police drivers are observed by many. Each officer must set an example of good driving behavior and habits.
- b. Under certain emergencies as defined below, the Texas Transportation Code; Sections 546.001, 546.002 and 546.005 authorizes disregard of traffic regulations; however, it 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. It also does not relieve the officer or the department from civil liability for failure to use reasonable care in such operation. Improper driving can cost each officer, personally, civil damages while inflicting harm or injury to the driver, other law enforcement personnel, other citizens or causing property damage, and damaging the image of the department and law enforcement generally. Recognizing that protection of human life is paramount; 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.

2. Routine Operation

- a. Vehicles used in routine or general patrol service shall be conspicuously marked. Conspicuous marking increases safety serves as a warning to potential violators and provides citizens with a feeling of security.
- b. Unmarked vehicles shall not be used for pursuits, but may be used to stop vehicles provided they are equipped with appropriate emergency equipment and in-car camera system. If the vehicle is not equipped with an in-car camera system, then the officer driving must be equipped with a body worn camera.
- c. Standard lighting equipment on marked vehicles includes hazardous warning lights (red and blue lights), spotlight and takedown lights.
 - i. Hazardous warning lights shall be used at any time the police vehicle is parked where other moving vehicles may be endangered.

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- ii. Takedown lights and spotlights may be used when the vehicle is stationary or moving at low speeds and shall not be used in a manner which will blind or interfere with the vision of operators of other approaching vehicles.

3. Seat Belts and Infant/Child Safety Seats (TPCA 7.20)

- a. All personnel and passengers shall wear seat belts and shoulder straps in a manner designed by the manufacture during vehicle operation and as required by the Texas Transportation Code. The only exception is:
 - i. At approach to any scene of an incident or call for service where the police officer believes a rapid departure from the vehicle may be required, the officer may release the seat belt.
- b. Prisoners shall be strapped in with seat belts whenever possible.
- c. Any young children transported in a police vehicle will be transported in the manner prescribed by the Texas Transportation Code using infant/child car seats when necessary.

4. Driving Rules

- a. No officer or employee shall operate any police vehicle that he or she reasonably believes to be unsafe.
- b. The driver shall carefully observe the surrounding conditions before turning or backing any vehicle.
- c. A department vehicle shall not be left unattended with the engine running, except when necessary for operation of emergency equipment to protect a scene or the in-car camera system is recording. When left unattended, even on department property, the vehicle shall be locked and secured. Note, the vehicle does not need to be running for video to upload.
- d. 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 in both emergency and normal driving conditions.
- e. The nature of certain crimes-in-progress may call for the use of the siren to be discontinued upon close approach to the location of the occurrence, and although such action is permitted by authority of this order, police vehicle operations under these conditions require extreme caution.
- f. Upon approaching a controlled intersection or other location where there is an increased risk of collision, the driver who is responding under emergency conditions shall reduce the speed of his or her vehicle and control it to avoid collision with another vehicle or pedestrian, stopping completely, if necessary, before entering and traversing the intersection. When faced with a red traffic signal, the officer shall stop their vehicle and insure that the way is clear before proceeding through the intersection.

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- g. Regardless of the seriousness of the situation to which he or she is responding, and excepting circumstances that are clearly beyond his or her control, the operator of a police vehicle shall be held accountable for the manner in which he or she operates the vehicle.
- h. At the scene of a crime, a motor vehicle crash, or other police incident, a police vehicle shall be parked in such a manner so as not to create an obstacle or hazard to other traffic. The emergency lights shall always be used to warn other drivers approaching the location.
- i. Operators of police vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all person using the highways, nor shall they protect the driver from the consequences of an arbitrary exercise of such right of way, Section 546.005, Texas Transportation Code.

D. OBEDIENCE TO LAWS AND REGULATIONS

- 1. Employees of this department must observe and adhere to all traffic laws and regulations except when permitted to do otherwise by this directive.

E. USE OF EMERGENCY EQUIPMENT

1. Emergency Lights and Siren

- a. The red and blue lights shall be used to signal other users of the traffic way that emergency conditions exist and the right of way should be relinquished to the police vehicle. Emergency lights shall be used in all situations in which the officer is permitted to make maneuvers in operating the agency vehicle to expedite the officer's free movement in order to expediently reach a destination. Officers are prohibited from utilizing overhead lights only when responding to an emergency call. Emergency lights are also used to signal violators to drive or move safely to the extreme right of the roadway, toward or on the shoulder of the roadway and stop.
- b. The siren shall only be used simultaneously with the emergency lights as provided in this policy. The siren and emergency lights should be used to signal violators to drive to the right of the roadway only when other means of attracting the violator's attention has failed.
- c. Officers shall use the siren and emergency lights based on existing traffic, roadway conditions and the urgency of reaching the desired destination.
- d. Officers should not respond to emergency calls with only the use of emergency lights. All vehicle emergency equipment should be used when responding to an emergency call as Codes 1 through 3 provided in this policy.

F. DEPARTMENTAL LIMITATIONS

- 1. Section 546.003, Texas Transportation Code requires an emergency vehicle to use audible and visual signals (lights and sirens) in accordance with policies of the local government. This department requires officers to use both siren and emergency lights (in conjunction) for emergency vehicle operation when responding to an emergency call.

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- a. the driver must be a commissioned peace officer employed by the department;
- b. the vehicle must be equipped with emergency equipment;
- c. both the siren and warning lights must be activated while the vehicle is being operated in an emergency manner; and
- d. Communications must be advised of the emergency vehicle operation.

G. GUIDELINES FOR EMERGENCY DRIVING

1. General

- a. No fixed rule can apply to every circumstance that may arise governing emergency driving.
- b. Recognizing that protection of human life is paramount; the responding officer must remember that their objective is to get to the location of the occurrence as soon as possible and safely without danger to him or herself or to others. The Texas Transportation Code imposes a duty upon all drivers of emergency vehicles to operate the vehicle with appropriate regard for the safety of others – regardless of conditions, Section 546.005, Texas Transportation Code.

2. Response Codes

- a. **Code 1** – Code One calls are non-emergency calls. Calls for service shall be assigned a Code One designation if there is not threat of injury or death, if there is no threat of loss or further loss of property, and/or there is no chance of apprehending a suspect if the response were more immediate. Officers responding to Code One calls will obey all traffic laws. Although all calls for service should be answered as quickly as possible, an officer responding to a Code One call may delay arrival in order to conduct police business that the officer deems immediately necessary, i.e., a serious moving traffic violation occurring in the officer's presence. An officer who makes the decision to delay response to a Code One call shall immediately notify the tele-communicator of the delay and the cause for it so that another officer may be assigned if necessary. If no other officer is assigned, the original responding officer shall proceed to the call as soon as possible after completing the duty that caused the delay. (TPCA 7.15)
- b. **Code 2** – Code Two calls are those calls that require the officer to proceed to the location as quickly as possible, but are not of such an urgent nature as to warrant use of emergency equipment. Examples of Code Two calls are unknown minor accident calls, a shoplifter in custody, or calls relating to "suspicious persons." Officers responding to Code Two calls shall obey all traffic laws, but shall not delay arrival at the designated location for any reason other than an immediate emergency. No emergency equipment shall be utilized when responding to Code Two calls for service. (TPCA 7.15)
- c. **Code 3** – Code Three calls are those calls for police service that require immediate response, and are of such a nature that early arrival at the location is necessary to allow the officer to conduct lifesaving operations, prevent injury or death, prevent the escape of

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the perpetrator of a felony, or prevent a felony from occurring. All Code Three responses must be conducted within guidelines of the Texas Transportation Code, Chapter 546. Code Three is defined as use of emergency lights and siren for the purpose of giving notice to motorist/pedestrians that an emergency situation exists. Authorization to operate in Code Three mode may be initiated by the officer, given by a telecommunicator, or authorized by a supervisor. Authorization to operate in a Code Three mode is not a mandate to do so; it allows the officer to operate Code Three at the officer's discretion depending upon the circumstances. Code Three calls may only be designated, but are not required, for the following situations: (TPCA 7.15)

- i. assist officer calls;
- ii. felony in progress calls;
- iii. burglary of habitations in progress;
- iv. assaults in progress where the suspects are not separated and/or when deadly weapons are involved;
- v. any call of original dispatch, where information has become available to the officer, supervisor, or telecommunicator that indicates a threat to life and justifies an emergency response

3. Response Procedures

- a. No more than two (2) officers and a supervisor may respond Code 3 to an incident unless other additional officers are given specific authorization to do so by a supervisor.
- b. In the event a supervisor has authorized a Code 3 response to an incident by more than two (2) units, or in the event two (2) or more units are responding Code 3 to different incidents at the same time, all responders shall make other units aware of their location and direction of travel by giving frequent reports via radio. It is extremely important that officers use extreme precaution when they are aware that one or more units are responding Code 3.

4. Telecommunicator Assignments

- a. Code 3 classification applies to those calls for police service which indicate a felony is in progress, a violator is armed, or all other requests alleging an implied or immediate threat to the safety of a person. Examples of Code 3 calls (not all inclusive) are:
 - i. police officer, firefighter, EMS or other public safety employee needs urgent help;
 - ii. burglary in progress;
 - iii. robbery in progress;
 - iv. person with deadly weapon;

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- v. serious injury accident;
- vi. riot or large disturbance with fighting or injuries or damages occurring; or
- vii. other circumstances presenting an immediate threat to public safety

5. Officer's response to call

- a. Upon arrival at the scene of a call, the responding officer shall rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding Code 3 can be slowed or cancelled.
- b. When, in the reasonable discretion of the officer, an emergency is imminent or exists, or that activation of emergency warning equipment is necessary to protect life or render the necessary police service, the department authorizes an emergency response. Examples include:
 - i. At the scene of 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 stopped for traffic violations, or to warn motorists of imminent dangers.
 - iii. Responding to a non-Code 3 call for service
 - 1. where the officer has previous or additional information which would have resulted in the call being dispatched as Code 3;
 - 2. in response to an officer's emergency request for assistance; or
 - 3. for pursuit as required by Directive 7.10.1, Lancaster Police Department General Orders Manual
- c. In all of the above examples, regardless of the reasoning, the officer is only required to notify Communications when the officer is responding at a higher code level than originally assigned by the telecommunicator.
- d. All units responding to robbery and burglary-in-progress calls, before coming within hearing distance, may discontinue the use of the siren and at that time fully comply with all traffic laws. Before coming within sight of the location, officers shall discontinue the use of the emergency warning lights.
- e. In all cases, concerning emergency driving, the officer's actions will be evaluated on the facts and totality of the circumstances.

6. Use of Emergency Warning Devices in Non-Emergencies

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- a. 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.
- b. 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.

H. SCOPE OF RESPONSIBILITY

1. All members of the department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.