

WINDERMERE POLICE DEPARTMENT GENERAL ORDER



Effective Date: October 4, 2022	<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Amends 8.2 (July 8, 2019)	Number: 8.2
SUBJECT: Vehicle Operations		Print Date: 10/04/22
Distribution: All Personnel	Review Month: October	

This order consists of the following:

1. Purpose
2. Policy
3. Definitions
4. Procedures

1. **Purpose**

To provide guidelines for safe and efficient vehicle operation within legal and ethical standards.

2. **Policy**

A. Non-Emergency Vehicle Operation

Members of the Windermere Police Department will operate vehicles in a safe and courteous manner consistent with all applicable statutes and ordinances.

B. Emergency Vehicle Operation

1. Florida Statute **316.072** provides guidelines for drivers of authorized emergency vehicles when responding to an emergency call and when in pursuit of an actual or suspected violator of the law.
2. Florida Statute **316.072** grants the operator of an authorized emergency vehicle the right to disregard certain traffic requirements, however, the law never relieves a member of the duty to operate his/her vehicle with due care and regard for the safety of the public, as well as the violator.

3. Florida Statutes permit the operator of an authorized emergency vehicle to proceed past a red or stop signal or stop sign after slowing down as may be necessary for safe operation when responding to an emergency assignment and/or while engaged in pursuit. This section is not intended to restrict the need to engage in fresh pursuit.

3. Definitions

- A. Command Staff – A sworn supervisor or manager holding the rank of Sergeant or above that assumes tactical control/responsibility for the pursuit/apprehension event.
- B. Distracted Driving – Any activity that could divert a person’s attention away from the primary task of driving. *All* distractions endanger driver, passenger, and bystander safety. These types of distractions include texting, using a cell phone or smartphone, eating and drinking, using a navigation system, viewing and/or typing on a laptop, or reading while driving.
- C. Due Care – When a reasonably careful person, performing similar duties under similar circumstances, would act in the same manner.
- D. Traffic Stop – An attempt by an officer utilizing emergency equipment, hand signals, etc., to stop a motor vehicle.
- E. Early Warning System – A proactive, non-disciplinary system intended to enhance awareness by employees, supervisors and managers of potential employee problems before serious events occur.

4. Procedures

- A. General
 1. Only authorized members shall operate emergency law enforcement vehicles.
 2. Every member shall have a valid driver’s license in his/her possession.
 3. All members shall operate agency vehicles safely and will be held accountable for their careless or negligent behavior and/or damage to agency property.

4. Members shall not violate traffic laws except, when necessary, in the performance of their duties as authorized in agency policies and procedures, or as permitted by Florida Statutes.
5. Members shall not proceed past a red or stop signal or a stop sign without slowing down or stopping first and ensuring all other traffic has yielded the right-of-way to the law enforcement vehicle.
6. Four-way flashers/hazard warning lights shall not be used while the vehicle is in motion due to interference with brake lights and turn signals.
7. Members shall ensure video and audio recording equipment is activated, if so equipped, during emergency and/or pursuit operations.
8. Members have a duty to report any improper conduct on the part of another member operating a vehicle contrary to regulations.
9. Members shall not consume any intoxicants at least eight hours prior to operating an agency vehicle.
10. Members who are taking prescription or non-prescription medication that may affect their ability to drive shall not operate agency vehicles.
11. Members shall be familiar with his/her assigned vehicle, its capabilities, limitations, and daily operational status.

B. Seat Belt Requirements

1. All members shall use safety belts when operating or riding in any vehicle while on duty. Tactical considerations for removing your seat belt are permitted. **Worker's compensation benefits may be reduced under the provisions of Section 440.09(5), Florida Statutes - Workers Comp Coverage, if injuries received in a crash are contributed to the failure to use the seatbelts or occupant restraint system.**
2. The operator of the vehicle is responsible for ensuring compliance by all occupants of the vehicle they are operating. Approved child safety restraints shall be used for all children of age for which such restraints are prescribed by law.

3. Unless an immediate emergency exists, no member shall operate an agency vehicle in which any safety belt in the driver's seating position is inoperable. No person shall be transported in a seating position in which the safety restraint is inoperable.
4. No member shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts except for vehicle maintenance and repair.
5. Any member who discovers an inoperable restraint system shall report the defect to the appropriate supervisor.
6. Any person(s) under arrest and being transported in agency vehicle(s) are required to be secured in the vehicle by a safety belt in all seating positions for which safety belts are provided by the vehicle manufacturer. This section does not apply to prisoners who are restrained with a hobble restraint type device. **Caution:** Prisoners who are handcuffed in front have the ability to release the safety belt using the safety restraints latch plate. This practice should only be used as a last resort if it is impractical to handcuff in back.
7. When arriving at an emergency call or making a vehicle traffic stop, the operator may remove the safety restraint just prior to stopping for a quick exit. If a pursuit ensues the member shall reapply the safety belt.

C. Vehicle Inspection and Maintenance

1. The day-to-day condition of the vehicle is of paramount importance for safe operation, with the final responsibility for care resting on the officer who operates the vehicle.
2. Each agency member who will operate a law enforcement vehicle during his or her shift shall check the following:
 - a. Proper inflation and condition of tires;
 - b. Brakes, lights, windshield wipers and washers, horn, emergency equipment, and other electrical equipment;
 - c. Damage to exterior and interior of the vehicle;

- d. Mechanical defects – Certain conditions such as a defective exhaust, steering mechanism irregularities, alignment, or other mechanical defects can only be discovered after the vehicle is operational; and,
 - e. Any of the above conditions not readily corrected shall be immediately reported to the shift supervisor on duty. **An operator shall not knowingly operate an unsafe vehicle.**
- 3. Each operator shall ensure routine maintenance (oil, filter, and lube) of his/her assigned vehicle is performed as required by the manufacturer or agency policy.
 - 4. Operators are prohibited from making any mechanical adjustments or alterations to any agency vehicle.

D. Distracted Driving

- 1. Members shall devote their attention to the safe operation of his/her patrol vehicle during routine or emergency operations and shall use sound judgment to prevent potential distractions by cell phones, laptop computers, etc., during the course of performing their lawful duties.
- 2. The use of a cellular telephone or other wireless communication devices is permitted only for valid law enforcement related use, and it is highly recommended that the device is used with available hands-free listening device technology such as a Bluetooth earpiece, a wired ear-bud, or temporary vehicle mounted hands free technology. If available, utilization of the device's speakerphone capability is acceptable in meeting the intent of this section.
- 3. Members should refrain from dialing calls while the vehicle is in motion. To place an outgoing call, officers should pull their vehicle off the road and stop in a safe location, or use voice speed dialing features to avoid driver distraction.
- 4. Officers will take care when operating a laptop computer while driving. Simple inquiries and viewing the nature of an in-coming message may be performed while driving. Message response and complex or multiple inquiries should not be conducted while driving.

E. Agency Vehicle Crashes

1. Members involved in vehicle crashes shall immediately notify their supervisor as soon as it is practicable to do so. The Florida Highway Patrol (FHP) or other municipality will investigate crashes within the Town limits of Windermere. Vehicle crashes outside the Town limits may be investigated by the agency with jurisdiction or FHP. Minor crashes that do not involve other vehicles (i.e. striking a fixed object, backing into a tree, etc.) may be investigated internally.
 - a. Supervisors shall respond to the scene of all major crashes and ensure all involved are safe and provide supervisory oversight.
 1. Examples of major crashes include, but are not limited to, where there is bodily injury to the employee or any other person, a significant dollar amount of property damage, speed as a contributing factor, and a violation of traffic laws and/or agency policy.
 - b. Any employee involved in an automobile accident while working or driving a Town owned vehicle shall refer to Town of Windermere Personnel Rules & Regulations 9.5 *Drug Free Workplace*.
 - c. Supervisors shall ensure that the chain of command is notified of any major vehicle crash immediately.
1. Once the crash investigation is completed the member's supervisor will conduct an internal review to be submitted to the Chief of Police. If at any time during the review a formal investigation is warranted, the supervisor shall notify the Chief of Police immediately.

F. Early Warning System

1. Members who are involved in two or more vehicle crashes, in which the member has been determined to be at fault, in a twelve month period, will require an Early Warning System review.
2. Members who have been identified by the Early Warning System shall be subject to progressive discipline and additional remedial driver training.

- G. When responding to an actual or suspected emergency, members will proceed at a reasonable speed while assessing existing road and traffic conditions. Extreme

caution must be observed when changing directions of travel from lane to lane, when turning, and when entering intersections. A full stop shall be made prior to proceeding through an intersection on a red light.

- H. The greater the speed of the vehicle, the greater the chance of an accident. Members will be held accountable for the results of their actions in accordance with General Order 5.2.0, Discipline.
- I. Agency members are authorized to operate agency vehicles without headlights as necessary to perform law enforcement functions as authorized in **FS 316.217**. Examples of such circumstances include:
 - 1. Responding to calls for service where the use of lighted lamps may create an officer safety issue or hinder the enforcement of law.
 - 2. Conducting routine patrol where the use of lighted lamps may hinder the detection or prevention of crime.

NOTE: Agency members in these circumstances shall drive with due regard for the safety of others. **FS 316.217** does not "relieve the operator of such a vehicle from the consequences of his or her reckless disregard for the safety of others."

- J. While responding to an emergency and after carefully considering the tactical situation, members will operate emergency vehicles in accordance with **FS 316.126(3)** which states, "Any authorized emergency vehicle, when in route to meet an existing emergency, shall warn all other vehicular traffic along the emergency route by an audible signal, siren, exhaust whistle, or other adequate device or by a visible signal by the use of displayed blue or red lights. While responding to such emergency, the emergency vehicle shall otherwise proceed in a manner consistent with the laws regulating vehicular traffic upon the highways of this state." Using these devices only gives the right to request the right-of-way; it does not guarantee receiving it. Each vehicle used for patrol or traffic enforcement must be equipped with, at least, emergency lights and siren in operational order.
- K. The agency utilizes vehicle response codes to determine the manner in which officers respond to dispatched calls for service. The vehicle response codes are Code 1, Code 2, and Code 3. The description of the response codes follows.
 - 1. Code 1

Response is for a police service call. The call is handled at the convenience and discretion of the officer and/or supervisor. This code is considered a non-emergency and is handled after all Code 2 and Code 3 calls.

2. Code 2

Response is considered a routine call for service that will generally require some official action on the part of the responding officer(s). There is no indication that the call represents a real danger to life or limb. Code 3 calls take precedence over Code 2 calls.

3. Code 3

Members are routinely called upon to respond to calls for service of an immediate nature. While a rapid response to a citizen's needs is of the utmost importance, the safety of the public and members must be the guiding factor when responding to such calls. Agency members engaged in an emergency response situation are not relieved from the responsibility of driving with due regard to the safety of all persons, nor shall the provisions of section 316.126, F.S., protect members from the consequences of reckless disregard for the safety of others.

- a. Agency members who are exceeding the posted speed limit while responding to information that an actual emergency condition exists or is believed to exist shall engage their emergency lights and/or siren and operate them throughout the emergency response. Hazardous warning lights, spotlights and public address systems may also be utilized as additional safety measures during emergency operations.
- b. In accordance with Florida law, agency vehicles engaged in emergency operations may:
 1. Exceed the maximum speed limit so long as life or property is not endangered. Speed shall be limited by road and weather conditions and the exercise of good judgment.
 2. Proceed past a stop signal or stop sign, but only after slowing or stopping as necessary for safe operation. Agency vehicles should not enter controlled intersections against the directed flow of traffic at an unsafe speed and should ensure that cross-traffic flow has yielded in each lane before attempting to cross that lane.
 3. Disregard regulations governing direction of movement or turning in specified direction, as long as life or property is not endangered.

4. Disregard regulations governing parking laws under normal circumstances, except that an agency vehicle shall not block access to a fire hydrant at a fire scene, or in any way obstruct the passage of fire apparatus or emergency medical apparatus.
- L. All members shall utilize seat belts when occupying any agency vehicle in accordance with Florida State Statute 316.614. Exceptions are:
1. Prisoners transported in the rear of caged vehicles or prisoner transport vans.
 2. When there is a pre-existing injury or medical condition which may be aggravated by the use of seat belts.
 3. When granted exceptions to this policy by supervisors for specific situations in which the supervisor deems efficiency of operations outweighs the safety benefit.
- M. Members shall not utilize hazard warning lights independent of other emergency lights and/or siren while responding to an emergency. Hazard warning lights may be utilized at the vehicle operator's discretion while parked.
- N. Vehicle spotlights shall be utilized at the discretion of the vehicle operator for tactical or officer safety considerations while engaged in a traffic stop or other call for service or while performing official duties. Spotlights shall not be utilized to illuminate the passenger compartment of oncoming moving vehicles or directed at windows of residences, unless there is an operational necessity.
- O. Public address system may be utilized by officers when necessary for tactical and/or officer safety considerations. Consideration should be given to the time of day and location when utilizing a public address system.



Chief David A. Ogden